



Mayor Michael B. Coleman

## COUNCIL VARIANCE APPLICATION

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

OFFICE USE ONLY

Application Number: CV12-051/12315-00000-00587  
Date Received: 10/2/12  
Application Accepted By: S. Pine Fee: \$1600  
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 499 Derrer Road Zip 43204  
Is this property currently being annexed into the City of Columbus ☐ Yes ☒ No  
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.  
Parcel Number for Certified Address: 010-121991  
☐ Check here if listing additional parcel numbers on a separate page.  
Current Zoning District(s): C4 (with prior council variance)  
Recognized Civic Association or Area Commission: Greater Hilltop Area Commission  
Proposed use or reason for Council Variance request: Commercial with outdoor storage  
Acreage: 0.758 Acres

**PAID**  
OCT 02 2012  
BUILDING & ZONING SERVICES

**APPLICANT:** Name Johnson & Fisher Inc.

Address 499 Derrer Road City/State Columbus, OH Zip 43204  
Phone # 614-228-5600 Fax # 614-228-5601 Email: krosan@madisonrosan.com

**PROPERTY OWNER(S):** Name Johnson & Fisher Inc.

Address 499 Derrer Road City/State Columbus, OH Zip 43204  
Phone # 614-228-5600 Fax # 614-228-5601 Email: krosan@madisonrosan.com

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

### ATTORNEY / AGENT

☒ Attorney ☐ Agent

Name Kristin E. Rosan, Esq. and Darcy A. Shafer, Esq. Madison & Rosan, LLP  
Address 39 East Whittier Street City/State Columbus, OH Zip 43206  
Phone # 614-228-5600 Fax # 614-228-5600 Email: krosan@madisonrosan.com

### SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]  
PROPERTY OWNER SIGNATURE [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.  
For all questions regarding this form and fees please call: 614-645-4522  
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CV12-051

### 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:

Please see attached Hardship Statement.

Signature of Applicant

*Michael B. Coleman*

Date

9/28/2012

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Revised 02/14/11

JOHNSON & FISCHER INC.  
499 DERRER ROAD  
COLUMBUS, OHIO 43204

STATEMENT OF HARDSHIP

Johnson & Fischer Inc., (hereafter "Applicant") is the owner of the subject property at 499 Derrer Road, Columbus, Ohio 43204. Applicant is a painting company currently located at 5303 Trabue Road, Columbus, OH 43228.

The subject property is currently zoned C-4. City Council granted a Council Variance (#CV05-015) in July of 2005 to permit a storage building associated with a contractor's office in the C-4 Commercial District. Thereafter, the Applicant developed a 120' x 60' building on the property. Since that time, the applicant leased the property to Excellent Arborists Tree Service, a tree cutting service. The tenant operates its business out of the building and the nature of the tenant's business requires outdoor storage of company trucks, vehicles, chippers, log splitters and other equipment. The tenant is also storing wood outdoors. Since the tenant's storage of equipment and wood is on an unimproved service, a variance is needed from Columbus City Code § 3321.01.

The subject property is also surrounded by a barbed wire fence. Unfortunately, when Applicant was located at the property, it experienced a history of having its vans vandalized and ladders and scaffolding stolen from the property. As the fence is necessary for the preservation of the tenant's business equipment, a variance is needed from Columbus City Code § 4525.13.

The Applicant faces hardship if the tenant is not permitted to continue to store its business equipment and wood outdoors on the unimproved service or maintain the barbed wire fence. If the tenant is unable to use the property for its business, it will be forced to relocate. The tenant currently has 3 employees and will potentially purchase the property if permitted to continue its current use.

The property is not located directly on Sullivant Avenue, and thus the property is not conducive to a traditional C-4 commercial use. Additionally, a retail use of the property would undoubtedly cause more traffic and would thus be detrimental to the neighboring properties. The intended use of the subject property is no more intrusive than existing commercial uses in the area. Due to the nature of the commercial zoning, the proposed use will not adversely affect the surrounding properties. The proposed use will not create an increased risk of fire or pose a danger to public safety. The proposed use will not increase traffic in the area and will not diminish property values in the surrounding areas.

Granting the use variance will have a positive impact on the neighborhood. The proposed continued use of the subject property will sustain the tax value of the subject property and the tax revenue to the City. The Applicant respectfully requests that City Council grant the variance to permit the above described use of the subject property.



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### AFFIDAVIT

(See next page for instructions)

APPLICATION # CV12-051

STATE OF OHIO \_\_\_\_\_  
COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME Darcy A. Shafer, Esq  
of (1) MAILING ADDRESS 39 East Whittier Street, Columbus, Ohio 43206

deposed 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 CERTIFIED ADDRESS FOR ZONING PURPOSES 499 Derrer Road, Columbus, Ohio 43204  
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building  
and Zoning Services, on (3) 10/2/12  
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Johnson & Fisher Inc.  
499 Derrer Road  
Columbus, OH 43204

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

Johnson & Fisher Inc.  
614-228-5600

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

(5) Greater Hilltop Area Commission  
Chuck Patterson  
P.O. BOX 28052, Columbus, OH 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.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

(8) 28 day of September, in the year 2012

(8) Kristin E. Rosan  
No Expiration

Notary Seal Here



KRISTIN E. ROSAN  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

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APPLICANT/OWNER:  
Johnson & Fischer Inc.  
499 Derrer Road  
Columbus, Ohio 43204

AREA COMMISSION:  
Greater Hilltop Area Commission  
PO Box 28052  
Columbus, Ohio 43228

Beth A. Carey  
483 Derrer Road  
Columbus, Ohio 43204

Catherine M. Braskett  
484 Derrer Road  
Columbus, Ohio 43204

Mary Jo Smith  
3442 Parkside Road  
Columbus, Ohio 43204

Rebecca D. Ewers  
502 Derrer Road  
Columbus, Ohio 43204

Patricia J. Sayre  
508 Derrer Road  
Columbus, Ohio 43204

Richard & Dorothy Cardwell  
514 Derrer Road  
Columbus, Ohio 43204

Unicare Home Health Services, Inc.  
3434 Sullivant Avenue  
Columbus, Ohio 43204

John & Maxine Lewis  
494 Josephine Avenue  
Columbus, Ohio 43204

Sullivant Ave Inc  
3464 Sullivant Avenue  
Columbus, Ohio 43204

Sullivant Ave Inc  
4220 Orders Road  
Grove City, Ohio 43123

Stephen J. Coup  
483 Derrer Road  
Columbus, Ohio 43204

Stephen J. Coup  
150 S. Algonquin Avenue  
Columbus, Ohio 43204

Lau Way Y & Liu Min  
3482 Sullivant Avenue  
Columbus, Ohio 43204

Darlene McKnight F TR  
251 Stone Throw Drive  
Murrells Inlet, SC 29576

Carl and Carol Pugh  
3446 Sullivant Avenue  
Columbus, Ohio 43204

Carl and Carol Pugh  
97 S. Roys Avenue  
Columbus, Ohio 43204

ATTORNEY:  
Kristin E. Rosan  
Madison & Rosan, LLP  
39 East Whittier Street  
Columbus, Ohio 43206

Lau Way Y & Liu Min  
2556 Sherwood Road  
Columbus, Ohio 43209

Darlene McKnight F TR  
3492 Sullivant Avenue  
Columbus, Ohio 43204



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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 # CV12-051

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Kristin E. Rosan

Of [COMPLETE ADDRESS] 39 E. Whittier Street, Columbus, Ohio 43206  
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 formats

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. Johnson & Fischer Inc. 5303 Trabue Road Columbus, Ohio 43228 29 Employees Tonyia Ward, Office Manager, 614-276-8868	2. Robert Johnson 1120 Josiah Morris Road London, Ohio 43140 Cell 614-554-2995
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 28th day of September, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



Darcy A. Shafer  
Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Sec. 147.03 R.C.

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

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# 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: 010121991

Zoning Number: 499

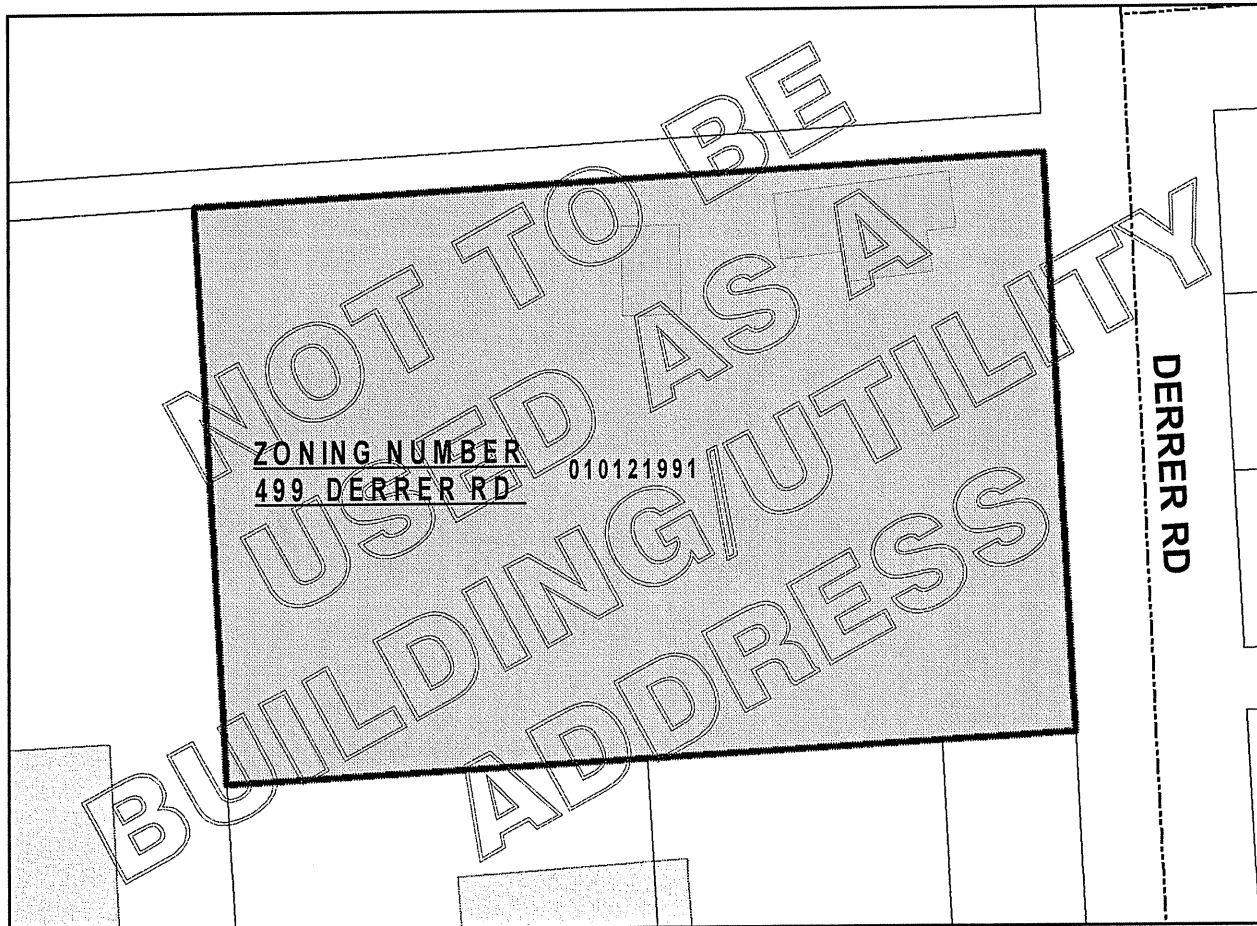
Street Name: DERRER RD

Lot Number: 40-41

Subdivision: FRANKLIN HTS

Requested By: MADISON & ROSAN, LLP (DARCY SHAFER)

Issued By: *Darcey Shafer* Date: 4/12/2012



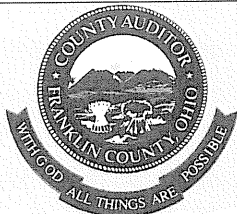
SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 7762



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

C412-051



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S      DATE: 4/12/12



Disclaimer

Scale = 100



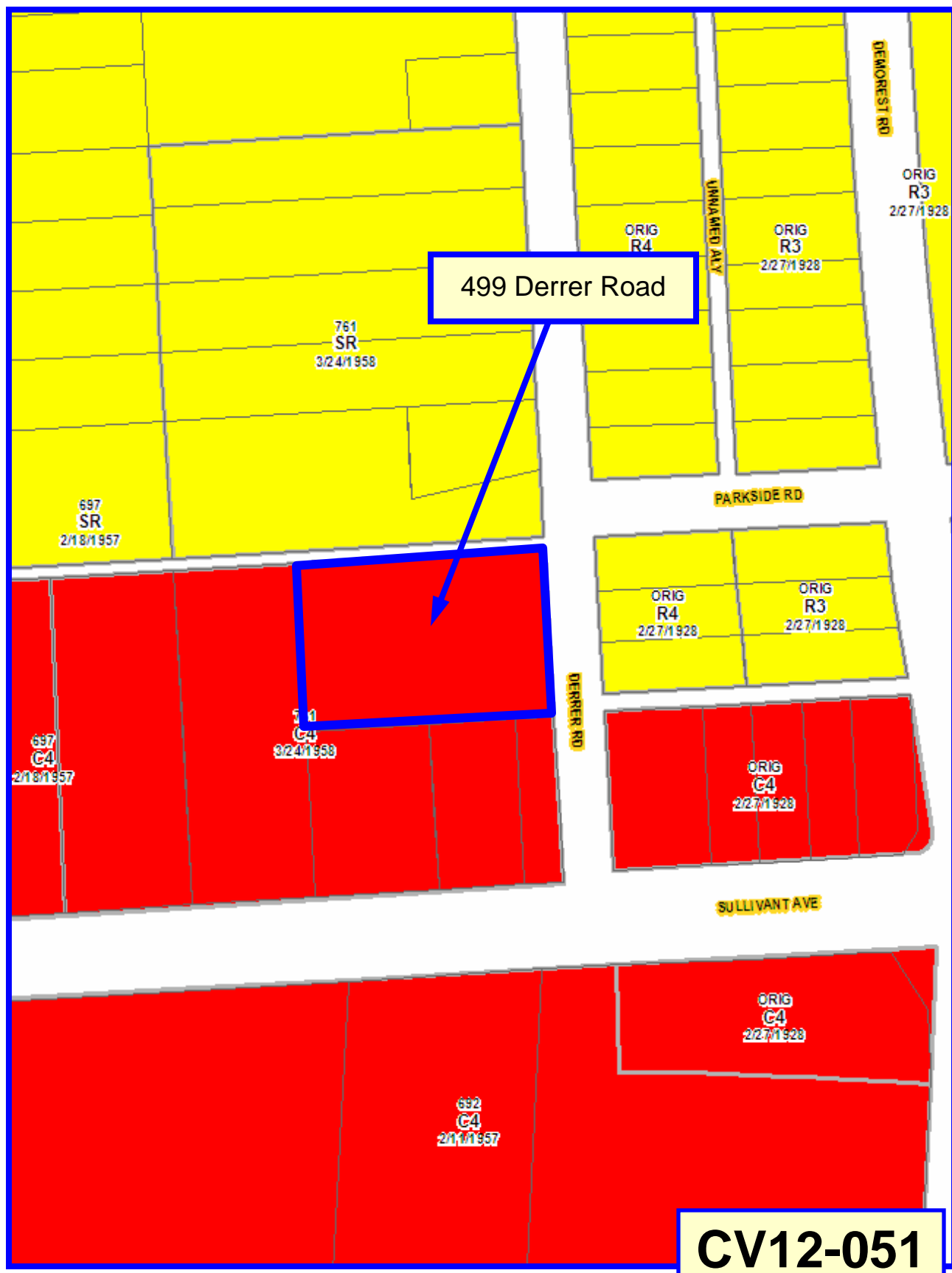
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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

CUI2-051









499 Derrer Road

CV12-051