

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: CV 18-006 Date Received: 1/29/18
Application Accepted by: MM Fee: \$1600
Assigned Planner: Assigned to Shannon Pine; 614-645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 1410 E. 17th Ave. Cols Oh 43211 Zip: 43211
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: 010 033732-00 010 033733-00
 Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): C-4
Area Commission or Civic Association: South Linden Area Commission
Proposed Use or reason for Council Variance request: See Hardship
Acreage: .11 + .12 = .23

APPLICANT:

Name: The Battery Shop of Columbus Phone Number: 614 299 5950 Ext.: (614) 267-7909 cell#
Address: 1410 E. 17th Ave City/State: Cols Oh Zip: 43211
Email Address: ryan@thebatteryshopofcolumbus.com Fax Number: N/A

PROPERTY OWNER(S)

Check here if listing additional property owners on a separate page
Name: JZA Realty Investments LLC Phone Number: 614 299 5950 Ext.:
Address: 1410 E. 17th Ave City/State: Cols, Oh Zip: 43211
Email Address: jzarealtyinvestmentsllc@yahoo.com Fax Number: N/A

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

Name: Ernel Luckett JR. Phone Number: 614 221 9665 Ext.:
Address: 24 N High St. Ste 202 City/State: Cols Oh Zip: 43215
Email Address: eluckett@luckett-law.com Fax Number: 614 221 7363

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

X APPLICANT SIGNATURE [Signature]
X PROPERTY OWNER SIGNATURE [Signature]
X 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.
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Please make checks payable to the Columbus City Treasurer

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STATEMENT OF HARDSHIP

Application Number: CV18-006

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):

SEE ATTACHED

Signature of Applicant



Date

12/12/17

CV18-006

STATEMENT OF HARDSHIP

PROPERTY: 1410 East 17th Avenue
APPLICANT: JZA Realty Investments, LLC
BUSINESS: BATTERY SHOP OF COLUMBUS
1410 E. 17th Avenue

To permit the operation of a battery recycling business (Section 3356, C-4 Permitted Uses) and a use variance to allow for loading and unloading of trucks outside the building on the premises.

JZA Realty Investments, LLC (Applicant) seeks a zoning use variance in order to operate the existing business, Battery Shop of Columbus, on this listed site and that granting same will alleviate a significant hardship to the owners. 1410 E. 17th Avenue is currently zoned C-4 and the owners are requesting a use variance to make a permitted use as a battery recycling business. The current business operates to collect quantities of used car/truck batteries from various locations. The used batteries are collected and sorted in the warehouse-style building. The batteries which are no longer usable are collected, processed, and sold wholesale to salvage companies. The batteries which are useable are cleaned, processed, packaged, and distributed in wholesale quantities for re-use. However, the process does not include any infusion, altering, or exposing of the inner chemical contents of the batteries.

By recycling these batteries the business provides a valuable, environmentally-friendly business to help the City of Columbus do its part in increasing its green footprint. Rather than allow the used batteries to create a potential environmental hazard and by providing this disposition option to those who have replaced batteries, all of us are served. Many of the batteries remain in use for longer periods and create less waste. Additionally, this business ensures that those batteries which cannot be re-used, are disposed of in the proper fashion and in accordance with sound environmental principles. It should be noted that this is the only business that specializes in battery recycling in Columbus, and only one of a handful in the entire state of Ohio.

In order to alleviate any potential environmental concerns regarding the batteries, the business has been previously inspected by, and sought counsel from, the Environmental Protection Agency. The business has a specific, well-designed and very effective plan to deal with hazardous materials in the unlikely event of accidental leakage or a spill. The plan would neutralize and dispose of any materials in a manner in full accordance with procedures according to EPA personnel.

The business would be able to accomplish all of its operations with minimal risk or intrusion to the community. All battery sorting, processing, cleaning, packaging, and other related-operations would be accomplished inside the building, under cover. The only part of the operation which we are asking for a use variance on the outside of the building would be for the unloading and loading of the batteries to and from the trucks.

The owner has operated this business on these premises for approximately 12 years. They are seeking the use variance at this time because they were previously unaware they needed to do so. Back at the time of the original purchase, the owner was being advised by his commercial realtor, whom he had no reason to believe would give him anything other than competent advice and counsel. The realtor represented to the owner that the area was "zoned industrial" and that a business recycling batteries would be perfectly permissible under the current zoning status. The owner believed that this information was confirmed by the property's designation as "industrial" on the Franklin County Auditor's website. It was not until meeting with city personnel that this belief was determined to have been based on completely erroneous information.

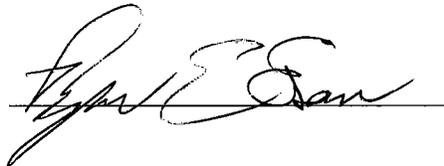
Despite several contacts with government officials over the more than a decade of operating on the property, this zoning use issue did not come to light until recently. It was not until City personnel responded to an issue of whether a Stop sign was being partially obstructed was the owner informed that he had failed to properly comply with portions of the zoning code of regulations regarding use of the premises.

The business is located in a largely commercial stretch of 17th Avenue. The business is consistent with that of other businesses in the area. Across the street is a printing company. There are two salvage businesses located down from the printing business on that side of 17th. All of the businesses across the street on 17th are zoned for manufacturing. On one side of the business is a barber shop, which is not adversely affected, and on the other side, across the side street, is a vacant lot. The property behind is vacant and mostly blocked by trees from view.

The granting of the variance will not impair an adequate supply of light and air to the adjacent properties, unreasonable increase in congestion of public streets, increase the danger of fires, endanger public safety, unreasonably diminish or impair public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus. .

Unfortunately, should the owner be unable to obtain the proper use variance, the owner would be forced to close the business, leaving the property vacant. Frankly, that is the last thing this particular area of the city needs. Additionally, the owner would incur expenses of re-locating his business or completely go out of business and eliminating five jobs from the area.

Signature of Applicant:



Date:

12/12/17

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AFFIDAVIT (See instruction sheet)

Application Number: CV18-006

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME _____
of (1) MAILING ADDRESS 1410 E. 17th Ave. Columbus Oh 43211

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 CERTIFIED ADDRESS FOR ZONING PURPOSES 1410 E. 17th Ave. Columbus Oh 43211
for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 1/29/2018

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) JZA Realty Investments LLC
1410 E. 17th Ave
Columbus Oh 43211

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

The Battery Shop of Columbus
(614) 299-5950

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

(5) South Linden Area Commission
George Walker Jr.
1378 E 23rd Ave Col's, Oh 43211

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 [Signature]

Sworn to before me and signed in my presence this 29th day of January, in the year 2018

(8) SIGNATURE OF NOTARY PUBLIC [Signature] My Commission Expires Never



JEREMY A ROTH, ESQ.
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.
This Affidavit expires six (6) months after the date of notarization.

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Please make checks payable to the Columbus City Treasurer

The Battery Shop of Columbus
1410 E 17th Ave
Columbus, Oh 43211

JZA Realty Investments, LLC
1410 E 17th Ave
Columbus, Oh 43211

Ermel Lockett Jr.
24 N High St
Columbus, Oh 43215

South Linden Area Commission
c/o George Walker Jr.
1378 E 23RD Ave
Columbus, Oh 43211

Neighborhood Liaison
c/o Chris Suel
248 E 11th Ave
Columbus, Oh 43201

Willow W Hooker
1415 E 18th Ave
Columbus, Oh 43211

BZ Investors
Mt Vernon Indstrl Trk
4444 Llewellyn Rd
Columbus, Oh 43230-4209

Melvin Muhammad
1404 E 17th Ave
Columbus, Oh 43211

William Pleasant
1411 E 18th Ave
Columbus, Oh 43211

1465 PART LTD
1465 E 17th Ave
Columbus, Oh 43211

Watkins Investment Properties
1402 E 17th Ave
Columbus, Oh 43211

William Pleasant
1407 E 18th Ave
Columbus, Oh 43211

Saint Stephens Community Serv. Inc
1500 E 17th Ave
Columbus, Oh 43211

John Fisher
1401 E 18th Ave
Columbus, Oh 43211

Dianna Pleasant
1407 E 18th Ave
Columbus, Oh 43211

Lumsden Enterprises LLC
1397 E 18th Ave
Columbus, Oh 43211

Dianna Pleasant
1407 E 18th Ave
Columbus, Oh 43211

James I Campbell
1392 17th Ave
Columbus, Oh 43211

Gayle Sinclair
1421 E 18th Ave
Columbus, Oh 43211

Municipal Tax Investment LLC
1394 17th Ave
Columbus, Oh 43211

Christopher Miller
1421 E 18th Ave
Columbus, Oh 43211

Melvin Muhammad
1400 17th Ave
Columbus, Oh 43211

David Pigg
1427 18th Ave
Columbus, Oh 43211

CV18-006

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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 Number: CV 18-006

STATE OF OHIO
COUNTY OF FRANKLIN

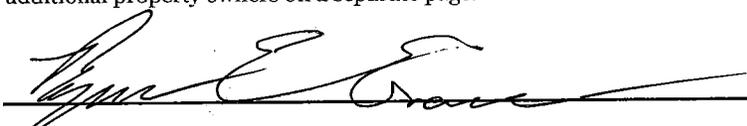
Being first duly cautioned and sworn (NAME) The Battery Shop of Columbus
of (COMPLETE ADDRESS) 1410 E. 17th Ave. Columbus Oh 43211

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:

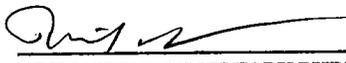
Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. <u>The Battery Shop of Columbus</u> <u>1410 E. 17th Ave.</u> <u>Columbus, Oh 43211</u>	2. <u>JZA Realty Investments LLC</u> <u>1410 E. 17th Ave</u> <u>Columbus Oh 43211</u>
3. <u>5 employees</u>	4. <u>Ryan Esau</u> <u>(614) 299-5950</u>

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

SIGNATURE OF AFFLIANT 

Sworn to before me and signed in my presence this 29 day of January, in the year 2018


SIGNATURE OF NOTARY PUBLIC



2-28-18
My Commission Expires

Notary Seal Here

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CONVEYANCE TAX
EXEMPT
CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR

201301230011789
Pgs: 1 \$28.00 T20130006437
01/23/2013 1:12PM NEPL STEVEN B
Terry J. Brown
Franklin County Recorder

CV18-006

900917

TRANSFERRED

JAN 23 2013

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

GENERAL WARRANTY DEED

KINDRA M. ESAU, married, the "Grantor", of Madison County, Ohio, for valuable consideration paid, grant, with general warranty covenants, to JZA REALTY INVESTMENTS LLC an Ohio Limited Liability Company, in good standing whose tax-mailing address is Union Savings Bank, Escrow Dept., 8534 E Kemper Rd, 2nd Floor, Cincinnati, Oh 45249-3701 the real property located in City of Columbus, Franklin County, Ohio and more particularly described in the attached Exhibit A.

Situated in the State of Ohio, County of Franklin, City of Columbus, and being further described as follows:

Being Lot Number Sixty-nine (69) and Seventy (70), of LOUIS HEIGHTS ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 11, Page 8, Recorder's Office, Franklin County, Ohio.

Parcel Nos.: 010-033732 & 010-033733
Property Address: 1410 East 17th Avenue, Columbus, OH 43211
Prior Instrument Reference: Recorded in Instr# 200510130215231 of the Deed of Records of Franklin County, Ohio.

Subject to easements, conditions, covenants and restrictions, if any, of record and further subject to taxes and assessments, if any.

RYAN E. ESAU hereby releases all rights of dower therein.

Signed and acknowledged on ^{Oct} September 6, 2010.

Kindra M Esau
KINDRA M. ESAU

Ryan E Esau
RYAN E. ESAU

STATE OF OHIO
COUNTY OF MADISON

BE IT REMEMBERED, that on ^{Oct} September 6, 2010, before me, the subscriber, a Notary Public in and for said state, personally came KINDRA M. ESAU, the Grantor in the foregoing Deed, and RYAN E. ESAU for the purpose of releasing his dower rights, and acknowledged the signing thereof to be their voluntary act and deed.

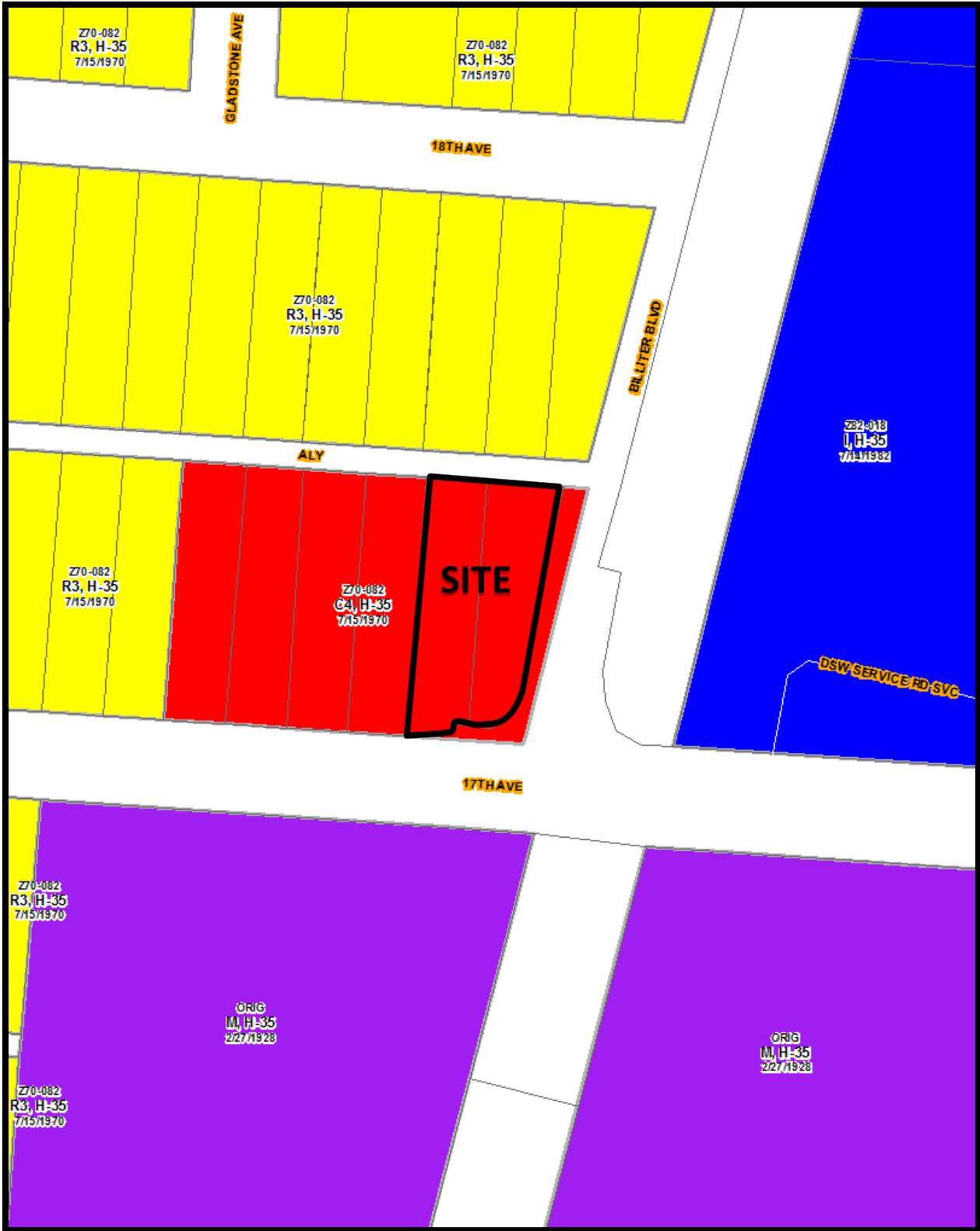
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

L. Steven Brooks
Notary Public

This instrument prepared by:
L. Steven Brooks, Attorney
27 East Columbus Street, PO Box 201
Mt. Sterling, Ohio 43143
740-869-4400—FAX 740-869-3364



L. STEVEN BROOKS, Attorney-at-Law
Notary Public - State of Ohio
My Commission Has No Expiration Date
ORC 147.03

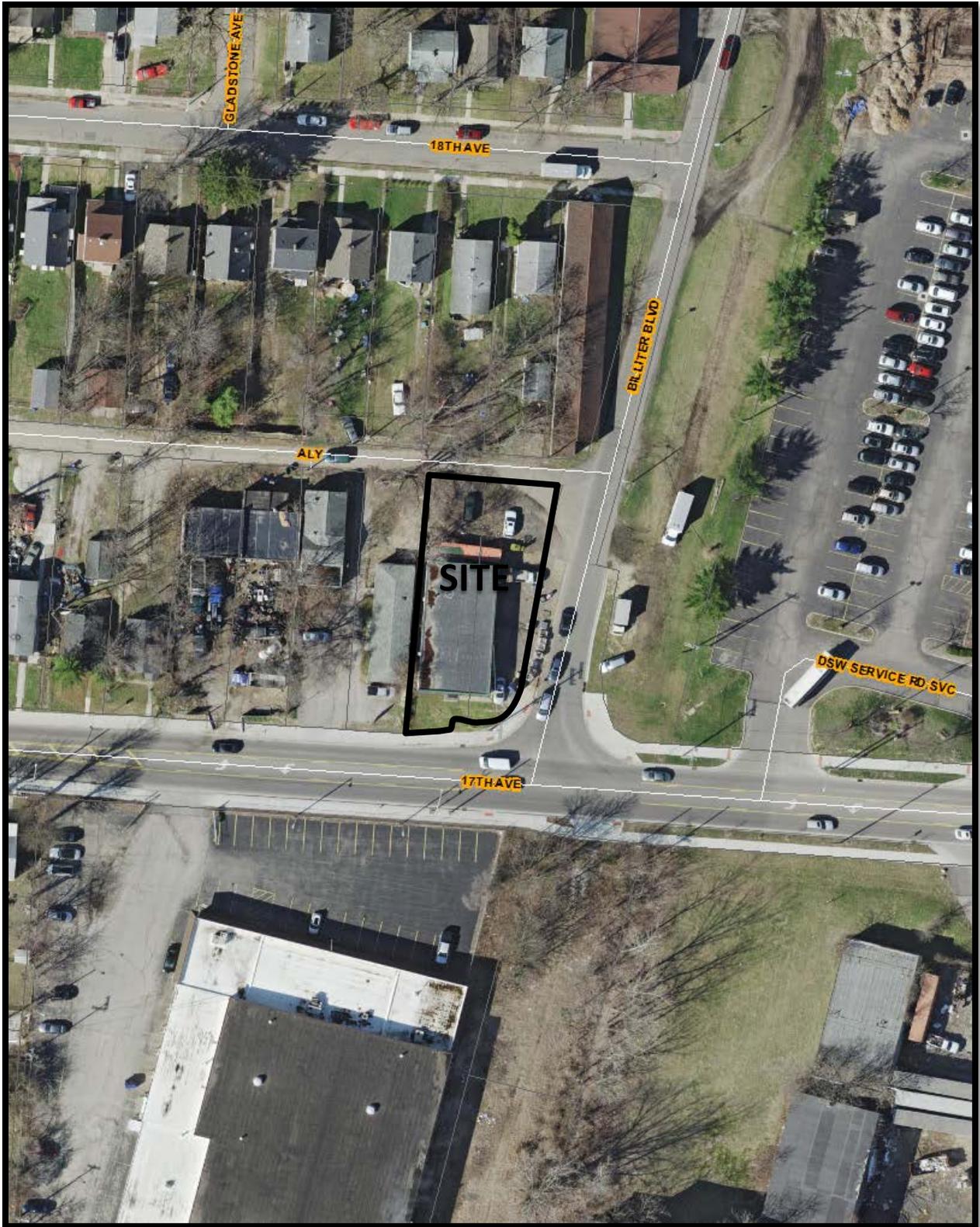


CV18-006
1410 East Seventeenth Avenue
Approximately 0.23 acres



South Linden Neighborhood Plan Amendment (2012)

CV18-006
 1410 East Seventeenth Avenue
 Approximately 0.23 acres



CV18-006
1410 East Seventeenth Avenue
Approximately 0.23 acres