



COUNCIL VARIANCE APPLICATION

OFFICE USE ONLY:

Planning Area: _____ Received By: OH

LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 1380 Dublin Road Zip 43215

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 010-104617-00

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

Current Zoning District (s) M-2 Manufacturing District

Recognized Civic Association or Area Commission None

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

Proposed Use or reason for Council Variance request: Charter School in Existing Building

Proposed Height District: H35 Acreage 1.373 Acres

(Columbus City Code Section 3309.14)

APPLICANT: Name Joyce E. Bushman, Trustee of Joyce Bushman Trust dated October 14, 2003

Address 125 Mackenzie Drive City Pickerington Zip 43147

PROPERTY OWNER(S) Name Joyce E. Bushman, Trustee of Joyce Bushman Trust dated 10-14-03

Address 125 Mackenzie Drive City Pickerington Zip 43147

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

ATTORNEY / AGENT

Attorney Agent

Name Richard C. Brahm, Esq. & Aaron M. Glasgow, Esq., Brahm & Cunningham, LLC

Address 145 E. Rich Street City Columbus Zip 43215

Phone # (614) 228-2030 Fax # (614) 228-1472

Email rbrahm@brahmcunningham.com aglasgow@brahmcunningham.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature *Joyce E. Bushman*

Property Owner Signature *Joyce E. Bushman*

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.



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: 010-104617

Zoning Number: 1380

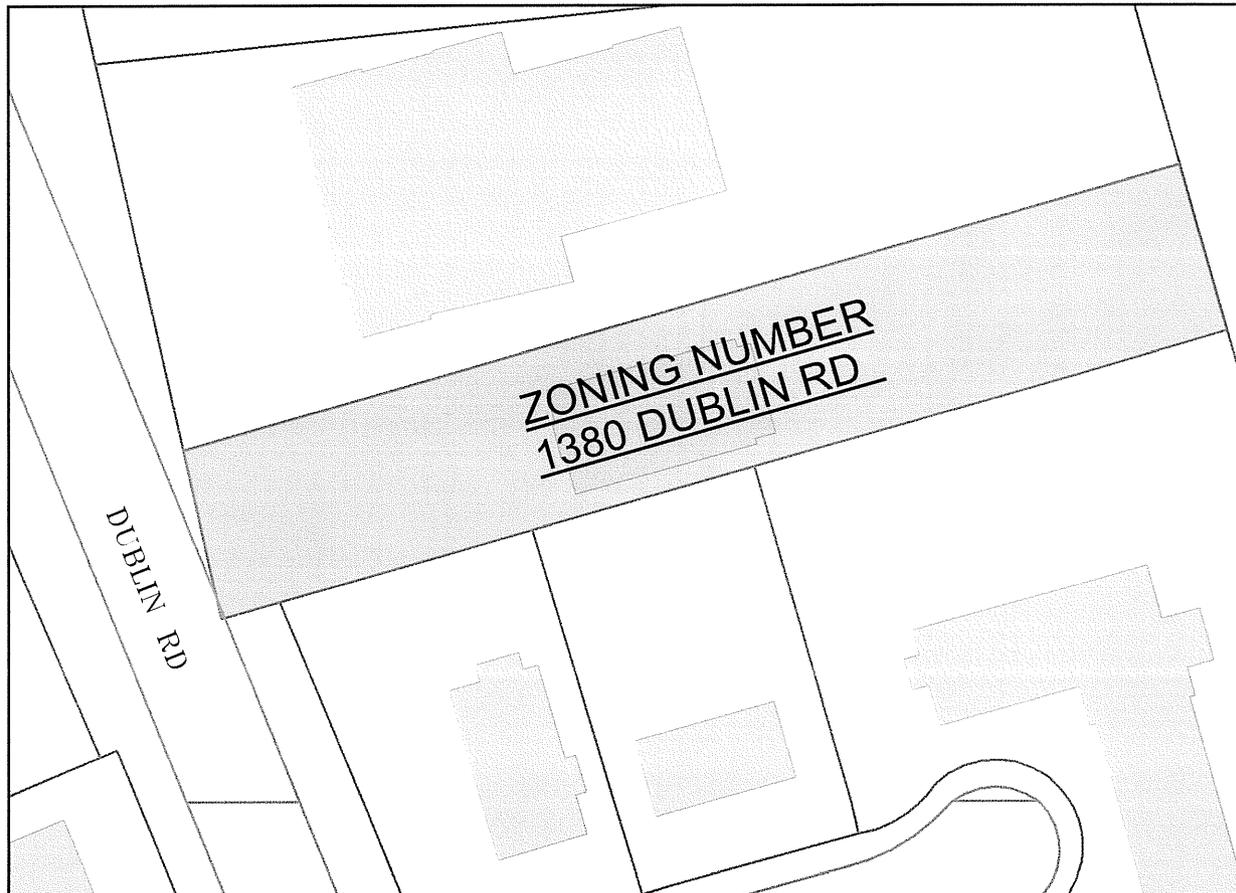
Street Name: DUBLIN RD

Lot Number: N/A

Subdivision: N/A

Requested By: KELLY ACKLEY

Issued By: *Louis D. McLann* Date: 8/4/2010



SCALE: 1 inch = 110 feet



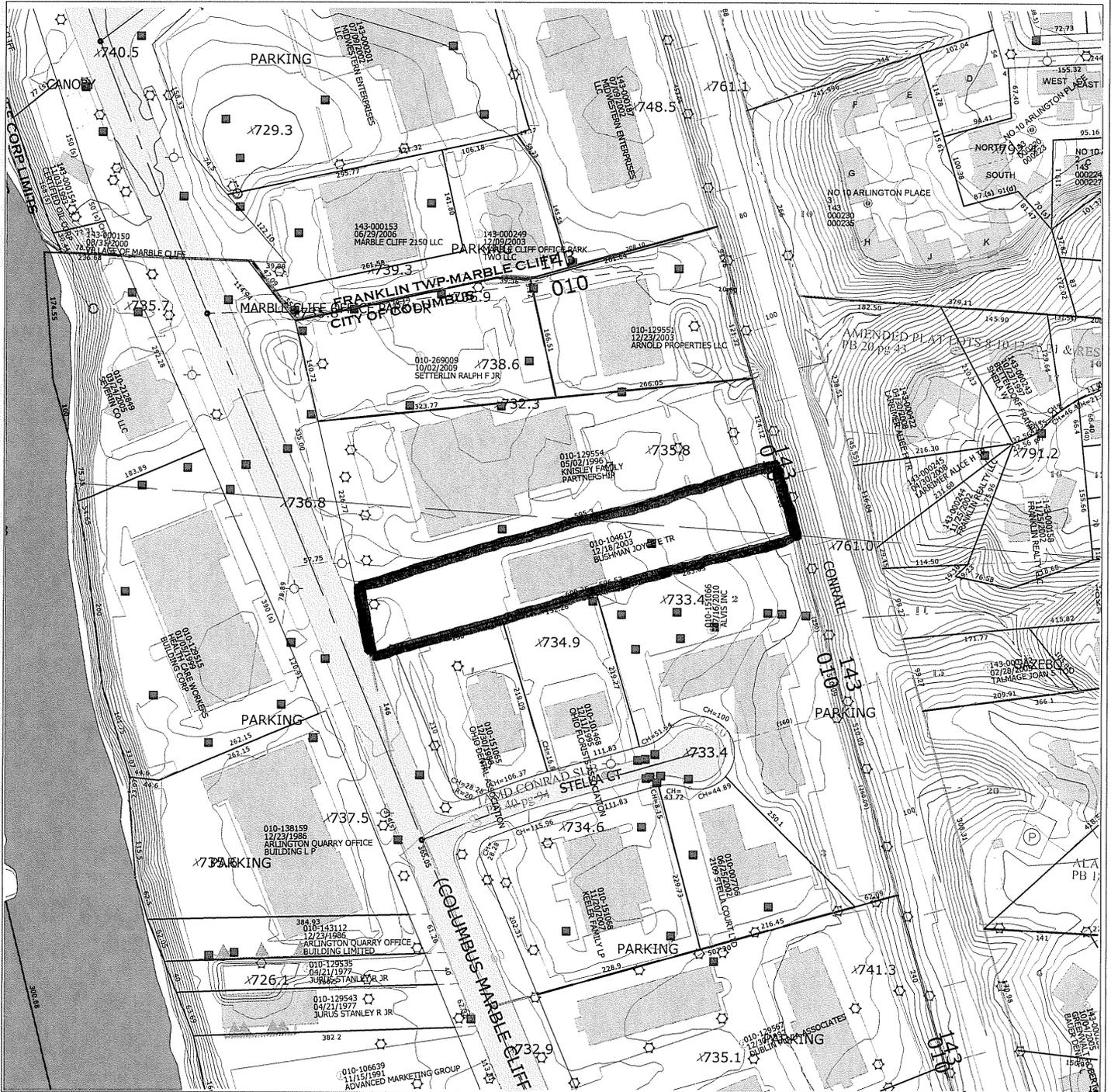
PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 8/3/10



Disclaimer

Scale = 200



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



AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Richard C. Brahm, Esq.,
of (1) MAILING ADDRESS Brahm & Cunningham, LLC, 145 E. Rich Street, Columbus, OH 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 1380 Dublin Road
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) 8/6/10
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(4) Joyce E. Bushman, Trustee of Joyce Bushman
Trust dated October 14, 2003
125 Mackenzie Drive
Pickerington, OH 43147

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

Joyce E. Bushman, Trustee
(614) 228-2030 (Richard C. Brahm, Attorney for Applicant)

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

(5) None

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

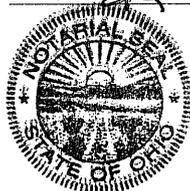
(8) [Signature]
Subscribed to me in my presence and before me this 5th day of August, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8) [Signature: Kelly L. Ackley]

My Commission Expires:

Notary Seal Here



Kelly L. Ackley
Notary Public, State of Ohio
My Commission Expires 06-18-2013

Supplement to Affidavit

Rezoning Applicant: Joyce E. Bushman, Trustee

#6 - Owners of Record of Property Within 125 Feet

<u>Name Of Owner</u>	<u>Property Address</u>	<u>Mailing Address</u>
Joyce E. Bushman, Trustee of the Joyce Bushman Trust Dated October 14, 2003	1380 Dublin Road Columbus, OH 43215	1380 Dublin Road Columbus, OH 43215
Alvis Inc	2100 Stella Court Columbus, OH 43215	PO Box 6808 Columbus, OH 43205
Arlington Quarry Office Building L P	1377 - 1393 Dublin Road Columbus, OH 43215	c/o Wallace Ackley 695 Kenwick Rd. Columbus, OH 43209-2513
Arnold Properties LLC	2075 Marble Cliff Office Columbus, OH 43215	2075 Marble Cliff Office Park Columbus, OH 43215
Franklin Realty LLC	Arlington Avenue	2000 Aladdin Woods Ct. Columbus OH 43212
Health Care Workers Building Corp.	1395 - 1399 Dublin Road Columbus, OH 43215	1395 Dublin Rd. Columbus, OH 43215
Ralph E. & Dorene E. Kerr	1301 Arlington Ave Columbus, OH 43212	1301 Arlington Ave. Columbus, OH 43212
Knisley Family Partnership	1390 - 1392 Dublin Road Columbus, OH 43215	1390 Dublin Rd. Columbus, OH 43215
Alice H. Larrimer, Tr.	Arlington Avenue 2030 Aladdin Woods Ct Columbus Oh 43212	2030 Aladdin Woods Ct. Columbus, OH 43212
Ohio Dental Association	1370 Dublin Road Columbus, OH 43215	1370 Dublin Rd., Floor One Columbus, OH 43215
Ohio Florists Association	2130 Stella Court Columbus, OH 43215	2130 Stella Ct. Columbus, OH 43215
Pennsylvania Lines LLC		Norfolk Southern Railway 110 Franklin Road SE Roanoke, VA 24042-0028

Alvis Inc.
PO Box 6808
Columbus, OH 43205

Arlington Quarry Office Building LP
Wallace Ackley
695 Kenwick Rd.
Columbus, OH 43209-2513

Arnold Properties LLC
2075 Marble Cliff Office Park
Columbus, OH 43215

Franklin Realty LLC
2000 Aladdin Woods Ct.
Columbus OH 43212

Health Care Workers Building Corp
1395 Dublin Rd.
Columbus, OH 43215

Ralph E. & Dorene E. Kerr
1301 Arlington Ave.
Columbus, OH 43212

Knisley Family Partnership
1390 Dublin Rd.
Columbus, OH 43215

Alice H. Larrimer, Tr.
2030 Aladdin Woods Ct.
Columbus, OH 43212

Ohio Dental Association
1370 Dublin Rd., Floor One
Columbus, OH 43215

Ohio Florists Association
2130 Stella Ct.
Columbus, OH 43215

Pennsylvania Lines LLC
Norfolk Southern Railway
110 Franklin Rd. SE
Roanoke, VA 24042-0028

Joyce E Bushman Tr.
1380 Dublin Rd.
Columbus, OH 43215

Richard C. Brahm
Brahm & Cunningham, LLC
145 E. Rich Street
Columbus, OH 43215



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 *Joseph R. ...* Date 8-5-10

EXHIBIT A TO
STATEMENT OF HARDSHIP

Applicant: Joyce Bushman, Trustee of the Joyce Bushman Trust dated October 14, 2003

The applicant requests that City Council grant a use variance pursuant to Section 3307.10 of the Columbus Zoning Code to allow a charter school use in the existing building.

The existing building at 1380 Dublin Road is zoned M-2 in the City of Columbus and has been zoned M-2 since 1970. The building on the site is a three story building that will be used for the proposed charter school. Since the vacation of the former tenant, the site has been for lease for more than one and one-half years. There has been no interest by manufacturing tenants to locate in the building.

Parking (Chapter 3342)

The building has more than 129 parking spaces associated with it so that off-street parking would be available should the requested charter school use be approved.

Accessory Uses (Section 3367.31)

While day care centers are accessory uses in an M-2 district, schools are not listed as one of the exceptions. In this case, the inability to rent the space and/or sell the building for any manufacturing M-2 use creates the special circumstances that apply to this property that did not apply generally to the properties in the same zoning district. A cursory review of the zoning along Dublin Road indicates a mixed use of apartments, commercial, limited manufacturing and manufacturing uses, some of which were established in the 1960s and 1970s.

Special Circumstances

Special circumstances on this property are not the result of the actions of the owner. The area is in transition and the economy at the current time has drastically reduced small manufacturing businesses. The variance is necessary because of the need to have the site available for the 2010 school year.

Economic Viability

Absent gaining the use variance for the establishment of a charter school in the building, the property owner will lose the economic viability of the building and perhaps the building itself should economic conditions remain as they are and have been for the last several years.

Section 3307.10(b)

Granting the variance will not injure the neighboring properties nor will it be contrary to the public interest or the intent and purpose of the zoning code. Day care centers for employees of manufacturing uses are “accessory” uses in the M-2 district. Thus, the idea of educational uses is not totally foreign to the district. Permitting a charter school on this site will allow children from the neighborhood and elsewhere in Columbus to be educated and will provide an economically viable use for the building.



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 # CUIO-029

Being first duly cautioned and sworn (NAME) Joyce E. Bushman, Trustee of Joyce Bushman
of (COMPLETE ADDRESS) Trust dated October 14, 2003, 125 Mackenzie Drive, Pickerington, OH 43147

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

Joyce E. Bushman, Trustee of Joyce Bushman Trust dated October 14, 2003
125 Mackenzie Drive
Pickerington, OH 43147
No. of employees: 0
Joyce Bushman (614) 207-4520

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 5th day of August, in the year 2010

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

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

Notary Seal Here



AARON M. GLASGOW
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.