

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 ▪ ZoningInfo@columbus.gov ▪ www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A.** Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B.** Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

Please see attached.

Signature of Applicant _____

David Hodge

Date 3.12.24

STATEMENT IN SUPPORT

Application: CV24 - 031

Location: 5811 Sawmill Road (43017), located on the south-west corner of the intersection of Sawmill Road and Cranston Drive (590-138000; Northwest Civic Association).

Existing Zoning: CPD

Request: Variance to Section 3361.02 to permit C-3 community scale commercial uses.

Proposal: To expand the site's permitted uses to allow C-3 community scale commercial uses.

Applicant(s): First Merchants Bank c/o Scott Clark

200 East Jackson Street, Muncie, Indiana 47305

Attorney/Agent: David Hodge, Underhill and Hodge LLC, Atty.

8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

The Applicant submits this statement in support of its council variance application. The 1.4-acre site is located at 5811 Sawmill Road, on the south-west corner of the intersection of Sawmill Road and Cranston Drive.

This site is Subarea 4 of a larger 14-subarea Commercial Planned Development rezoning from 1978 (Ord. 2271-78, Z78-085). That legislation set forth development standards for the site which included lighting, signage, setbacks, environmental treatment, traffic, and open space. The legislation also restricted the site's permitted uses to C-2 office commercial uses. The site was subsequently developed in accordance with the CPD development standards and operates today as a bank.

The adjacent property to the north (across Cranston Drive) is zoned CPD and permits C-4 regional scale commercial uses. The adjacent property to the east (across Sawmill) is zoned CPD and permits certain C-4 regional scale commercial uses and C-5 highway oriented commercial uses. The Ohio State Airport is also located east of the site. The adjacent property to the south is zoned PUD-8 and is a residential development. The adjacent property to the west is zoned AR-12 and is developed with a small apartment.

The site is located within the boundary of the Northwest Civic Association and the Northwest Plan (2016). The Plan recommends Mixed Use 1 classification of uses for the site. This is a commercial classification which also supports residential uses. Also, this site is also located within the Sawmill & 161 Zone-In corridor.

The owner desires to expand the site's permitted uses to include C-3 community scale commercial uses and introduce a retail component to the property. The Applicant does not propose any new development and it does not wish to change any of the site's existing CPD development commitments. Rather, the owner requests a use variance so that both office and community scale retail uses may operate within the existing structure. Therefore, the Applicant respectfully requests the following use variance:

1. Section 3361.02 – The Applicant requests a variance to permit C-3 community scale commercial uses within the commercial planned development district.

The Applicant submits that the requested use variance to permit community scale commercial uses will not adversely affect the surrounding property or surrounding neighborhood. This site is located on a commercial intersection and along a commercial corridor. The land use plan recommends commercial uses for this site and it is identified as a property within the Sawmill & 161 Zone-In corridor. Therefore, the Applicant's proposed community scale commercial uses are compatible with the current and future surrounding property and neighborhood.

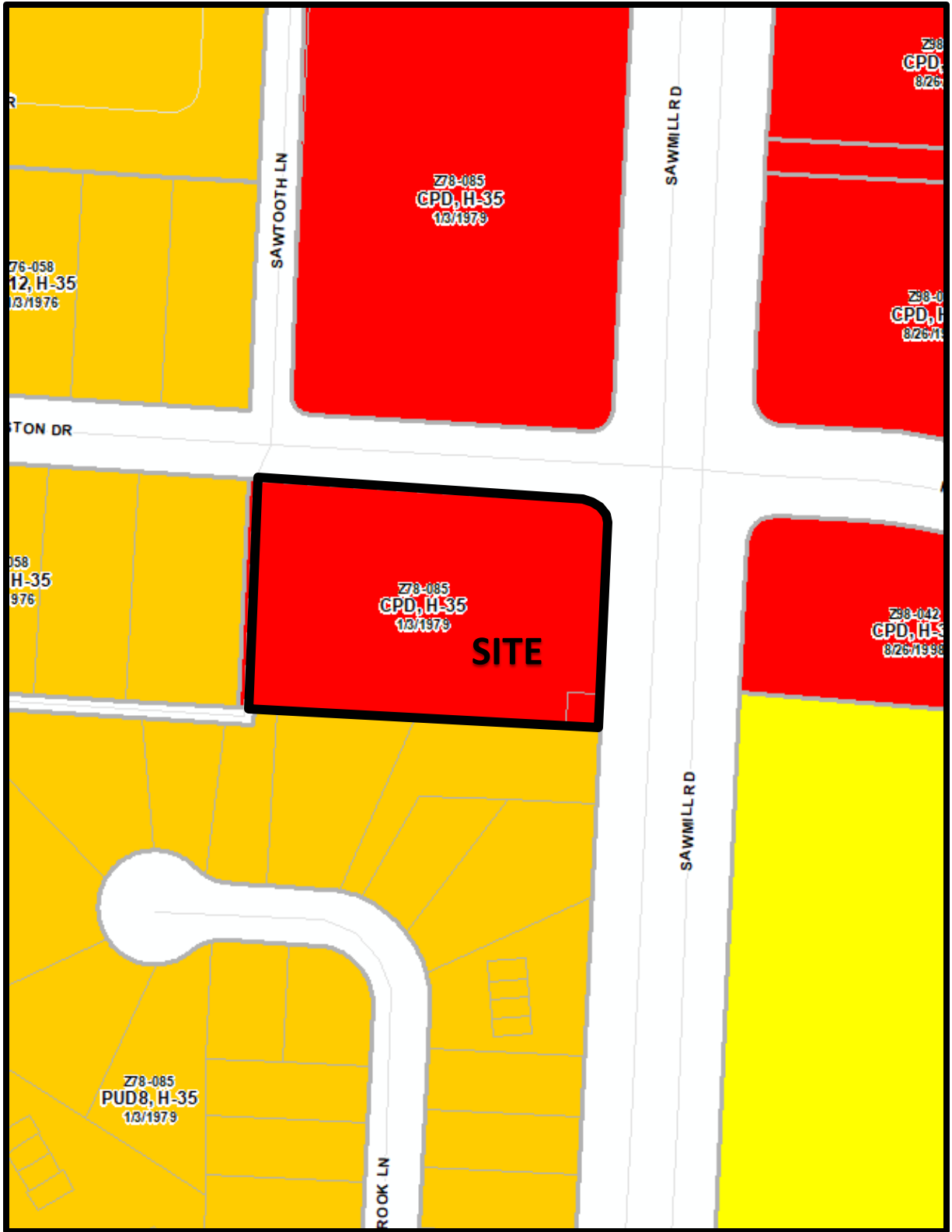
The Applicant suffers an economic hardship because a significant portion of its building is unused. The Applicant is inhibited because the site's existing entitlements only permit office uses. The Applicant has a plan to create a tenant space within the building for a retail use. The requested use variance to permit C-3 uses is the only viable means to alleviate this hardship. Without the requested council variance, the property will fail to realize its highest and best use.

Therefore, the Applicant respectfully requests that City Council grant the requested use variance. The introduction of community scale commercial uses is in line with the planning documents for this site and neighborhood and the proposed use will not cause any serious detriment. Granting the requested use variance is within the spirit and intent of the Zoning Code.

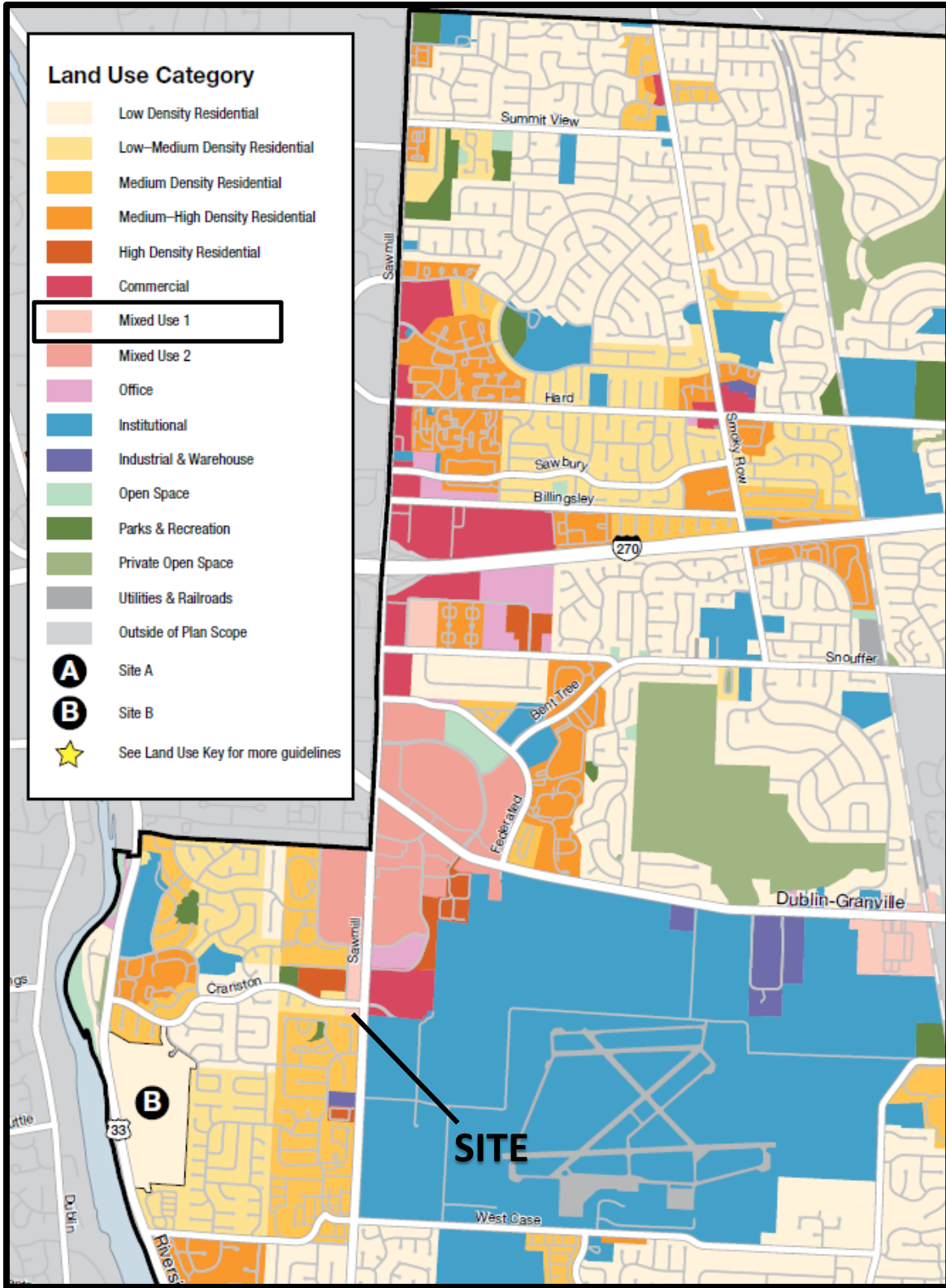
Respectfully submitted,



David Hodge
Attorney for Applicant



CV24-031
5811 Sawmill Rd.
Approximately 1.40 acres



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5811 Sawmill Rd.
Approximately 1.40 acres



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Approximately 1.40 acres

Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number	<u>CV24-031</u>
Address	<u>5811 SAWMILL ROAD</u>
Group Name	<u>NORTHWEST CIVIC ASSOCIATION</u>
Meeting Date	<u>1 May 2024</u>
Specify Case Type	<input type="checkbox"/> BZA Variance / Special Permit <input checked="" type="checkbox"/> Council Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Graphics Variance / Plan / Special Permit
Recommendation (Check only one)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Disapproval

LIST BASIS FOR RECOMMENDATION:

Trustees are in support of this request (without a ROW dedication).

Vote	<u>6-0 recommend approval</u>
Signature of Authorized Representative	<u>Monica Tuttle, Zoning Chair</u> <small>Digitally signed by Monica Tuttle, Zoning Chair DN: cn=Monica Tuttle, Zoning Chair, o=NWCA, ou, email=NWCAZoning@gmail.com, c=US Date: 2024.05.06 20:13:55 -04'00'</small>
Recommending Group Title	<u>Northwest Civic Association</u>
Daytime Phone Number	<u>614-565-2407</u>

Please e-mail this form to **the assigned planner within 48 hours of meeting day**; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-031

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.


STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
deposes and states that they are the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

For Example: Name of Business or individual
 Contact name and number
 Business or individual's address; City, State, Zip Code
 Number of Columbus-based employees

1. First Merchants Bank 200 East Jackson Street Muncie, Indiana 47308 (5 employees)	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT 

Sworn to before me and signed in my presence this 17 day of March, in the year 2024


SIGNATURE OF NOTARY PUBLIC

Notary Seal Here
My Commission Expires



Justin M. Fox
Attorney At Law
Notary Public, State of Ohio
My Commission Does Not Expire
See 147.03 R.C.

This Project Disclosure Statement expires six (6) months after date of notarization.