

STATEMENT IN SUPPORT

Application No.: CV21-112

Location: 3573 Agler Road

Existing Zoning: AR12, SR, R1 (Columbus), and R (Mifflin)

Request: To rezone to M

Proposal: To develop site for warehouse, distribution, and office use.

Applicant(s): Schottenstein Property Group c/o Keith Massa

Attorney/Agent: David Hodge, Underhill and Hodge

Property Owner(s): Niam Stelzer Road LLC, Trustees Agler Rd. Parcel #2 LLC, and Trustees Agler Rd. Parcel #3 LLC

Date of Text: May 3, 2022

Applicant submits this in support of its companion council variance application. The 28.38 +/- acre property is located on the south side of Agler Road and approximately 900 feet west of Stelzer Road. The property is vacant and not developed.

The property is bordered by Columbus property zoned L-M on the west and south and PUD-8 on the north across Agler Road. The property is bordered by Mifflin Township property on the east. The site is situated within the boundary of the Northeast Area Commission. The site is also within the boundary of the Northeast Area Plan which recommends light industrial uses.

Applicant applied to rezone the property to the M-Manufacturing district to permit the development of three buildings which will provide approximately 285,850 square feet of warehouse, distribution, and office uses. To allow development of the property as proposed, the Applicant requests the following companion area council variances:

1.3312.25 – Maneuvering. This section requires every parking and loading space to have sufficient access and maneuvering area. This site contains parking and loading spaces which are divided by parcel lines which cannot be combined. The Applicant requests a variance to allow parking and loading spaces to have maneuvering area across parcel lines, as depicted on the site plan.

2. 3312.27(2) – Parking setback line. This section establishes a parking setback line at 25 feet where a required building setback line is 25 feet or greater. The Applicant requests a variance to reduce the parking setback line from 25 feet to 1 foot.

3. 3312.29 – Parking space. This section requires a parking space to be a rectangular area of not less than 9 feet by 19 feet, exclusive of any driveway or other circulation area. This site contains parking spaces which are divided by parcel lines which cannot be combined. The applicant requests a variance to reduce the size of parking spaces which are divided by parcel lines, as depicted on the site plan.

4. 3321.51(1) and (2) – Loading space. This section requires a loading space to be (1) located on the same lot as the use they are intended to serve and (2) a rectangular area with minimum dimensions of not less than 12 feet in width and 50 feet in length, excluding of any driveway, aisle, or other circulation area. This site contains parking and loading spaces which are divided by parcel

lines which cannot be combined. The Applicant requests a variance to allow loading spaces to serve uses which are on separate lots within this development and to reduce the size of loading spaces which are divided by parcel lines, as depicted on the site plan.

5. 3312.21(B) – Parking lot perimeter landscaping. This section requires headlight screening within the parking setback to buffer residentially-zoned property from parking lots. The Applicant requests a variance to eliminate this screening requirement within the Agler Road parking setback and to allow the screening to be maintained within the public right of way.

6. Section – 3312.03(D), Administrative requirements. This section requires parking spaces to be provided on the same lot as the use they are intended to serve. The Applicant requests a variance to permit compliant parking that may be divided by parcel lines, resulting in required parking that may not be on the same lot as the building(s) which they will serve. This is a technical variance because there is a parcel with a taxing district that is different from the rest of the parcels and, therefore, cannot be combined with those parcels.

The Applicant submits that the requested area variances are warranted to alleviate a practical difficulty. The irregular shape and size of the property are conditions which cause a practical difficulty in carrying out the underlying zoning district provisions and warrant granting of the requested area variances.

The requested variances to parking and loading spaces are strictly technical variances. This site is made of several parcels that have been annexed at different times and now have different tax districts. Parcels with different tax districts cannot be combined. As a result, there are parcel lines which divide parking and loading spaces.

These technical variances are necessary to allow safe, efficient, and effective, internal circuitry and parking. These variances only concern the site's internal circuitry and parking and will not cause adjacent properties any detriment. This parking predicament cannot be addressed other than the requested variances because the parcels cannot be combined.

With respect to the reduced setback, this site contains a ditch with a 121 foot stormwater protection zone which runs diagonally through the property. This ditch and protection zone significantly impact the developable area of the property and restrict the size and orientation of the proposed buildings. As a result, the property north of the ditch must utilize every possible foot of area in order to develop the property as proposed with safe and efficient internal circuitry.

The proposed parking setback to the existing Agler Road curb is larger than 25 feet. However, the Department of Public Service has requested a significant Agler Road right-of-way dedication which moves the proposed right-of-way line just one foot from the proposed parking areas. Though the proposed right-of-way will be one foot from the proposed parking setback, in practicality, Agler Road's existing curb and sidewalk are not expected to move. Therefore, the proposed parking area will have a substantial setback from Agler Road.

The variance for headlight screening is not substantial nor detrimental to the residentially zoned properties across Agler Road. The Applicant suffers a hardship due to the required Agler Road

right of way dedication because this dedication removes room to provide the screening within the future property line. The Applicant is committed to a site plan and to maintain the necessary headlight screening within the public right of way, as shown on the landscape plan.

The requested variances are not substantial. As stated above, practical Agler Road parking setback will be substantial, but the technical parking setback will be reduced. The requested variance will not substantially alter the essential character of the neighborhood because this is a light industrial neighborhood. The requested variance will not cause adjoining properties substantial detriment because the reduced parking setback will not impact neighbors in any way. The requested variance will not adversely affect the delivery of governmental services.

Applicant submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances. The Applicant respectfully requests that the Columbus City Council weigh these factors in its consideration and find that this Applicant suffers from a practical difficulty. The variances will not adversely affect the delivery of governmental services. Further, the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances.

Respectfully submitted



David Hodge



CV21-112
3573 Agler Rd.
Approximately 28.38 acres

Standardized Recommendation Form

111 N. Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW
(PLEASE PRINT)

Case Number: CV21-112

Address: 3573 Agler Rd.

Group Name: Northeast Area Commission

Meeting Date: January 6, 2022

Specify Case Type:

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation: Approval
(Check only one and list basis for recommendation below) Disapproval

NOTES:

no substantial notes for the approval of this variance.

Vote: _____

Signature of Authorized Representative: *Elenora Morre, Commissioner*
SIGNATURE

Northeast Area Commission
RECOMMENDING GROUP TITLE

614-519-2195
DAYTIME PHONE NUMBER

Please e-mail this form to the assigned planner within 48 hours of your meeting day; or MAIL to: Assigned Planner, City of
MAIL to: Columbus, Department of Building & Zoning Services, 111 N. Front St, Columbus, OH 43215.



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

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-112

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) David Hodge
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio
deposes and states that (he/she) is 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:

Name of Business or individual (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1. Schottenstein Property Group 4300 East Fifth Avenue Columbus, Ohio 43219 <i>(75 employees)</i>	2. NIAM Stelzer Road LLC 4300 East Fifth Avenue Columbus, OH 43219
3. Trustees Agler Rd. Parcel #2 LLC P.O. Box 24550 Columbus, OH 43224	4. Trustees Agler Rd. Parcel #3 LLC P.O. Box 24550 Columbus, OH 43224

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT *David Hodge*

Sworn to before me and signed in my presence this *5th* day of *May*, in the year *2022*

Eric J. Zartman
SIGNATURE OF NOTARY PUBLIC

N/A
My Commission Expires

Notary Seal Here

Eric J. Zartman, Attorney At Law
NOTARY PUBLIC-STATE OF OHIO
My Commission Has No Expiration Date
Sec. 147.03.R.C.

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

