



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 EXHIBIT B

Signature of Applicant

Date 6/30/03

EXHIBIT B

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725 Frank Road, Columbus, OH
CV03- 024

Celina Investments, Ltd ("Celina") owns the subject 11.354 acre site (570-126835) in the City of Columbus and a total of 172 acres in two (2) parcels (140-000253, 140-007094) abutting the Columbus site to the north and east in Franklin Township. The Columbus parcel is zoned both AR-12 and ARLD, but is accessible only from the Franklin Township property. The Franklin Township property is zoned GI, General Industrial with an EQ, Excavation and Quarrying Overlay under the Franklin County Zoning Resolution. The site has been a sand and gravel quarry for many years (See Ortho Aerial photography). Scioto Big Run was relocated and channelized in 1992 through City of Columbus, Franklin County and FEMA zoning and permit processes and is now located approximately along the southern boundary of the 11.354 Acre parcel.

Celina has obtained all Franklin County Board of Health approvals and a license to operate a Construction and Demolition (C and D) landfill (See enclosed July 19, 1996 letter from Franklin County Board of Health and Resolution 96-070). The C and D landfill is in operation and included in the Solid Waste Management Districts plan for waste disposal. The 11.354 acre site of this variance application is currently shown as an area for supporting use of the approved C and D landfill approved by the Franklin County Board of Health. Applicant makes this application to address zoning compliance for the 11.354 acres under the jurisdiction for of the City of Columbus. C and D licensing, by agreement between the City of Columbus and Franklin County, including the 11.354 acres in Columbus, is under the jurisdiction of the Franklin County Board of Health.

Applicant requests a variance to Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential District Use to permit the operation of a C and D landfill in conjunction with the C and D landfill on the adjacent (140-000253, 140-007094) property and as approved and licensed by the Franklin County Board of Health.

A hardship exists in that there is no zoning district to which applicant can request to rezone the property to for a landfill. Relocation of Scioto Big Run has physically separated the 11.354 acres from property to the south and existing extensive mounding prevents the property's use except in connection with the adjoining C and D landfill in Franklin Township. The operation of a C and D landfill 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.