

2135  
 Noe-Bixby rd: Columbus Ohio Tax id 010-205282  
 Bikeway Easment  
 60' from "1st ft"  
 up to 200' from  
 river side property  
 line.  
 All buildings  
 As per building requirements will be 20"min  
 from river side, and 10' min all other sides  
 Pad construction. NO BASEMENTS.

**Statement of Hardship**  
**2135 Noe-Bixby Road**  
~~**July 31, 2007**~~  
**September 21, 2007**

This Statement is submitted in support of applicant's request for a council variance to allow a single-family residence to be constructed on property zoned LM (by Z86-1093). A concurrent rezoning application has been filed to revise the limitations of the property's LM zoning, as the 1986 limitation text permits only a mini-warehouse storage facility, which use was never implemented on the property. The property remains undeveloped as of the filing of this application.

The subject property consists of 6.4± acres of vacant land located on Noe-Bixby Road, and is bounded by the following land uses:

North: Moose Lodge #1245, and I-70 north of that  
East: Woodcrest Road, with single-family residential east of Woodcrest  
South: Railroad tracks, with condos to the south  
West: Big Walnut Creek, with industrial and commercial uses west of the creek

The mixed-use nature of the immediate vicinity supports applicant's proposed use of this 6-acre site, as described below. Further, much of the site is heavily wooded, which will remain and provide screening from surrounding properties.

Applicant proposes a mixed-use development for the site, in that his primary residence will be located onsite, as well as a separate building for his business operations. That second building would contain an office for engineering, research and development, with secondary light manufacturing (akin to a metal fabrication and/or machine shop). The manufacturing use is permitted by C.C.C. §3363.05 (Metals and Metal Products, Less Objectionable Uses), which use is being sought through the companion rezoning application. While one additional employee may be utilized in that business, there are no retail customers of the business that would be frequenting the property.

Although the office and manufacturing uses are permitted in the M, Manufacturing district, they are currently prohibited without further approval, due to an existing limitation text imposed through Rezoning #Z86-1093, which stipulates that only a mini-warehouse storage facility is permitted for the property. Upon rezoning of the property, that use will be permitted, and this council variance requests approval of a single-family residence to be constructed for the owner's primary residence. Applicant's proposal would accommodate both his home and business on the same property.

The following variances/approvals are necessary for applicant's proposed development:

- ▶ Variance from C.C.C. §3363.01 (M, Manufacturing District), to allow a residential dwelling not otherwise permitted in the M District.

Applicant is experiencing a practical difficulty in developing the property as proposed, due to the limited nature of the existing rezoning text for the property, as well as the mixed-use nature of the proposal. There is no zoning district that would allow both the residential and less objectionable manufacturing uses on the same site. If the property were rezoned to a residential district, or to an M district to remove the current limitations, it would still require a variance for the second use. This application will allow both uses for the property, which are specific to the unique circumstances of the property and its owner, without rezoning the property to either a more broad-range manufacturing zoning with even more permitted manufacturing uses, or to a residential district, which would contradict the manufacturing out-building to be constructed.

The subject site is predominately classified as wetlands and/or within the floodway due to the adjacent Big Walnut Creek, and development potential is therefore very limited. The property owner/applicant has expended significant resources to fill and mitigate the floodway designation on a small .23± acre portion of the property, which area has been approved for development by FEMA (see attached), as it is now outside of the floodway. Applicant has also maintained ongoing discussions with City and State agencies to advise of his intentions and progress with regard to this property. While a small portion of the site has been filled and cleared for development, the remaining wetlands and wooded area will be properly maintained and promoted by the applicant.

Additionally, as shown on the submitted site plan, a 200-foot wide area as measured from applicant's rear property line at Big Walnut Creek is being set aside for a bikeway easement for the City of Columbus.

Access to the developable area will be from Noe-Bixby Road only, via an existing driveway.

The variances requested and the proposed uses for the property will not adversely impact surrounding property owners or neighborhood, or impair the delivery of governmental services. Rather, due to the secluded, heavily-wooded nature of the property and its limited developable area, the proposed use will provide the best use available to the owner, without impacting adjacent properties or the existing natural habitat to the rear of the site. The surrounding properties are developed with manufacturing, commercial, and residential uses, and the subject site is buffered by Big Walnut Creek, dense woods, and the railroad tracks to the south.

In light of the above information, applicant respectfully requests approval of this council variance to allow development of a single-family residence on this site zoned L-M, Limited Manufacturing, which will also house a separate light manufacturing building to be used for the owner's office and metal fabrication/machine business.

Respectfully submitted,



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CRABBE, BROWN & JAMES, LLP

Michael T. Shannon, Esq. (0021413)

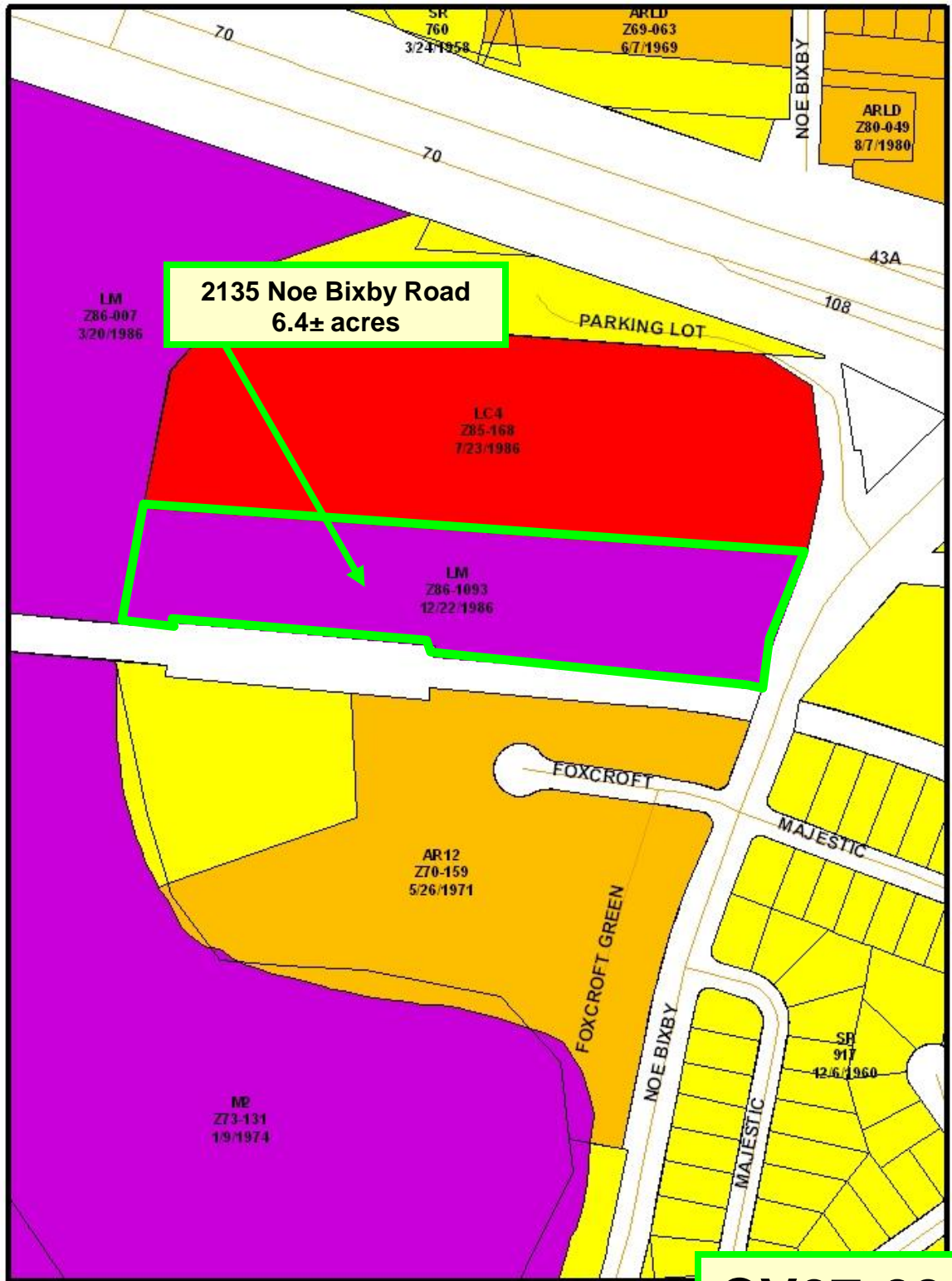
500 S. Front Street, Suite 1200

Columbus, Ohio 43215

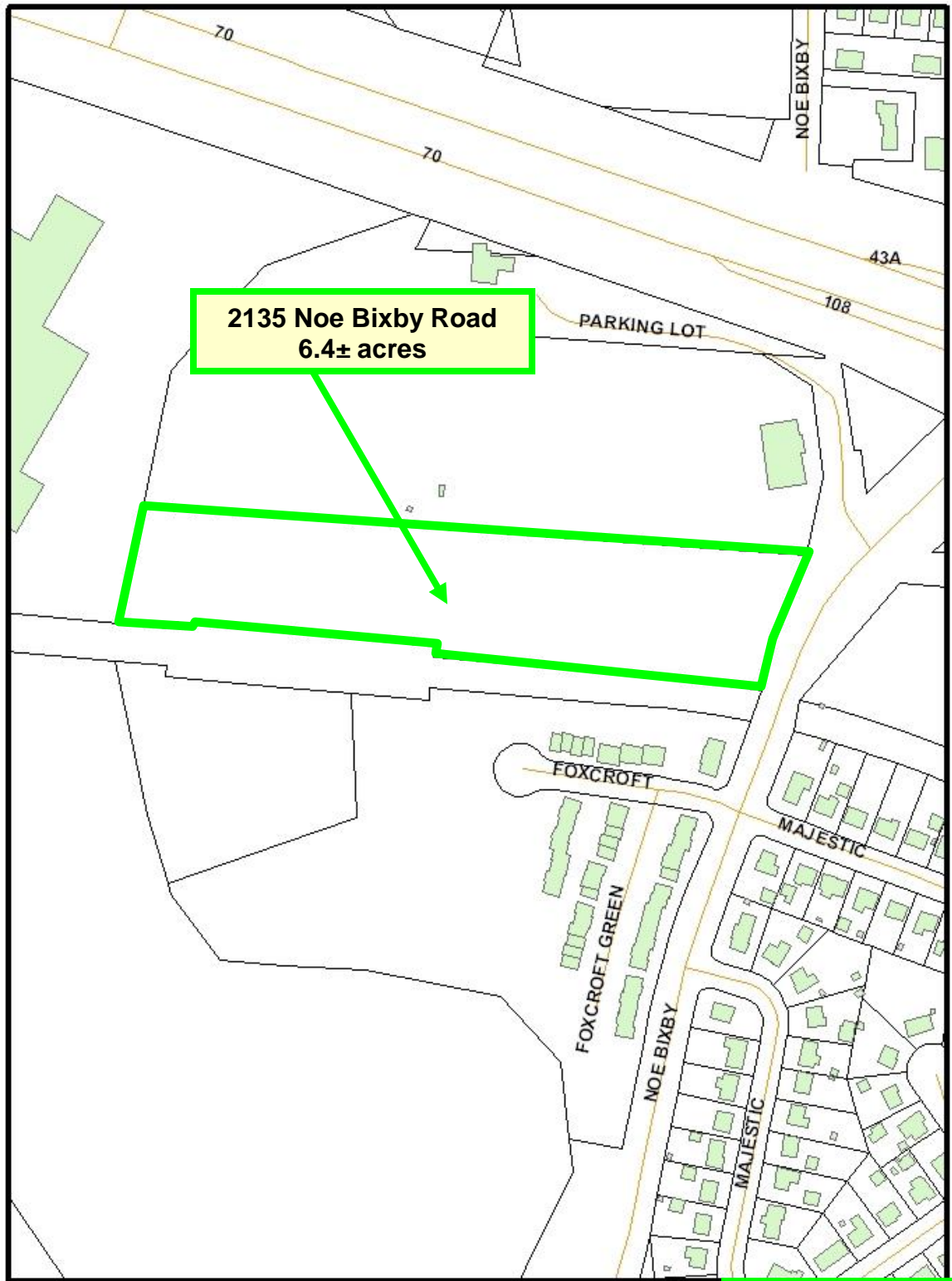
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Counsel for Owner/Applicant

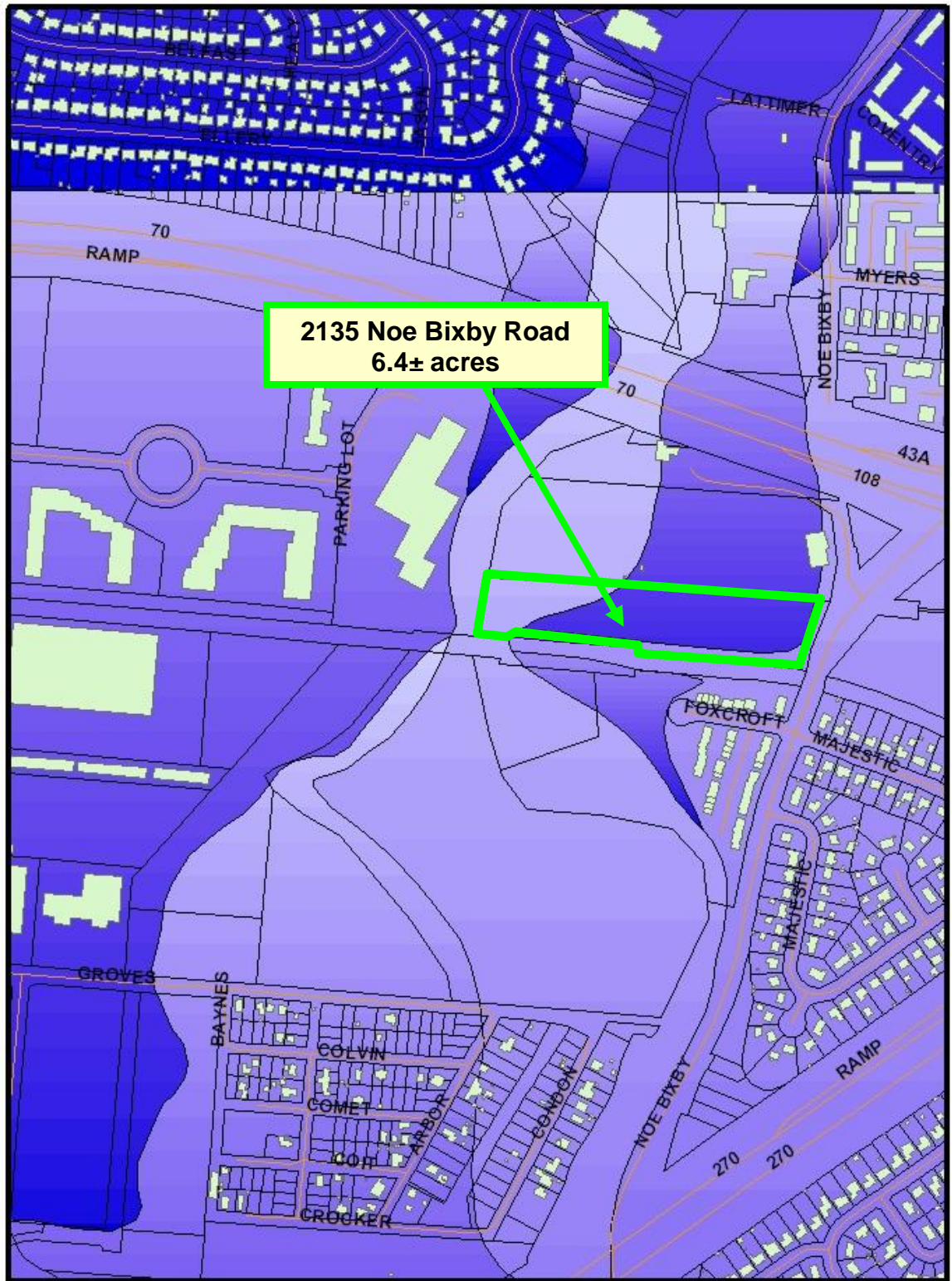


**CV07-032**



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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 # Z07-043 / CV07-032

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

1. <u>Thomas and Mary Bal</u> <u>1315 Idlewild Drive</u> <u>Columbus, Ohio 43232</u> <u>Contact: Michael T. Shannon, Esq. (614) 229-4506</u> <u>Columbus-Based Employees: -0-</u>	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Michael T. Shannon

Subscribed to me in my presence and before me this 16<sup>th</sup> day of January, in the year 2008

SIGNATURE OF NOTARY PUBLIC

Rita J. Martin

My Commission Expires:

11/02/10

*This Project Disclosure Statement expires six months after date of notarization.*

Notary Seal Here



RITA J. MARTIN  
Notary Public, State of Ohio  
My Commission Expires 11-02-10