

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

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

OFFICE USE ONLY

Application Number: CV17-007 Date Received: 1/25/17
Application Accepted by: TD+mm Fee: \$4800
Assigned Planner: Assigned to Shamon Pine, 614-645-2208
spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 3871 Lockbourne Industrial Parkway, Columbus, Ohio Zip: 43207

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: 510-261443, 510-238338, & 510-265811

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

Current Zoning District(s): M-1

Area Commission or Civic Association: Far South Columbus Area Commission

Proposed Use or reason for Council Variance request:

To allow the M-Manufacturing uses provided in C.C. 3363.16

Acreage: 20.06 +/-

APPLICANT:

Name: Preferred Living Phone Number: 614.901.2400 Ext.: _____

Address: 750 Communications Parkway City/State: Columbus, Ohio Zip: 43214

Email Address: _____ Fax Number: _____

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

Name: Pro-Tow, Inc. Phone Number: _____ Ext.: _____

Address: 1669 Harmon Avenue City/State: Columbus, Ohio Zip: 43223

Email Address: _____ Fax Number: _____

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

Name: David Hodge, Underhill & Hodge LLC Phone Number: 614.335.9320 Ext.: _____

Address: 8000 Walton Parkway, Suite 260 City/State: New Albany, Ohio Zip: 43054

Email Address: david@uhlawfirm.com Fax Number: 614.335.9329

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

APPLICANT SIGNATURE By: [Signature]

PROPERTY OWNER SIGNATURE By: [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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CV17-007

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.

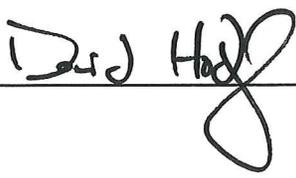
In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

Please see attached Statement of Hardship.

Signature of Applicant By:  Date 1/25/2017

CV17-007

Statement of Hardship

3871 Lockbourne Industrial Parkway

The applicant submits this Council Variance application for property zoned in the M1 – Manufacturing District of the Columbus Zoning Code. The request is to allow the uses provided by 3363.16 or the M – Manufacturing District. The intended use of the property, subject to review and approval of a Special Permit by the Board of Zoning Adjustment, is for an asphalt plant with the capability of recycling asphalt. The property resides in a decidedly industrial district of the City of Columbus, all surrounding properties being zoned in the M1 District, much M zoned property to the north across Williams Road, and no residentially zoned or used property within 600' of the perimeter of the property to be used for the plant.

The variance requested is to C.C. 3365.01, to allow the uses of C.C. 3363.16 where they are not specifically permitted.

A variety of uses are allowed by right in the M-1 District, the applicant contends that among those uses are uses that are substantially similar to the use proposed here. Because of the nature of the property itself, the surrounding zonings and uses, and the distance from residentially zoned or used property, the use family proposed here will not adversely affect the surrounding property or surrounding neighborhood. A hardship exists for the applicant in many ways, in terms of locating appropriately zoned property suitable for its intended use, and also with reference to the application of the City Code for this use. The proposed asphalt plant will be used to create asphalt for both public and private marketplace, and will be the most efficient mechanism for recycling asphalt that exists in the entire county. The plant itself is being imported from Switzerland, and its use on this property will meet or exceed both the performance standards of the City Code, and all applicable regulations of the Ohio EPA.

The approval of this requested use variance will not impair an adequate supply of light and air to any 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 inhabitants of the City of Columbus.

The applicant respectfully requests approval of this reasonable and appropriate variance request.

Preferred Living

By:

Signature of Applicant:

David Hoff - Attorney

Date:

11/25/2016

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Department of Building & Zoning Services

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

AFFIDAVIT (See instruction sheet)

Application Number: CV17-007

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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 3871 Lockbourne Industrial Parkway, Columbus, Ohio 43207

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 1/25/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) Pro-Tow, Inc.
1669 Harmon Avenue
Columbus, Ohio 43223

APPLICANT'S NAME AND PHONE # (same as listed on front application) Preferred Living
614.901.2400

AREA COMMISSION OR CIVIC GROUP OR CONTACT PERSON AND ADDRESS (5) Far South Columbus Area Commission
Becky Walcott
723 Ivorton Road South, Columbus, Ohio 43207

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)

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

(8) SIGNATURE OF AFFIANT David Hodge

Sworn to before me and signed in my presence this 25th day of January, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC Kimberly R. Grayson My Commission Expires 1-11-2021

Notary Seal Here



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires January 11, 2021
My Commission Expires six (6) months after the date of notarization.

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

CV17-007

PROPERTY OWNER: Pro-Tow, Inc.
1669 Harmon Avenue
Columbus, Ohio 43223

APPLICANT: Preferred Living
750 Communications Parkway
Columbus, Ohio 43214

ATTORNEY: David Hodge
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

AREA COMMISSION: Far South Columbus Area Commission
Becky Walcott
723 Ivorton Road South
Columbus, Ohio 43207

SURROUNDING PROPERTY OWNERS: 562 Terminal Facility LP
695 Ridge Road
Orwigsburg, PA 17961
Local Waste Services LLC
4025 Alum Creek Road
Columbus, Ohio 43207

Barry and Jennifer Irwin
286 Brownsfell Drive
Columbus, Ohio 43235-7002
Spartan Warehouse Distribution
4140 Lockbourne Road
Columbus, Ohio 43207
3880 Gray Gables Realty LLC
2555 Brice Road
Reynoldsburg, Ohio 43068

Ohio Preferred Concrete Services, Inc.
1300 Emig Road
Columbus, Ohio 43223
PSH Management LLC
5560 Biggert Road
Grove City, Ohio 43123
Cardinal Container Corp
3700 Lockbourne Road
Columbus, Ohio 43207

Ferrellgas LP
1 Liberty Plaza
Liberty, MO 64068-2970
3800 Lockbourne LLC
980 North Michigan Ave., Suite 1660
Chicago, Illinois 60611
Phoenix Warehouse LLC
3663 Alum Creek Drive
Columbus, Ohio 43207

J Bowman LLC
P.O. Box 182022
Columbus, Ohio 43218

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

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

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 # CV17-007

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge
of (COMPLETE ADDRESS) Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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

<p>1. Preferred Living 750 Communications Parkway Columbus, Ohio 43214</p>	<p>2. Pro-Tow, Inc. 1669 Harmon Avenue Columbus, Ohio 43223</p>
<p>3.</p>	<p>4.</p>

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

SIGNATURE OF AFFIANT David Hodge

Sworn to before me and signed in my presence this 25th day of January, in the year 2017

Kimberly R. Grayson
SIGNATURE OF NOTARY PUBLIC

1-11-2021
My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

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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: 510238338, 510,510261443, 510265811

Zoning Number: 3871

Street Name: LOCKBOURNE INDUSTRIAL PKWY

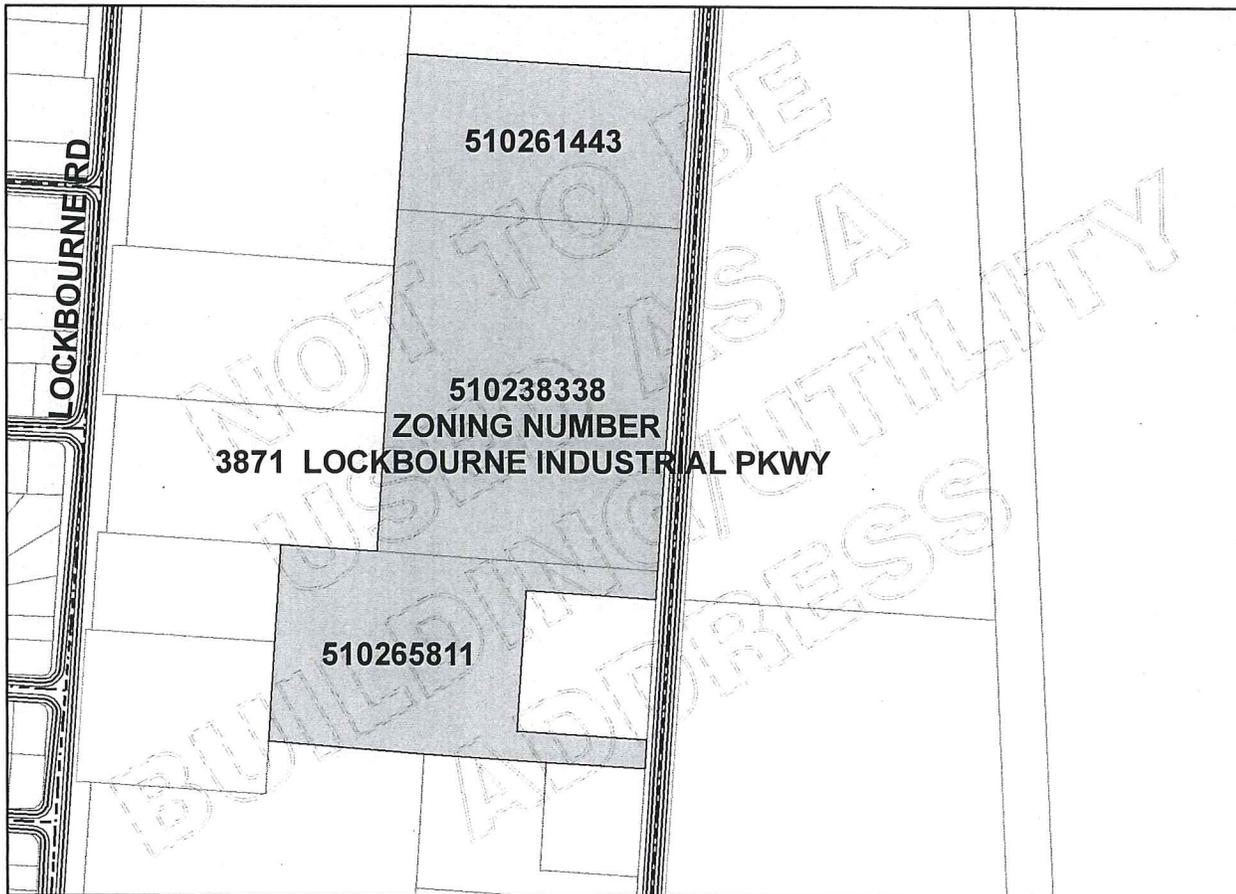
Lot Number: N/A

Subdivision: N/A

Requested By: UNDERHILL & HODGE LLC (DAVID HODGE)

Issued By: *Adyana Umarian*

Date: 1/24/2017



FRANK D. WILLIAMS, ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 400 feet

GIS FILE NUMBER: 82686

CV17-007

EXHIBIT A

CV17-007
Def ③

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 4, Range 22, Congress Lands, and being out of the remainder of that tract as conveyed to Electrical Contractors and Associates, of record in Official Record 13591B04, said remainder tract being a part of Reserve B of "Lockbourne Industrial Park" as recorded in Plat Book 50, Page 57, (all references refer to the record of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at the centerline intersection of Williams Road with Lockbourne Industrial Parkway, witness a railroad spike found 0.67 feet North and 1.42 feet West;

Thence South 03° 50' 26" West, with the centerline of said Lockbourne Industrial Parkway, a distance of 666.66 feet;

Thence North 86° 09' 34" West, leaving said centerline, a distance of 30.00 feet to an iron pin set in the westerly right-of-way line of said Lockbourne Industrial Parkway, the True Point of Beginning;

Thence South 03° 50' 26" West, with said westerly right-of-way line, a distance of 326.50 to an iron pin set marking the northeasterly corner of that 9.889 acre tract as conveyed to Joseph C. Bowman of record in Official Record 35083B17;

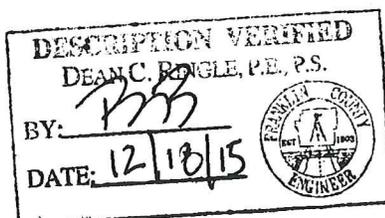
Thence North 86° 09' 34" West, with the northerly line of said 9.889 acre tract, a distance of 601.05 feet to an iron pin set marking the northwesterly corner thereof, in the easterly line of that 8.10 acre tract as conveyed to Cardinal Container Corporation of record in Official Record 1763D05;

Thence North 03° 50' 26" East, with the easterly line of said 8.10 acre tract, a distance of 326.50 feet to an iron pin set;

Thence South 86° 09' 34" East, across said Electrical Contractors and Associates tract, a distance of 601.05 feet to the True Point of Beginning and containing 4.505 acres, more or less.

Iron pins set, where indicated, are iron pipes, thirteen-sixteenth (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the same bearing system as "Hamilton Lakes North Section 1" as recorded in Plat Book 95, Pages 7 and 8.



N124EE
All of
(510)
261443

CV17-007
(2 of 3)

EXHIBIT "A"

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Reserve "B" of "LOCKBOURNE INDUSTRIAL PARK", as the plat of same is of record in Plat Book 50, page 57, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning for reference at a railroad spike found at the intersection of the centerline of Williams Road with the centerline of Lockbourne Industrial Parkway (as dedicated by plat of record in Plat Book 50, page 57 and being 60 feet in width);

Thence South 5 deg. 36' 30" West, along the centerline of Lockbourne Industrial Parkway, a distance of 994.14 feet to a point;

Thence North 84 deg. 23' 30" West, a distance of 30.00 feet to an iron pin set in the westerly right-of-way line of Lockbourne Industrial Parkway, being the TRUE POINT OF BEGINNING, the northeasterly corner of the tract herein intended to be described;

Thence South 5 deg. 36' 30" West, along said right-of-way line of Lockbourne Industrial Parkway, a distance of 717.96 feet to an iron pin set;

Thence North 84 deg. 23' 30" West, a distance of 600.00 feet to an iron pin set;

Thence North 5 deg. 36' 30" East, a distance of 717.96 feet to an iron pin set;

Thence South 84 deg. 23' 30" East, a distance of 600.00 feet to the point of beginning, containing 9.889 acres, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on the same meridian as the bearing of the northerly right-of-way line of south Columbus Airport Road (North 84 deg. 25' 30" West), of record in Plat Book 50, page 57.

M-124-EE
ALL OF
(510)
238338



CV 17-007
3 of 3

Exhibit A

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 4, Range 22, Congress Lands, and being out of the remainder of that tract as conveyed to ELECTRICAL CONTRACTORS AND ASSOCIATES of record in OR Vol. 13591, Page B04, said remainder of tract being a part of RESERVE B OF "LOCKBOURNE INDUSTRIAL PARK" as recorded in Plat Book 50, Page 57, (all references refer to the records of the Recorder's Office, Franklin County Ohio) and described as follows:

Beginning, for reference, at the centerline intersection of Williams Road with Lockbourne Industrial Parkway, witness a railroad spike found 0.67 feet North and 1.42 feet West;

Thence South 03 degrees, 50' 26" West, with the centerline of said Lockbourne Industrial Parkway, a distance of 1711.12 feet;

Thence North 86 degrees, 09' 34" West, leaving said centerline, a distance of 30.00 feet to an iron pin set marking the Southeasterly corner of that 9.889 acre tract conveyed to Joseph C. Bowman of record in OR Vol. 35083, Page B17, in the Westerly right-of-way line of said Lockbourne Industrial Parkway, the TRUE POINT OF BEGINNING;

Thence South 03 degrees, 50' 26" West, with said Westerly right-of-way line, a distance of 60.40 feet to an iron pin set marking the Northeasterly corner of that 1.850 acre tract conveyed to FERRELLGAS, LP of record in OR Vol. 33882, Page G20;

Thence North 86 degrees, 09' 34" West, with the Northerly line of said 1.850 acre tract, a distance of 273.00 feet to an iron pin set making the Northwesterly corner thereof;

Thence South 03 degrees, 50' 26" West, with the Westerly line of said 1.850 acre tract, a distance of 295.10 feet to an iron pin set marking the Southwesterly corner thereof;

Thence South 86 degrees, 09' 34 East, with the Southerly line of said 1.850 acre tract, a distance of 273.00 feet to an iron pin set marking the Southeasterly corner thereof, in said Westerly right-of-way line;

Thence South 03 degrees, 50' 26" West, with said Westerly right-of-way line, a distance of 60.07 feet to an iron pin set marking the Northeasterly corner of that 1.091 acre tract conveyed to BARRY T. IRWIN and JENNIFER W. IRWIN of record in Instrument Number 200103280062633;

Thence North 86 degrees, 17' 57" West, with the Northerly line of said 1.091 acre tract and with the Northerly line of that 1.940 acre tract conveyed to SPARTAN WAREHOUSE, a distance of 468.70 feet to an iron pin set marking the Northeasterly corner of said 1.940 acre tract, the Northwesterly corner of that 5.470 acre tract conveyed to LEELYN, INC. of record in OR Vol. 34674, Page B06;

Thence North 85 degrees, 52' 06" West, with a Northerly line of said 5.470 acre tract, a distance of 332.01 feet to an iron pin set marking a Northwesterly corner thereof, in the Easterly line of the remainder of that 5.122 acre tract conveyed to WILLIAM J. GREER, SR. of record in Instrument Number 199711210149980;

Thence North 03 degrees, 49' 10" East, with said Easterly line and with the Easterly line of that 1.985 acre tract conveyed to OHIO PREFERRED CONCRETE SERVICES, INC. of record in Instrument Number 200206250156130, a distance of 415.00 feet to an iron pin set marking the Northeasterly corner of said 1.985 acre tract, in the Southerly line of that 3.761 acre tract conveyed to CATO of OHIO, LLC of record in Instrument Number 200207010160679;

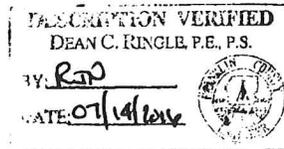
Thence South 86 degrees, 10' 04" East, with said Southerly line, a distance of 199.80 feet to an iron pin set marking the Southeasterly corner thereof, the Southwesterly corner of said 9.889 acre tract;

Thence South 86 degrees, 09' 34" East, with said Southerly line of said 9.889 acre tract, a distance of 601.05 feet to the TRUE PLACE OF BEGINNING and containing 5.799 acres, more or less.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty inches long with a plastic plug placed in the top bearing the initials EMHT Inc.

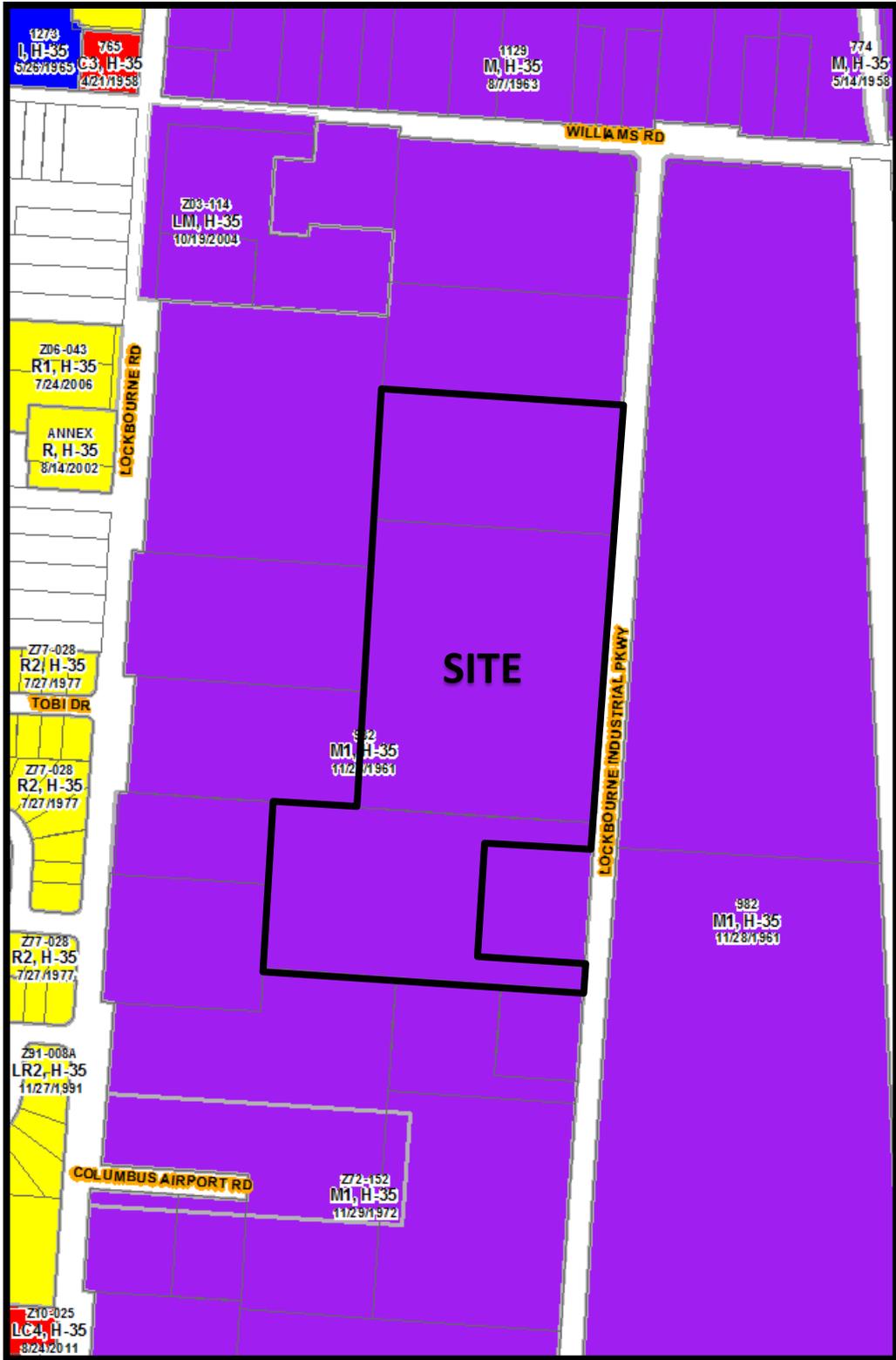
Bearings are based on the same bearing system as "Hamilton Lakes North Section 1" as recorded in Plat Book 95, Pages 7 and 8.

Prior Instrument Reference: Instrument No. 200805140074265
Parcel No.: 510-265811-00
Property Address: South Columbus Airport Road, Columbus, OH



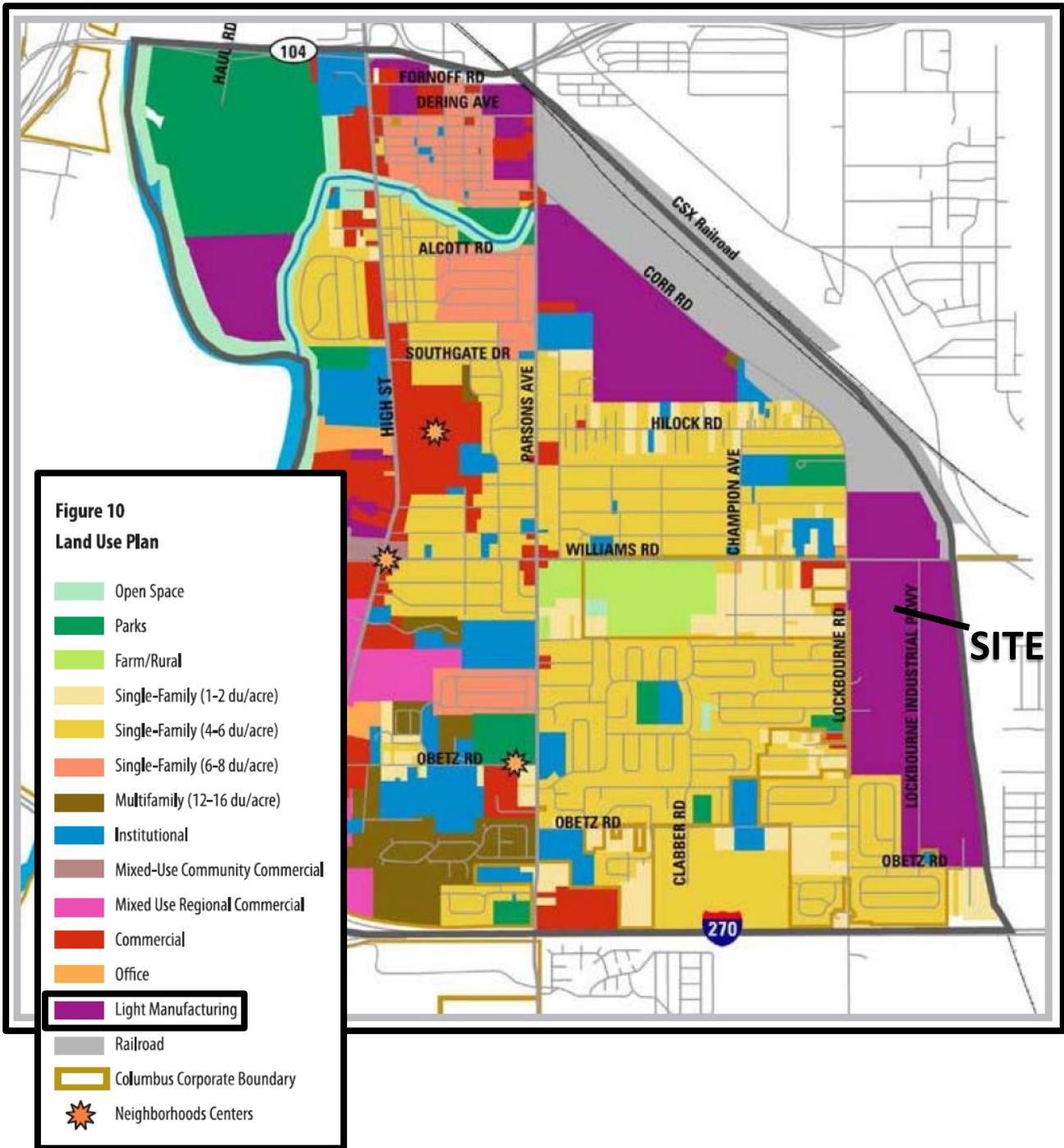
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ALL OF
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265811

CU 17 - 007



CV17-007
 3871 Lockbourne Industrial Parkway
 Approximately 20.06 acres

Scioto Southland Plan (2007)



CV17-007
 3871 Lockbourne Industrial Parkway
 Approximately 20.06 acres



CV17-007
3871 Lockbourne Industrial Parkway
Approximately 20.06 acres