

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV16-026 Date Received: 4/5/2016
Application Accepted by: MM, TD Fee: \$2400
Comments: Assigned to Michael Maret; 614-2749; mjmaret@Columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 3833 West Broad Street Zip: 43228

Is this application being annexed into the City of Columbus? Select one: ☐ YES ☒ NO

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-132292, 010-015256

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): C-4, Commercial

Area Commission or Civic Association: Greater Hilltop Area Commission

Proposed Use or reason for Council Variance request:

See Exhibit 'B', Statement of Hardship

Acreage: 5.25 +/-

APPLICANT:

Name: Autozone, Inc., C/o Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: ----

Address: 145 East Rich Street, 3rd Floor City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

Name: David P. & Kendal L. Frayer, Tr, c/o Donald Plank Phone Number: 614-947-8600 Ext.: ----

Plank Law Firm
Address: 145 East Rich Street, 3rd Floor City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

Name: Donald Plank, Plank Law Firm Phone Number: 614-947-8600 Ext.: ----

Address: 145 East Rich Street, 3rd Floor City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-947-8600

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

APPLICANT SIGNATURE Donald Plank, attorney

PROPERTY OWNER SIGNATURE Donald Plank, attorney

ATTORNEY / AGENT SIGNATURE Donald Plank

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

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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CV16-026

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 Plank

Date

3/31/16

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Exhibit B

Statement of Hardship

CV16- 026

3833 W Broad Street

The 5.25 +/- acre site is located on the south side of W. Broad Street at the southwest corner of W Broad Street and Viotis Drive. The site is zoned C-4, Commercial and is developed with a 41,000 +/- SF building most recently used for an automobile sales and repair business. Applicant proposes to use the building as a retail auto parts store (AutoZone) and inventory distribution center for other central Ohio retail auto parts stores (AutoZone). The Greater Hilltop Plan Amendment (2010) ("Plan") recommends Mixed Use – Regional land use. The existing C-4 zoning and the large existing building size (41,000 +/- SF) is consistent with the Plan recommendation.

While retail use of the property is presently permitted, as is the retail component of the proposed use, the retail parts inventory, other than for on-premise sales, and distribution of inventory to other retail stores, requires a variance in the C-4 district. The building is large for a single retail use other than auto related uses requiring large areas for display or repair. The proposed use is consistent with the design of the building. Applicant anticipates employing approximately 40 people at this location with both the retail and distribution functions.

Applicant has a hardship and practical difficulty with complying with the C-4 district use provisions to permit an automotive parts distribution center in conjunction with on-premise retail sale of automotive parts. The existing building was designed for auto related uses. The proposed use includes both retail and distribution uses appropriate for the location, the arterial corridor and close proximity to I-270.

Applicant requests the following variances:

1). 3356.03, C-4, Permitted Uses, to permit use of up 36,700 SF of the existing building for storage and distribution of automotive parts and accessory uses, in conjunction with an on-premise retail automotive parts store (min. 4,000 SF).

04-01-2016

THE CITY OF
COLUMBUS

ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: CV16-026

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank, Plank Law Firm

of (1) MAILING ADDRESS 145 East Rich Street, 3rd Floor, 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 the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 3833 West Broad 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

(4) David P. and Kendal L. Frayer, Tr.

AND MAILING ADDRESS

C/o Donald Plank, Plank Law Firm

145 East Rich Street, 3rd Floor

Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #

Autozone, Inc.

(same as listed on front application)

c/o Donald Plank (614) 947-8600

AREA COMMISSION OR CIVIC GROUP

(5) Greater Hilltop Area Commission

AREA COMMISSION ZONING CHAIR

c/o Greg Large

OR CONTACT PERSON AND ADDRESS

PO Box 28052, Columbus, Ohio 43228

and that the attached document (6) 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 (7)

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

(8) SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 31ST day of MARCH, in the year 2016

Rev

Stacey L. Danza

11-5-2018

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here

This Affidavit expires six (6) months after the date of filing.

PLEASE NOTE: Incomplete information will result in the rejection of the application.

Applications must be submitted by appointment. Call 614-645-7433.

Please make checks payable to the Columbus City Treasurer.



Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018

EXHIBIT A, Public Notice
3833 West Broad Street
CV16- 026
March 16, 2016

APPLICANT

AutoZone, Inc.
c/o Donald Plank
Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

PROPERTY OWNER

David P. and Kendal L. Frayer, Tr
c/o Donald Plank
Plank law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

ATTORNEY

Donald Plank, Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

COMMUNITY GROUP

Greater Hilltop Area Commission
C/o Greg Large
PO Box 28052
Columbus, Ohio 43228

PROPERTY OWNERS WITHIN 125 FEET

Creative Housing, Inc.
2233 Citygate Drive
Columbus, Ohio 43219

Lai Yung Ho
68 Viotis Drive
Columbus Ohio 43228

Dorthea L. Williams
65 Tishman Street
Columbus, Ohio 43228

Robert R & Patricia A Moore
3832 Annette Street
Columbus, Ohio 43228

Gregory L & Deborah A Peaks
3824 Annette Street
Columbus, Ohio 43228

Robert Hampton III
3818 Annette Street
Columbus, Ohio 43228

Linda S Wilson
3812 Annette Street
Columbus, Ohio 43228

Calvin E. Clark
3806 Annette Street
Columbus, Ohio 43228

Chandler H. Sy
3800 Annette Street
Columbus, Ohio 43228

Christopher Ross
67 Viotis Drive
Columbus, Ohio 43228

Ammar Mohammed Ghiath
6143 Dublin Road
Dublin, Ohio 43017

3833 West Broad Street
CV16- 026
Exhibit A, Public Notice
Page 1 of 2, 03/16/2016

Kristal Scott
75 Viotis Drive
Columbus, Ohio 43228

Lai Yung Yee
3741 W Broad Street
Columbus, Ohio 43228

CP 6, LLC
6768 Fox Run Road
Westerville, Ohio 43082

Floyd T. Walker
54 Viotis Drive
Columbus, Ohio 43228

Haydocy Automotive, Inc.
3895 W Broad Street
Columbus, Ohio 43228

DPM Columbus Supercenter
PO BOX 320099 (PTA-CS6272)
Alexandria, VA 22320

Lewis B Hall Amvets Post
3675 Sullivant Avenue
Columbus, Ohio 43228

Haydocy Realty Co., LLC
101 Phillipi Road
Columbus, Ohio 43228

BAI Consumer Square West
342 Grand Avenue
Englewood, NJ 07631

Brian Price
51 Coolridge Avenue
Columbus, Ohio 43228

Salazar Nicardo
445 Maple Drive
Columbus, Ohio 43228

Vandy Sy
5727 Countrie Side Drive
Galloway, Ohio 43119

Danny Blanton
35 Coolridge Avenue
Columbus, Ohio 43228

Thomas Shepherd
29 Coolridge Avenue
Columbus, Ohio 43228

Yao Gong He & Al Ling
23 Coolridge Avenue
Columbus, Ohio 43228

ALSO NOTIFY

David B. Perry
David Perry Company, Inc.
145 E Rich Street, FL 3
Columbus, OH 43215

AutoZone, Inc.
C/o Phillip Pecord
123 S Front Street
Memphis, TN 38103

David P. & Kendal L. Frayer, Tr
11315 Waters Welling Way
Edmond, OK 73013-0456

3833 West Broad Street
CV16-026
Exhibit A, Public Notice
Page 2 of 2, 03-16-2016

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Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

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 # CV16-026

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank, Plank Law Firm
of (COMPLETE ADDRESS) 145 East Rich Street, 3rd Floor, 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. Autozone, Inc. 123 S. Front Street Memphis, TN 38103 # of Columbus Based Employees: 150 Contact: Phillip Pecord (901) 495-8706	2. David P. & Kendal L. Frayer, Tr. 11315 Waters Welling Way Edmond, OK 73013-0456 # of Columbus Based Employees: 0 Contact: David P. Frayer (405) 526-7000
3. _____	4. _____

☐ Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 31st day of MARCH, in the year 2016

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires

11-5-2018

Notary Seal Here

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

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

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Rev 12/15 slp
Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018

3833 WEST BROAD STREET

CV16- 026

LEGAL DESCRIPTION OF 5.25 +/- ACRES

TRACT 1 (Parcel Number: 010-132292)

All that tract or parcel of land situated partly in the City of Columbus, County of Franklin, and State of Ohio, and more particularly described as follows:

Being all of a 1 acre tract (Deed Book 996, Page 404), of a 2 acre tract (Deed Book 800, Page 32, and part of a 2028 acre tract (Deed Book 536, Page 424), (Deed to Albert Seely, said 1 acre, 3 acre, and 20.28 acre tracts transferred to C.W. Seely by Deed Book 1723, Page 609, Recorder's Office, Franklin County, Ohio) of part of Lot 13 M.L. Sullivant's Subdivision, as the same is numbered and delineated upon the recorded plat thereof In Plat Book 11, Page 21 Recorder's Office, Franklin County, Ohio, and being situated partly in the Township of Franklin, and partly in the City of Columbus, and being more particularly described as follows:

Beginning at a point in the centerline of U.S. Route 40 (West Broad Street), (said beginning point represents the Northeast corner of H. Bierly 1.02 acre tract), said point being North 88° 02' East along the centerline of said U.S. 40 (West Broad Street), a distance of 99.00 feet from the Northwest corner of said Lot 13; (northwest corner of said Lot 13 represents the Northeast corner of General Motors Corp. tract; and the Northwest corner of H. Bierly 1.02 acre tract); thence South 1° 47' East along the East line of H. Bierly 1.02 acre tract (Deed Book 2003, Page 522) and parallel to the vest line of said Lot 13, a distance of 455.50 feet to an iron pin, thence North 88° 02' East parallel to the centerline of U.S. 40 (West Broad Street) and the North line of said Lot 12 and across said 3 acre and 20.28 acre tracts a distance of 455.00 feet to an iron pin in the West line of Viotis Drive (50 feet wide), said West line of Viotis Drive, as established by Mortgage Records 54, Page 513, Recorder's Office, Franklin County, Ohio, thence North 1° 47' West along the West line of said Viotis Drive, a distance of 455.50 feet to a point in the centerline of said U.S. Route 40 (West Broad Street) passing an iron pin on line at 405.50 feet, thence South 88° 02' West, along the centerline of said U.S. 40 (West Broad Street) a distance of 455.0 feet to the place of beginning, containing 4.759 acres.

TRACT 2 (Parcel Number: 010-015256)

Situated in the State of Ohio, County of Franklin and City of Columbus:

CV16-026

Beginning at the point of intersection of the south right of way line of U.S. 40 (West Broad Street) and the west right of way line of Viotis Drive; thence from said point of beginning westerly along the south right of way line of U.S. Route 40 (West Broad Street), a distance of 145 feet to a point; thence southerly, and parallel to the west right of way line of Viotis Drive, a distance of 145 feet to a point; thence easterly, and parallel to the south right of way line of U.S. Route 40 (West Broad Street), a distance of 145 feet to a point in the west right of way line of Viotis Drive, thence northerly along the west right of way line of Viotis Drive, a distance of 145 feet to the place of beginning. Containing approximately 0.4848 acres more or less.

3/15/2016



City of Columbus Zoning Plat

CV16-026



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010132292

Zoning Number: 3833

Street Name: W BROAD ST

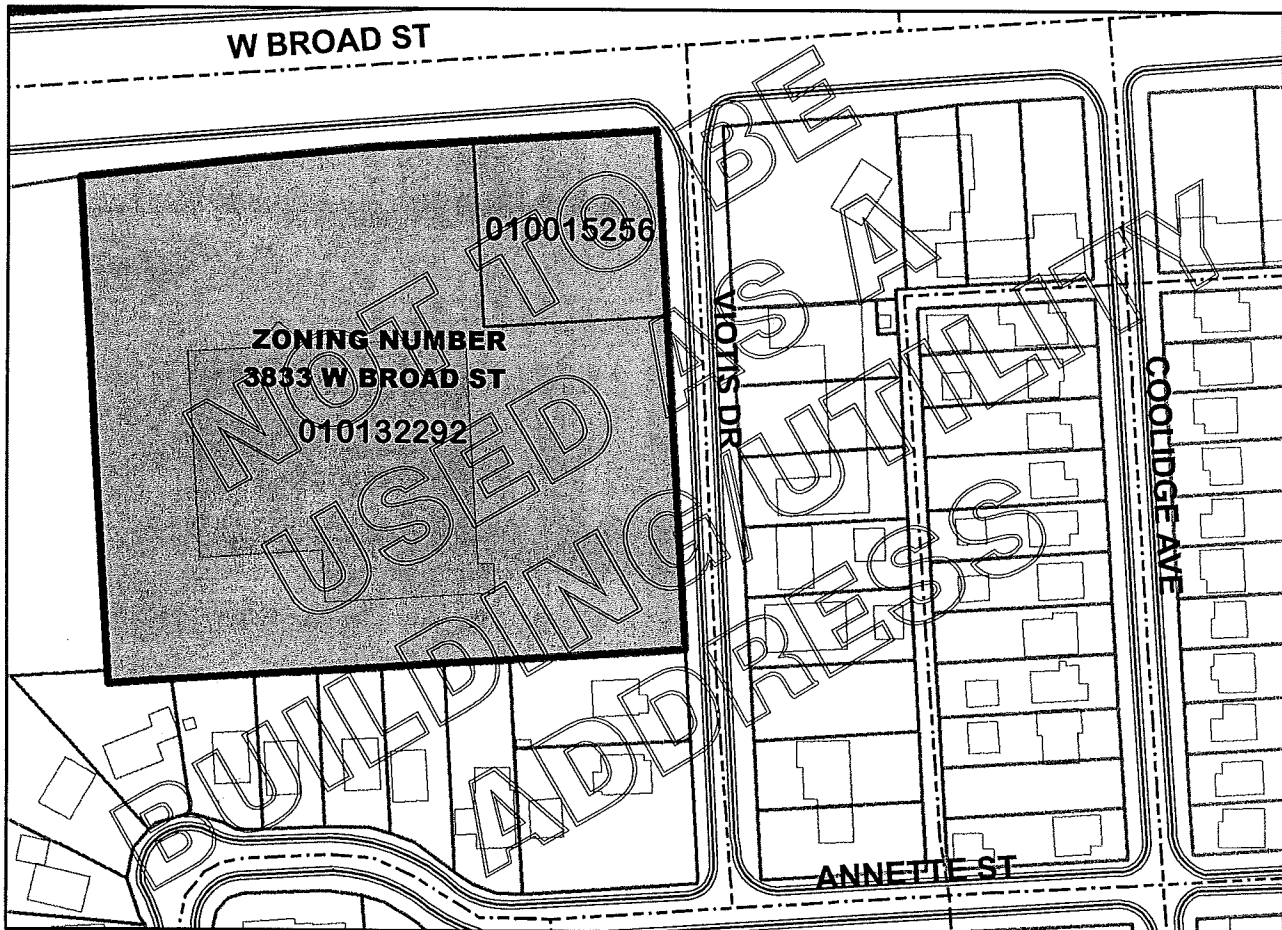
Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMPANY, INC. (DAVE PERRY)

Issued By: *Adyana Amarian*

Date: 3/16/2016



JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 150 feet

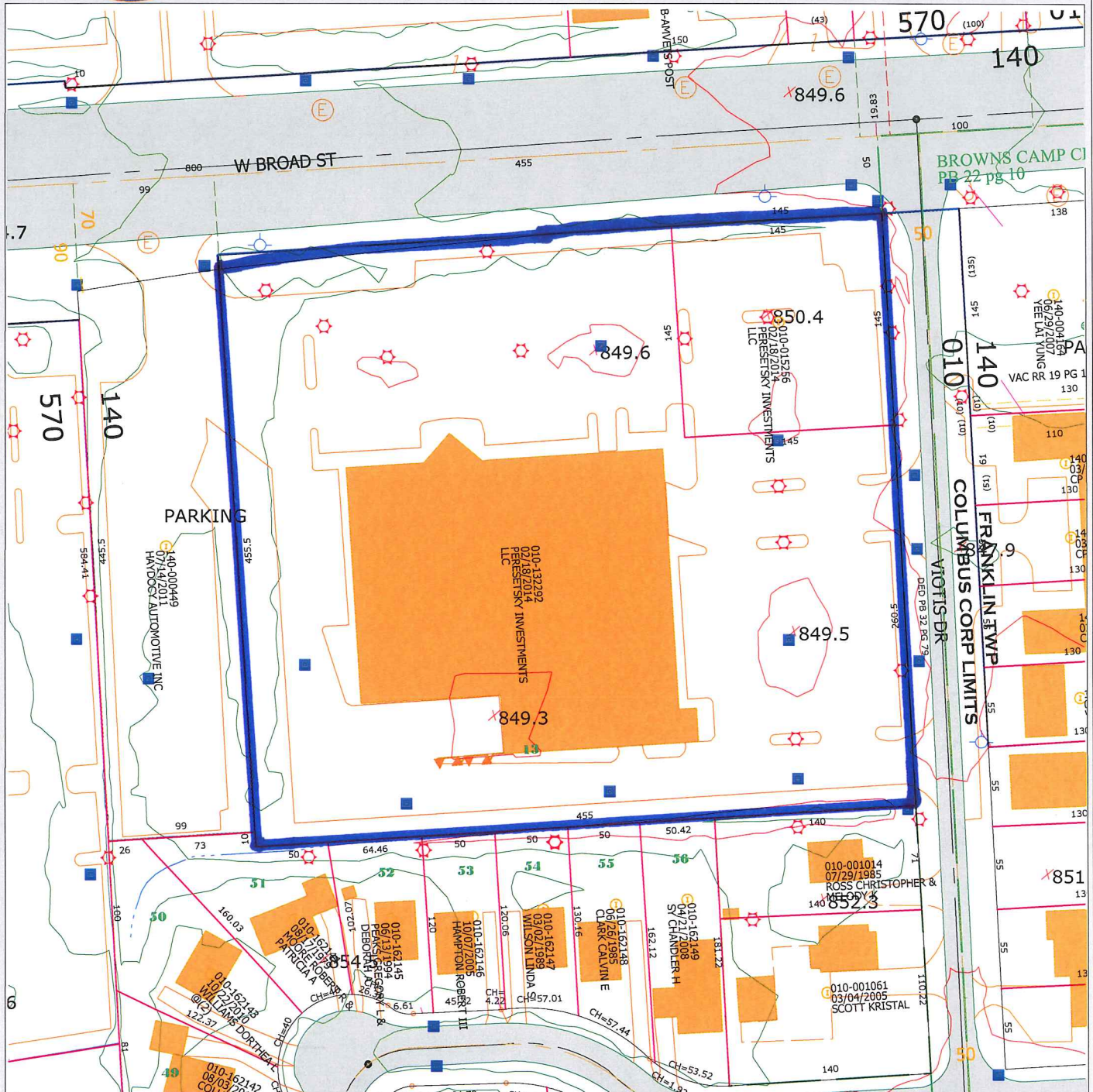
GIS FILE NUMBER: 59317



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 3/16/16



Disclaimer

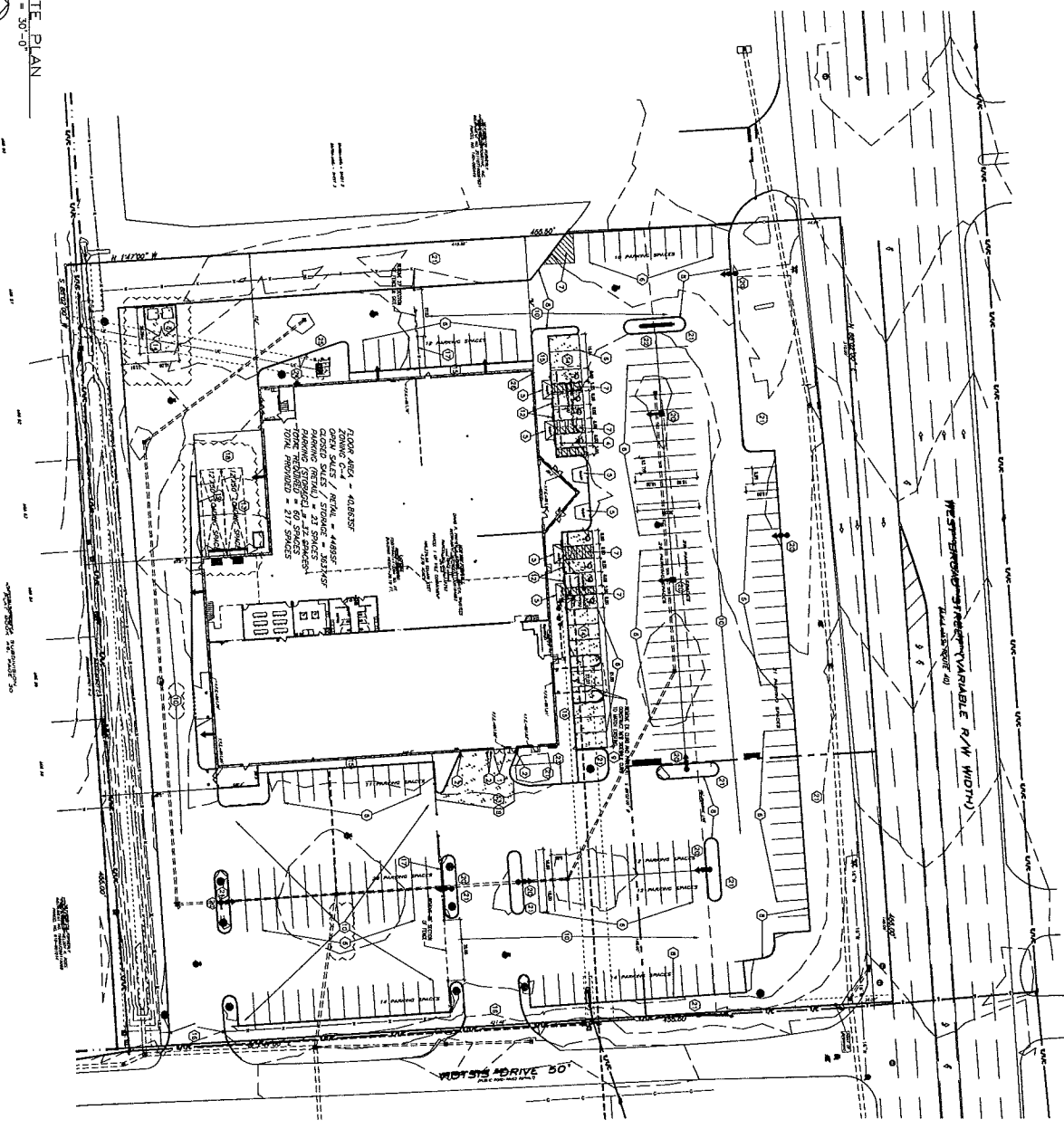
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Grid North

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.

Real Estate / GIS Department

SITE PLAN
1" = 30'-0"



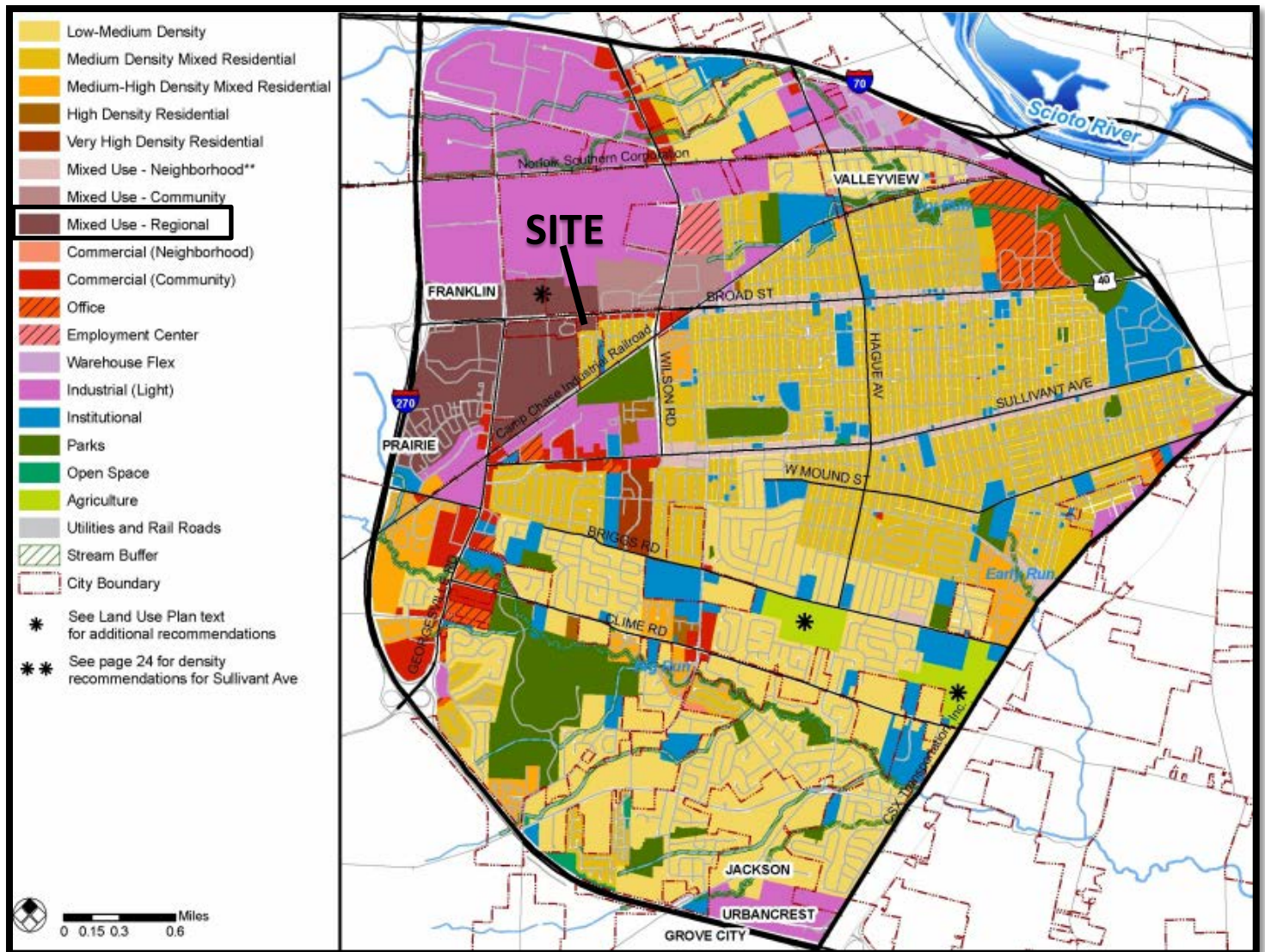
Site Data Table
 Total Site Area: 5.144 ac
 Total Developed Area: 0.035 ac / 4135sf
 Pre-Developed Impervious: 1.30 ac
 Post-Developed Impervious: 1.30 ac

- BUILDING & PAVING KEYNOTES**
- 1. RETAIL NEW PER CARBON
 - 2. REMOVE EXISTING PER CARBON, WHICH W/AS NOT AS NECESSARY
 - 3. EXISTING LOCATION - SEE RETAIL NEW PER CARBON TO PARALLEL
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C-1	HUB-REMODEL	01/22/16		Architect: LEWELLS	AutoZone Store No. 4598	REVISIONS		
				123 South Front Street	3833 W BROAD STREET	1	03-09-16	4
				Memphis, Tennessee 38103		2		5
				TEL: 901-495-8707 FAX: (901) 495-8969		3		6
For Bidding & Contractor Information Contact:				COLUMBUS OH 43224	SITE PLAN / NOTES / DETAILS			
McGraw - Hill Construction Tel. 615-884-1017								
www.construction.com								



CV16-026
3833 West Broad Street
Approximately 5.25 Acres



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3833 West Broad Street
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