

## Zoning Report

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### Site Information

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Address	4569 E 5TH AVE
Mailing Address	35 N 4TH ST FL 4 COLUMBUS OH 43215-3635
Owner	SOLIHULL/AIRPORT LLC
Parcel Number	010274593
In Columbus?	Yes
County	FRANKLIN

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### Zoning Information

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Zoning	ORIG, Manufacturing, M, 2/27/1928, H-35
Historic District	None
Council Variance	None
Board of Zoning Adjustment (BZA) Variance	06310-00000-00038, Passed
Commercial Overlay	None
Planning Overlay	I-670 Graphics Control
Graphics Variance	None
Area Commission	None
Historic Site	No
Flood Zone	Out
Airport Overlay Environs	None

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### Pending Zoning Action

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Zoning	None
Board of Zoning Adjustment (BZA) Variance	None
Council Variance	None
Graphics Variance	None

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Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

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

OFFICE USE ONLY

Application Number: BZA 17-016 Date Received: 2/13/17
Application Accepted by: D. Reiss Fee: \$1,900.00
Commission/Civic: None
Existing Zoning: M
Comments: 4/25/17

TYPE(S) OF ACTION REQUESTED (Check all that apply):

- Variance [ ] Special Permit [x]

Indicate what the proposal is and list applicable code sections:

Requesting a Special Permit to allow asphalt recycling.

LOCATION

Certified Address: 4569 East Fifth Avenue City: Columbus, Ohio Zip: 43219

Parcel Number (only one required): 010-274593

APPLICANT (If different from Owner):

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: Solihull/Airport LLC Phone Number: Ext.:

Address: 150 East Broad Street, Suite 800 City/State: Columbus, Ohio Zip: 43215

Email Address: Fax Number:

ATTORNEY / AGENT (Check one if applicable): [x] 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@uhlfirm.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]

PLEASE NOTE: Incomplete information will result in the rejection of this submittal. Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Notarize

# Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

## AFFIDAVIT

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 4569 East Fifth Avenue, Columbus, Ohio 43219

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

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME (4) Solihull/Airport LLC  
AND MAILING ADDRESS 150 East Broad Street, Suite 800  
Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE # (5) Preferred Living  
(same as listed on front application) 614.901.2400

AREA COMMISSION OR CIVIC GROUP OR CONTACT PERSON AND ADDRESS (5) \_\_\_\_\_  
AREA COMMISSION ZONING CHAIR \_\_\_\_\_  
OR CONTACT PERSON AND ADDRESS \_\_\_\_\_

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 David Hodge

Sworn to before me and signed in my presence this 13<sup>th</sup> day of February in the year 2017

David J. Reiss  
(7) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here  
DAVID J. REISS  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION EXPIRES MAY 30, 2020

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**PROPERTY OWNER:**

Solihull/Airport LLC  
150 East Broad Street, Suite 800  
Columbus, Ohio 43215

**APPLICANT:**

Preferred Living  
750 Communications Parkway  
Columbus, Ohio 43214

**ATTORNEY:**

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

**SURROUNDING PROPERTY OWNERS:**

Columbus Regional Airport Authority  
Or current occupant  
4600 International Gateway  
Columbus, Ohio 43219

4575 E 5<sup>th</sup> Avenue LLC  
Or current occupant  
7030 West 63<sup>rd</sup> Street  
Chicago, Illinois 60638

JS2 & JS3 Properties LLC  
Or current occupant  
4561 East Fifth Avenue  
Columbus, Ohio 43219

**Special Permit Statement**

**4569 East Fifth Avenue**

The applicant, Preferred Living, seeks approval from the Board of Zoning Adjustment (BZA) for a Special Permit to make use of the subject property as an asphalt recycling facility in conjunction with an asphalt plant. The property is located in the M, Manufacturing zoning district, which allows an asphalt plant itself by right. A Special Permit is required because recycling uses in the City of Columbus are considered "salvage" under the Zoning Code, and "salvage" uses require a Special Permit.

C.C. Section 3389.07 provides that salvage yards require a Special Permit. C.C. Section 3307.06 – Special permits provides that the BZA is empowered to grant special permits where it is shown that the special use can be granted without substantial detriment to the public good, without substantial impairment of the general purpose and intent of the zoning district in which the use is proposed to be located, and without significant incompatibility with the general character of the neighborhood. Each of these criteria are individually restated below in italics and addressed thereafter.

*1. The special use can be granted without substantial detriment to the public good.*

Yes. The subject property is located along the south side of East Fifth Avenue. The property is zoned for an asphalt plant, in addition to all of the other M uses allowed under the law, and all of the C, Commercial uses in the City from C-1 to C-5. All of the adjacent uses and zonings also occur in the M district. The nearest residentially zoned property is across Poth Road to the south, and to the north and northeast is the John Glenn Columbus International Airport. These uses and zonings are approximately 1,795 feet and 850 feet away from the property respectively. The special use requested is not for the asphalt plant, an asphalt plant is permitted here by right. The special use is to allow the product taken up from existing roads to be reprocessed/recycled on the site in conjunction with the asphalt plant. In terms of the existing zoning, and the existing built environment on the surrounding properties, allowing recycling here will not be a substantial detriment to the public good.

*2. The special use can be granted without substantial impairment of the general purpose and intent of the M zoning district.*

Yes. The general purpose and intent of the M zoning district is to provide locations in Columbus where the property may be appropriately put to use in a variety of business, production, manufacturing, and creative pursuits ranging from warehouse, storage and sales establishments, to the production of atomic energy products, to adult entertainment. The primary use of this property will be an asphalt plant, currently permitted in the M zoning district. Ancillary to that use here, to maximize the efficiency of the pursuit, is to allow the transformation of millings that come off the road and other paved surfaces into new asphalt to be used in new road and paving projects. The request to allow this specific, narrow type of salvage/recycling ancillary to and supportive of the asphalt plant use will not serve to impair the general purpose and intent of the M zoning district in any manner.

*3. The special use can be granted without significant incompatibility with the general character of the neighborhood.*

Yes. The requested recycling use can be granted without any incompatibility with the character of the neighborhood. This neighborhood is a decidedly industrially oriented and manufacturing type of

neighborhood, including the large international airport that is located immediately to the north and northeast of this property. All of the surrounding properties are zoned in the M, Manufacturing district and are put to industrial type uses. As zoned those properties may be put by right to a multitude of uses. Use of the property for a recycling purpose, beneficial to the City, and beneficial in general to the environment is important and may be done here without any incompatibility either to the existing zoning or uses that currently exist in this neighborhood.

The applicant respectfully requests the support of, and approval of, this Special Permit request.

Preferred Living

Signature of Applicant: By: David Hoyle  
Date: 2/16/17





# 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: 010274593

Zoning Number: 4569

Street Name: E 5TH AVE

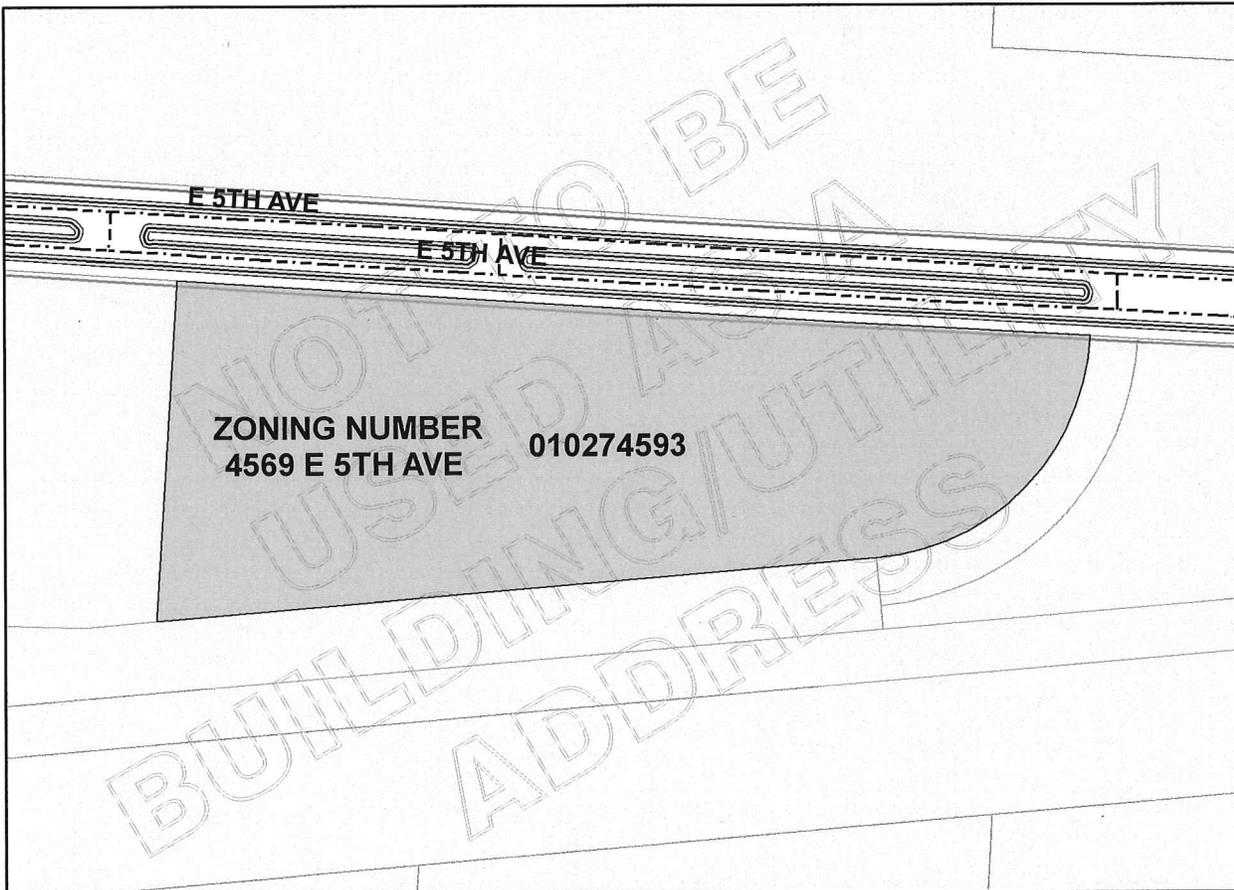
Lot Number: N/A

Subdivision: N/A

Requested By: UNDERHILL & HODGE LLC (DAVID HODGE)

Issued By: *Adyana Amarian*

Date: 2/9/2017



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

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 83640

# Board of Zoning Adjustment Application

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AND ZONING SERVICES

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 # \_\_\_\_\_

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 and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
Solihull/Airport LLC	150 East Broad Street, Suite 800, Columbus, Ohio 43215
Preferred Living	750 Communication Parkway, Columbus, Ohio 43214

SIGNATURE OF AFFIANT *David Hodge*

Sworn to before me and signed in my presence this 13<sup>th</sup> day of February in the year 2017

*David J. Reiss*  
SIGNATURE OF NOTARY PUBLIC

DAVID J. REISS  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION EXPIRES MAY 30, 2020  
My Commission Expires  
Notary Seal Here

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