

[illegible]

SUBMITTED FOR APPLICANT BTOM LLC BY:  
Theresa M. Roberts  
THADERUS M. ROBERTS  
ATTORNEY FOR APPLICANT  
6/21/20  
DATE

DATE 6/21/2018

CV18-030 FINAL RECEIVED 6/21/18

PAGE 1 OF 1

## Council Variance Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • [www.columbus.gov/bzs](http://www.columbus.gov/bzs) • [zoninginfo@columbus.gov](mailto:zoninginfo@columbus.gov)

### STATEMENT OF HARDSHIP

Application #: CV18-030

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.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.**

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(s) requested as detailed below (use separate page if needed or desired):

Please see attached.

Signature of Applicant

Date\_\_\_\_\_

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

**STATEMENT OF HARDSHIP IN SUPPORT OF VARIANCE APPLICATION**

**Zoning Number: 5089**

**Parcel ID: 570-298034**

**Applicant: BT OH LLC (property owner)**

**Introduction**

The applicant and property owner, BT OH LLC, is a subsidiary of United Parcel Service (UPS). The subject property was purchased in March 2018 from Norfolk Southern Railway and split from the adjacent rail right-of-way prior to purchase. The properties to the north and west are also owned by BT OH LLC and used to support UPS operations **but the adjacent parcels are in different taxing jurisdictions**. The right-of-way for I-70 borders the southern side of the property, and the eastern side of the property borders the Norfolk Southern rail right-of-way. The property encompasses 1.478 ± acres.

At this time, the property is zoned R-Residential. The applicant has applied for a rezoning of the property to M-2, to align with the zoning of the adjacent UPS parcels. The parcel is separated from residential uses by the railway, such that it is approximately 410 feet from the nearest residential parcel.

The applicant's goal is to use the property to expand area for parking/storing shipping containers. The requested variances would: permit parking as a primary use on this parcel, servicing the adjacent parcels; enable setbacks consistent with approved setbacks for the adjacent parcel north of the property, which is located in Prairie Township; and reduce the interior landscaping requirement from 5 to 0 due to the nature of the use. The applicant also requests a variance allowing construction of an 8-foot tall fence 25 feet from the right-of-way/property line of I-70. This is requested for increased security of access from the adjacent I-70 and railway rights-of-way.

**Sections of Code to Be Varied**

§3312.27 – Parking Setback (on the north side: reduce from 25' to 0'; on the east side, reduce from 25' to 4'; on the west side, reduce from 25' to 4')

§3312.21(A) – Interior Landscaping (reduce required interior landscaping trees from 5 to 0)

§3367.15(a) – Fifty-Foot Setback (reduce setback from 50' to 25' to permit construction of 8' fence)

§3367.15(d) – Fifty-Foot Parking Setback (reduce setback from 50' to 25' from I-70 for parking)

§3367.01 – M-2 Permitted Uses (permit parking in service of adjacent M-2 parcels as a primary use)

**Compliance with Council Variance Factors**

1. *Whether unusual and practical difficulties in carrying out the zoning district provisions due to an irregular shape of lot, topography, or other conditions exists.*

For Variance to §3367.01 – M-2 Permitted Uses

Unusual and practical difficulties arise in that development of this small parcel for independent use is impractical due to its size and lack of frontage to the street. The highest and best use of this parcel is to support the adjacent parcel housing M-2 permitted uses, by United Parcel Service (UPS) at Parcel ID No. 560-205289. The parcel to the north is located in Prairie Township and also is used as parking in support of operations at 560-205289. **The parcels cannot be combined because they are in separate taxing jurisdictions (subject property in 570; adjacent parcels in 560 and 241).**

For Variances to §3312.27, Parking Setback; §3312.21(A), Interior Landscaping; §3367.15(a), Fifty-Foot Setback; §3367.15(d), Fifty-Foot Parking Setback

Unusual and practical difficulties arise in complying with the setback and interior landscaping provisions of Code at this site. The site is bordered to the north by a parcel in Prairie Township, and on the west by another parcel under common ownership with parking lot. The setback variance is being requested so that the setback of the parking lot will harmonize with the setback on the adjacent parcel, and so that the lot will abut the parking lot on the adjacent parcel. **The parcels cannot be combined because they are in separate taxing jurisdictions (subject property in 570; adjacent parcels in 560 and 241).**

The interior landscaping provisions present practical difficulties because this lot will be used by semi-trucks and trailers, and so the interior landscaping requirement of one tree island per 10 spaces presents difficulty with maneuvering these vehicles and trailers throughout the lot.

The setback variance for the fence is requested to efficient use of the site due to the unusual site condition of abutting I-70 right-of-way on the south and railroad right-of-way on the east.

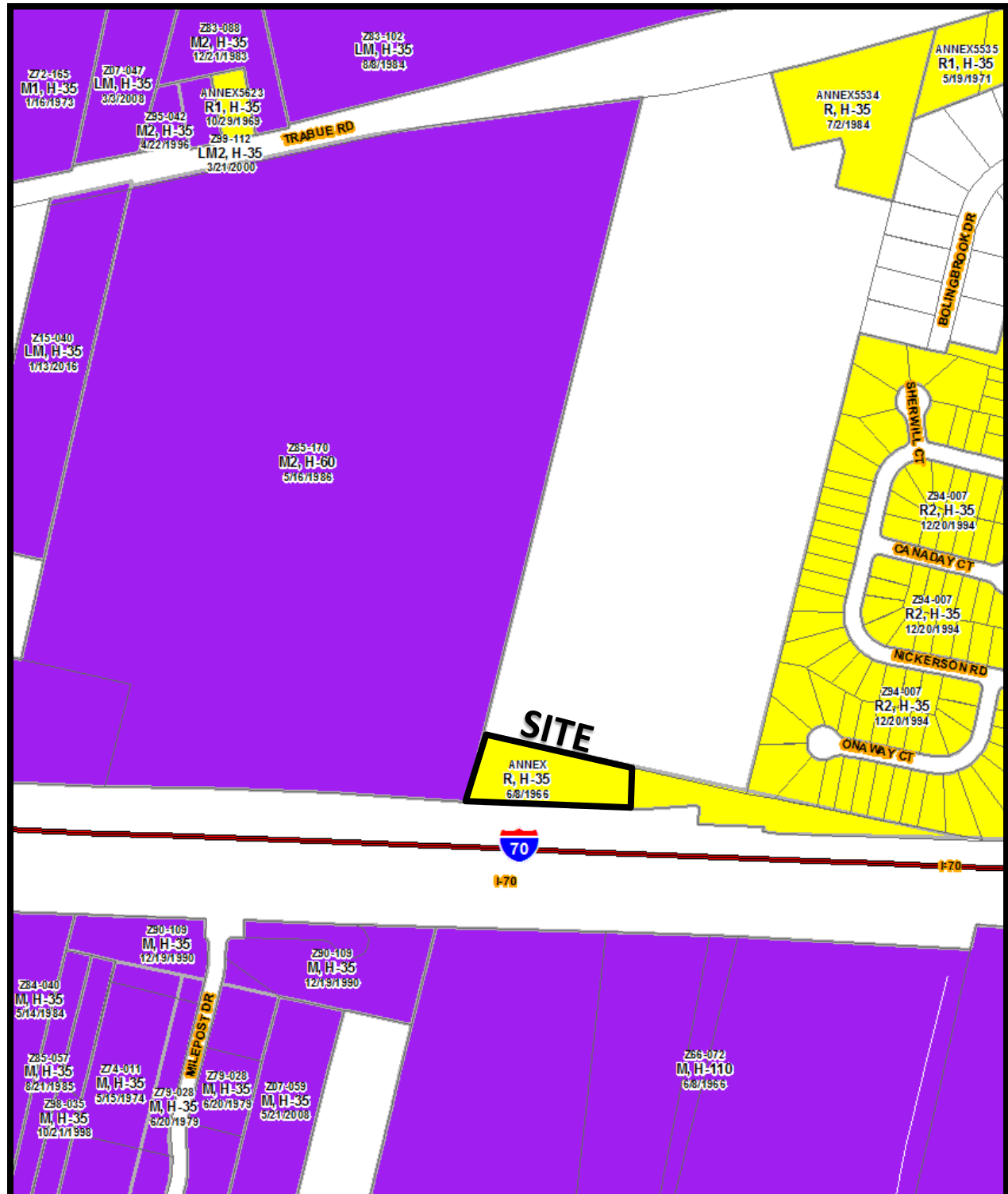
*2. Whether the variance will seriously affect any adjoining property or the general welfare.*

The property is bounded on two sides by rights-of-way, and cannot be combined with the adjacent parcels on the other two sides due to their location in separate taxing districts (the adjacent parcels to the west and to the north are also owned by the applicant, but are in the 560 and 241 taxing districts, respectively). For the property to achieve reasonable return and beneficial use, it must be used in coordination with these adjacent parcels. The requested variance to permit parking as a primary use would benefit adjoining properties and would not harm the general welfare. The requested variances would align the standards for this property with approved standards for the adjacent parcels.

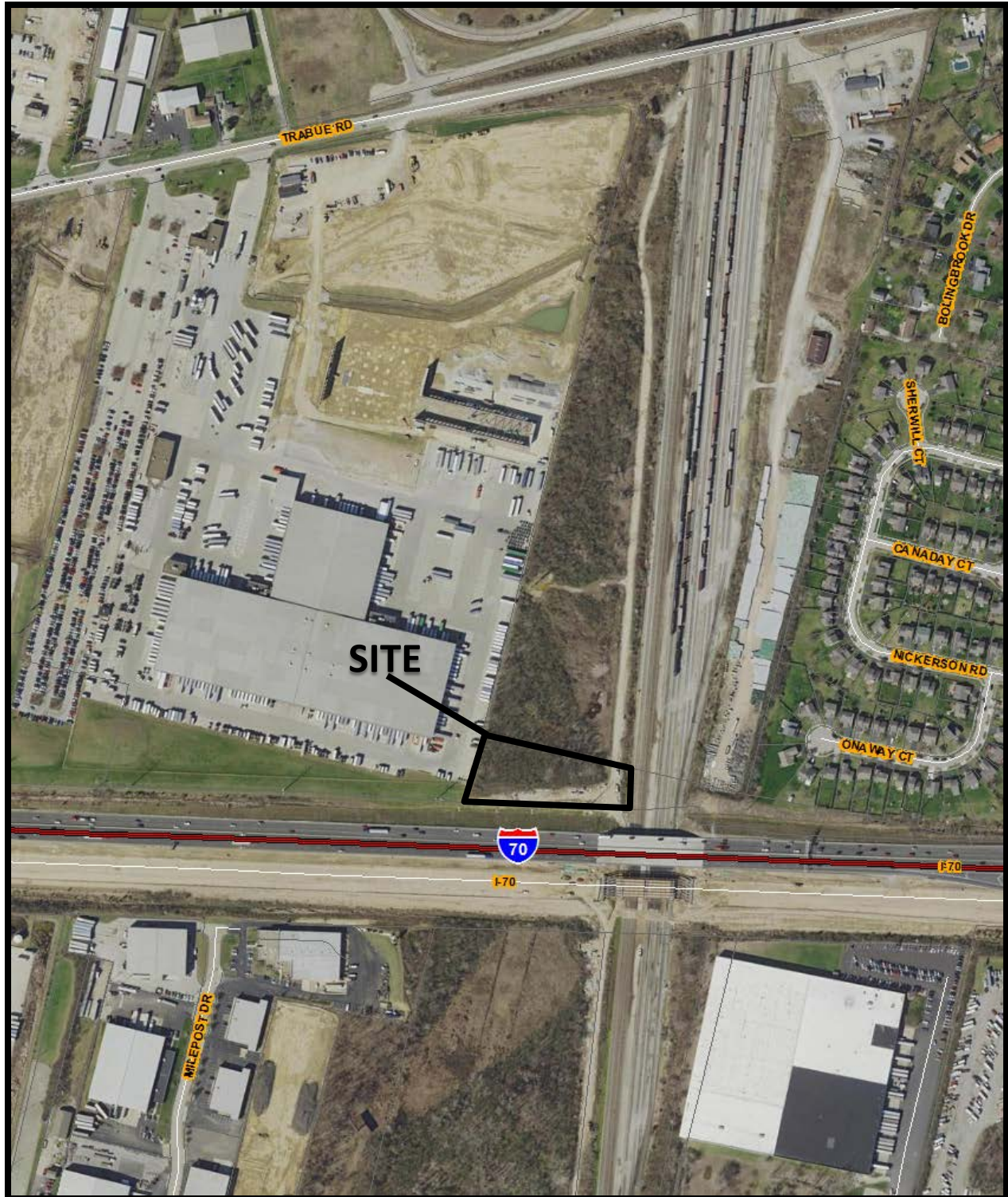
The subject property is over 400 feet from the nearest residential use, separated by railroad tracks. The requested variances would have no effect on the character of the neighborhood. The requested variances would have no effect on the delivery of governmental services.

The requested variances are not substantial in the context of the subject property.  
The requested variances are necessary to make the best use of the property.





CV18-030  
5089 Trabue Road  
Approximately 1.48 acres



CV18-030  
5089 Trabue Road  
Approximately 1.48 acres



**Council Variance Application**

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov • zoninginfo@columbus.gov

**PROJECT DISCLOSURE STATEMENT**

All parties having a 5% or more interest in the project that is the subject of this application should be listed.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.APPLICATION #: CU18-030STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) THADDEUS M. BOGGS  
 of (COMPLETE ADDRESS) 10 WEST BROAD ST., STE. 2300, 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. BT OH LLC 55 GLENLAKE PARKWAY NE ATLANTA, GA 30328 c/o JOHN WRIGHT 901-573-3495 <i>Appt. 1800 (varies)</i>	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 24<sup>th</sup> day of April, in the year 2018

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

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

Cynthia A. Bickham  
 Notary Public, State of Ohio  
 Licking County

My Commission Expires April 10, 2017 2022

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**  
 Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
 Please make all checks payable to the Columbus City Treasurer