

David Hodge

CV19-044; Final Received 9/20/19

NEW OFFICE & TOOL STORAGE BUILDING PLANS FOR:

DONLEY CONCRETE

2475 BRICE ROAD
COLUMBUS, OHIO 43232

Kelly Architectural Services, Inc.

2960 Pinkerton Road - Zanesville, Ohio 43701
Phone: 740.454.2334 - Fax: 740.454.4898 - Email: kelly.architectural@gmail.com

SITE PLANS

SHEET: L-1

**Council Variance Application**

111 North Front Street, Columbus, Ohio 43215

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

STATEMENT OF HARDSHIPApplication #: CV19-044

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 Statement of Hardship.

Signature of Applicant By:

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

Property Address: 2455 and 2475 Brice Road
Parcel ID: 010-017977, 010-182944, and 010-019424
Owner: David Donley
 P.O. Box 272
 Pickerington, Ohio 43147; and
 Hector Cruz-Hernandez &
 Yanet Causor Salgado
 7534 Canal Highlands Boulevard
 Canal Winchester, Ohio 43110
Applicant: David Donley
 P.O. Box 272
 Pickerington, Ohio 43147
Attorney: David Hodge
 Underhill & Hodge
 8000 Walton Parkway, Suite 260
 New Albany, Ohio 43054
 david@uhlfirm.com
Date: September 18, 2019

The Applicant submits this Statement of Hardship in support of its Council Variance Application. The Site is located on the west side of Brice Road, immediately north of the Interstate 70 on ramp. The site consists of three parcels, PID: 010-017977, 010-182944, and 010-019424, is zoned C-4, Regional Scale Commercial, and is bordered on the north and west by C-4 property. These properties were developed with a Bob Evans and a Chi Chi's restaurant, but have long sat vacant and derelict. The applicant seeks this Council Variance to preserve the underlying appropriate commercial use and development rights, and to use the property for the foreseeable future for a flex-office use. The applicant will be relocating to this property from his present location in Pickerington along with 55 new jobs to the City of Columbus.

The site is not subject to a commercial overlay nor a planning overlay and it is not a historic site. The site is located within the boundaries of the Far East Area Commission. The Site is also located within the McNaughten-Brice Subarea of the recently adopted Far East Land Use Plan (C2P2). The Plan recommends Mixed Use 2 use classification for the Site. This is a Commercial classification with residential uses supported at 24-45 dwelling units per acre. The designation does not require a mix of uses, but instead promotes mixed use development where it is a viable development scenario. This Site is not subject to an Area Specific Policy of the Plan.

The Applicant proposes the development of an approximately 5,000 square foot office space for his concrete contracting business home office, attached to approximately 28,000 square feet of warehouse and interior space for vehicles used in the daily operation of the property. The development will strive to implement C2P2 Design Guidelines in its construction.

Applicant respectfully requests the following council and area variances:

1. Section 3356.03 – C-4 Permitted Uses. Applicant requests a council variance to Section 3363.03 to allow redevelopment of the property as a flex office use for a concrete contracting company.
2. Section 3312.27 – Parking Setback. This section requires a parking setback of 10 feet from the street right-of-way line, while the Applicant proposes to maintain parking setback lines of 0 feet.
3. Section 3356.11 – C-4 District Setback Line. This section requires a building setback line of 80 feet along Brice Road and 25 feet along Lake Club Drive and the freeway ramp, while the Applicant proposes a building setback line of zero feet for an 8' tall fence along the perimeter of the property.

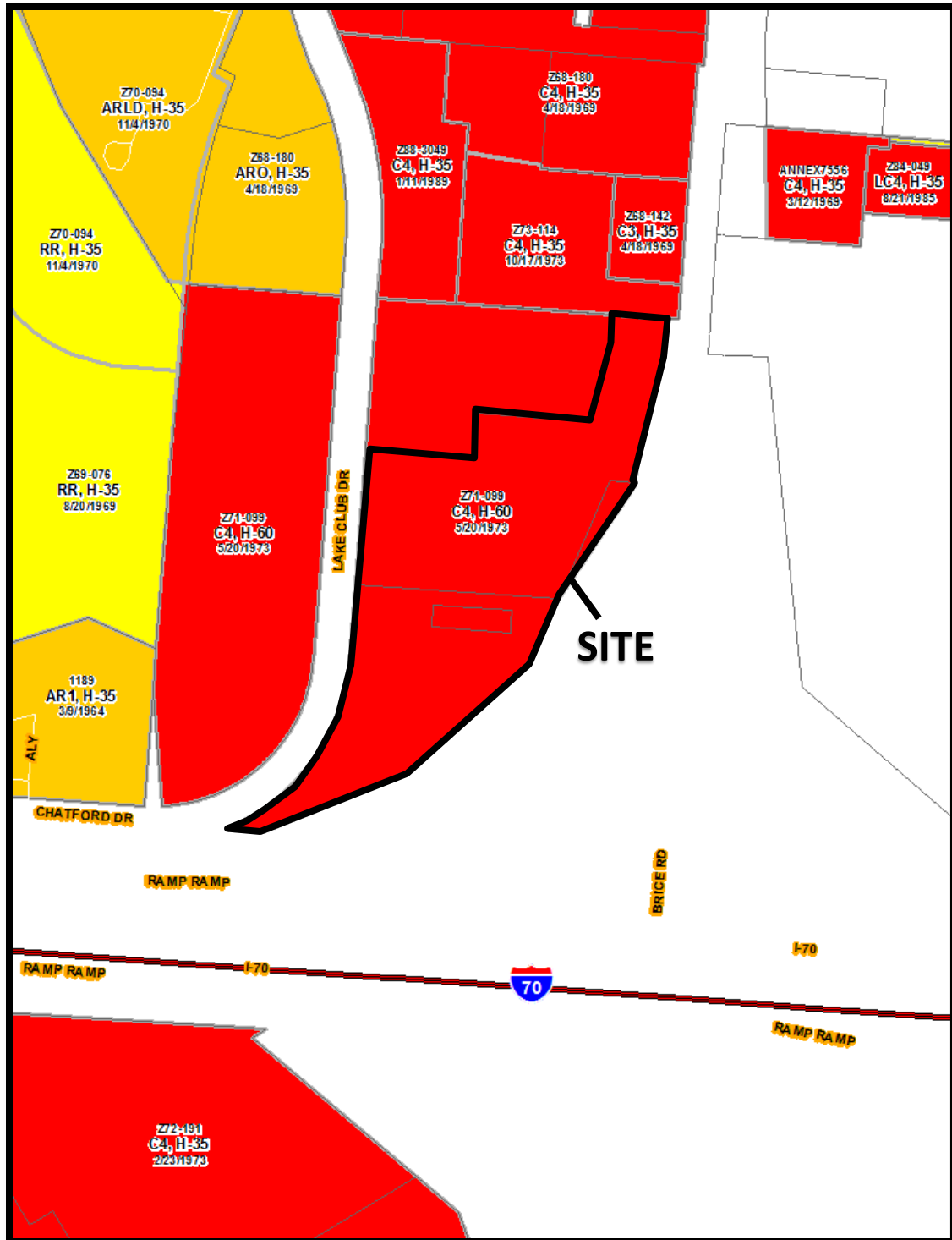
The proposed use will not adversely affect the surrounding property or surrounding neighborhood. The surrounding properties are all zoned C-4 for regional scale commercial use. Further, most of the Site's western boundary is bordered by the Brice Road on-ramp to Interstate 70. Applicant's proposed vehicle storage is a less objectionable warehouse use and its scope is limited so that objectionable uses cannot be on the Site in the future.

The Applicant respectfully requests the Columbus City Council weigh these factors in its consideration and find that denial of the requested use variance would result in an unnecessary hardship. The requested use variance will not impair 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

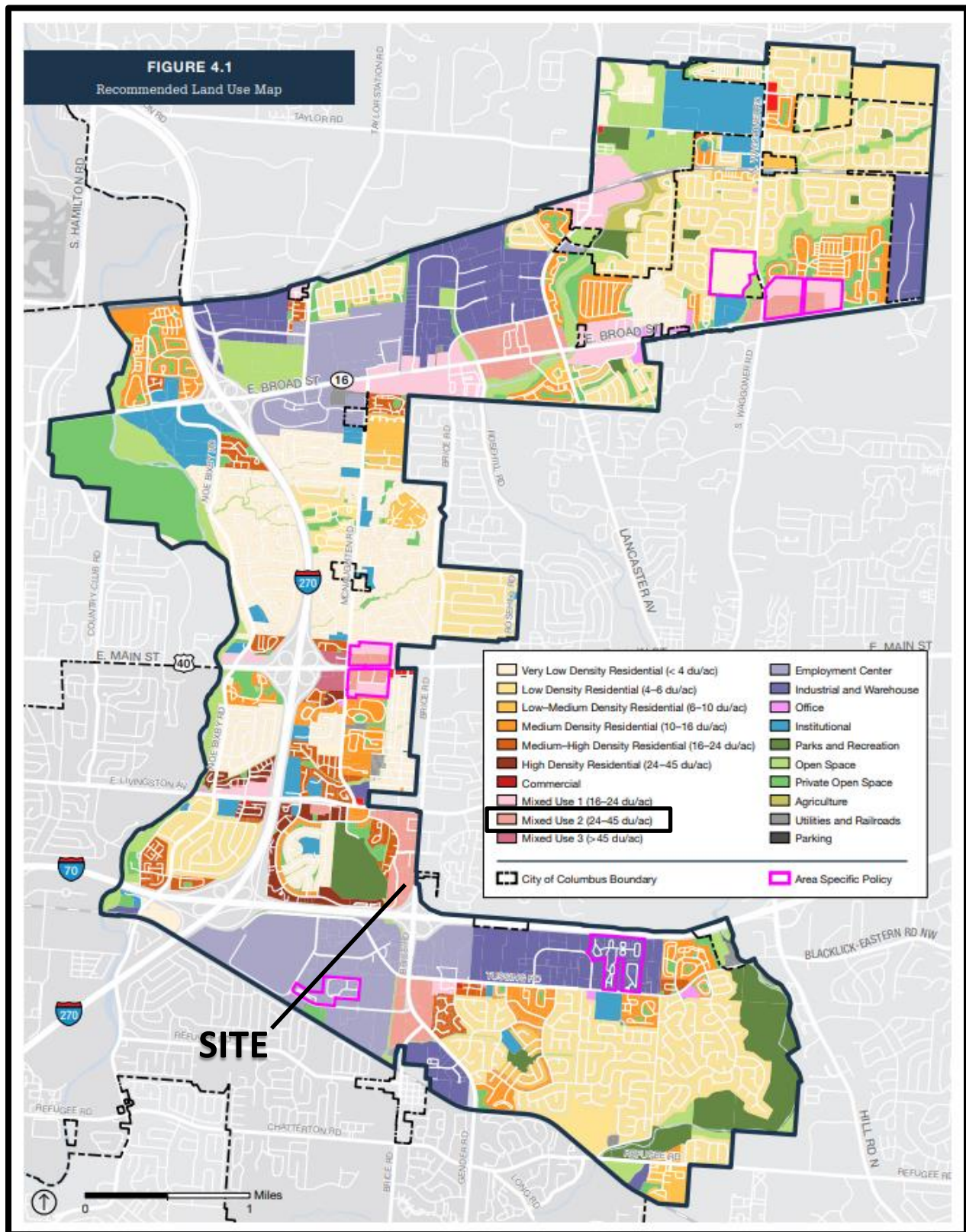
The proposed parking setback reduction is requested as a result of practical difficulties. The shape of the Site is so oddly shaped that, for an approximate 33,000 square foot structure to fit, parking must be pushed toward the right-of-way to ensure that there is safe circulation and appropriate numbers of parking provided. The requested area variance is not substantial and does not substantially alter the neighborhood. It is common that properties on the west side of Lake Club Drive either have reduce parking setbacks or at least pavement which goes very close to Lake Club Drive. The variance would not adversely affect the delivery of governmental services. The Applicant submits that the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Respectfully submitted,

/s/ David Hodge



CV19-044
2455 & 2475 Brice Road
Approximately 5.19 acres



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Standardized Recommendation Form

ORD #2476-2019; CV19-044; Page 8 of 9
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FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW
(PLEASE PRINT)

Case Number: CV19-044

Address: 2455-2555 BRICE RD

Group Name: FAR EASTA REA COMMISSON

Meeting Date: MAY 7, 2019

Specify Case Type:

☐ BZA Variance / Special Permit

☒ Council Variance

☐ Rezoning

☐ Graphics Variance / Plan / Special Permit

Recommendation:

(Check only one and list basis for recommendation below)

☒ Approval

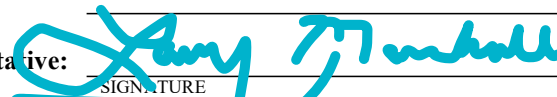
☐ Disapproval

NOTES:

WITH A QUORUM OF 5 COMMISSIONERS VOTED UNANIMOUSLY TO APPRLOVE THE APPLICATION AS SUBMITTED. MR DONLEY RELATED TO THE COMMISSIONERS THAT THE REASON HE HAD NOT MOVED HIS OFFICE TO OUR AREA (DELLTA MARINE) SEVERAL YEARS AGO WAS "GREEN EARTH" 2932 BRICE ROAD BECAUSE OF THE AIR AND WATER POLLUTION AND THE APPARAENT CONTINUED VIOLATION OF CITY CODES BY THAT OPERATION. HIS APPREHENMSIONS HAVE BEEN FURTHER SUBSTNTIATED BY THE ALLOWENCE OF GREEN EARTH TO HAVE A SPECIAL USE PERMIT OVER THE STRONG OBJECTIONS OF THE FEAC.

Vote:

Signature of Authorized Representative:



SIGNATURE

FEAC ZONING CHAIR

RECOMMENDING GROUP TITLE

614 619 3278

DAYTIME PHONE NUMBER

Please e-mail this form to the assigned planner within 48 hours of your meeting day; or FAX to Zoning at 614-645-2463; or MAIL to: Assigned Planner, City of Columbus, Department of Building & Zoning Services, 111 N. Front St, Columbus, OH 43215.

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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 #: CW19-044STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge
of (COMPLETE ADDRESS) Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
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. David Donley Donley Concrete P.O. Box 272 Pickerington, Ohio 43147	2. Hector Cruz-Hernandez & Yanet Causor Salgado 7534 Canal Highlands Boulevard Canal Winchester, Ohio 43110
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 23rd day of April, in the year 2019

SIGNATURE OF NOTARY PUBLIC

Notary Public, State of Ohio expires:



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

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

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