

**STATEMENT OF HARDSHIP
In Support of Council Variance
35 and 37 W. Oakland Avenue**

This Statement is submitted in support of the Applicant's request for a Council Variance to allow a private permit only, residential parking lot for use only by area residents, to be located on two adjoining lots zoned R2F in the University Area.

The subject property ("Site") consists of two platted residential lots located on West Oakland Avenue between Patterson and Northwood Avenues, west of North High Street. The lots are situated at a corner where W. Oakland meets a north/south alley, with a second west/east alley located along the south property line. The area proposed for this parking lot has historically been a parking area (garage, pads and 'along alley') for up to 19 cars. This site sits at the rear of all buildings and at the intersection of 2 alleys.

The Applicant proposes a 25-space private residential parking lot to be located at the rear of the two adjoining residential lots. The parking lot will be solely for residents, and will serve only the student population of properties owned by the Applicant. The neighborhood is a well-established community serving OSU's student population. The Applicant owns several properties in the immediate vicinity of the Site.

This neighborhood is densely-populated, with some off and some on-street parking. Because the neighborhood consists of well-maintained spacious homes, they are consistently in high demand. All of the homes are occupied by more students than the existing off-street parking can accommodate. That leads to very congested streets and a substantial, well-known parking shortage. Each occupant typically has their own vehicle, which contributes to the existing overall lack of parking in the area. Moreover, the neighborhood was established well before the local zoning codes were put into place, so most of the properties are not Code-complaint. Many properties have less than the Code-required two off-street spaces per dwelling, and they are not required to provide those additional spaces due to the legal non-conforming nature of the neighborhood.

This request is submitted following a prior variance application filed in December 2007 (CV07-056), by which applicant requested the same parking lot concept as proposed and requested herein. That application received the support of City Staff, including the Divisions of Planning and Refuse.¹

As shown on the submitted site plan, the Applicant proposes a properly paved lot with screening. The Applicant has revised the site plan since the initial filing, to include more green space for the rear yard of 37 W. Oakland, and maintained the preferred drive aisle of recommended

¹This proposal was initially put forth in 2007. In early 2008 the on site 6-car garage was severely damaged during a snow storm, which damage required an emergency demolition permit. What remains is a graded gravel area at the rear of the lot, which the Applicant would like to pave, stripe and landscape.

distance for maneuverability. To facilitate the proposed parking lot on property zoned R2F, the following variances are necessary:

1. Variance from C.C.C. §3332.037 (Residential Districts), to allow the parking use in the R2F district.
2. C.C.C. 3332.27 Rear Yard: To permit reduced rear yard as shown.
3. C.C.C. 3332.28 Side or Rear Yard Obstruction: To permit the parking lot as an obstruction of the existing rear yard.
4. C.C.C. 3342.12 Lighting: To permit a parking lot without installation of new lighting for minimum ½ foot candles of light measurements.
5. C.C.C. 3342.15 Maneuvering: To permit maneuvering across an interior lot line.
6. C.C.C. 3342.17a Parking Lot Screening: To permit a parking lot without installing screening from adjacent residentially - zoned properties.
7. C.C.C. 3342.26 Wheel Stop Device: To permit a parking lot without wheel stop devices.
8. C.C.C. 3372.521(B) Supplemental Parking Requirements: To permit parking spaces divided by an interior lot line which, as a result, measure less than 8' x 18' on either side of that lot line.

As required by C.C.C. §3307.10 (Variances by Council), unusual and practical difficulties do exist in the carrying out of the zoning district provisions, due to an irregular shape of lot, topography, or other conditions. First and foremost, the neighborhood has existed longer than the Code itself, and therefore the Code requirements for an R2F district cannot fully be carried out under any circumstances. The pre-2008 condition was itself a grandfathered 6-car garage, 4 car pad and 9 on site spaces along the alley. In many respects, the properties simply are not Code-compliant. To allow these variances would improve those non-conforming circumstances and alleviate the very difficulties experienced by these residents without the variances being granted.

The requested variances will not adversely affect any adjoining property or the general welfare of the neighborhood. Rather, they are intended to enhance and improve the parking situation and overall amenities provided to the community. The requested variances also serve to enhance the safety of the student population that comprises the majority of the neighborhood.

This request will not impair an adequate supply of light or 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, nor will it in any other respect impair the public health, safety, comfort, morals or welfare of the residents. On the contrary, this request alleviates the existing conditions and is a minimal request.

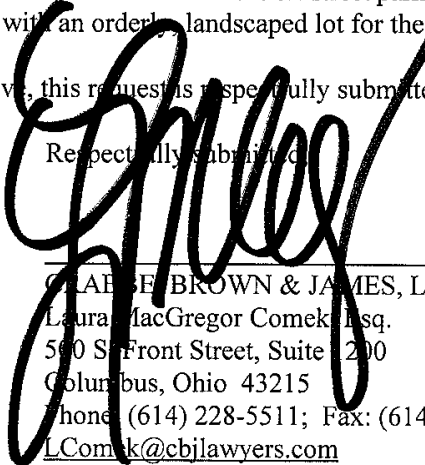
The request will not impact the delivery of governmental services, and previously received the approval of Refuse and Planning.

Applicant acknowledges the sensitive nature of parking concerns throughout the district, however, this request is intended to help the community address a very real shortage. The parking lot will be a zero tolerance tow zone. Only valid residential permit holders will be permitted to park. The Applicant currently contracts with a tow company and will ensure that contract covers the proposed parking lot as well. The Applicant has promised a good neighbor agreement as well to the community.

The Applicant did not create this circumstance as these lots, homes, and the general area all pre-date the Code. This is a modest request to alleviate the on-street parking congestion that cannot be addressed by any other means with an orderly landscaped lot for these area residents.

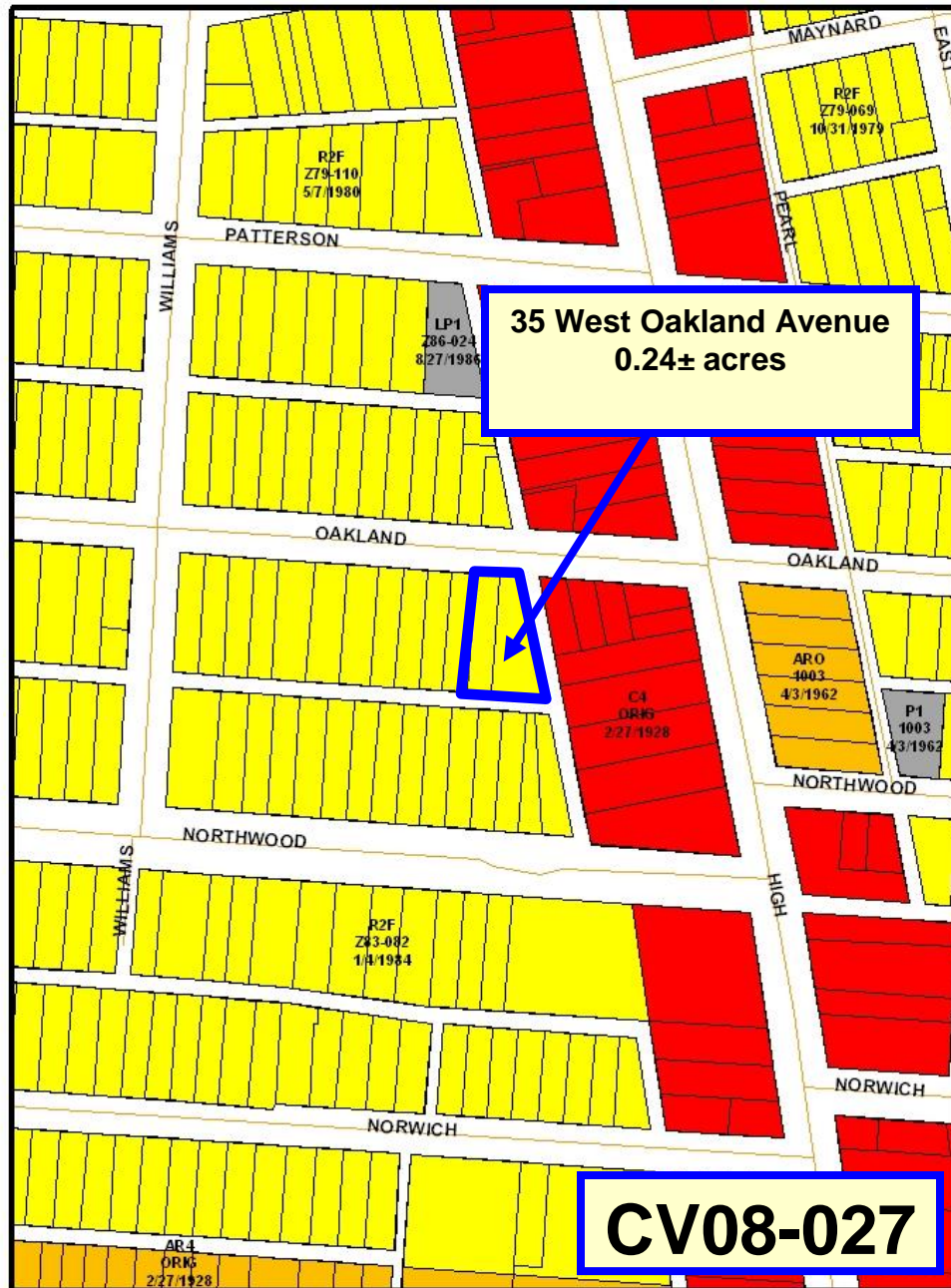
For the reasons stated above, this request is respectfully submitted.

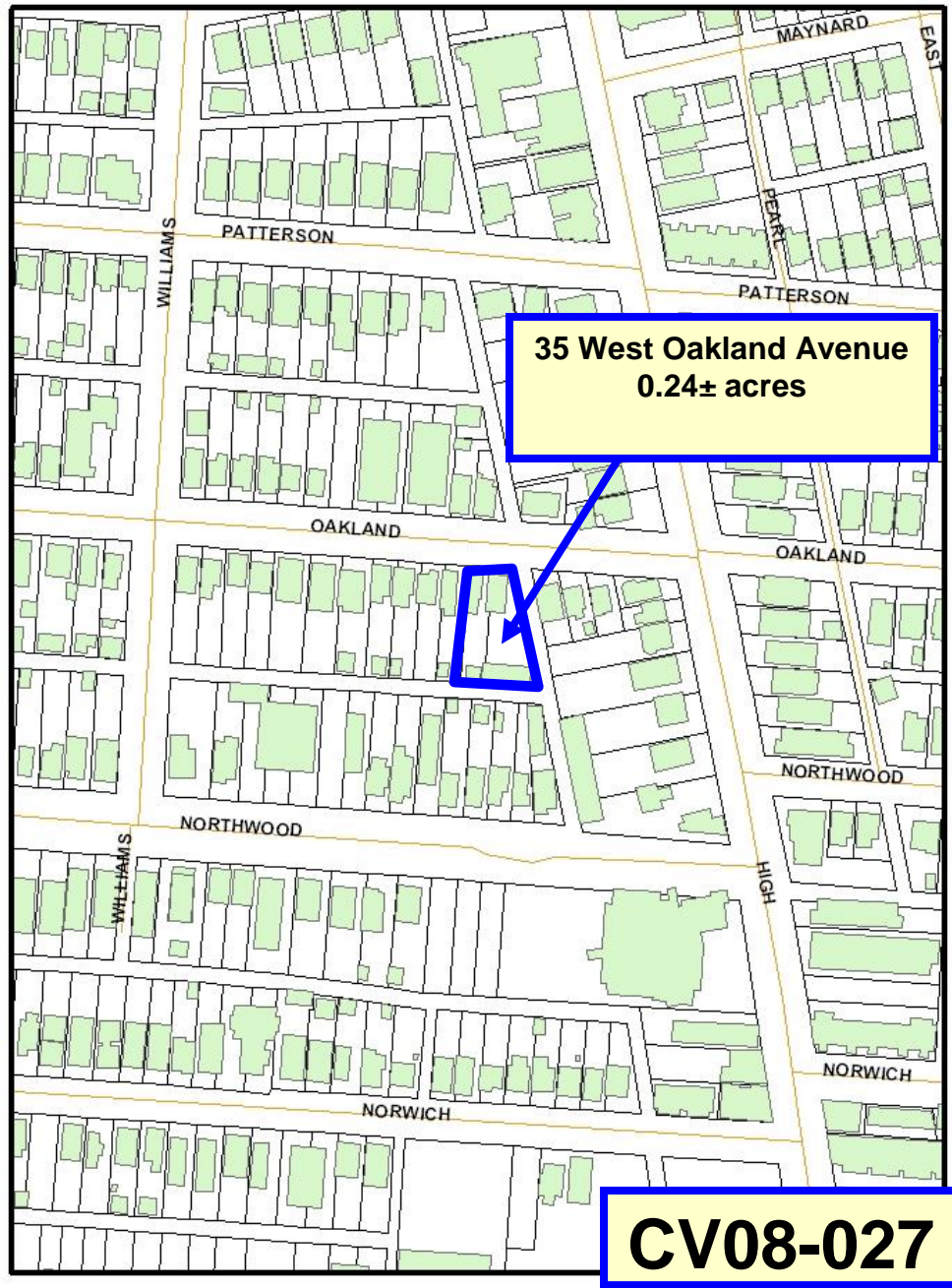
Respectfully submitted,



4-23-09

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35-37 W. Oakland Applicant: Pavey Trust. Variances required to construct a parking lot to serve tenants of multiple residential buildings.

Motion: The UAC recommends approval of the variances necessary to construct a parking lot at 35-37 West Oakland that will be limited to use of the applicant's residential tenants and will include 20 parking spaces (10 double-stacked pairs) accessed from the alley and set back from the E/W alley and Wall Street (N/S alley) by curbing and landscaping at both the E/W alley and the Wall Street (N/S alley) and with landscaping on all other areas behind the structures on these parcels and in conformance as per the restrictions on stacked parking as delineated in the University Area Urban Overlay. Vote: 14 yes; 0 no; 1 abst.

Ronald L. Hupman

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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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV08-027

Being first duly cautioned and sworn (NAME) Laura MacGregor Comek, Esq.
of (COMPLETE ADDRESS) Crabbe, Brown & James, LLP, 500 S. Front St., Ste. 1200, Col. 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

Jonathan R. Pavey, Successor Trust 10906 Pleasantview Drive Carmel, Ind. 46033 0 Columbus Based Employees Jon Pavey 317-432-5528	

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 30th day of April in the year 2009

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Dustin Elkins
4-29-12

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

Notary Seal Here

DUSTIN ELKINS
Notary Public, State of Ohio
My Commission Expires 04-29-12