

City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224

CV05-043



STATEMENT OF HARDSHIP

Chapter 3307 of Columbus Zoning Code
Section 3307.10 Variances by City Council

A. Permit a variance in the yard, height, or parking requirement 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 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 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:

Please see the attached statement with the corresponding report.

Multiple horizontal lines for additional text input.

Signature of Applicant (Signed in BLUE INK) Robert E. Caudy, SR. Partner - R&K Abertec LLC Date 7/28/05

Applicant: Robert E. Caudy, 50% owner – R & KC Adventures LLC

Statement of Hardship

The subject property is currently zoned M-2 and it is located at 1158 W. Third Avenue Columbus, OH 43212 (consisting of parcel numbers: 010-065644, 010-087601 and 010-065643) located in Franklin County. The applicant desires to use the facility as a full service veterinary facility (medical offices, treatment, boarding, grooming, etc.), a day care location for dogs, offices and warehouse space. The applicant also desires to maintain the current ability to lease warehouse space to current tenants who are currently under a contract with the current owner. Therefore, the applicant seeks the following variances from the City of Columbus Zoning Code (each has an individual statement of hardship):

1. §3342.11 (generally) & §3342.17 (a)

The proposed use of the existing parking lot is indicated on the renovation plans. The applicant seeks a hardship variance from the requirement in §3342.17 (a) for parking lot screening for parking lots located within 80 feet of a residential area and the requirement in §3342.11 for landscaping as these are an existing lots that already have designated green spaces and landscaping. The reasons that the applicant seeks a hardship variance from these two sections are that:

- (1) this is an existing building located on an existing site whose constraints don't allow us to put up screening because of curb cuts,
- (2) the applicant will put up signs that direct traffic to enter the parking lots from the north access and exit from the south access, thereby effectively nullifying any concerns that are the intent behind the parking lot screening and landscaping sections, and
- (3) The facility won't generally have customers after 8pm or before 7am, and it generally won't have workers after 10:30pm or before 6am.
- (4) To comply with screening and landscaping requirements of this section would require a complete redesign of an existing parking lot that would add significant expense to the project and reduce the available parking spaces provided.

For the above reasons, the applicant seeks a hardship variance from §3342.11 (generally) and the §3342.17 (a) requirement for parking lots within 80 feet of a residential area being required to have parking lot screening.

2. §3342.28

The applicant seeks a hardship variance from the minimum number of parking spaces required under this section. The applicant performed a general parking & traffic study (please see the attached 3-page report dated July 21st, 2005). This study indicated that a maximum of 21 spaces would be utilized during the day at peak periods based on the facility operating at full capacity. The proposed parking lot plan technically provides 27 spaces (although 1 space is used up to provide handicapped-accessible parking, which shouldn't count against the applicant). Therefore, there are 6 extra spaces provided that will allow applicant to handle any varying parking lot

needs. The applicant respectfully seeks a hardship variance from any requirement to have more than the 27 spaces due to the following hardships:

- (a) There is no more space on applicant's site plan to put additional parking,
- (b) Extra-parking is not needed based on the attached parking and traffic study performed based on the business type and the hours of operation, and
- (c) There are no parking lots near the site that allow the applicant to rent space.

For the above reasons, the applicant seeks a hardship variance from the minimum number of parking spaces required in §3342.28, for any spaces that may be required over the 27 spaces provided for on the renovation plan for the site.

3. §3356.05 E 2

The existing building is zoned M-2, however, an unlimited veterinary practice (as requested under the variance request for §3367.01 B) requires that outdoor exercise areas or therapeutic equipment be located a minimum distance of 100 feet from a residential district. Based on the proposed renovation plan, the south exercise area for boarding and day care meets this requirement. The applicant seeks a variance from §3356.05 E 2 for the north exercise area located at the northeast corner of the facility. The applicant seeks this variance under the hardship that without the fenced in exercise area, the applicant would be forced to walk animals up and down the street, which applicant feels effectively defeats the purpose of this section. The applicant would face the hardship of what to do with animals located in isolation. Walking animals from isolation through healthy animal areas is not an option as disease would spread from sick animals to healthy animals. Walking sick and healthy animals along the street risks direct and indirect contact with local sick or healthy animals. The northwest fenced-in areas allow the applicant to isolate the sick animals from contact with healthy animals at the facility and local healthy animals from neighboring property owners and it allows the applicant to prevent local sick animals from contacting the healthy animals at the facility. It also allows walking areas that separate healthy animals from sick animals within the facility. The applicant respectfully request a hardship variance from the §3356.05 E 2 requirement that outdoor exercise areas or therapeutic equipment be located a minimum distance of 100 feet from a residential district.

4. §3367.01 B

The existing building is already zoned M-2. The applicant seeks a variance from the requirement under B that only offices are allowed in M-2. The applicant desires to have offices, an unlimited practice for a veterinarian (medical offices, treatment, boarding, grooming, etc.), a day care for dogs and to maintain the ability to lease warehouse space (which is permissible under §3367.01 A). The applicant seeks this variance under the hardship that the inability of applicant to provide the full range of services for the customers impairs the applicant's ability to maintain an effective business and directly affects the applicants ability to close on the real estate as being able

to provide a full service veterinarian facility, dog day care and maintaining existing warehouse tenant relationships are contingencies in the real estate contract. Therefore, the applicant may not be able to close on the real estate deal, so effectively no business would be utilizing this facility.

5. §3367.15(a) & (d)

The existing building is already zoned M-2 and it is located less than fifty feet from the street line. The applicant seeks a variance from this requirement under (a) as to comply with this requirement would require the hardships of either moving the existing building or reducing the size of the existing building, resulting in significant additional construction costs and seriously affecting the applicants ability to use the building for the applicant's intended uses. Furthermore, applicant seeks a variance from the requirement under (d) that no portion of the fifty foot buffer be used for off-street parking or loading spaces. This effectively would eliminate all of the applicant's parking and loading spaces. This would be a serious hardship on the applicant and the applicant seeks a variance based on hardship from this requirement also.

The applicant respectfully requests all of the hardship variances above for the aforementioned reasons. In summary, these variance requests:

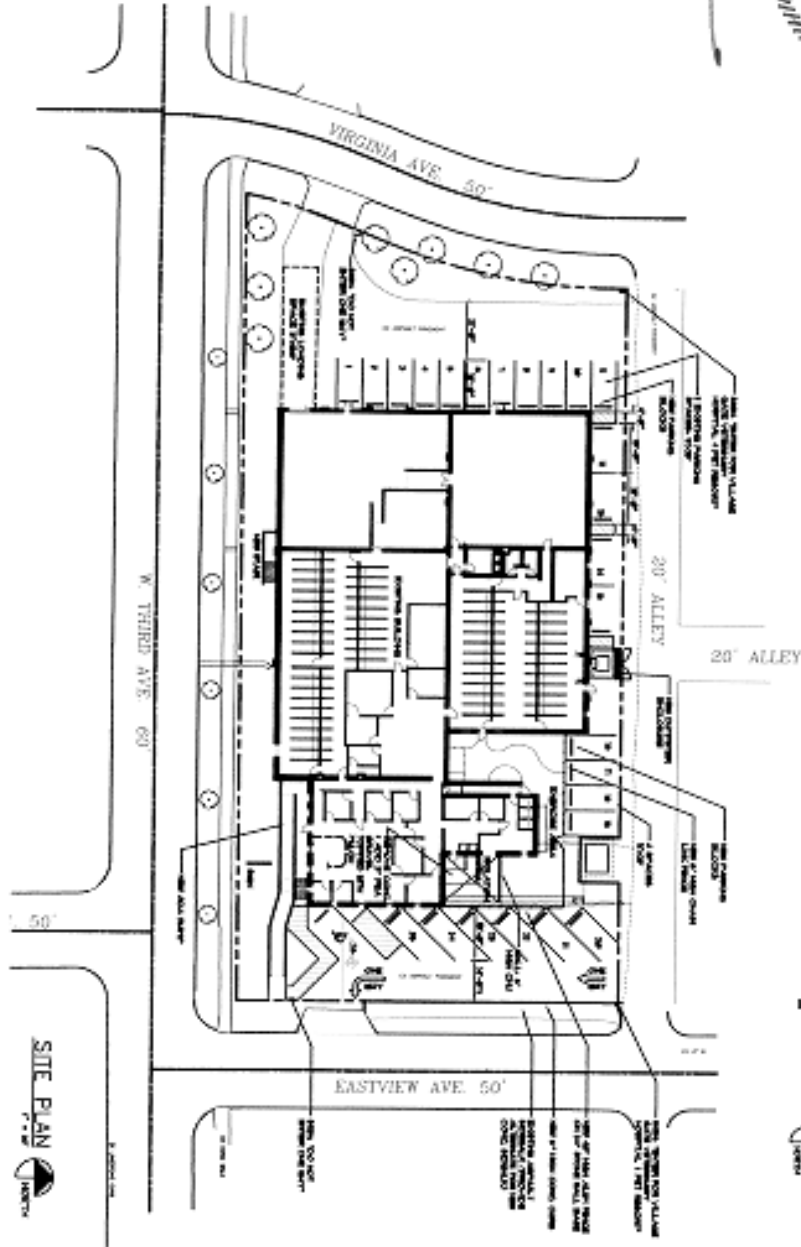
- affect significant project costs;
- affect the ability of the site to effectively function as a full service veterinary facility (medical offices, treatment, boarding, grooming, etc.), dog day care, offices and warehouse space;
- are necessary for the applicant to have the ability to close on the real estate in order to move forward with the project; and
- provide reasonable alternatives to use an existing site rather than move or demolish an existing building;

For all the reasoning mentioned, the applicant seeks a hardship variance from each of the sections mentioned, allowing the applicant to have full use of the subject property as a full service, unlimited practice of veterinarian medicine (medical offices, treatment, boarding, grooming, etc.), dog day care, offices and warehouse space for existing tenants.

CV05-043 Final Received 8/1/05 by *Sharon Fine*



RWJ



- GENERAL NOTES:**
- SEE ALL NOTES ON SHEETS CV05-043.1 THROUGH CV05-043.4.
 - SEE ALL NOTES ON SHEETS CV05-043.5 THROUGH CV05-043.8.
 - SEE ALL NOTES ON SHEETS CV05-043.9 THROUGH CV05-043.12.
 - SEE ALL NOTES ON SHEETS CV05-043.13 THROUGH CV05-043.16.
 - SEE ALL NOTES ON SHEETS CV05-043.17 THROUGH CV05-043.20.
 - SEE ALL NOTES ON SHEETS CV05-043.21 THROUGH CV05-043.24.
 - SEE ALL NOTES ON SHEETS CV05-043.25 THROUGH CV05-043.28.
 - SEE ALL NOTES ON SHEETS CV05-043.29 THROUGH CV05-043.32.
 - SEE ALL NOTES ON SHEETS CV05-043.33 THROUGH CV05-043.36.
 - SEE ALL NOTES ON SHEETS CV05-043.37 THROUGH CV05-043.40.
 - SEE ALL NOTES ON SHEETS CV05-043.41 THROUGH CV05-043.44.
 - SEE ALL NOTES ON SHEETS CV05-043.45 THROUGH CV05-043.48.
 - SEE ALL NOTES ON SHEETS CV05-043.49 THROUGH CV05-043.52.
 - SEE ALL NOTES ON SHEETS CV05-043.53 THROUGH CV05-043.56.
 - SEE ALL NOTES ON SHEETS CV05-043.57 THROUGH CV05-043.60.
 - SEE ALL NOTES ON SHEETS CV05-043.61 THROUGH CV05-043.64.
 - SEE ALL NOTES ON SHEETS CV05-043.65 THROUGH CV05-043.68.
 - SEE ALL NOTES ON SHEETS CV05-043.69 THROUGH CV05-043.72.
 - SEE ALL NOTES ON SHEETS CV05-043.73 THROUGH CV05-043.76.
 - SEE ALL NOTES ON SHEETS CV05-043.77 THROUGH CV05-043.80.
 - SEE ALL NOTES ON SHEETS CV05-043.81 THROUGH CV05-043.84.
 - SEE ALL NOTES ON SHEETS CV05-043.85 THROUGH CV05-043.88.
 - SEE ALL NOTES ON SHEETS CV05-043.89 THROUGH CV05-043.92.
 - SEE ALL NOTES ON SHEETS CV05-043.93 THROUGH CV05-043.96.
 - SEE ALL NOTES ON SHEETS CV05-043.97 THROUGH CV05-043.100.

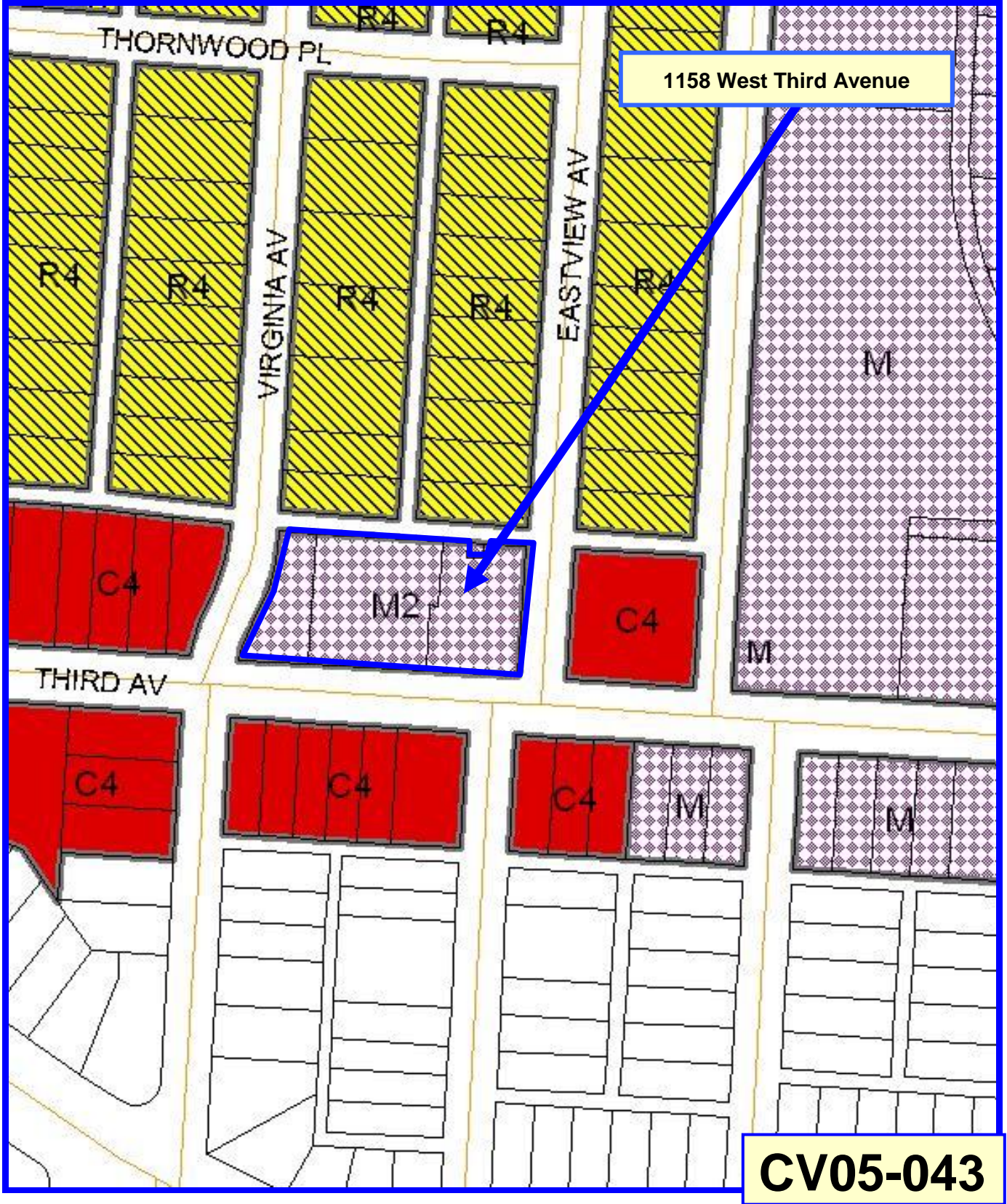


SITE PLAN

<p>SP1</p>	<p>Renier Construction 3164 Chagrin Drive, Columbus, Ohio 43219 (614) 866-4380 Fax: (614) 866-0115 www.renier.com</p>	<p>DATE: 8/1/05</p> <p>BY: RWJ</p>	<p>BLANCHARD, INC. ARCHITECTS</p>	<p>VILLAGE GATE ANIMAL HOSPITAL & PET RESORT, LLC. 1150 West Third Avenue Columbus, Ohio</p>
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GENERAL INFORMATION

1. ZONING DISTRICT: M2
2. SITE AREA: 0.84 ACRES
3. BUILDING AREA: 17,739 SF EXISTING
4. EXISTING BUILDING HEIGHT: 25'-0"
5. USE GROUP: MIXED USE: "B" VET CLINIC, "S.1" STORAGE
6. PARKING: A. PARKING REQUIRED IF NEW BUILDING: 71 SPACES
17,739 SF / 250 = 71 SPACES (VET CLINIC AREA)
B. PARKING REQUIRED CURRENT USE: 7838 SF OFFICE / 300 = 27
9901 SF WAREHOUSE / 1000 = 10
OLD REQUIREMENT = 37 SPACES
NEW REQ'D 71 MINUS OLD REQ'D. 37 = 34 + 9 SPACES ON SITE = 44 SPACES NEW REQ'D.
44 SPACES MINUS 27 CODE CONFORMING SPACES (RECONFIGURED) = 17 SPACES DEFICIENT
17 SPACES FOR VARIANCE
C. MINIMUM AISLE WIDTH: 20'-0" (13'-0" AT ONE WAY)
D. MINIMUM PARKING SPACE: 9'-0" X 18'-0"
7. LIGHTING FOR THE PARKING LOT AREA SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF COLUMBUS ZONING CODE, SECTION 3342.12.
WHEEL STOP DEVICES SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF COLUMBUS ZONING CODE SECTION, 3342.26.
8. THE SURFACE OF THE NEW PARKING LOT SHALL BE ASPHALTIC CONCRETE IN CONFORMANCE WITH SECTION 3342.24. DRAINAGE SHALL CONFORM TO THE STANDARDS OF THE DIVISION OF SEWAGE AND DRAINAGE.
9. STRIPING AND MARKING OF THE PARKING LOT SHALL BE IN ACCORDANCE WITH SECTION 3342.23.
10. SITE IS IN FLOOD "ZONE X", MAP FEMA LOMR
11. DUMPSTER SHALL COMPLY WITH SECTION 3342.09.
12. ALL GRAPHICS SHALL BE SETBACK A MINIMUM OF 15' FROM R/W LINES.



CV05-043



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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 # CV05-043

Being first duly cautioned and sworn (NAME) Robert E. Caudy, 50% owner - R & KC Adventures LLC
of (COMPLETE ADDRESS) 1167 Michigan Avenue Columbus, Ohio 43201
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. Meadowsview Investments LLC P.O. Box 21562 Columbus, OH 43221-0562 Zero employees (100% ownership - James G. Scaras) Contact: C. William Klausman - attorney (614) 221-5216	2. R & KC Adventures LLC 1167 Michigan Avenue Columbus, OH 43201 Zero employees (50% ownership each: Robert & Kristin Caudy) Contact: Robert Caudy (50% owner) (614) 578-4921
3. Village Gate Animal Hospital & Pet Resort LLC 1167 Michigan Avenue Columbus, OH 43201 Currently no employees (Projected for 15+) Contact: Robert Caudy - Business Manager (614) 578-4921 100% ownership - Kristin Caudy	4.

SIGNATURE OF AFFIANT

Robert E. Caudy (50% owner R & KC Adventures LLC)

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

SIGNATURE OF NOTARY PUBLIC

Toni L. Quest

My Commission Expires:

Sept. 3, 2007

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

Notary Seal Here



TONI L. QUEST
Notary Public, State of Ohio
My Commission Expires 09-03-07