

**Statement of Hardship for Council Variance Application
3984 Scioto-Darby Creek Road**

This Statement is submitted in support of Applicant's request for a council variance, to allow certain variances from the Zoning Code necessary in conjunction with the pending companion Rezoning Application (Z05-084), for this parcel currently zoned L-M-2.

By way of history, the current L-M-2 zoning was established in 1987 by Ordinance No.: 2198-87. That rezoning inappropriately limited the Site's permitted use to a single use, as follows:

“The storage of contractor's equipment within one Building to be erected on the North 400 feet of said lot.”

Further, the ordinance did not address the fact that at that time, and still today, a single-family dwelling is located on the property, fronting Scioto-Darby Creek Road. By permitting only one use for the Site, the ordinance inappropriately prohibited the other existing uses of the property in place at the time the rezoning ordinance was approved.

Due to the extremely limited nature of the Site's zoning (i.e., the use of only one building, for one purpose, for as long as the zoning is in effect), Applicant seeks a rezoning of the property from L-M-2 to L-M-2, to provide for additional use of the property not currently permitted, and has filed this companion council variance to allow variances from the Zoning Code to validate certain existing Site conditions.

The subject site (“Site”) consists of 2.01± acres situated on the north side of Scioto-Darby Creek Road, approximately 200 feet east of Woodson Drive, which is immediately east of Interstate 270 on the City's west side. The Site is surrounded by parcels zoned as follows:

West: R-1 between Woodson Drive and the subject Site, with a well-drilling business operated on the R1 parcel immediately east of Woodson Drive.
North: R-1
East: R-1, C-4, and M-2
South: M-1 Columbus and Southern Ohio Electric Company), and M-2

This Site lies within a significantly mixed-use neighborhood which, in recent years, has become increasingly industrial in nature, with some remaining large-lot single-family residential parcels throughout the neighborhood.

This council variance, and its companion rezoning request, are filed in response to Zoning Code Violation Orders issued with regard to a lack of zoning clearance approval and/or for uses contrary to the current zoning (copy attached). Since the time those Orders were issued, Applicant has vacated both tenants/businesses which prompted the Orders, those businesses being an automotive mechanic (which utilized the existing maintenance/storage building) and a vehicle impound lot (which utilized the fenced-in area to the rear of the lot, for storage of impounded vehicles).

VARIANCES REQUESTED:

1. Applicant requests a variance to **C.C.C. §3367.01 (M-2, Manufacturing District)**, to permit continued use of the single-family dwelling located on the Site, fronting Scioto-Darby Creek Road. The residence was an existing structure/use at the time the property was rezoned to L-M-2; however, the ordinance failed to address this use in any manner, and it is therefore non-conforming. For this reason, Applicant requests a variance to permit the continued use of the residence.

Note that the current resident of the dwelling is charged with attending to and maintaining portions of the Site, therefore qualifying the structure as a residence for a resident watchman, as permitted in the M-2 district by §3367.08 (Miscellaneous Uses; Less Objectionable Uses). However, in order to not have such maintenance be a condition of residency for any possible future tenant, Applicant requests this variance to permit a residence in the M-2 district. This existing use rightfully should not have been excluded from Ordinance 2198-97, and should be legitimized through this filing.

2. Applicant requests a variance from **C.C.C. §3367.15(a) (M-2 Manufacturing District Special Provisions)**, to permit a reduction of the required building setback from fifty (50) feet to forty (40) feet. The existing single-family dwelling discussed in Item 1, above, it set back from the Scioto-Darby Creek Road right-of-way a distance of 40 feet. Here too, this variance is requested to legitimize the current conditions and permit continued use of the pre-existing residence.
3. Applicant requests a variance from **C.C.C. §3342.08(c) (Off Street Parking & Loading: Driveway)**, to permit a driveway width of less than twenty (20) feet. At the Site's entrance from Scioto-Darby Creek Road, a paved driveway is provided leading to the gravel surface toward the rear of the lot. Due to the extremely narrow character of the property (100-foot lot width), the existing paved driveway was constructed at a reduced width. Applicant herein requests a variance to permit a minimum driveway width of fifteen (15) feet, to legitimize the as-built conditions.
4. Applicant requests a variance to **C.C.C. §3342.24 (Off Street Parking & Loading: Surface)**, to permit a pre-existing gravel surface area between the maintenance/storage building and the rear outdoor storage area.

Due to the nature of the Site's uses, Applicant installed a gravel parking/maneuvering area for access to the maintenance/storage building and the fenced outdoor storage area to the rear. This gravel surface was added to the Site without the appropriate approvals process; however, without the benefit of counsel Applicant did not know they had done so in error. The industrial nature of the contractor equipment entering, exiting, and parking on the Site makes the gravel an appropriate and necessary attribute.

The subject Site is a long, narrow piece of property in a mixed-use area of growing industrial and commercial operations, amidst some remaining large-lot residential properties. There is limited traffic in the area, and the tenants anticipated for the Site would not generate high

volumes of traffic, especially passenger automobiles. Further, although vehicle maintenance may occur inside the existing maintenance building, no such maintenance or repair would be conducted on the gravel surface.

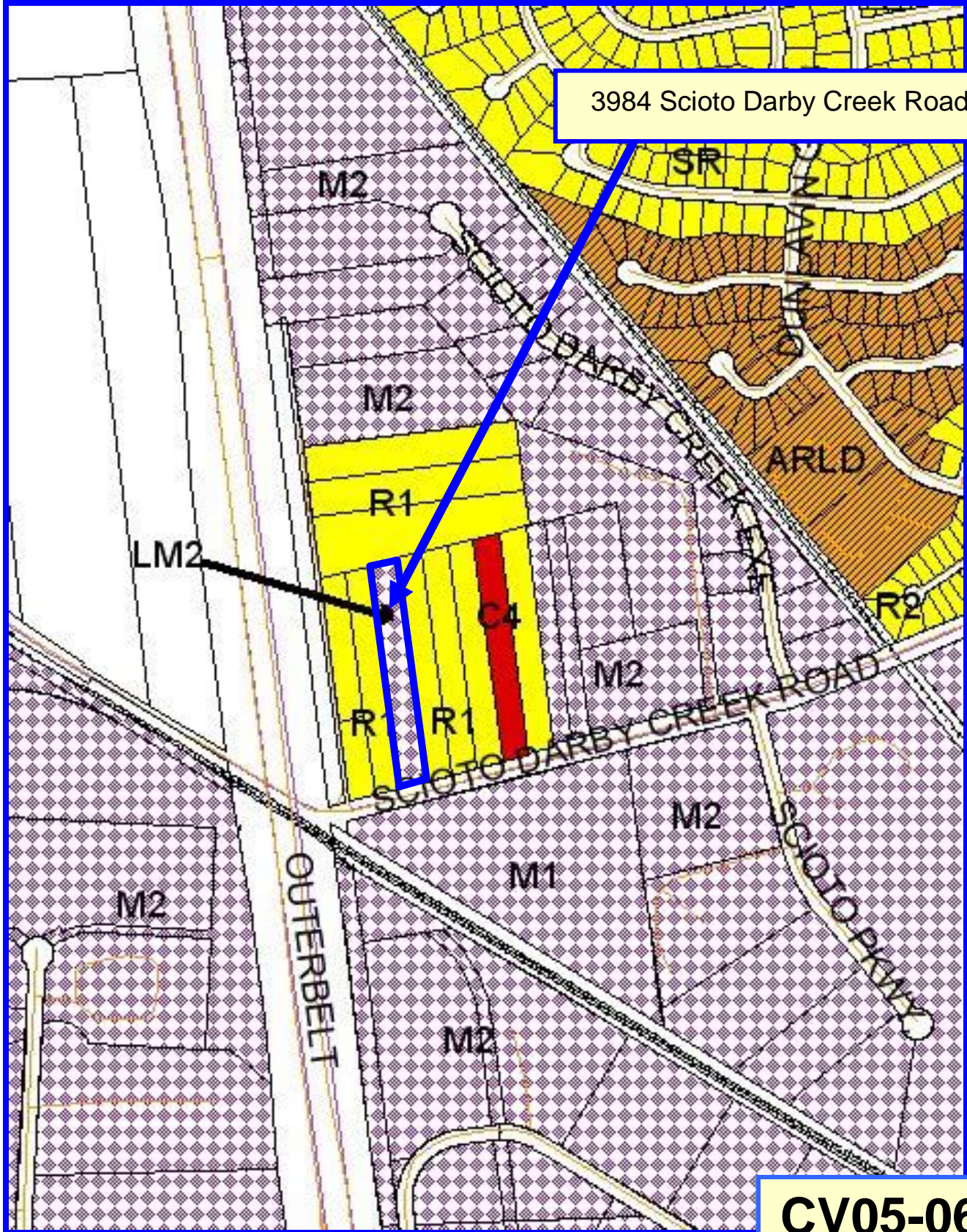
5. Applicant requests a variance from C.C.C. §3367.29 (Storage). The existing outdoor fenced storage area to the rear of the Site is permitted under the M-2, Manufacturing district; however, Applicant requests a variance to that Section's provision which requires the storage area to be located a minimum of 100 feet from any residentially-zoned property. The subject Site is a mere 100 feet in width, and therefore physically cannot adhere to the distance requirements of §3367.29.

Applicant respectfully requests approval of this council variance request as detailed above, to correct Code Violation Orders issued as a result of the severely limited provisions of the L-M-2 zoning ordinance currently in effect for this Site. In addition to remedying the Orders issued, the proposed variances will permit continued economic use of the Site now that both tenants which brought rise to the Orders have vacated and/or been given notice to vacate the premises.

Respectfully submitted,



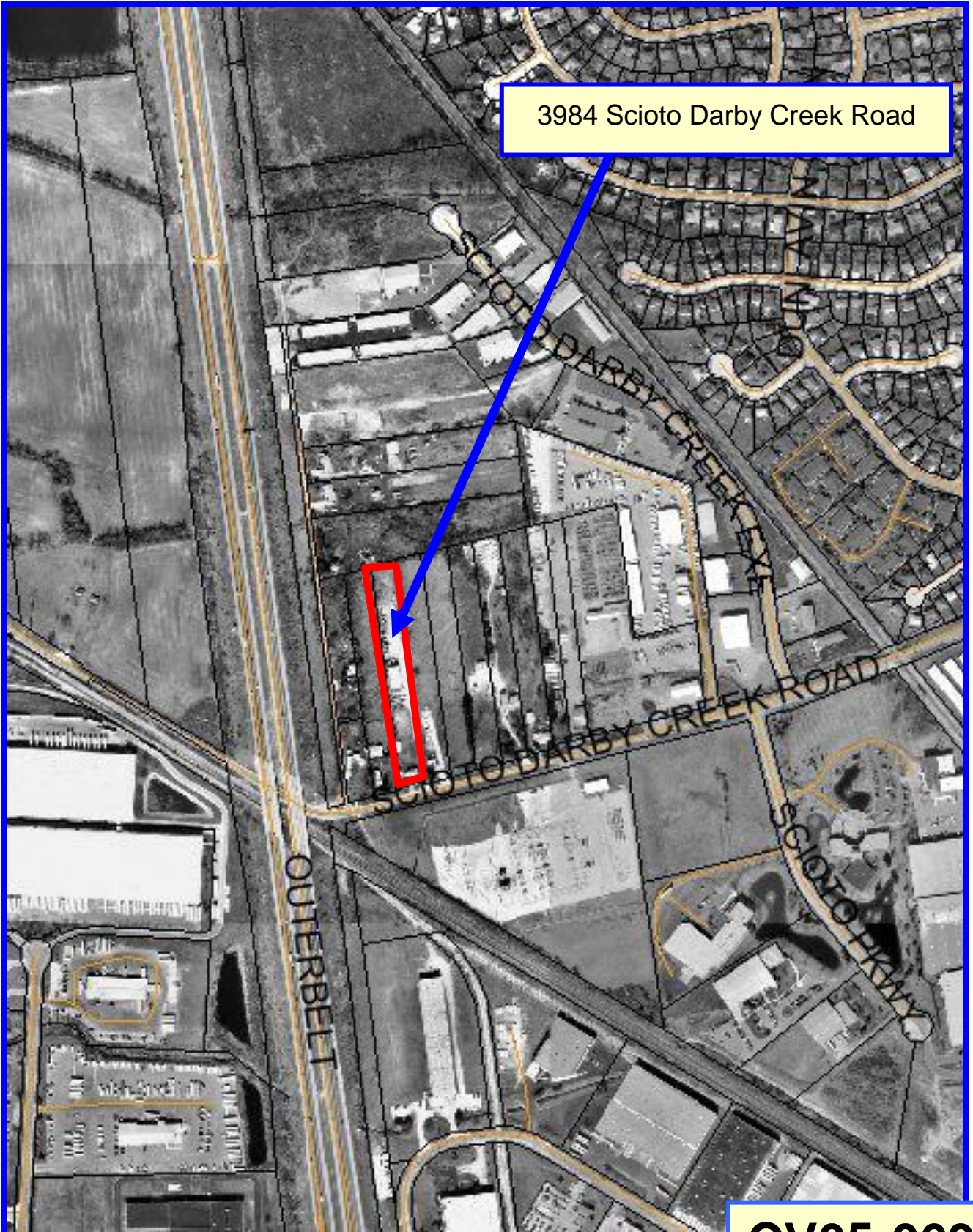
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LM2

CV05-063



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City of Columbus | Department of Development | Building Services Division | 757 Carolyn 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 # CV05-063

Being first duly cautioned and sworn (NAME) Michael T. Shannon, Esq.
of (COMPLETE ADDRESS) 500 S. Front St., Suite 1200, Columbus, Ohio 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 format:

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

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

1. Norman & Rebecca Evans 16304 Willow Stream Lane Ft. Meyers, FL 33917 Columbus-Based Employees: -0- Contact: Michael Shannon, Esq. (614) 228-5511	2.
3.	4.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 28th day of November, in the year 2005

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2009



Notary Seal Here