



APPEAL TO THE BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

Mayer Michael B. Coleman

OFFICE USE ONLY

Application Number: 11320-00758
Date Received: 12/29/11
Commission/Group: Northland
Existing Zoning: C-4 Application Accepted by: (OR)
Comments: Hearing date: 3/20/12

LOCATION

1. Certified Street Address 1265 Morse Road
City Columbus State OH Zip 43224
Parcel Number (only one required) 010274086

OWNER OF RECORD:

2. Name Burlingame Ventures LLC
3. Address P.O. Box 14045 City/State Oakland, CA Zip 94614
4. Phone # (415) 990-6773 Fax # _____ Email _____

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

APPELLANT: (You are required to supply a Power of Attorney form at the time of application, if different from the owner.) (Must be attorney in fact for the owner.)

5. Name _____
6. Address _____ City/State _____ Zip _____
7. Phone # _____ Fax # _____ Email _____

ATTORNEY / AGENT (CIRCLE ONE)

8. Name Craig Miott
9. Address 2532 Santa Clara Ave., #175 City/State Alameda, CA Zip 94501
10. Phone # (650) 444-2220 Fax # (510) 373-6666 Email craig@khyberinvestments.com

SIGNATURES

11. Appellant Signature _____
12. Property Owner Signature _____
13. Attorney / Agent Signature Craig Miott

For all questions regarding this form, please call: 614-645-4522

**REQUEST FOR AN APPEAL
OF
VIOLATIONS ORDER NUMBER 11470-04679**

1. Application Number: **11320-00758**
2. Applicant Name: Craig Miott **1265 Morse Rd.**
3. Property Owner name: Burlingame Ventures LLC
4. Lot location and size: Southeast corner of Morse and Maize Road; total center lot size is 7.04 acres
5. Existing zoning and current use: C4 – General Commercial
6. Reason for appeal of Zoning Code Violation Order Number 11470-04679: Applicant has filed a Miscellaneous Graphic Commission Action to apply for an extension of the banner that was previously approved at this address. Additionally, the owner of the property feels that Statement of Hardship - Graphics Code 3382.05 (a) paragraphs (1) (3) (4) applies.

Section 3382.05 (a) (1)

- a. Traditional signage doesn't work due to the topography. Not only is the property nearly 400 feet from the road, but the property is also partially obscured from view by 1) the CVS Store on the corner of Maize and Morse Road; 2) a very large highway billboard sign; and 3) an access road parallel to Morse. Consequently, a banner larger than code is necessary to compensate for the exceptionally long distance from the road, the occlusion by the highway billboard, and the access road.
- b. Congestion and Rapid Speed of Traffic on Morse Road. The traffic counts on this intersection are 56,000 cars per day, indicating that the street is very busy and glance legibility is extremely important. On Morse Road, traffic moves at 45 miles per hour and given the difficulty presented by the topography stated above, a banner larger than code is required to compensate for the shorten viewing times. For example, a motorist driving east on Morse Road has only 3 seconds to see, read, and understand the banner.

Section 3382.05 (a) (3) and (4)

- c. Loss of the banner would result in a loss of service and severe financial loss to the owner. The owner hired Next Day Signs and Graphics, a company that is licensed by the City of Columbus to install a banner to assist in the marketing and leasing of the property. Unfortunately, the signage company failed to notify the owner of any banner size restrictions and installed the current banner on the building, which the owner assumed was to code. The building has been vacant for over 2 years and traditional real estate signage meeting code along Morse Road has not been effective as it could be due to the topography, obscurity, and rapid traffic speed along this corridor. The owner would like a size variance similar to the conforming variances offered to Menards.
 - d. This is a temporary banner only, and the result of this variance will not be injurious to neighboring properties.
7. Adjacent/surrounding property:
- The surrounding properties are zoned C4 – Commercial.
 - The effect of proposal should have no effect on traffic.

8. Banner Construction: 13oz vinyl banner, 12 x 20
9. How will approval of application enhance the Northland area? The approval of the variance will help greatly in the releasing of the property, which will turn an empty building into a fully occupied and useful facility for the community.

11320-00758
1265 Morse Rd.

BURLINGAME VENTURES LLC
P.O. BOX 14045
OAKLAND CA 94614

ZONING CODE VIOLATION ORDER

An inspection has been made at 1265 MORSE RD on December 7, 2011.

As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within 20 calendar days of the service of this notice unless otherwise noted in this notice, or an approval for a written request for extension is granted by this office.

Note: Failure to comply with this notice is a Misdemeanor of the Third Degree and may be punishable by a \$500 fine and sixty (60) days imprisonment.

If the facts represented here are incorrect, or if you believe the law is not being interpreted properly, you have the basis for an appeal. If you believe an appeal is in order, call the undersigned Property Maintenance Inspector. Pursuant to the Columbus City Code Section 3307.07: The Board of Zoning Adjustment shall not entertain any appeal applied for more than twenty (20) days after the date of this order. Also pursuant to Columbus City Code Section 3307.11: Said appeal shall be submitted on a form provided for that purpose and filed in the office of the Department of Building and Zoning Services.

For further information on this notice contact the undersigned Code Enforcement Officer.

SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)

by

Deborah D. VanDyke
Deborah D VanDyke
Code Enforcement Officer
(614) 645-0154
ddvandyke@columbus.gov

ZC-7
REV 09/09
12082011

Zoning Violations - Graphics

- 1 3375.12 Graphics requiring graphics commission approval
OVERSIZED REAL ESTATE SIGNAGE REQUIRES CURRENT AND VALID GRAPHICS COMISSION APPROVAL. PREVIOUS COMMISSION APPROVAL EXPIRED AS OF OCTOBER 31ST, 2011 AND GRAPHIC IS NOW ILLEGAL. REMOVE.
- 2 3381.02 Certificate of zoning clearance
OVERSIZED REAL ESTATE SIGNAGE REQUIRES CURRENT AND VALID ZONING CLEARANCE AND APPROVAL. PREVI GRAPHICS COMMISSION APPROVAL EXPIRED AS OF OCTOBER 31ST, 2011 AND GRAPHIC IS NOW ILLEGAL. REMOVE.
- 3 3377.29 Temporary real estate signs
REAL ESTATE SIGNAGE EXCEEDING ALLOWED SQUARE FOOTAGE. SIGN IS PROHIBITED. PREVIOUS GRAPHICS COM APPROVAL EXPIRED AS OF OCTOBER 31ST, 2011 AND GRAPHIC IS NOW ILLEGAL. REMOVE.
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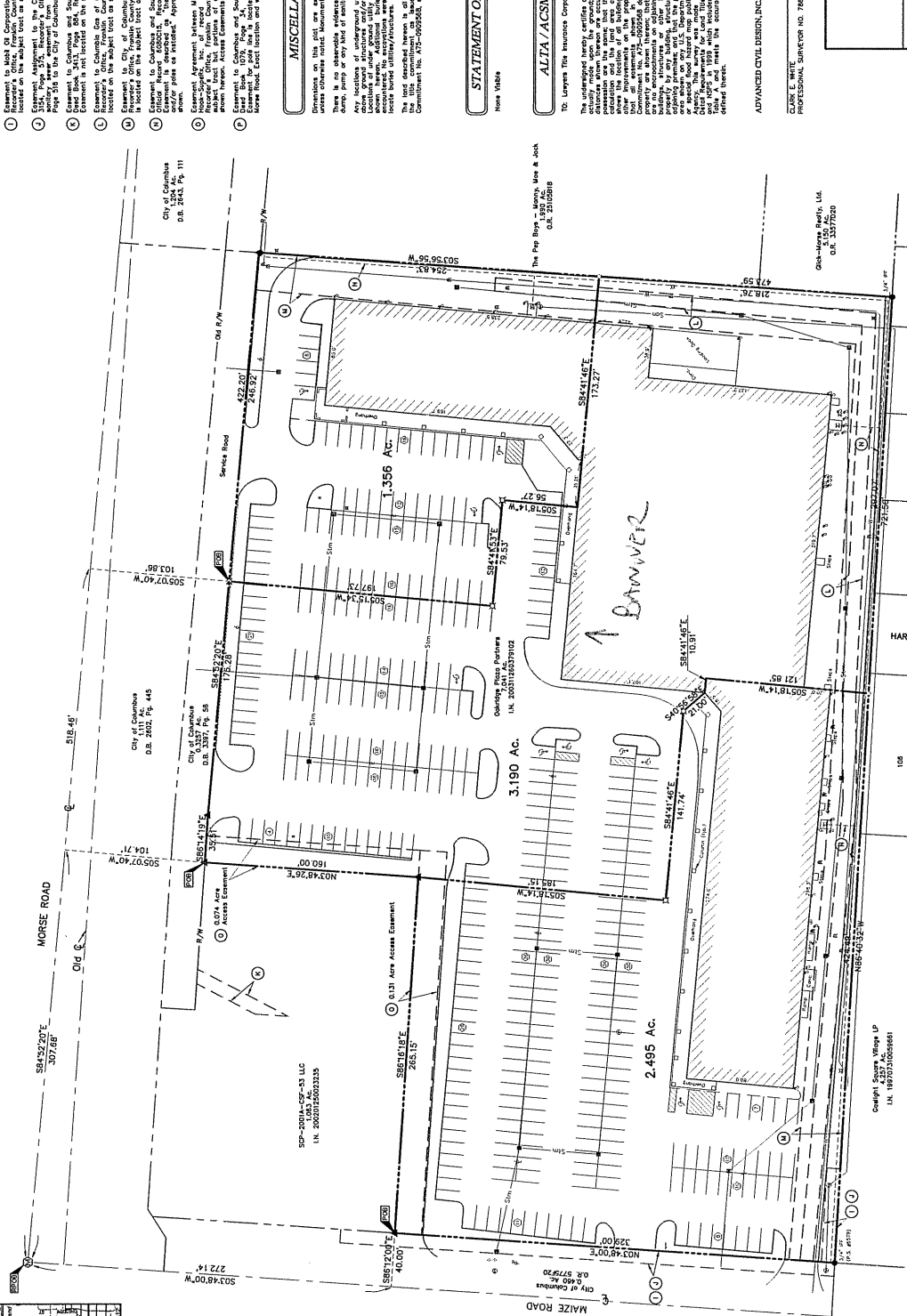
FLOOD NOTE

By graphic plotting only, the property is located in Zone 1, Advance Emergency Management Agency on Flood Insurance Rate Map, Community Development Department, Franklin County, Ohio. This information is provided for information only and does not constitute an endorsement or a warranty for a structure from the Federal Emergency Management Agency.

NOTES CORRESPONDING TO SCHEDULE B, SECTION II OF COMMITMENT No. A12-0099268

- ① Easement to Columbus and Southern Ohio Electric Company of record in Official Record 7113002, located on the subject tract as shown hereon.
- ② Easement to Columbus and Southern Ohio Electric Company of record in Official Record 7113002, located on the subject tract as shown hereon.
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ADVANCED CIVIL DESIGN, INC.
 4625 MARYLAND ROAD, SUITE 101
 COLUMBUS, OHIO 43230
 PHONE: 614-252-2700
 FAX: 614-252-2701
 WWW.ADCDESIGN.COM

BOUNDARY SURVEY FOR TOYS-R-US SMITH & HALE
 PLAN PREPARED BY:
ADVANCED CIVIL DESIGN, INC.
 SHEET 1 / 1

STATEMENT OF ENCROACHMENTS
 None Indicated

ALTA/ACSM CERTIFICATION
 TO: Lynette The Insurance Corporation
 The Survey made hereon is in accordance with the International Surveying and Mapping Act of 1945 and the International Practice and Procedure for the Survey and Mapping of Land in accordance with the provisions of the Act of 1945 and the International Surveying and Mapping Act of 1945. The Survey is based on the best available information and the Surveyor is not responsible for any errors or omissions that may appear hereon. The Surveyor is not responsible for any errors or omissions that may appear hereon.

MISCELLANEOUS NOTES
 All iron pins set and 1/4" diameter, 30" long with plastic cap inserted 'Advanced 7581'.
 The land described hereon is all of the land as depicted in Schedule A of Commitment No. A12-0099268, effective date 10/11/04, 100% of 1.09 A.U.

LOCATION MAP
 No. 208

LEGEND

- Iron Pin Found
- Iron Pin Set W / Cap
- ▲ Pa Nail Set
- ▲ Pa Nail Found
- ▲ RR Spike Set
- ▲ RR Spike Found
- ▲ Monument
- ▲ Concrete Post
- ▲ Tapped Nail / Iron Pin
- ▲ Post Sign / Lamp
- ▲ Sign
- ▲ Billboard / Oil Sign
- ▲ Deciduous Tree
- ▲ Pine Tree
- ▲ Stake
- ▲ Sanitary Manhole
- ▲ Fire Light
- ▲ Fire Signal
- ▲ Catch Basin
- ▲ Catch Basins
- ▲ Gas Valve
- ▲ Gas Meter
- ▲ Underground Line Marker
- ▲ Sanitary Valve Box
- ▲ Electric Transformer
- ▲ Common Manhole
- ▲ Tap Pallet
- ▲ Pole Dis
- ▲ Pole Dis Hd
- ▲ Pole Dis Tel Light
- ▲ Pole Tel
- ▲ Pole Tel Light
- ▲ Pole Light
- ▲ Pole Signal
- ▲ Traffic Box
- ▲ Guy Wire
- ▲ Guy Wire
- ▲ Fire Hydrant
- ▲ Water Valve
- ▲ Manhole
- ▲ Manhole
- ▲ Manhole

GRAPHIC SCALE
 1 inch = 40' ft