

CV07-057

City of Columbus | Department of Development | Building Services Division | 757 Gardyn Avenue Columbus, Ohio 43224



STATEMENT OF HARDSHIP

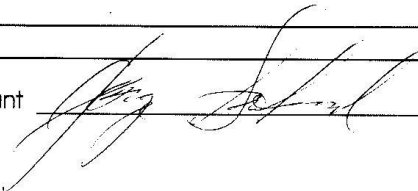
Chapter 3307 of the Columbus Zoning Code
Section 3307.10 Variances by City Council

- A. Permit a variance 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 or unusual hardships 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

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.

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 requested as detailed below:

 See attached Exhibit A

Signature of Applicant  Date 11-30-07

HARDSHIP STATEMENT

The property located at 4715 Cleveland Avenue in north Columbus is owned by Jorge Sandoval where he owns and operates a business known as New York Hook Up, Inc., an Ohio incorporation. NY Hook-Up, Inc. is a company that sells and installs automobile accessories such as car stereos, window tinting, security systems and rims.

As background, Mr. Sandoval is married and has two children, ages three years and three weeks. Mr. and Mrs. Sandoval moved to Columbus, Ohio from New York City not long after the September 11, 2001 tragedy in the hope of raising a family and starting a business in a new and safer environment. Mr. Sandoval subsequently applied for citizenship and has been an American citizen for over two years.

Mr. Sandoval located the property at 4715 Cleveland Avenue with the help of a realtor from Coldwell Banker who represented to Mr. Sandoval that he could open and run his business at that location. The realtor further represented that there were no issues with running his business there as it was zoned for commercial use. Mr. Sandoval obtained a mortgage for the property with Apex Mortgage who listed the intended use in his mortgage papers. Again, Mr. Sandoval was given no indication that there would be a problem with running his business on the property.

Mr. Sandoval applied for all the necessary business licenses and filed his articles of incorporation with the Secretary of State. He always disclosed the intended use for his property and, again, no one gave him any indication that there would be a problem with the property.

At some point after opening his business and spending his life savings to do so, Mr. Sandoval discovered there was an issue with the use of his property. He immediately began the rezoning application process to have the property rezoned to an L-C-4. As a part of that process, Mr. Sandoval had to attend a meeting with the Northland Community Council to discuss his intended use of the property and ask for support. While members of the council treated Mr. Sandoval fairly, his neighbors treated him rudely and made blatantly racist comments about Mr. Sandoval, his property and his business.

The property has not been modified or changed since Mr. Sandoval purchased it from the previous owner and even the current signage is the same sign that was used by the previous owner. Mr. Sandoval is willing and able to add or remove any lighting, fencing, landscaping, structures, pavement, etc. in order to maintain his business. He is more than willing to modify his property to whatever extent required to appease his neighbors and the City in order to stay in business.

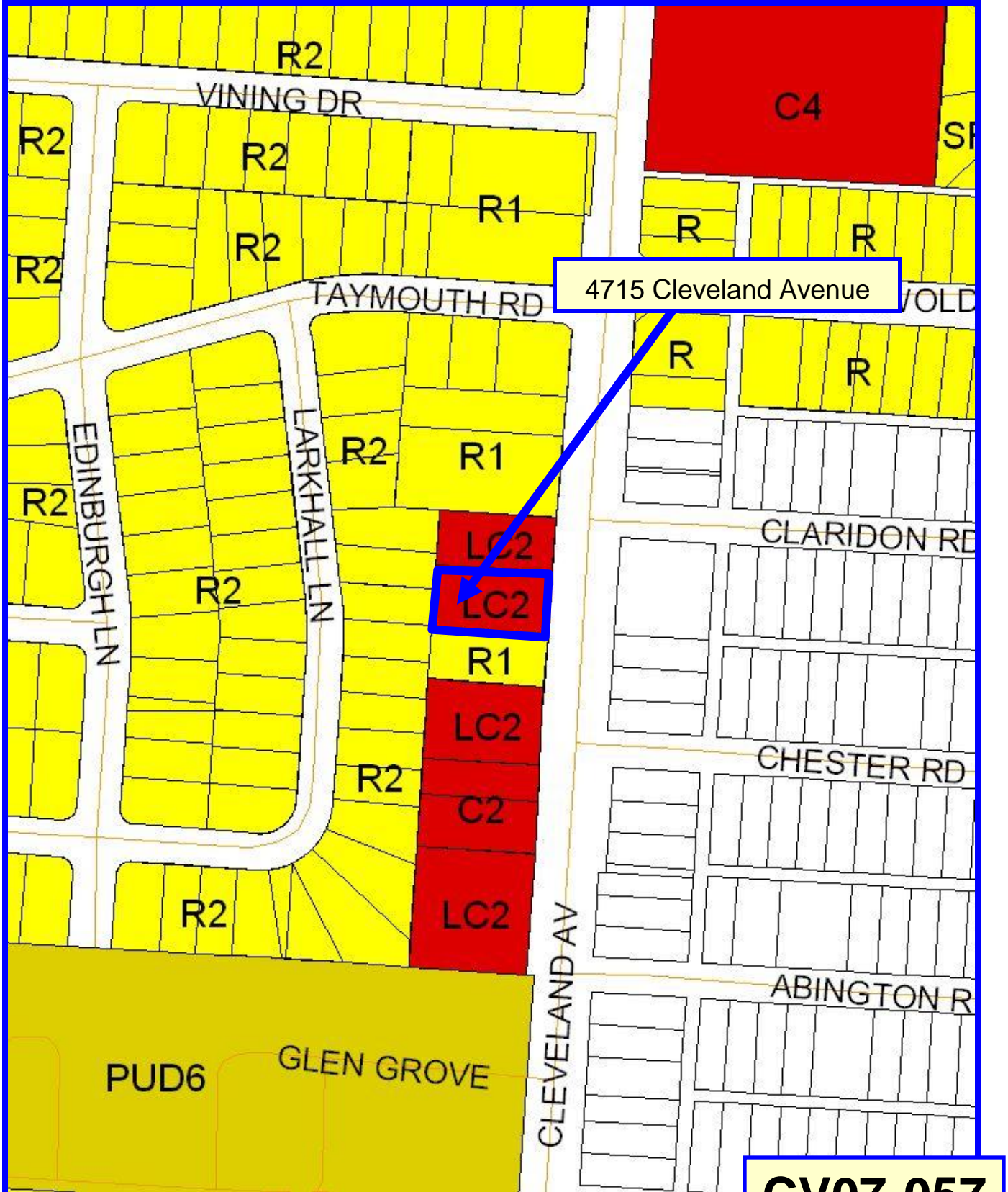
Mr. Sandoval is proposing that he be permitted to use the property at 4715 Cleveland Avenue for retail sales only. When customers bring in their vehicles for work, his employees will drive the vehicle to another location off-site to have the installation of accessories performed.

The suggested use of the property would not be out of character with the neighborhood as there currently is an automobile dealership directly across the street from Mr. Sandoval's property and a substantial number of other commercial businesses

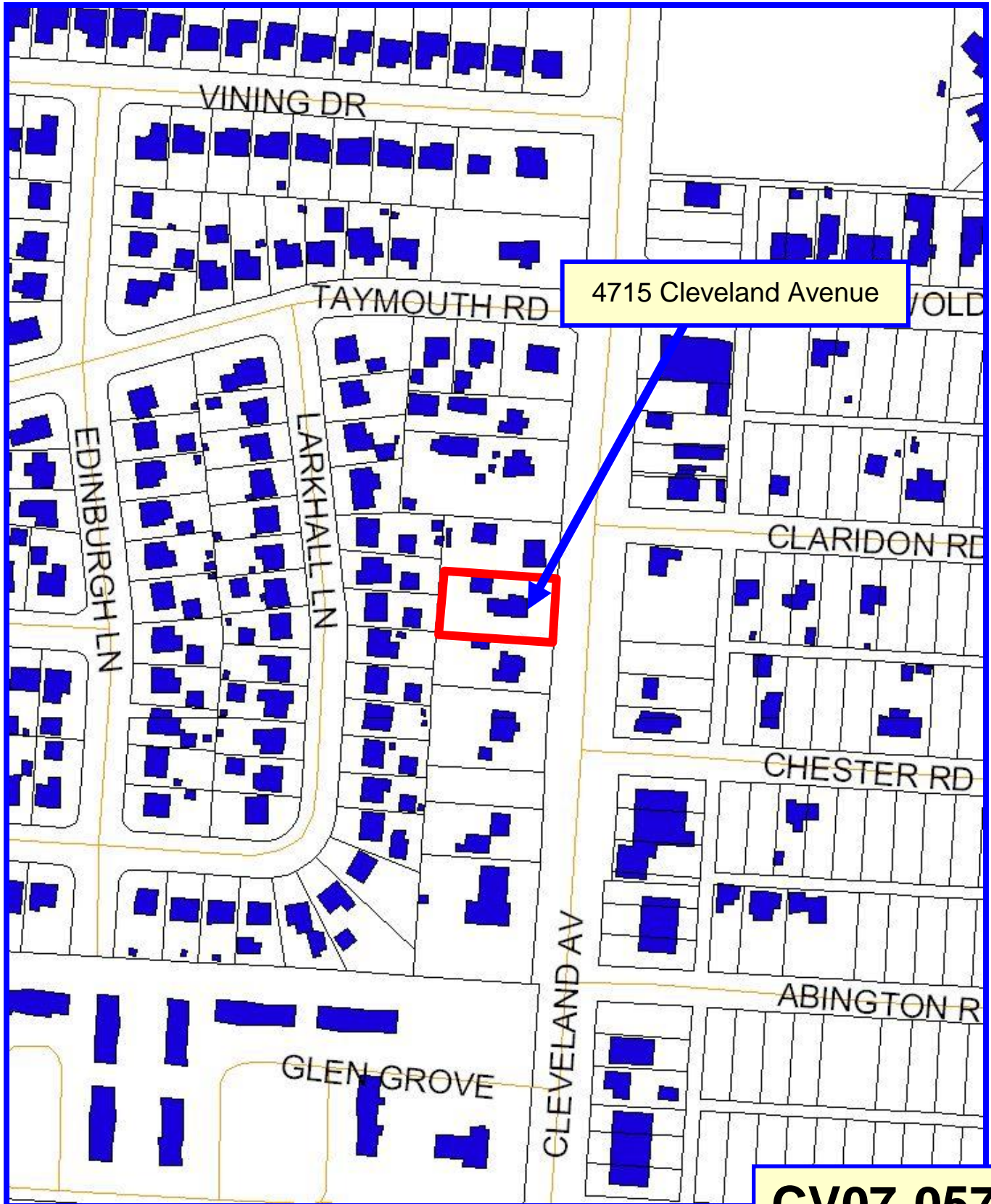
in the immediate vicinity. NY Hook-Up, Inc. easily blends into the environment along a very busy section of Cleveland Avenue and does not stand out against the surrounding properties.

If Mr. Sandoval is forced to cease doing business at this location, he will lose his livelihood and be unable to support his young family. He would be financially unable to maintain the mortgage payments while searching for a new location. If NY Hook-Up, Inc. closed while Mr. Sandoval attempted to open another business somewhere else, his customers would likely think he went out of business and take their business to his competitors. Mr. Sandoval would likely face the loss of his property and the substantial investment he has made thus far.

Further, NY Hook-Up, Inc. is a solid, productive tax-paying business-citizen of Columbus, Ohio that employs anywhere from three to seven full-time employees, some of whom are present and past members of the armed forces. If NY Hook-Up, Inc. is unable to continue employing these workers, those employees and their families will be left without means of support at a critical time in our economy.



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4715 Cleveland Avenue

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Area 16
Cleveland Avenue: SR 161 to Morse Road



This portion of Cleveland Avenue has experienced ongoing change. In the past several years, two single-family subdivisions were built along the corridor. Once predominately single-family in nature, Cleveland Avenue has evolved into a mixed use corridor. Individual single-family homes have been converted to retail and office uses and new construction has occurred for both multi-family and non-residential uses. Despite these changes, the central portion of the corridor has a significant amount of single-family. Most parcels in the corridor are fairly shallow and typically back onto single-family homes. The health of the non-residential uses is mixed with vacancies particularly notable at Raintree Center.

Zoning along the corridor includes commercial (C2, LC2, LC3, C4, C5 and CPD), single-family residential (SR, R1, RR, and PUD 8), multi-family residential (ARLD and AR12), institutional (I), parking (LP1), and rural (R). Most recent rezonings have been for low-intensity limited commercial. The incorporated village of Minerva Park lies on the eastern side of Cleveland Avenue, just south of SR 161. Township areas exist on the east side of the street.

Cleveland Avenue has no street lighting in this area and intermittent sidewalks, curbs and gutters. Existing sidewalks are immediately adjacent to the curb and therefore, uninviting and potentially hazardous for pedestrians.

Site

It is the recommendation of the Northland Plan that:

- annexations to Columbus be encouraged.
- when land is annexed, upgraded development quality through limited zoning and development standards is sought.
- conversion of residential structures to commercial uses should be accomplished by the rezoning process rather than by Council variance.
- conversions from residential to commercial uses should be minimized in the core of the area. This activity is most appropriate near the major intersections of Morse Road and SR 161.
- sidewalks, curbs, gutters, and street lights be provided consistently throughout the entire corridor.
- imaginative reuse and redevelopment of aging or empty commercial buildings and strip malls be strongly encouraged.
- special attention be given to the provision of adequate buffering through zoning restrictions, between residential and non-residential land uses.
- parking be located behind commercial and retail establishments.
- curb cuts on Cleveland Avenue be minimized.
- whenever possible, redevelopment of multiple parcels, rather than a parcel by parcel approach be taken.



Re: 4715 CLEVELAND AV
06470-00000-03352

**City of Columbus Department of Development
Neighborhood Services
INSPECTION DETAILS**

Print Date: 3/7/2007

757 Carolyn Avenue, Columbus, OH 43224

contact(s):

JORGE SANDOVAL

ITEM#	CODE SECTION	COMMENTS
<u>ZONING VIOLATIONS</u>		
1	3305.01 - CERTIFICATE OF ZONING CLEARANCE	FAILED TO ESTABLISH A ZONING USE AND TO OBTAIN ZONING CLEARANCE. OBTAIN ZONING CLEARANCE OR CEASE USE IMMEDIATELY.
2	3342.09 - DUMPSTER AREA	DUMPSTER IS NOT SCREENED ON 3 SIDES AND NOT ON SUBMITTED SITE PLAN. NEW SITE PLAN REQUIRED.
3	3305.01 - CERTIFICATE OF ZONING CLEARANCE	SCREENING DOES NOT MEET THE STANDARDS AGREED TO PER LIMITATION TEXT (Z87-1625) --MUST BE MAINTAINED AT 6 FT. HIGH WITH 75% OPACITY.
4	3353.03 - Permitted Uses	OPERATING A NON-PERMITTED USE (AUTOMOTIVE) OUT OF A C-2 ZONED DISTRICT PROPERTY WILL NEED TO BE RE-ZONED OR POSSIBLE VARIANCE NEEDED.

**NORTHLAND
COMMUNITY
COUNCIL
DEVELOPMENT COMMITTEE**

Fax

To: Byron Potts	From: Jeff Murray
Fax: 614-228-2155	Pages: 5
Phone: 614-228-2154	Date: 6/18/07
Re: 4715 Cleveland Ave.	Email: byronpotts@msn.com

Dear Mr. Potts

Our committee voted to NOT support your application. Having an automotive use next to residential property does not follow the Northland Plan.

If you have any questions please contact me at:

Work, 614-882-8558, ext. 207

Fax, 614-818-4399

Email, jeffmurray@wideopenwest.com.

Best regards,

Jeff S. Murray
Chairperson, Development Committee
Northland Community Council

City of Columbus | Department of Development | Building Services Division | 757 Gady Avenue Columbus, Ohio 43224



PROJECT DISCLOSURE STATEMENT

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

APPLICATION # CV07-057

Being first duly cautioned and sworn (NAME) Kristin J. Bryant
of (COMPLETE ADDRESS) Byron L. Potts & Co., LPA, 415 E. Broad St., Suite 112 Columbus, OH 43215
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 formats

- Name of business or individual
- Business of individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

<p>Jorge Sandoval DBA: New York Hook-Up, Inc. 4715 Cleveland Avenue Columbus, OH 43231 Owner + 3-7 employees Contact: Jorge Sandoval 614-428-8468</p>	

If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT Kristin J. Bryant
 Subscribed to me in my presence and before me this 5th day
 of December, in the year 2007
 SIGNATURE OF NOTARY PUBLIC [Signature]
 My Commission Expires:

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

Notary Seal Here



VICKI H. POTTS
Notary Public, State of Ohio
My Commission Expires 04-20-08