



CV07-048

**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:

---



---

See Exhibit "B"

---



---



---



---



---



---

Signature of Applicant: Donald Paulk Date 3-25-08

## EXHIBIT B

## STATEMENT OF HARDSHIP

1003 Concord Avenue, Columbus, OH 43212

CV07-048

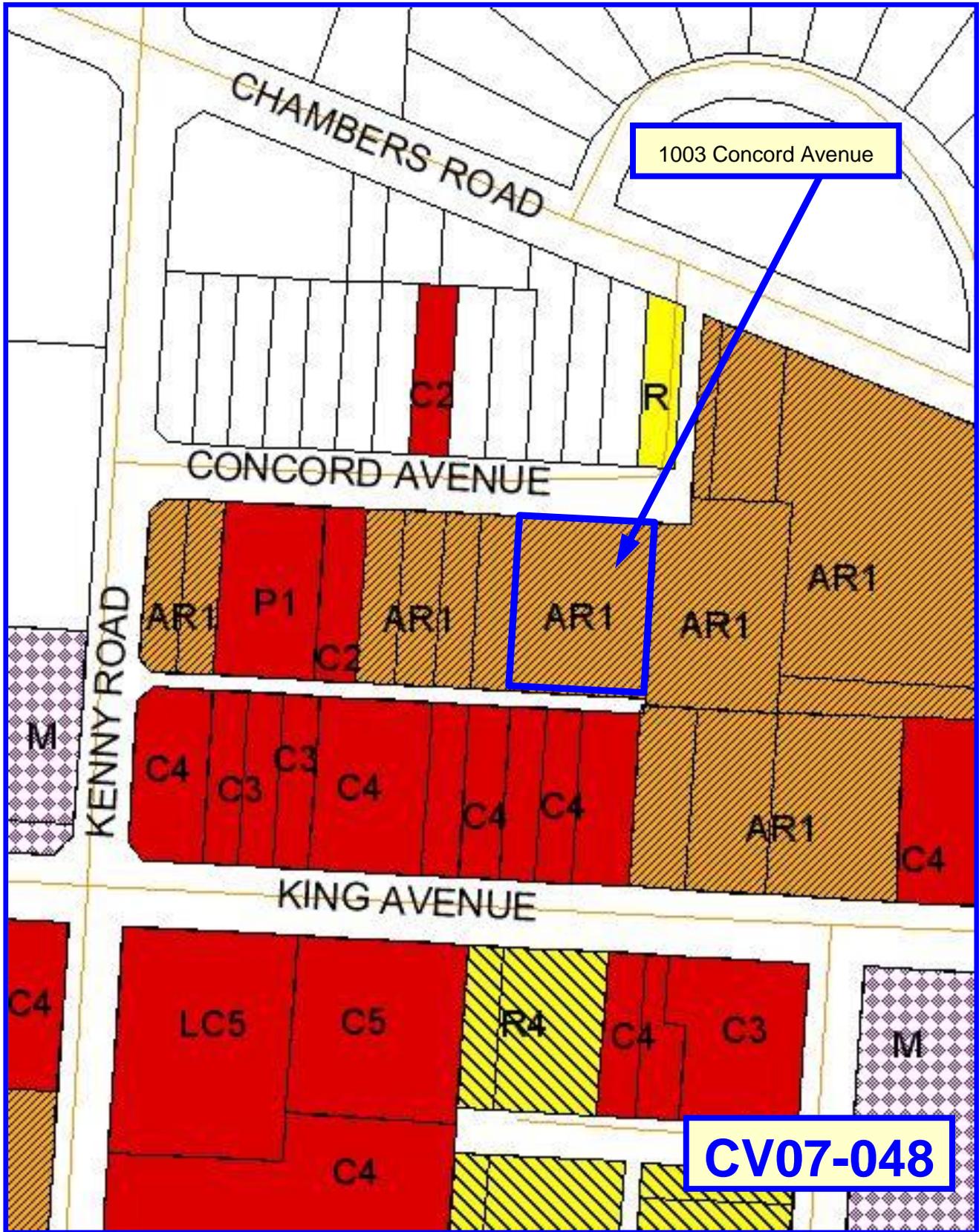
The 0.352 +/- acre site is located on the south side of Concord Avenue, 330 +/- feet east of Kenny Road. The site is zoned AR-1, Apartment Residential (Case # 873, March 15, 1960), but is developed with an 8,600 square foot industrial/warehouse building that predates annexation to the City of Columbus. Ordinance 659-97, passed September 15, 1997 (CV97-017) permits specified uses which applicant seeks to augment by this application. A practical difficulty exists in that the building is a non-residential building zoned in a residential district. With Ordinance 659-97, staff indicated a preference for the variance mechanism due to residential uses in the area. Applicant has a practical difficulty in using the building for additional uses because of the residential zoning and therefore seeks this additional variance to permit additional uses.

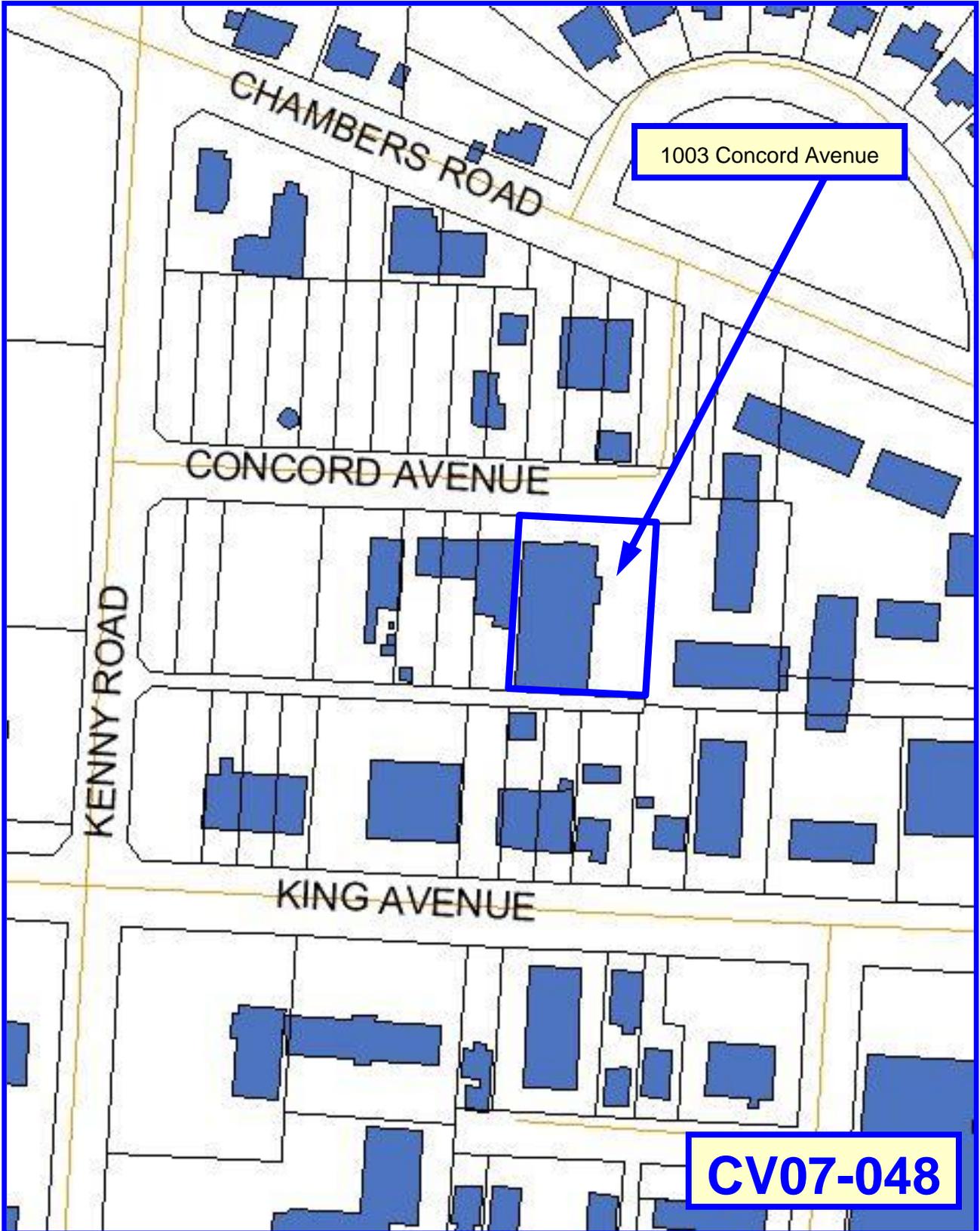
Applicant requests the following variances:

- 1) Section 3332.02, AR-12, ARLD and AR-1, Apartment Residential District, to permit the following uses: all uses of the C-2, Commercial District, except Monopole Telecommunication antennas; window blind cleaning business, metal products, box and crate fabrication, plumbing supplies, sheet metal products, wood products, food and beverage products, as listed in 3363.07, monument shop and motion picture production, as presently permitted; and automobile repair and restoration (all repair and restoration to be conducted inside, and no storage/parking of damaged/inoperable vehicles outside the building), and automobile storage (inside).
- 2) Section 3333.18, Building Lines, to permit the existing dumpster box to be located in the Concord Avenue building setback.
- 3) Section 3333.23, Minimum Side Yard Permitted, which section requires a minimum side yard of five (5) feet, while the existing west side yard of the existing building side yard varies from 4 feet to 3.1 feet.
- 4) Section 3333.24, Rear Yard, requires that a principal building shall be erected so as to provide a rear yard totaling no less than twenty-five percent (25%) of the total lot area, while the building is existing and was constructed prior to being annexed to the city, but is not in compliance with current rear yard requirements of the AR-1, Apartment Residential District since a rear yard of 0.8% exists adjacent to the south alley.
- 5) Section 3342.15, Maneuvering, requires adequate maneuvering for every parking and loading space, while access for existing overhead doors on the

north and east walls of the building require maneuvering in the existing adjacent right of way and four (4) existing parking spaces located along the north wall of the building maneuver into the Concord Avenue (50') right of way. The dumpster box is also located along the north wall of the building requiring the Concord Avenue right of way to be used for access to and maneuvering for the dumpster box.

- 6) Section 3342.28, Minimum Number of Parking Spaces Required, requires up to 29 parking spaces for use of the building for general offices, while there are 14 existing parking spaces, which may be reduced to 12 parking spaces, if required due to future provision of an ADA compliant parking space.





1003 Concord Avenue

CV07-048



**CV07-048**

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



**STANDARDIZED RECOMMENDATION FORM**

FOR USE BY: AREA COMMISSIONS / CIVIC ASSOCIATIONS / ACCORD PARTNERS

GROUP NAME 5th By Northwest MEETING DATE Jan./08

CASE NUMBER CV07-048 Case type  Council Variance  Rezoning BZA

ZONING ADDRESS 1003 Concord Ave APPLICANT Dave Perry

PERSON(S) REPRESENTING APPLICANT AT MEETING Dave Perry

CONDITIONS REQUESTED BY GROUP (Add continuation sheet if needed)  
Area commission see note at the bottom.

Applicant Response

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Recommendations

Approval  Disapproval  Conditional approval (list conditions and applicant response)  
 Explain the basis for the Approval, Disapproval or Conditional Approval below (Add continuation sheet if needed.)

Recommending Commission / Association / Accord Partner Vote: For 7 Against 0

Signature / Title of Authorized Representative Andrew Byerly

Daytime phone number 614-747-1342

NOTE TO AREA COMMISSIONS; Ordinances sent Council will contain only recommendations for "Approval" or "Disapproval." Recommendations for "Conditional Approval" will be treated as a "Disapproval." If, at the time the ordinance is sent to Council, any condition that has checked "No" on the Standardized Recommendation Form has not been resolved as documented in writing by the recommending body or party.

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

CV07-048

**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 # CV07-048

Being first duly cautioned and sworn (NAME) Donald Plank  
of (COMPLETE ADDRESS) Plank & Brahm, 145 E. Rich St., 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 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

<p>T&amp;P Services, LLC C/o Tom James 1003 Concord Avenue Columbus, Ohio 43212 # of Employees: 1 Contact: Tom James (614) 937-1020</p>	
---	--

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

SIGNATURE OF AFFIANT Donald Plank

Subscribed to me in my presence and before me this 25th day of March, in the year 2008

SIGNATURE OF NOTARY PUBLIC Stacey L. Danza

My Commission Expires: 11-05-08

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



STACEY L. DANZA  
Notary Public, State of Ohio  
My Commission Expires 11-05-08