### Zoning Report

#### Site Information

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>4569 E 5TH AVE</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>35 N 4TH ST FL 4  COLUMBUS OH 43215-3635</td>
</tr>
<tr>
<td>Owner</td>
<td>SOLIHULL/AIRPORT LLC</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>010274593</td>
</tr>
<tr>
<td>In Columbus?</td>
<td>Yes</td>
</tr>
<tr>
<td>County</td>
<td>FRANKLIN</td>
</tr>
</tbody>
</table>

#### Zoning Information

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>ORIG, Manufacturing, M, 2/27/1928, H-35</td>
</tr>
<tr>
<td>Historic District</td>
<td>None</td>
</tr>
<tr>
<td>Council Variance</td>
<td>None</td>
</tr>
<tr>
<td>Board of Zoning Adjustment (BZA) Variance</td>
<td>06310-00000-00038, Passed</td>
</tr>
<tr>
<td>Commercial Overlay</td>
<td>None</td>
</tr>
<tr>
<td>Planning Overlay</td>
<td>I-670 Graphics Control</td>
</tr>
<tr>
<td>Graphics Variance</td>
<td>None</td>
</tr>
<tr>
<td>Area Commission</td>
<td>None</td>
</tr>
<tr>
<td>Historic Site</td>
<td>No</td>
</tr>
<tr>
<td>Flood Zone</td>
<td>Out</td>
</tr>
<tr>
<td>Airport Overlay Environments</td>
<td>None</td>
</tr>
</tbody>
</table>

#### Pending Zoning Action

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
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<tbody>
<tr>
<td>Zoning</td>
<td>None</td>
</tr>
<tr>
<td>Board of Zoning Adjustment (BZA) Variance</td>
<td>None</td>
</tr>
<tr>
<td>Council Variance</td>
<td>None</td>
</tr>
<tr>
<td>Graphics Variance</td>
<td>None</td>
</tr>
</tbody>
</table>

http://gis.columbus.gov/zoning/              2/14/2017
Board of Zoning Adjustment Application

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

Application Number: BZA17-016  Date Received: 2/13/17
Application Accepted by: Reiss
Commission/Civic: None
Existing Zoning: 4/25/17
Comments:

TYPE(S) OF ACTION REQUESTED (Check all that apply):
☐ Variance  ☑ Special Permit

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): ☑ 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: 
PROPERTY OWNER SIGNATURE By: 
ATTORNEY / AGENT SIGNATURE 

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4322 to schedule.
Board of Zoning Adjustment Application
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 #
(preferred living)
614.901.2400

AREA COMMISSION OR CIVIC GROUP

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 13th day of February in the year 2017

(7) SIGNATURE OF NOTARY PUBLIC

David J. Reiss

Notary Seal Here

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

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

4575 E 5th Avenue LLC  
Or current occupant  
7030 West 63rd Street  
Chicago, Illinois 60638
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:  
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: ___________________________ Date: 2/9/2017

SCALE: 1 inch = 200 feet
GIS FILE NUMBER: 83640

Printed: 2/9/2017  1:27:14 PM - U:\ZONING_NUMBER_GIS_10.mxd, anwoldemariam
**Board of Zoning Adjustment Application**

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

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**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 # 

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**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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>COMPLETE MAILING ADDRESS</th>
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<tbody>
<tr>
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<td>150 East Broad Street, Suite 800, Columbus, Ohio 43215</td>
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<td>750 Communication Parkway, Columbus, Ohio 43214</td>
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**SIGNATURE OF AFFIANT**  

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

**SIGNATURE OF NOTARY PUBLIC**  

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