



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

CV13-034

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:

The subject property is currently zoned M-1 Manufacturing District and is improved with a 19,800s.f. multi-tenant building. The subject site (4,800 s.f) is located in a mixed use park which has a combination of office & office warehouse. The park is bordered by single family to the north, however the site is approximately 400 feet from the residential. Additionally there is a similar use at the corner of Strimple and Sinclair Road. This will be a "Minor Repair Garage" defined as "a building or portions of a building used for lubrication, inspections and minor automotive maintenance work, such as engine tune-ups, replacement of parts, fluid changes, air-conditioning, brake systems repairs, tire rotation, and similar routine maintenance work....." This will provide an essential service for the tenants for the tenants in the park as well as fill a vacant space .

Signature of Applicant Yu Daggan

Date 9.30-13

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CV13-034

930 Freeway Dr., N.

Approximately 0.11 acres

Request: Council variance to allow automotive maintenance and repair in M-1 zoning district.



CV13-034
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Northland Community Council
Development Committee

Report

October 30, 2013 6:30 PM
Northland Performing Arts Center
4411 Tamarack Boulevard

Meeting Called to Order:

6:39 pm by chair **Dave Paul**

Members represented:

Voting: (13): Albany Park (APHA), Blendon Chase (BCCA), Blendon Woods (BWCA), Cooperwoods (CWCA), Forest Park (FPCA), Friendship Village (FVRA), Karmel-Woodward Park (KWPCA), Maize-Morse Tri-Area (MMTACA), Northland Alliance (NA), Salem (SCA), Sharon Woods (SWCA), Westerville Woods (WWCA), Woodstream East (WECA). *Non-voting:* Advisory member Bob Thurman.

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- Case #1:** Application 13310-00530 (*BZA variance from §3321.05 (2) to permit construction of 6' privacy fence in residential district with reduced vision clearance setback – Reconsideration from August 2013*)
Michael Tiano
Residence
1164 Matthias Dr, 43224 (PID 010-120518)
- *The Committee approved 12-0 (w/ 1 abstention) a motion (by KWPCA, second by WWCA) to recommend **DISAPPROVAL** of the application.*¹

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- Case #2:** Application CV13-034/13315-00726 (*Council variance to permit automotive maintenance and repair in an M-1 zoning*)
Mark F. Taggart representing
YDT Sinclair Road LLC
942 930 Freeway Dr N, 43229 (PID 010-018239)
- *The Committee approved 13-0 a motion (by SCA, second by MMTACA) to recommend **APPROVAL WITH THE FOLLOWING CONDITION:***²
 1. That the variance be conditioned upon the continued use of a portion of the 4800 SF structure identified as “Building #9” as a “minor automotive repair garage”; and that if a Certificate of Occupancy is issued for an alternative use the variance will become null and void.

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- Case #3:** Application 13310-00645 (*BZA variance from §3312.49 (c) Minimum required parking spaces, §3312.49 (b) bicycle parking and §3312.25 maneuvering*)
Mel Felty/Felty-Heinlein Architects & Planners representing
Apostolic Church International USA
1048 Morse Road, 43229 (*frmr Cloak & Dagger Dinner Theatre*)
(PID 010-032810)
- *The Committee approved 13-0 a motion (by SCA, second by KWPCA) to recommend **APPROVAL WITH THE FOLLOWING CONDITION:***³
 1. That the application be amended by the applicant to revise the variance requested from §3312.49 (c) to seek a reduction from 94 to 50 on-site spaces; and to withdraw requests for variance from §3312.49 (b) and §3312.25.

Next Meeting: *Wednesday, December 4, 2013*

Case #4: Application Z13-042 (*Rezone 2.2 AC± from LC4 to CPD “for convenience store with fuel sales and... car wash” – Tabled from July 2013*)
 Christopher Rinehart/Rinehart Legal Services *representing*
 TH Midwest, Inc. (Turkey Hill)
 6193 Cleveland Ave, 43231 (*frmr Bob Evans*) (PID 010-207674/600-182484)

- *The Committee approved 13-0 a motion (by CWCA, second by MMTACA) to recommend **APPROVAL** of the application.*⁴

Executive Session 8:42 pm

Meeting Adjourned 9:19 pm

¹ The Committee felt that the applicant did not adequately demonstrate the existence of all four conditions of hardship required by §3307.09 (A) for the Board to grant variance, and particularly the conditions set forth in paragraph 3 and 4 of that section. Additionally, at least one alternative was identified in our discussions with the applicant which the Committee believed would achieve his stated goals without requiring variance from §3321.05 (2).

² The Committee understood and supported the applicant’s desire to permit this accessory use to enable the provision of minor automotive repair services primarily to other tenants on his property, especially in light of other more intense uses already permitted in an M-1 zoning, but did not want to permit the resumption of the accessory use in perpetuity should it be once discontinued.

³ The applicant agreed to abandon the proposal to create six spaces immediately north of the structure, avoiding any requirement for variance from §3312.25, and to instead utilize six additional spaces of those already secured off-site; and to withdraw the request for variance from §3312.49 (b) to reduce the number bicycle parking spaces to zero after discussion of the local transportation environment and the likelihood of their use.

⁴ The Committee understood modifications to the application since our July hearing to address issues identified by Transportation, and voiced no other concerns about the application.



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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.

APPLICATION # CV13-034

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Mark F. Taggart

Of [COMPLETE ADDRESS] 942 A Freeway Dr. N., Columbus, Ohio 43229
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 or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. Mr. Robert E. Yoakam Sr. 999 Polaris Parkway, Suite 200 Columbus, Ohio 43240	2. Mr. James L. Deagle 425 Dockside Dr, Unit 801 Naples, Florida 34110
3. Mr. Robert T. Taggart 3780 Fishinger Blvd. Hilliard, Ohio 43026	4.

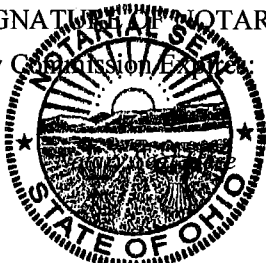
Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 30th day of September, in the year 2013

SIGNATURE OF NOTARY PUBLIC Jeanette Ferrell

My Commission Expires May 18, 2016



Jeanette Ferrell
Notary Public, State of Ohio
My Commission Expires 5-18-2016

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

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