

Date 2/25/10

Application # CV10-002

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue, Columbus, Ohio 43224

10315-00000-00037

#2080 total



COUNCIL VARIANCE APPLICATION

OFFICE USE ONLY:

Planning Area: Northeast

Received By: SP

LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 3903 Westerville Road, Columbus, Ohio Zip 43224

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 010-204544

☐ If applicable, check here if listing additional parcel numbers on a separate page (Required)

Current Zoning District (s) R

Recognized Civic Association or Area Commission Northeast Area Commission

(See Instructions in "Things to Remember" on the front of application packet)

Proposed Use or reason for Council Variance request: Conduct business of Schmitt's Tree Experts

Proposed Height District: H-35 Acreage 3.276

(Columbus City Code Section 3309.14)

APPLICANT: Name Larry M. Schmitt

Address 5529 Rockwood Road City Columbus, OH Zip 43229

PROPERTY OWNER(S) Name Virginia Schmitt and Larry M. Schmitt

Address 5529 Rockwood Road City Columbus, OH Zip 43229

☐ If applicable, check here if listing additional property owners on a separate page (Required)

ATTORNEY / AGENT

☒ Attorney

☐ Agent

Name Brent D. Rosenthal

Address 366 E. Broad Street City Columbus, OH Zip 43215

Phone # 614-628-0772 Fax # 614-221-0216

Email bdr@cpmlaw.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature Larry M. Schmitt

Property Owner Signature

Larry M. Schmitt

Virginia Schmitt

Attorney / Agent Signature

Brent Rosenthal

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.

CW10-002



AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Brent D. Rosenthal

of (1) MAILING ADDRESS 366 East Broad Street, Columbus, Ohio 43215

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) CERTIFIED ADDRESS FOR ZONING PURPOSES 3903 Westerville Road, Columbus, Ohio 43224
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Development, Building Services Division on (3) 2/25/10

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(4) Virginia Schmitt and Larry Schmitt
5529 Rockwood Road
Columbus, Ohio 43229

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

Larry M. Schmitt
614-266-2818

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

(5) Northeast Area Commission
Elwood Rayford 614-475-1448
2776 Yorkcliff Rd., Columbus, Ohio 43219

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)

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 25th day of February, in the year 2010

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

(8)

(8)



DONNA D. PEART

Notary Public, State of Ohio

My Commission Expires

April 8, 2014



CV10-002

APPLICANT

Larry M. & Virginia Schmitt
3903 Westerville Road
Columbus, Ohio 43224

PROPERTY OWNER

Larry M. & Virginia Schmitt
3903 Westerville Road
Columbus, Ohio 43224

ATTORNEY

Brent D. Rosenthal
Carlile Patchen & Murphy LLP
366 E. Broad Street
Columbus, Ohio 43215

AREA COMMISSION OR
NEIGHBORHOOD GROUP

Northeast Area Commission
c/o Elwood Rayford
2776 Yorkcliff Road
Columbus, Ohio 43219

SURROUNDING PROPERTY
OWNERS

City of Columbus
Real Estate Management
90 W. Broad St., Room 425
Columbus, Ohio 43215

Lance B. Sandlian
3935 Westerville Road
Columbus, Ohio 43224

Kathleen Slaven
2754 Ferris Road
Columbus, Ohio 43224

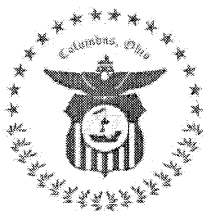
Mildred & Clarence Smith
2724 Ferris Road
Columbus, Ohio 43224

Kenneth D. Bing
2704 Ferris Road
Columbus, Ohio 43224

Matthew E. Blubaugh
2740 Ferris Road
Columbus, Ohio 43224

Tamara K. Kibler
2593 S. Ferris Park Dr.
Columbus, Ohio 43224

Winona Duncan & Lawana D. Egan
Co-Trustees
3845 Westerville Road
Columbus, Ohio 43224



City of Columbus CV10-002

Address Plat

CERTIFIED HOUSE NUMBERS

The House Numbers Contained on This Form
are Herein Certified for Securing
of Building & Utility Permits

Parcel ID: 010-204544

House Number: 3903

Lot Number: N/A

Work Done: REMODEL

Project Name: SINGLE FAMILY HOME

Street Name: WESTERVILLE RD

Subdivision: N/A

Complex: N/A

Owner: SCHMITT VIRGINIA SCHMITT LARRY M

Requested By: SANDRA BRESLER

Printed By: Louis D. McCann

Date: 2/23/2010



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

SCALE: 1 inch = 160 feet

GIS FILE NUMBER: 273085



CITY OF COLUMBUS, OHIO
DEPARTMENT OF DEVELOPMENT

MAYOR: MICHAEL B. COLEMAN
DIRECTOR: R. BOYCE SMITH III

3903 Westerville Road
Approximately 3.3 acres

ZB-104
LM
7/30/1987

ANNEX
R
5/5/1986

ANNEX
R1
5/14/1989

PERRIS RD

VALUE WAY DR

WESTERVILLE RD

WALNUT CREEK DR

ZB2-108
AR12
3/16/1983

ZB-104
SR
7/30/1987

ZB2-108
R1
3/16/1983

ZB-105
SR
11/15/1970

CV10-002

0 60 120 240 360 480 Feet

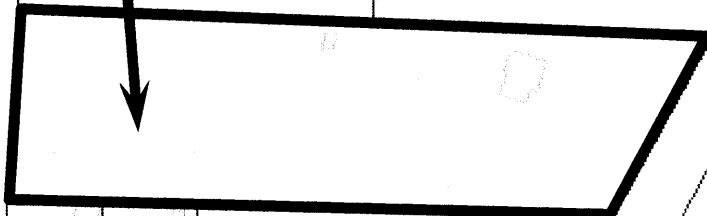




CITY OF COLUMBUS, OHIO
DEPARTMENT OF DEVELOPMENT

MAYOR MICHAEL B. COLEMAN
DIRECTOR R. BOYO ESKOT FOR RD III

3903 Westerville Road
Approximately 3.3 acres



PERRIS RD

YALDE WAY DR

WESTERVILLE RD

WALNUT CREEK DR

SPRINGWOOD DR

CV10-002

0 60 120 240 360 480 Feet





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 Exhibit A

Signature of Applicant Larry M. Schmitt Date 2-24-2010

STATEMENT OF HARDSHIP – COUNCIL VARIANCE REQUEST
APPLICATION # CV10-002

The Applicant seeks to obtain a council use variance to permit it to continue the conduct of its tree service business, known as Schmitt Tree Experts. The business has been conducted on the subject property since the applicant acquired the property on May 22, 2008.

The business is conducted primarily off site at customers' homes or businesses, and includes tree trimming and pruning, tree and stump removal, lot clearing, and related services for residential and commercial customers. Activities conducted onsite include office and administrative functions inside the house, and cutting, splitting, and grinding of tree branches, trunks, stumps, and brush for offsite recycling or disposition on the outside. In addition, storage of materials, equipment, and vehicles occurs onsite in the rear yard portion of the property. The business also sells firewood in season.

The subject property consists of a single 3.276 acre parcel on the west side of Westerville Road, north of Ferris Road. The property is zoned Rural. The property is improved with a two story house, a barn-type structure, and smaller storage sheds. Access to the property is provided by two curb cuts on Westerville Road. All drive ways and parking areas are unpaved.

Generally the subject parcel and an abutting property to the north constitute an "island" abutted on three of their four sides by Rural-zoned Mifflin Township properties. The properties to the immediate south and west, and the property abutting the eastern portion of the northern boundary, both lie within Mifflin Township and are zoned Rural. The property immediately adjacent to the north abutting the majority of the northern boundary of the subject property lies within the City of Columbus and is zoned LM. The site is improved with a large drive-through self storage facility. Further north nearing Morse Road are retail uses, including a boat dealer, and a garden store/farm implement dealer. Across the street is a Columbus public golf course.

In addition to the use variance, the applicant requires and respectfully requests the following variances:

1. Code Section 3342.24 to permit parking areas to be unpaved;
2. Code Section 3342.23 to permit unmarked and unstriped parking areas.

The requested variances will not result in any changes to the uses or improvement of the site. There will be no changes or increases in traffic patterns or congestion. Due to the large size of the property and placement of improvements, there will be only minimal noise during business hours associated with the operation of power equipment. There will be no discernible vibration, emissions of smoke, dust or other particulates, odors, glare, light, or heat from the business. Finally the use is not inconsistent with the other uses along the Westerville Road corridor. Thus denial of the variance would work a material hardship on the Applicant and deprive the Applicant of rights enjoyed by other similarly situated landowners.



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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV10-002

Being first duly cautioned and sworn (NAME) Brent D. Rosenthal
of (COMPLETE ADDRESS) 366 E. Broad Street, 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 formats

Name of business or individual
Business of Individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

Larry M. Schmitt Virginia Schmitt 5529 Rockwood Road Columbus, Ohio 43229	

☐ If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 25th day
February, in the year 2010

SIGNATURE OF NOTARY PUBLIC

Donna D. Peart



DONNA D. PEART

Notary Public, State of Ohio

My Commission Expires

April 8, 2014

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

CV10-002

Legal Description
For File: 53475

Property Address: 3903 Westerville Road Columbus, OH 43224

Situated in the State of Ohio, County of Franklin, City of Columbus, and bounded and described as follows:

Beginning in the 2nd Quarter, Township No. 2, Range 17, U.S.M. lands and being more particularly described as follows:

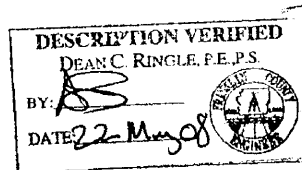
Beginning at an iron pipe at the Northwest corner of the Isaac Young Farm as the same is shown of record in Deed Book 399, Page 54, Franklin County Records; thence, South 89 degrees 39' East 771.30 feet with the North line of said Farm to its intersection with the center line of the Westerville Road; thence, South 29 degrees 39' West 219.20 feet to a point; thence North 86 degrees 49' West 676.97 feet to an iron pipe in West line of said Isaac Young Farm and passing an iron pipe in the West line of Westerville Road at 22.34 feet; thence, North 4 degrees 10' East 197.70 feet with the West line of said Farm to the place of beginning, containing 3.276 acres. Be the same more or less and subject to all legal highways.

0-56-A

Allot

(010)

204544





CITY OF COLUMBUS, OHIO
DEPARTMENT OF DEVELOPMENT

MAYOR: MICHAEL B. COLEMAN
DIRECTOR: R. BOYCESMITH RD III

3903 Westerville Road
Approximately 3.3 acres

CV10-002

0 60 120 240 360 480 Feet

