

USE VARIANCE APPLICATION TO CITY COUNCIL



City of Groveport
Building & Zoning Department
655 Blacklick St
Groveport, OH 43125
614-830-2045

Date: 8-3-18

Case # 2018-09

Fee: **\$150.00**

The Zoning Inspector of the City of Groveport, Ohio has refused to issue a Certificate of Zoning Compliance at the following address as it is in violation of Zoning Code number: _____.

Address of property 4241 Williams Road

Parcel # 185-001368. The property is currently zoned PIP.

The property is currently being used for Light Manufacturing & ASMB.

The proposed use of the property is Truck mechanical service, parts storage and distribution and fleet vehicle sales.

I appeal to City Council for a Use Variance that will allow me to do the following: to permit fleet vehicle sales; other proposed uses are permitted; to reduce the parking requirement from 453 to 68 spaces.

Refusal constitutes a hardship because *see attached sheet.

Applicant Name: Acquire Inc. **Phone:** _____

Address: 4255 South Hamilton Road, P.O. Box 27130, Columbus, OH 43227-0130

Property Owner Name: JC Realty LP **Phone:** _____

Address: 4241 Williams Road, Groveport, OH 43125-9029

SUBMITTAL REQUIREMENTS: Applicant shall submit this application including the property owners list (see attached form), the filing fee, and twenty (20) copies of the following items to make a complete packet.

- ☒ Dimensions and size of existing and proposed lots and easements.
- ☒ Size and location of existing and proposed development such as buildings, structures, signs, water supply, waste water treatment, driveways, and parking, etc.
- ☒ Existing and proposed use of all parts of land and buildings.
- ☒ Any additional information concerning the subject tract and neighboring tracts as may be required by the Zoning Enforcement Officer or City Council in order to determine compliance with and provide enforcement of the Zoning Resolution.

APPLICANT'S AFFIDAVIT:

To the best of my (our) knowledge, the above statements and attached site plan are, in all respects true and accurate descriptions of the existing status and proposed plans for the property identified in this application.

Acquire Inc.

By: _____

614-221-4255

Applicant's Signature Jeffrey L. Brown -
attorney

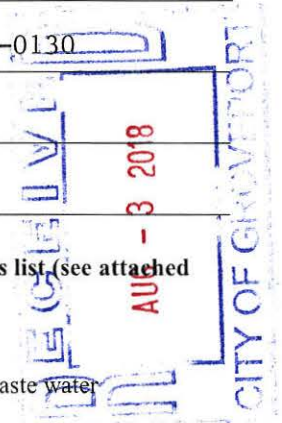
Contact phone number

Acquire Inc.

jlbrown@smithandhale.com

Applicant's Printed Name
Jeffrey L. Brown - attorney

Email address



PROPERTY OWNERS LIST

List of all adjoining property owners, contiguous to, and directly across the street from such proposed development. List must be in accordance with the Franklin County Auditor's current tax list and must include all the below information.

The Auditor's website is: www.franklincountyauditor.com Go to *Your Property*, *Property Search*, put your address in, then go to *Mapping*, and then *Buffer Search*. If you need assistance, call the City of Groveport Building Department at 614-830-2045.

Parcel Number: 185-001124

Owner's Name: Stanley Carter & Dorothy
Address: 4199 Williams Road
City & State: Groveport, OH Zip Code 43125

Site Address: 4199 Williams Rd

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 185-001398

Owner's Name: Ansar Iqbal Shehnaz Begum
Address: 4105 Williams Road
City & State: Groveport, OH Zip Code 43125

Site Address: 4105 Williams Rd

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 185-001355 185-001354

Owner's Name: Franklin County Commissioners
Address: 373 South High Street, Floor 26
City & State: Columbus, OH Zip Code 43215

Site Address: 4395 Marketing Place & O Hamilton Rd

Mail Address: Name: _____
Address: _____
City & State: _____ Zip Code _____

If additional space is needed, make copies as needed of this page.

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Parcel Number: 530-170739

Owner's Name: Pamela Mourn
Address: 4073 Vermillion Avenue
City & State: Groveport, OH Zip Code 43125

Site Address: 4073 Vermillion Ave

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 530-170740

Owner's Name: Noura Simaoui
Address: 4081 Vermillion Avenue
City & State: Groveport, OH Zip Code 43125

Site Address: 4081 Vermillion Ave

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 530-170741

Owner's Name: Richard & Gayle Blackmore
Address: 4089 Vermillion Avenue
City & State: Groveport, OH Zip Code 43125

Site Address: 4089 Vermillion Ave

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

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Parcel Number: 530-170742

Owner's Name: George Pietro & Melissa Mascari
Address: 4097 Vermillion Avenue
City & State: Groveport, OH Zip Code 43125

Site Address: 4097 Vermillion Ave

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 530-170743

Owner's Name: Michael & Sue Richardson
Address: 4105 Vermillion Avenue
City & State: Groveport, OH Zip Code 43125

Site Address: 4105 Vermillion Ave

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 530-170744

Owner's Name: Charles & Mary Sevy
Address: 4113 Vermillion Avenue
City & State: Groveport, OH Zip Code 43125

Site Address: 4113 Vermillion Dr

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

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Parcel Number: 185-001171

Owner's Name: Milana Enterprises LLC
Address: 4279-4293 Directors Blvd.
City & State: Groveport, OH Zip Code 43125

Site Address: 4279 - 4293 Directors Blvd

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 185-001373

Owner's Name: Isomedix Ohio
Address: Attn: Tax Dept., 5960 Heisley Road
City & State: Mentor, OH Zip Code 44060

Site Address: 4405 Marketing Place

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 185-001362

Owner's Name: Lamako Properties
Address: 4425 Marketing Place
City & State: Groveport, OH Zip Code 43125

Site Address: 4411 Marketing PL

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

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Parcel Number: 185-000901

Owner's Name: State of Ohio - Director of Administrative Services
Address: 30 East Broad Street
City & State: Columbus, OH Zip Code 43215

Site Address: 4465 Hamilton Road

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 530-163906

Owner's Name: Sean Tucker & Juanita Pemberton
Address: 3995 Hendron Road
City & State: Groveport, OH Zip Code 43125

Site Address: 3995 Hendron Rd

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 185-001086

Owner's Name: Carol & Julius Horvath
Address: 4179 Williams Road
City & State: Groveport, OH Zip Code 43125

Site Address: 4179 Williams Rd

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

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Parcel Number: 185-000891

Owner's Name: 4343 Williams Road
Address: 2711 International Street
City & State: Columbus, OH Zip Code 43228

Site Address: 4343 Williams Road

Mail Address: Name: same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 530-170738

Owner's Name: Lacee Steffy
Address: 4065 Vermillion Avenue
City & State: Groveport, OH Zip Code 43125

Site Address: 4065 Vermilion Ave

Mail Address: Name: same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: _____

Owner's Name: _____
Address: _____
City & State: _____ Zip Code _____

Site Address: _____

Mail Address: Name: _____
Address: _____
City & State: _____ Zip Code _____

If additional space is needed, make copies as needed of this page.

Being situated in the State of Ohio, County of Franklin, Village of Groveport, and being a part of Section 16, Township 11, Range 21, Buckingham's Survey of Congress Lands, and being all of a 7.9654 Acre tract (Tract #1), and all of a 0.1398 Acre tract (Tract #2), and all of a 0.4689 Acre tract (Tract #3), conveyed to Ball and Galloway shown of record in Official Record 7218, Page I-10, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a point in the west line of Section 16, said point being 40.00 feet south of the northwest corner of Section 16, said point being at the northwest corner of an original 11.9133 Acre tract shown of record in Official Record 2801, Page I-19;

Thence, South 85 degrees 48 minutes 08 seconds East, along part of the north line of said original 11.9133 Acre tract, a distance of 15.00 feet to a point at the northwest corner of said 7.9654 Acre tract (Tract #1), and the southwest corner of a 0.1875 Acre tract conveyed to the Village of Groveport, shown of record in Official Record 5334, Page J-10, and THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION

Thence, South 85 degrees 48 minutes 08 seconds East, along the northerly line of said 7.9654 Acre tract (southerly line of said 0.1875 Acre tract) (southerly Right-of-Way line of Williams Road), a distance of 394.82 feet to a point at the northeasterly corner of said 7.9654 Acre tract, and the northwesterly corner of a 4.0697 Acre tract (Parcel #2), conveyed to The Barnes Group, Inc., shown of record in Official Record 1067, Page C-04;

Thence, South 4 degrees 24 minutes 29 seconds West, along the easterly line of said 7.9654 Acre tract (westerly line of said 4.0697 Acre tract), a distance of 456.33 feet to a point at a southeasterly corner of said 7.9654 Acre tract, and the southwesterly corner of said 4.0697 Acre tract, and on the northerly line of said 0.4689 Acre tract;

Thence, South 85 degrees 48 minutes 08 seconds East, along the northerly line of said 0.4689 Acre tract, and along the northerly line of said 0.1398 Acre tract, and along the southerly line of said 4.0697 Acre tract, and along the southerly line of a 1.0563 Acre tract (Parcel #1), conveyed to The Barnes Group, Inc., shown of record in Official Record 1067, Page C-04, a distance of 490.00 feet to a point on the westerly Right-of-Way line of Marketing Place (60 feet wide), dedicated in Plat Book 46, Page 93, said point being at the northeasterly corner of said 0.1398 Acre tract, and the southeasterly corner of said 1.0563 Acre tract;

Thence, South 04 degrees 24 minutes 29 seconds West, along the westerly Right-of-Way line of said Marketing Place, and along the easterly line of said 0.1398 Acre tract, a distance of 60.00 feet to a point at the southeasterly corner of said 0.1398 Acre tract, and the northeasterly corner of a 4.5975 Acre tract conveyed to Isomedix Inc., shown of record in Official Record 3386, Page E-05;

Thence, North 85 degrees 48 minutes 08 seconds West, along the southerly line of said 0.1398 Acre tract, and along a southerly line of said 7.9654 Acre tract (northerly line of said 4.5975 Acre tract, a distance of 510.00 feet to a point at the corner of said 7.9654 Acre tract, and the northwesterly corner of said 4.5973 Acre tract;

Thence, South 04 degrees 24 minutes 29 seconds West, along an easterly line of said 7.9654 Acre tract, and along the westerly line of said 4.5975 Acre tract, a distance of 392.86 feet to a point at the southeasterly corner of said 7.9654 Acre tract and the southwesterly corner of said 4.5975 Acre tract, said point being on the northerly line of a 5.211 Acre tract (Tract #3-Parcel #1), conveyed to Galloway Industrial Properties I, shown of record in Official Record 8784, Page I-07;

Thence, North 85 degrees 35 minutes 31 seconds West, along the southerly line of said 7.9654 Acre tract, and along the northerly line of said 5.211 Acre tract, a distance of 303.61 feet to a point at the southwesterly corner of said 7.9654 Acre tract, and the northwesterly corner of said 5.211 Acre tract;

Thence, North 20 degrees 34 minutes 54 seconds West, along the westerly line of said 7.9654 Acre tract, a distance of 160.27 feet to an angle point in said line;

Thence, North 04 degrees 08 minutes 43 seconds East, along the westerly line of said 7.9654 Acre tract, a distance of 762.56 feet to the place of beginning, CONTAINING 8.5741 ACRES, subject however to all highways, easements and restrictions of record and of records in the respective utility offices.

10873C18

0-46-6

8.5741 AC
SPLIT FROM
125.1366

12/2/07

Hardship Statement – Use

The applicant is currently using two locations for truck mechanical service, parts storage and distribution along with fleet vehicle sales. All those uses except for fleet vehicle sales are permitted in the PIP district. The proposed fleet vehicle sales is compatible with the other proposed uses and would not be detrimental to the surrounding properties.

Hardship Statement – Parking

The property is currently used as a warehouse which has a very low parking requirement under Groveport's Zoning Code. The applicant wants to purchase the developed site and change the use to an automotive/truck service and repair facility, fleet parking and sales along with vehicle storage. The applicant is currently using the properties at 4355 Williams Road and 4340 Amalgamated Place and needs more space. Based on the actual parking needs of the existing facility and including the new larger building the zoning requirement of 453 parking spaces for exceeds the needs of the applicant. The site plan shows 68 parking spaces which meet the needs of the applicant. By granting the variance request the Board would reduce the need to pave more of the property which would never be used for parking.

The site has been developed with a warehouse building that the applicant wants to change the use of the building. The proposed uses calls for more parking but the applicant's actual experience is that far less parking is necessary for their use. This condition does not generally apply to the other properties in PIP district because those properties are developed with industrial uses. The number of parking spaces is determined by Groveport's Zoning Code not by the applicant. By approving the application the applicant is not required to pave more open space to accommodate parking spaces that it will never use, thereby preserving for the applicant the property right of having to have to build only what it needs for its usage.

The Board of Zoning Appeals reviews variance requests under the standard of practical difficulties. The Ohio Supreme Court outlined the practical difficulties standard in the Duncan case. There are seven factors that make up the Duncan standards and the Ohio Supreme Court has emphasized that "no single factor controls a determination of practical difficulties. The key to the standards is whether the area zoning requirements, as applied to the property owner in question is reasonable:

1. The 1st Duncan factor – whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

Without the variance the applicant cannot use the property for uses which are permitted under the zoning classifications. The building would continue to be a warehouse.

2. The 2nd Duncan factor – whether the variance is substantial.

The request is substantial due to the change of use for the existing building. The proposed number of parking spaces better represents the needs of the applicant.

3. The 3rd Duncan factor – whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

The essential character of the area would not change. The surrounding properties have been developed.

4. The 4th Duncan factor – whether the variance would adversely affect the delivery of governmental services.

The granting of these variances would not adversely affect the delivery of governmental services. Utilities are available to the site. Police and fire protection are already provided to the site.

5. The 5th Duncan factor – whether the property owner purchased the property with knowledge of the zoning restriction.

The applicant is under contract to buy this site and discovered the parking issue during their due diligence period.

6. The 6th Duncan factor – whether the property owner's predicament feasibly can be obviated through some method other than a variance.

The variance request is the only way to resolve this issue.

7. The 7th *Duncan* factor – whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Finally, the spirit and intent behind the zoning resolution would be observed and substantial justice would be done by granting the variance. The applicant wants to provide the amount of parking that it needs for its use. Requiring additional pavement for parking that will not be needed does not make sense.

Given this analysis the applicant meets all the Duncan factors establishing practical difficulties and the variances should be granted by the board.

ricart-duncan (nct)
8/2/18 S:Docs