

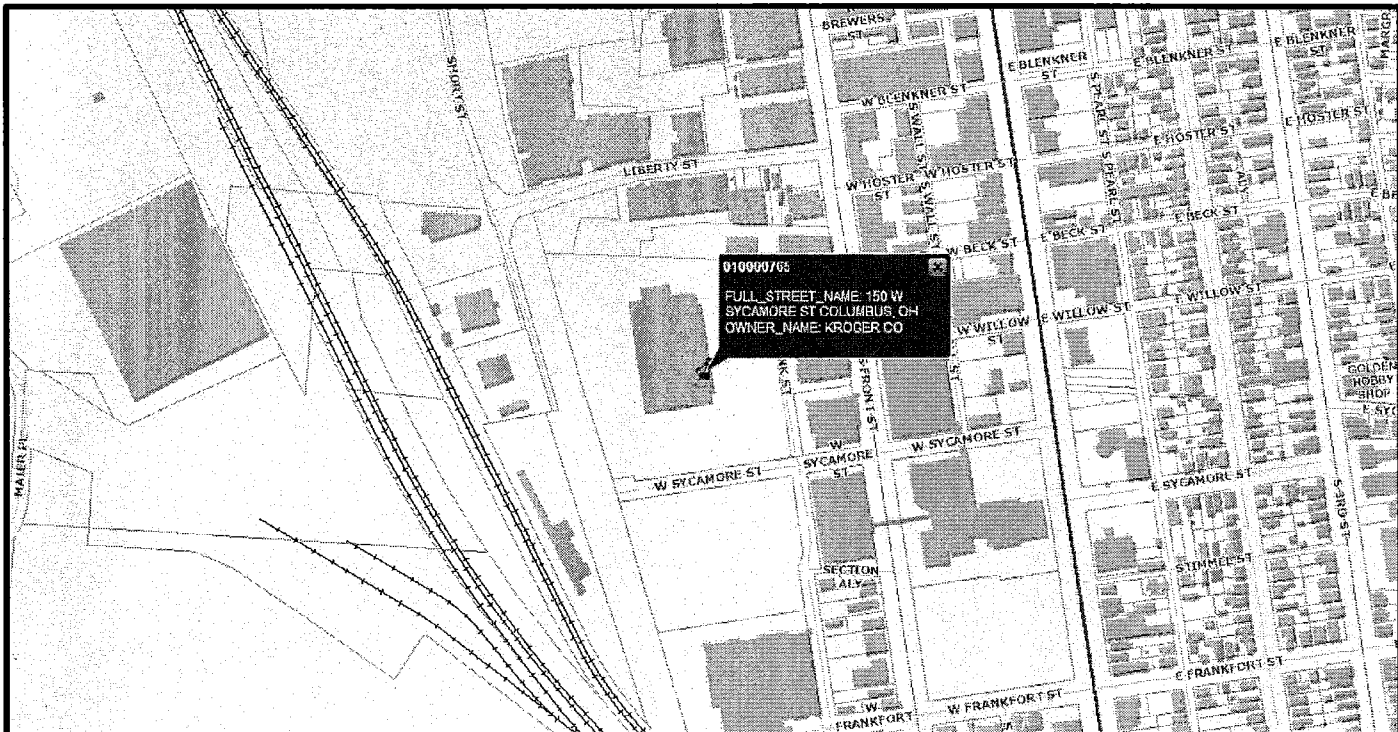


General Zoning Inquiries: 614-645-8637

Parcel Number: 010000765

Airport Overlay Environs: N/A

Graphic Commission: N/A



THE CITY OF
COLUMBUS
MICHAEL B. COLEMAN, MAYOR

Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE 11111111

Application Number: BZA15-142 Date Received: 22 Dec. 2015
Application Accepted by: HF Fee: \$1900
Commission/Civic: BZA15-142
Existing Zoning: _____
Comments: _____

TYPE(S) OF ACTION REQUESTED (Check all that apply):

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections:

Requesting a variance to C.C. 3312.49 to reduce the required number of parking spaces to 222 from 250, in conjunction with an expansion along the south side of the building.

LOCATION

Certified Address: 150 W. Sycamore Street City: Columbus, OH Zip: 43215

Parcel Number (only one required): 010-000765

APPLICANT (If different from Owner):

Applicant Name: Kroger Co. Phone Number: 898-3243 Ext.: _____

Address: 4111 Executive Parkway City/State: Westerville, OH Zip: 43081

Email Address: _____ Fax Number: _____

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: Same as applicant. Phone Number: _____ Ext.: _____

Address: _____ City/State: _____ Zip: _____

Email Address: _____ Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): ☒ Attorney ☐ Agent

Name: David Hodge Phone Number: 335-9324 Ext.: _____

Address: Underhill Yaross & Hodge LLC, 8000 Walton Pkwy., Suite 260 City/State: New Albany, OH Zip: 43054

Email Address: david@underhillyaross.com Fax Number: _____

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Kroger Co. By: David Hodge

PROPERTY OWNER SIGNATURE Kroger Co. By: David Hodge

ATTORNEY / AGENT SIGNATURE David Hodge

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

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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn **(1) NAME** David Hodge

of **(1) MAILING ADDRESS** Underhill Yaross & Hodge LLC, 8000 Walton Pkwy., Suite 260, New Albany, OH 43054

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 150 W. Sycamore Street

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on **(3)** _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Kroger Co.

4111 Executive Pkwy.

Westerville, OH 43081

APPLICANT'S NAME AND PHONE #
(same as listed on front application)

Kroger Co.

898-3243

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR
OR CONTACT PERSON AND ADDRESS

(5) Brewer District Commission c/o Columbus Historic Preservation

James Goodman

50 W. Gay St., Columbus, OH 43215

and that the following is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

| (6) PROPERTY OWNER NAME | (6a) PROPERTY ADDRESS | (6b) PROPERTY OWNER MAILING ADDRESS |
|--------------------------------|------------------------------|--|
| <u>Please see attachment.</u> | | |
| | | |
| | | |
| | | |

☐ **(7)** Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT

David Hodge

Sworn to before me and signed in my presence this 22nd day of December, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Aaron L. Underhill

My Commission Expires



Notary Seal Here
AARON L. UNDERHILL
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Expires 12/31/2017
Section 147.65 R.C.

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STATEMENT OF HARDSHIP

APPLICATION #

3307.09 Variances by Board.

- A.** The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.
 2. The special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. The special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. The grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B.** In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C.** Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see attached Statement of Hardship.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature of Applicant _____ **Date** _____

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Statement of Hardship

Kroger Co.
Brewery District

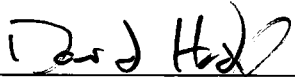
The applicant, property owner Kroger Co., seeks a variance to reduce the minimum number of required parking spaces from 250 to 222 under C.C. 3312.49. The variance is necessary due to Kroger's planned expansion of the footprint of its store by 19,388 square feet on the south side of the existing store – which is 72,006 square feet today – making the total square footage for the new store 91,394 square feet. Kroger Co. does own parking spaces located along the north and west sides of its store, however those parking spaces are encumbered by a lease to other owners in the area. The expansion on the south side will be in an area that currently serves as parking, as reflected on the attached Site Plan.

The Front Street corridor in this Brewery District location is a mixed-use pedestrian neighborhood, with many store customers walking to the grocery from area apartments, and many stopping at the store while parked in their designated office parking locations in the immediate area. A 28 parking space reduction is appropriate at this location, and in this type of neighborhood.

Having this grocery store in the M, Manufacturing zoning classification is, of itself, an unusual circumstance, and is a condition that does not apply generally to other properties in the M district. The Kroger Co. was able to develop originally in the M district under codified zoning entitlements. Historically this was a manufacturing district, though it has evolved into true mixed-use area, housing a mix of residential, restaurant, office, and entertainment venues. A variance on these facts, seeking a modest reduction in the parking requirement to accommodate an expansion improvement to what is generally regarded as one of the marquis Kroger locations in the vicinity, is warranted. The grant of this variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code.

The applicant respectfully requests that variance request be supported by City Staff, recommended for approval by the Brewery District Commission, and approved by the Board of Zoning Adjustment.

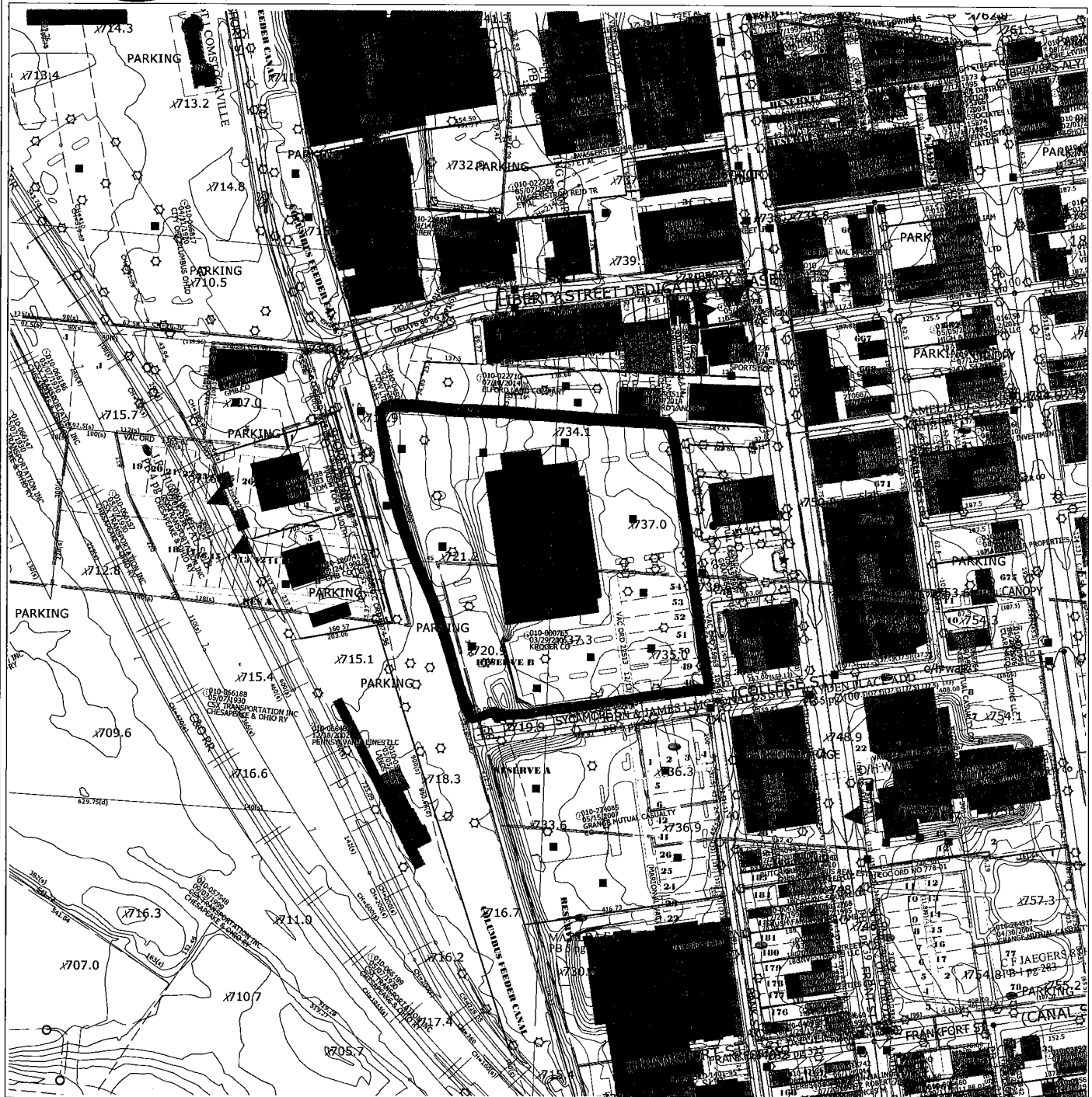
Kroger Co.

By: 

Date: 12/22/2015



CLARENCE E MINGO II
FRANKLIN COUNTY AUDITOR
MAP ID: s **DATE: 8/31/15**



Disclaimer

Scale = 300



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.



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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.

APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge

of (COMPLETE ADDRESS) Underhill Yaross & Hodge LLC, 8000 Walton Pkwy., Suite 260, New Albany, OH 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 and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Kroger Co.

4111 Executive Pkwy., Westerville, OH 43081

SIGNATURE OF AFFIANT

David Hodge

Sworn to before me and signed in my presence this 23rd day of December, in the year 2015

SIGNATURE OF NOTARY PUBLIC

Aaron L. Underhill

N/A

Notary Seal Here

My Commission Expires



AARON L. UNDERHILL
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Expires 12/31/16
Section 147.65 R.C.

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