

## Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

OFFICE USE ONLY

Application Number: CV15-005 Date Received: 2/2/15  
Application Accepted by: S. Pine Fee: \$2,400 -  
Comments: Assigned to Shannon Pine, 645-2208 spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1056 Richter Road, Columbus, OH Zip: 43223

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: 570-131908

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

Current Zoning District(s): R-2

Area Commission or Civic Association: South West Area Commission

Proposed Use or reason for Council Variance request:

Contractors Storage Yard

Acreage: 5.852

### APPLICANT:

Name: William E. Cantley Phone Number: 614-679-8544 Ext.: \_\_\_\_\_

Address: 1260 Brownleaf Road City/State: Columbus, OH Zip: 43223

Email Address: None Fax Number: None

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

Name: William E. Cantley and Kathleen M. Cantley Phone Number: 614-679-8544 Ext.: \_\_\_\_\_

Address: 1260 Brownleaf Road City/State: Columbus, OH Zip: 43223

Email Address: None Fax Number: None

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

Name: James B. Harris, Esq. Phone Number: 614-464-2572 Ext.: \_\_\_\_\_

Harris, McClellan, Binau & Cox PLL  
Address: 37 West Broad Street, Suite 950 City/State: Columbus, OH Zip: 43215

Email Address: jharris@hmhc.com Fax Number: 614-464-2245

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE \_\_\_\_\_

ATTORNEY / AGENT SIGNATURE [Signature]

*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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### 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.

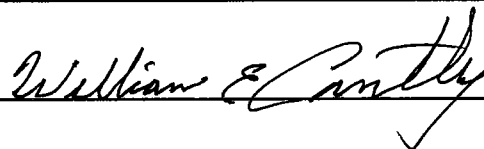
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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 ATTACHED STATEMENT OF HARDSHIP

Signature of Applicant



Date Jan. 28, 2015

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### STATEMENT OF HARDSHIP

Applicant requests a variance from the provisions of Columbus City Code Sec. 3332.033, R-2 Residential District; 3312.43 parking surface; and 3332.19, fronting, to permit the continued operation of a contractor storage yard on the subject premises. The subject property was used as a contractors storage yard prior to being annexed into the City of Columbus in 1973 and such use has been continuous to present. Accordingly, this request is to conform the property to its pre-existing legal use and existing surrounding conditions. The subject property is adjacent to existing manufacturing properties and existing automobile salvage yards on its northern and eastern boundaries. The property contains one (1) residential rental unit and one (1) residential rental unit partially on the property at the southern access, both of which were present on the property prior to Applicant's purchase in 1999. The property also contains a dwelling for on-site security and maintenance. Because the property has continuously been used as a contractors storage yard for more than thirty (30) years, its continued legal use will not create any detrimental impact on surrounding or adjacent properties.

The property is accessed by a private gravel roadway. No loading or parking space is within 400 feet of any adjoining residential district. Beyond the private access, owned by the Applicant, there is no frontage on a public street for either the rental units, on-site dwelling or the principal building, a storage facility.

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV15-005

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME James B. Harris  
of (1) MAILING ADDRESS 37 West Broad Street, Suite 950, Columbus, OH 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 1056 Richter Road, Columbus, OH 43223  
for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and  
Zoning Services, on (3) 2/2/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) William E. Cantley and Kathleen M. Cantley  
1260 Brownleaf Road, Columbus, OH 43223

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

William E. Cantley  
614-679-8544

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

(5) South West Area Commission  
1397 Gorham Drive  
Columbus, OH 43223

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

James B. Harris

Sworn to before me and signed in my presence this 27<sup>th</sup> day of JANUARY, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Notary Seal



Stephanie Sommers  
Notary Public, State of Ohio  
My Commission Expires 01-12-2016

01/12/2016  
My Commission Expires

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

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

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Please make checks payable to the Columbus City Treasurer

APPLICANT  
William E. Cantley  
1260 Brownleaf Road  
Columbus, Ohio 43223

PROPERTY OWNERS  
William E. Cantley  
Kathleen M. Cantley  
1260 Brownleaf Road  
Columbus, Ohio 43223

ATTORNEY  
James B. Harris, Esq.  
Harris, McClellan, Binau & Cox  
37 W. Broad St., Ste. 950  
Columbus, Ohio 43215

Area Commission  
South West Area Commission  
1397 Gorham Drive  
Columbus, Ohio 43223

OTHER PROPERTY OWNERS

NAZARI INC  
1221 LITTLE AVE  
COLUMBUS, OH 43223

WILLIAM E. CANTLEY  
KATHLEEN M. CANTLEY  
996 RICHTER ROAD  
COLUMBUS, OH 43223

WILLIAM E. CANTLEY  
KATHLEEN M. CANTLEY  
1006 RICHTER ROAD  
COLUMBUS, OH 43223

SHAWN GRAY  
1030 RICHTER ROAD  
COLUMBUS, OH 43223

SHAWN GRAY  
SHELLY GRAY  
1036 RICHTER ROAD  
COLUMBUS, OH 43223

FRANKLIN COUNTY  
COMMISSIONERS  
373 S HIGH STREET FL 26  
COLUMBUS, OH 43215-4591

WILLIAM E. CANTLEY  
KATHLEEN M. CANTLEY  
1260 BROWNLEAF ROAD  
COLUMBUS, OH 43223

WILLIAM E. CANTLEY  
KATHLEEN M. CANTLEY  
1058 RICHTER ROAD  
COLUMBUS, OH 43223

BEULAH M. COLLINS  
1116 RICHTER ROAD  
COLUMBUS, OH 43223

CHARLENE BOYD  
1060 RICHTER ROAD  
COLUMBUS, OH 43223

CHARLENE BOYD  
1937 BIG TREE DRIVE  
COLUMBUS, OH 43223

UYOA CIRILO S.  
ULLOA REFUGIO  
1347 LITTLE AVENUE  
COLUMBUS, OH 43223

UYOA CIRILO  
1349 LITTLE AVENUE  
COLUMBUS, OH 43223

STEPHEN D. CLARK  
CORNELIA D. CLARK  
1343 LITTLE AVENUE  
COLUMBUS, OH 43223

CHARLES M. CANTLEY  
1474 GREENLEAF ROAD  
COLUMBUS, OH 43223

WILLIAM E. CANTLEY  
KATHLEEN M. CANTLEY  
1329 LITTLE AVENUE  
COLUMBUS, OH 43223

NORAH R. BOYSEL  
1325 LITTLE AVENUE  
COLUMBUS, OH 43223

CTH GROUP LLC  
1319 LITTLE AVENUE  
COLUMBUS, OH 43223

CTH GROUP LLC  
605 N HIGH STREET  
COLUMBUS, OH 43215

JERRY L. KIDD  
CONNIE S. KIDD  
1309 LITTLE AVENUE  
COLUMBUS, OH 43223

KAREN GRAHAM  
CHARLES E. GRAHAM  
9150 W JEFFERSON KIOUSVIL  
LONDON, OH 43140

KAREN GRAHAM  
CHARLES E. GRAHAM  
1340 LITTLE AVENUE  
COLUMBUS, OH 43223

BONNIE I. ARNOLD  
1073 RICHTER ROAD  
COLUMBUS, OH 43223

WESLEY L. TOOPS  
MARGARET A. TOOPS  
1055 RICHTER ROAD  
COLUMBUS, OH 43223

HAGH LTD.  
1221 LITTLE AVENUE  
COLUMBUS, OH 43223

HAGH LTD.  
1301 LITTLE AVENUE  
COLUMBUS, OH 43223

MONARCH GREENE LP  
SUITE 100  
229 HUBER VILLAGE BLVD  
WESTERVILLE, OH 43081

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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 # CV15-008

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) James B. Harris  
of (COMPLETE ADDRESS) 37 West Broad Street, Suite 950, Columbus, OH 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. William E. Cantley 1260 Brownleaf Road Columbus, OH 43223 614-679-8544	2. Kathleen M. Cantley 1260 Brownleaf Road Columbus, OH 43223 614-679-8544
3.	4.

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

SIGNATURE OF AFFIANT

*James B. Harris*

Sworn to before me and signed in my presence this 27<sup>th</sup> day of January, in the year 2015

*Stephanie Sommers*  
SIGNATURE OF NOTARY PUBLIC

01/12/2016  
My Commission Expires

Notary Seal Here



Stephanie Sommers  
Notary Public, State of Ohio  
My Commission Expires 01-12-2016

***This Project Disclosure expires six (6) months after the date of notarization.***

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**LEGAL DESCRIPTION  
OF  
PARCEL #570-131908  
LITTLE AVENUE, COLUMBUS, OHIO 43223**

The following real property situated in the County of Franklin, in the State of Ohio, and in the Township of Franklin and bounded and described as follows:

Situated in the county of Franklin, State of Ohio, and in the Township of Franklin, and in Virginia Military Surveys Nos. 420 and 717 and being part of a 25.00 acre tract conveyed to Henry E. Huffman by deed of record in D.B. 1662, page 517, and Certificate of Transfer of record in Deed Book 1663, page 9, both deed books being in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin in the north line of said 25.00 acre tract of land conveyed to Henry E. Huffman, said iron pin bearing north 87° 33' East a distance of 1966.46 feet from a point in the center line of Brown Road, said point also being the northwest corner of said 25.00 acre tract; thence South 87° 33' East with the north line of said tract a distance of 651.96 feet to an iron pin in the northeast corner of said 25.00 acre tract; thence South 2° 51' West with the east line of said tract a distance of 420.75 feet to an iron pin in the southeast corner of said 25.00 acre tract; thence North 87° 33' West with the south line of said tract a distance of 591.43 feet to an iron pin; thence North 2° 39' West across said tract, a distance of 422.40 feet to the place of beginning, containing 5.852 acres.





CUMS-005

# City of Columbus Zoning Plat

## 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: 570131908

Zoning Number: 1056

Street Name: RICHTER RD

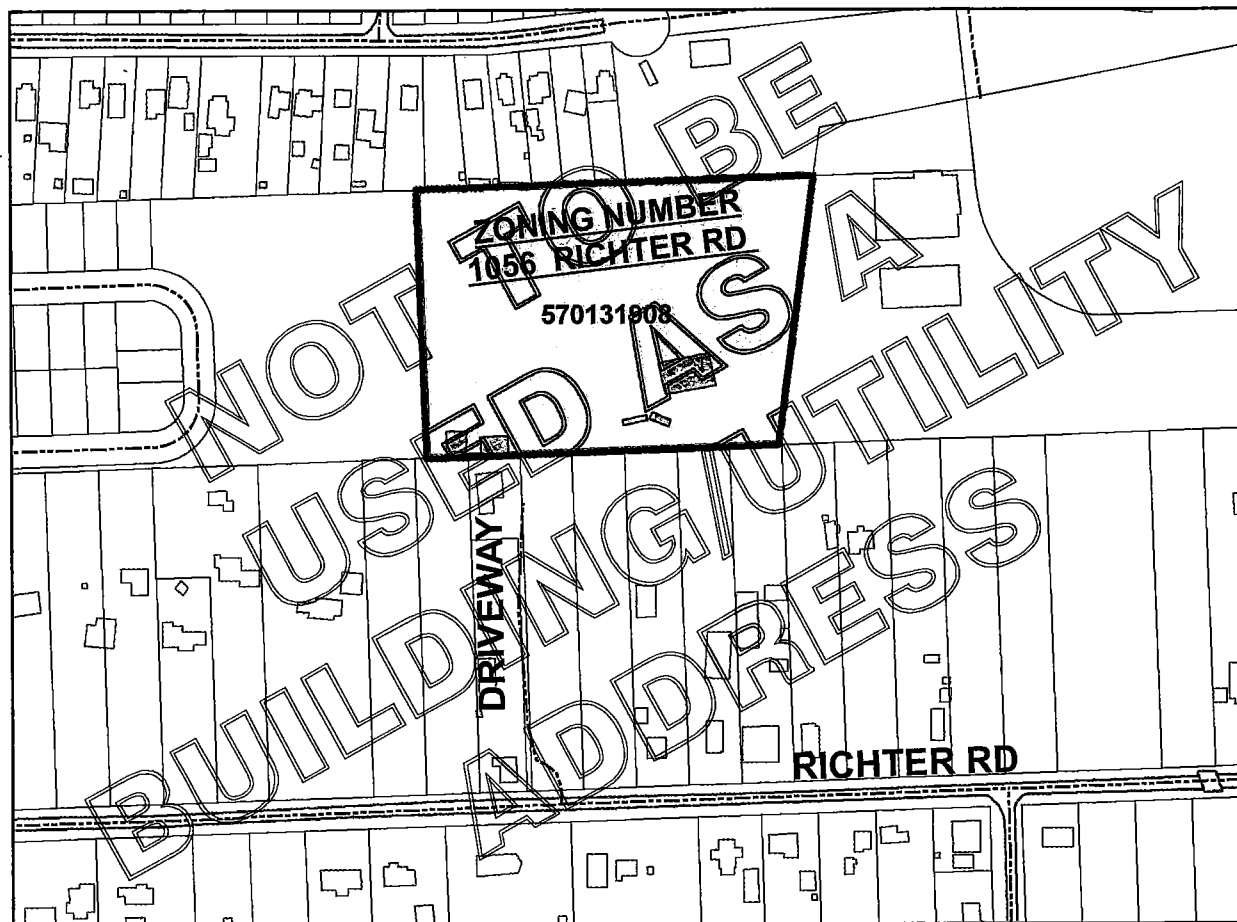
Lot Number: N/A

Subdivision: N/A

Requested By: AL BORDELON (AGENT)

Issued By: *Patricia A. Austin*

Date: 5/16/2012



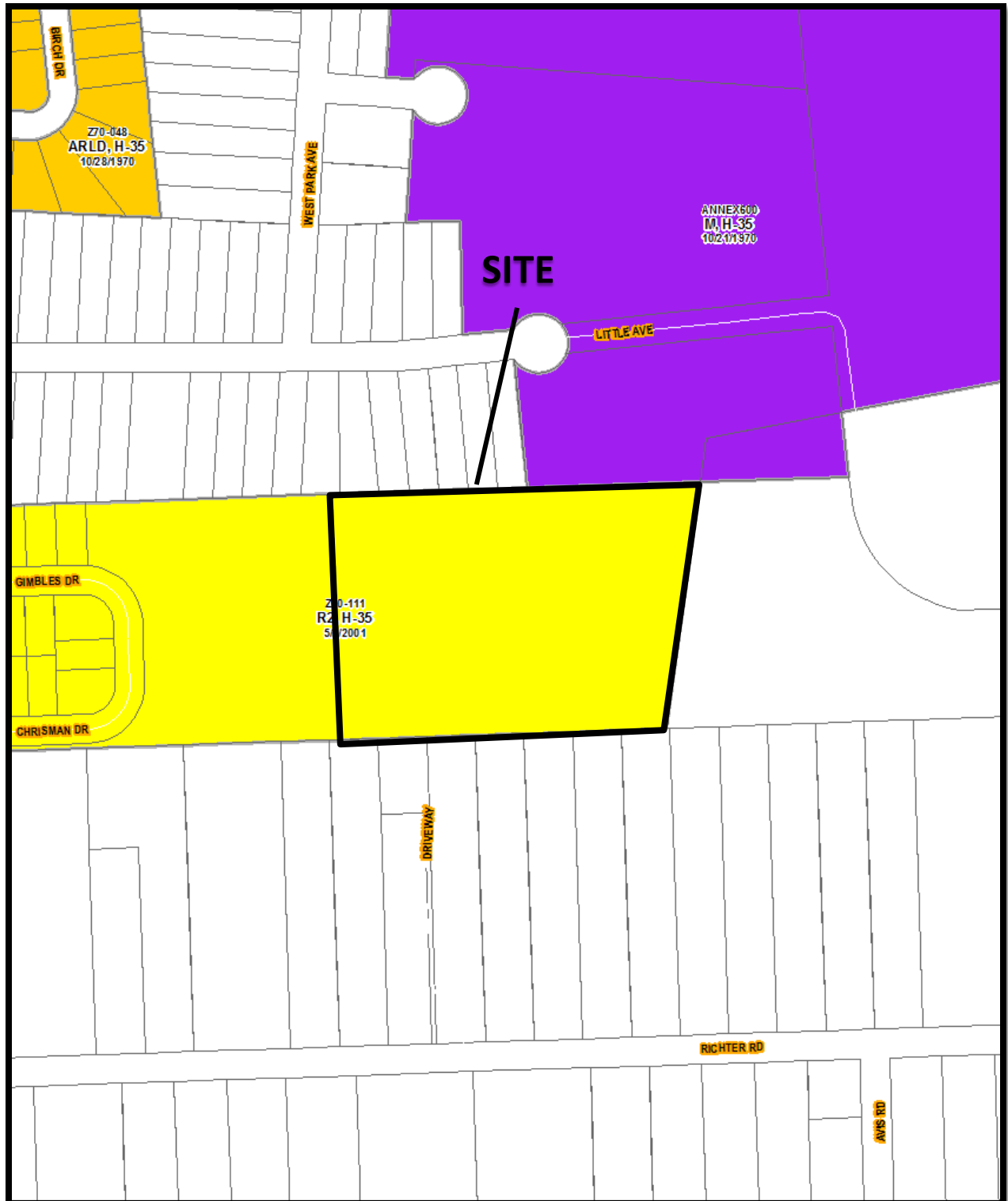
SCALE: 1 inch = 300 feet



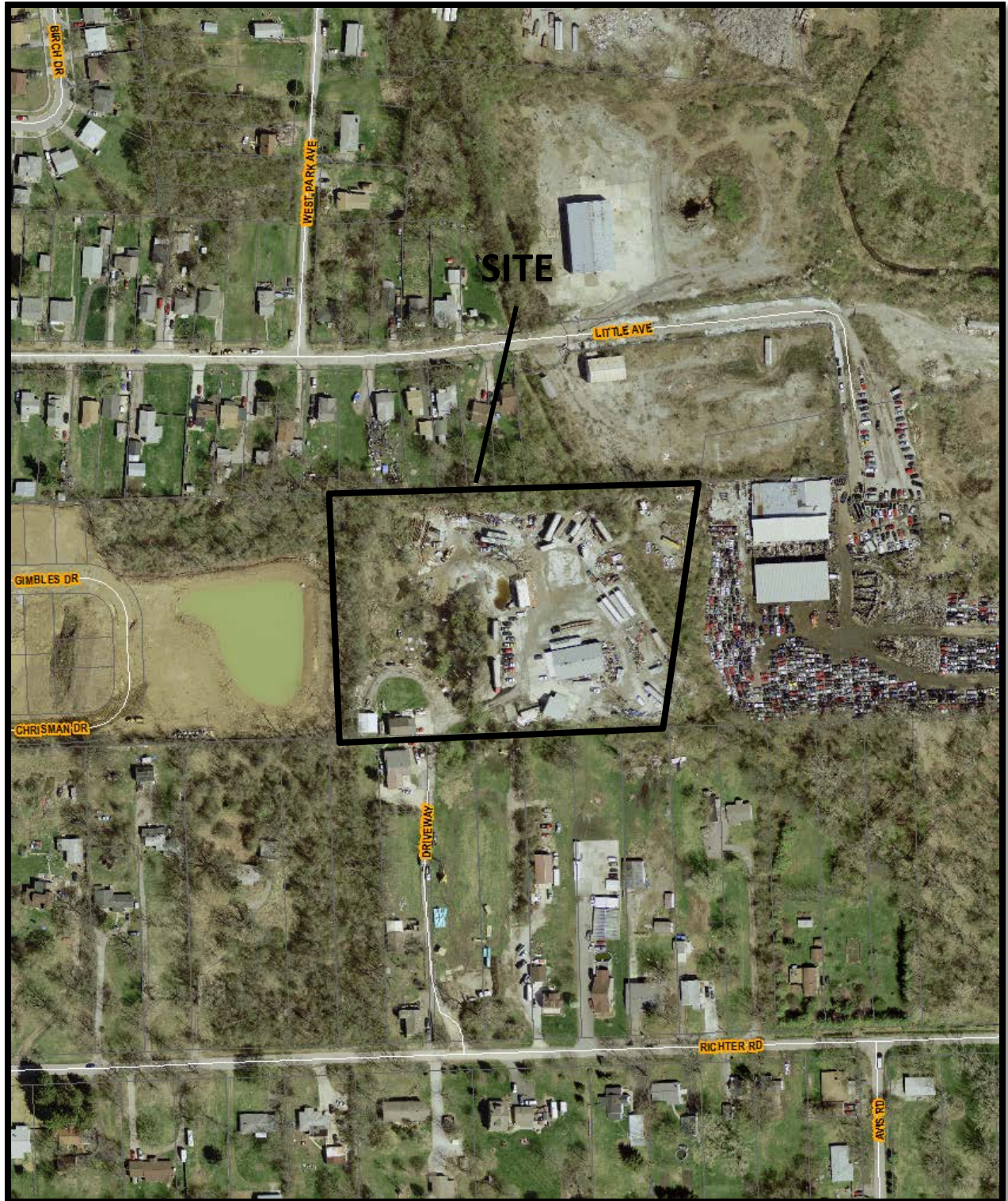
PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

GIS FILE NUMBER: 8412



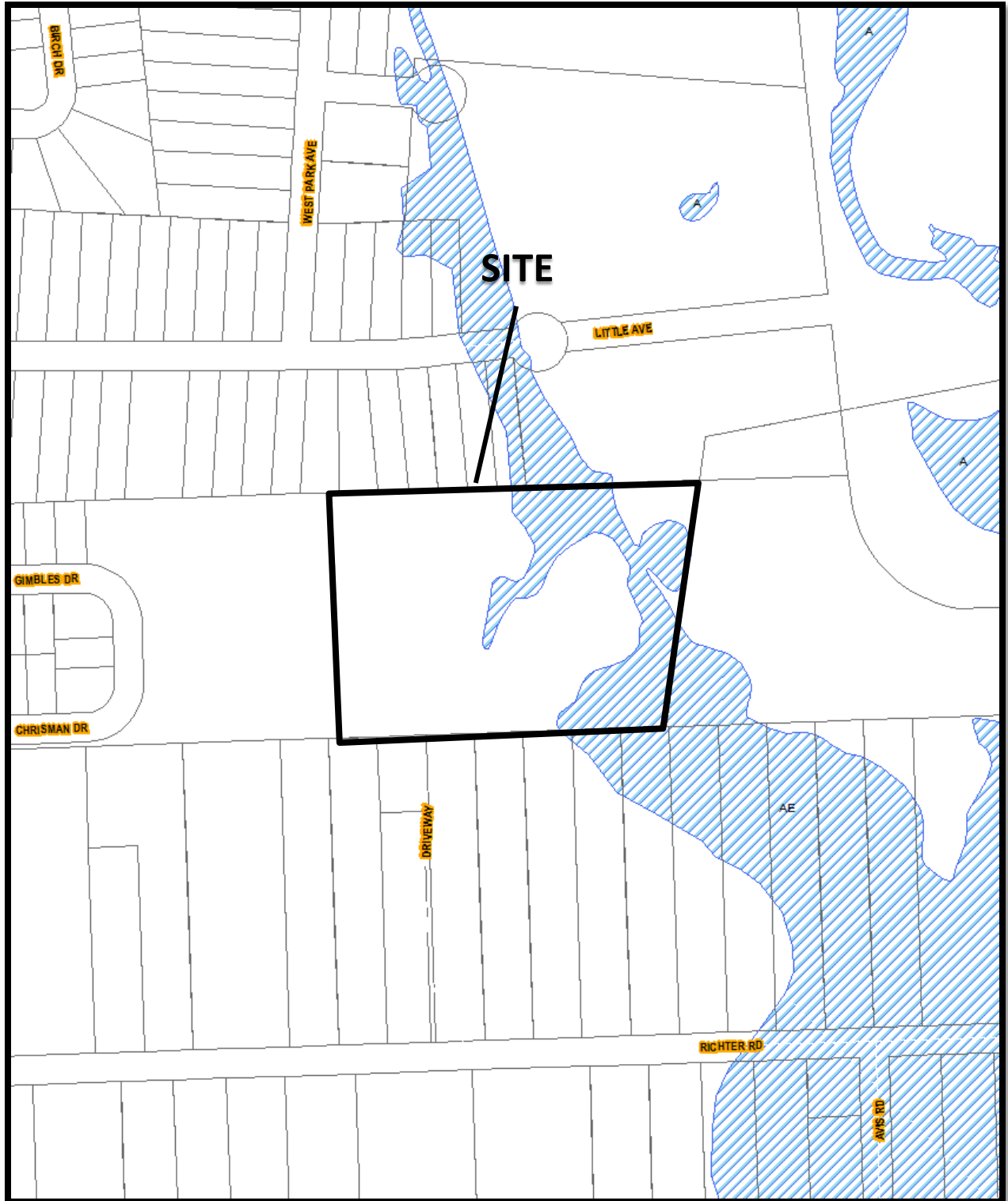


CV15-005  
1056 Richter Road  
Approximately 5.85 acres



CV15-005  
1056 Richter Road  
Approximately 5.85 acres





Floodplain Map  
CV15-005  
1056 Richter Road  
Approximately 5.85 acres

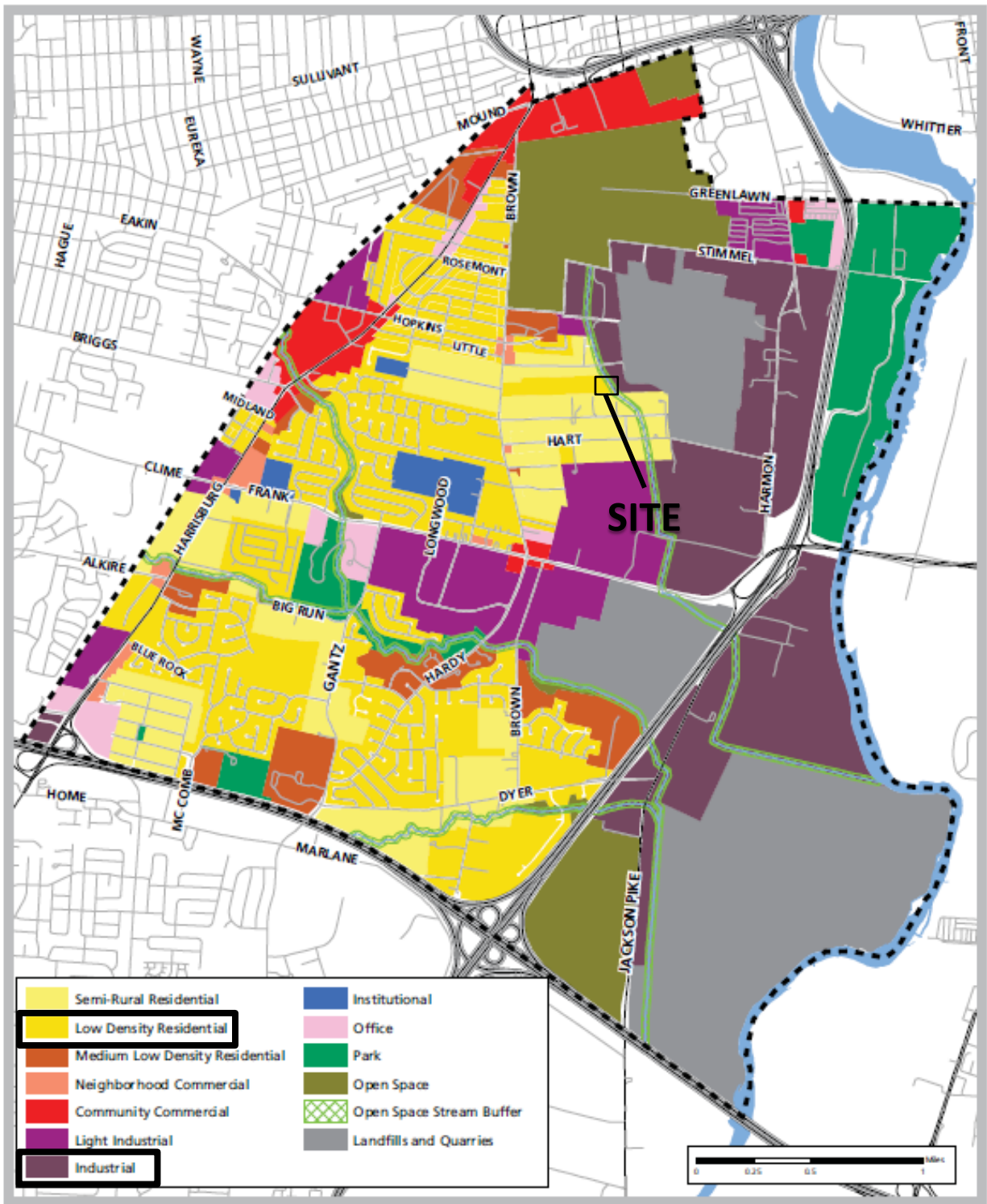


Figure 10: Future Land Use

*Southwest Area Plan (2006)*

CV15-005  
1056 Richter Road  
Approximately 5.85 acres