Mayor Michael B. Coleman

BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio ▪ Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 ▪ Phone: 614-645-7433▪ www.columbus.gov

OFFICE USE ONLY

Application Number: # 13310-000000-009105
Date Received: 18 Dec. 2013
Commission/Civic: Southside Area Comm.
Existing Zoning: _____ Application Accepted by: JF Fee: $1900
Comments: _____

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

☒ Variance ☒ Special Permit

Indicate what the proposal is and list applicable code sections.
See Statement of Hardship

LOCATION

1. Certified Address Number and Street Name 2205 Parsons Avenue
City Columbus State OH Zip 43207
Parcel Number (only one required) 010-284364

APPLICANT: (IF DIFFERENT FROM OWNER)
Name PSC Metals, Inc., c/o Donald Plank, Attorney, Plank Law Firm
Address 145 East Rich Street, FL 3 City/State Columbus, OH Zip 43215-5240
Phone # (614) 947-8600 Fax # (614) 228-1790 Email dplank@planklaw.com

PROPERTY OWNER(S):
Name PSC Metals, Inc., c/o Donald Plank, Attorney, Plank Law Firm
Address 145 East Rich Street, FL 3 City/State Columbus, OH Zip 43215-5240
Phone # (614) 947-8600 Fax # (614) 228-1790 Email dplank@planklaw.com
☐ *Check here if listing additional property owners on a separate page.*

ATTORNEY/AGENT (CHECK ONE IF APPLICABLE) ■ Attorneys ☐ ~~Agent~~ See Supplemental Attorney List
Name Donald Plank, Attorney, Plank Law Firm
Address 145 East Rich Street, FL 3 City/State Columbus, OH Zip 43215-5240
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)
APPLICANT SIGNATURE Donald Plank, attorney
PROPERTY OWNER SIGNATURE Donald Plank, attorney
(ATTORNEY) / AGENT SIGNATURE Donald Plank

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 all checks payable to the Columbus City Treasurer

Revised 11/12 tmt

One Stop Shop Zoning Report

Building Services Division

Department of Development

Report date: 12/2/2009 2:07:50 PM

Parcel Report

Parcel ID	Owner	Address
010284364	PSC METALS INC	No Adress Available OH

Base Zoning Report

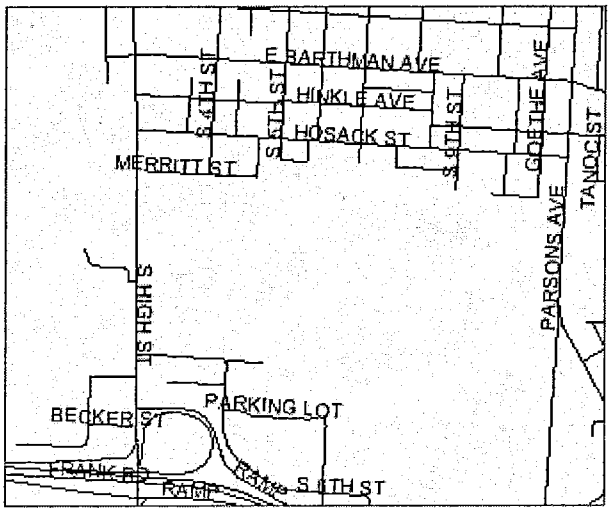
Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
765	M	H-35	44	Manufacturing	*(View Document)*

Flood Zone

Firm Panel	Flood Zone	SFHA	Panel Type	FZONE
TBD	X	OUT	CURRENT	X

Area Commissions

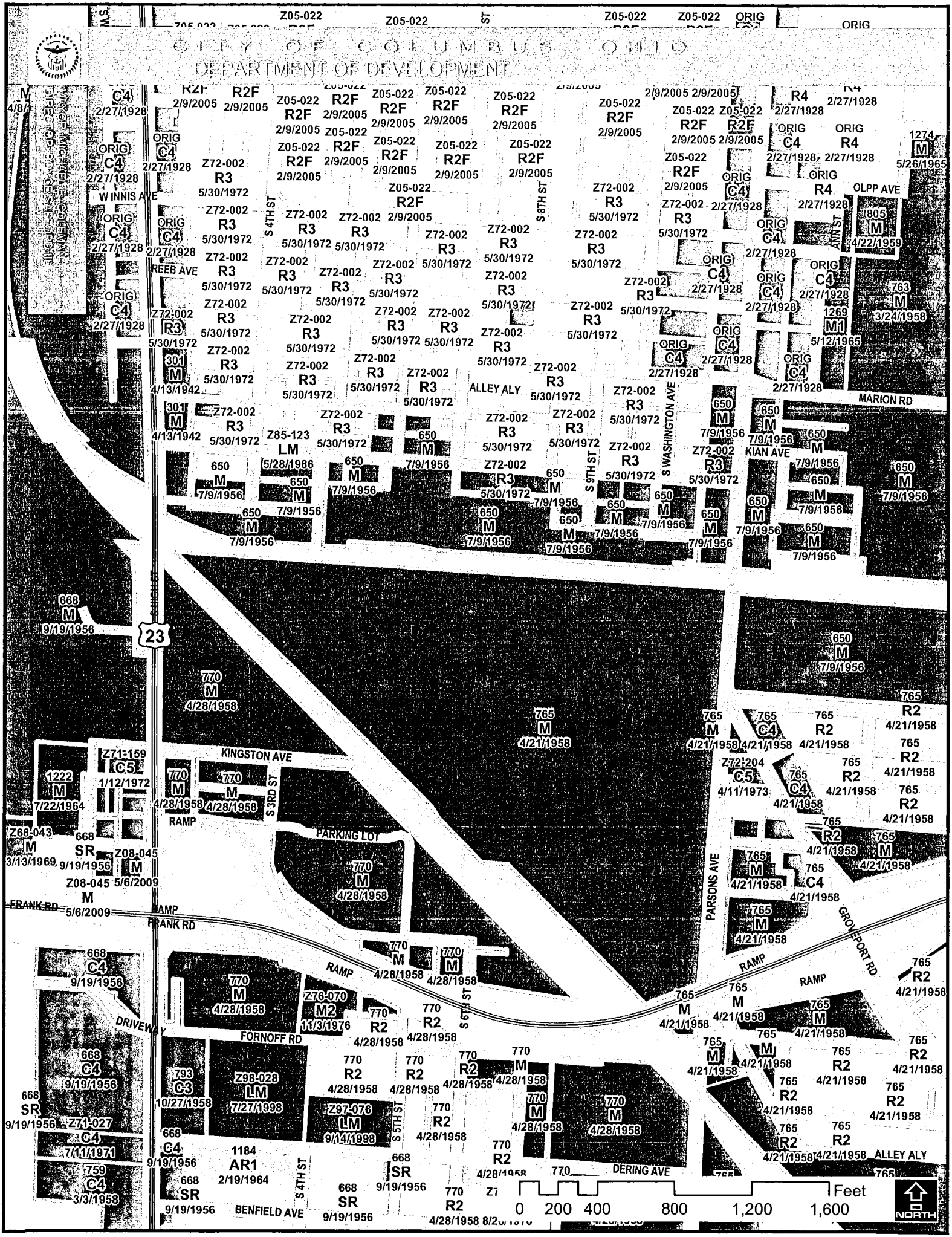
Area Name	INFObase URL
Columbus Southside Area Commission	INFObase Page



This map is intended to locate the property in question, and provide information about the land use categories governing the use of this parcel. Please consult with zoning staff before making binding decisions based on this information. The property address is not a certified address for building purposes. No warranty is expressed or implied.

13310-00000-00905

2205 PARSONS AVENUE


CITY OF COLUMBUS, OHIO
DEPARTMENT OF DEVELOPMENT
W INNIS AVE
REEB AVE
S 4TH ST
S 8TH ST
S WASHINGTON AVE
S 9TH ST
ALLEY ALY
MARION RD
KIAN AVE
OLPP AVE
ANN ST
KINGSTON AVE
S 3RD ST
PARKING LOT
PARSONS AVE
GROVEPORT RD
FRANK RD
RAMP
DRIVEWAY
FORNOFF RD
S 5TH ST
S 6TH ST
DERING AVE
BENFIELD AVE
ALLEY ALY
Feet
0 200 400 800 1,200 1,600
NORTH

Mayor Michael B. Coleman

BOARD OF ZONING ADJUSTMENT APPLICATION

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

AFFIDAVIT

13310-00000-00905
2205 PARSONS AVENUE

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn **(1)** NAME Donald Plank
of **(1)** MAILING ADDRESS Plank Law Firm, 145 East Rich Street, FL 3, Columbus, OH 43215-5240
deposed 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 2205 Parsons Avenue
for which the 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 AND MAILING ADDRESS
(4) PSC Metals, Inc., c/o Joseph D. King, Attorney
5875 Landerbrook Drive, Suite 200, Mayfield Heights, OH 44124
(440) 753-5390

APPLICANT'S NAME AND PHONE # (same as listed on front of application)
PSC Metals, Inc.
c/o Donald Plank, Attorney (614) 947-8600

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS
(5) Columbus Southside Area Commission
c/o Curtis Davis
PO Box 7846, Columbus, OH 43207

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

See Exhibit A

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT **(8)** Donald Plank

Subscribed to me in my presence and before me this 12th day of December, in the year 2013

SIGNATURE OF NOTARY PUBLIC **(8)** Amy K Kuhn

My Commission Expires:

NOTARIAL SEAL STATE OF OHIO

Amy K. Kuhn, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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Revised 11/12 tmt

City of Columbus
Mayor Michael B. Coleman

Department of Development
Steven R. Schoeny, Director

Date of Service/Posting 8/22/13

Order Number: 13470-04224
Parcel Number:
010284364

PSC METALS INC
COLIN SOULE
5875 LANDERBROOK DR
MAYFIELD HEIGHTS OH 44124

13310-00000-00905
2205 PARSONS AVENUE

ZONING CODE VIOLATION ORDER

An inspection has been made at 2205 PARSONS AVE on August 15, 2013.

As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within 20 calendar days of the service of this notice unless otherwise noted in this notice, or an approval for a written request for extension is granted by this office.

Note: Failure to comply with this notice is a Misdemeanor of the Third Degree and may be punishable by a $500 fine and sixty (60) days imprisonment.

If the facts represented here are incorrect, or if you believe the law is not being interpreted properly, you have the basis for an appeal. If you believe an appeal is in order, call the undersigned Property Maintenance Inspector. Pursuant to the Columbus City Code Section 3307.07: The Board of Zoning Adjustment shall not entertain any appeal applied for more than twenty (20) days after the date of this order. Also pursuant to Columbus City Code Section 3307.11: Said appeal shall be submitted on a form provided for that purpose and filed in the office of the Department of Building and Zoning Services.

For further information on this notice contact the undersigned Code Enforcement Officer.

SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)

by
Lisa E Doyle
Code Enforcement Officer
(614) 645-0748

ZC-7
REV 09/09
08202013

ITEM#	CODE SECTION	COMMENTS

Junk Salvage Yard Violations

1 **3392.02 LICENSE REQUIRED AND EXPIRATION**

The license for this licensed facility has expired.

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2205 PARSONS AVENUE

2 **3392.03 DISPLAY OF LICENSE**

The required Junk or Salvage Yard license is not being properly displayed.

LICENSE ON DISPLAY WITHIN UNAPPROVED TEMPORARY BUILDING FOR 2011. 2012 LICENSE WAS NOT ON DISPLAY AND HAS EXPIRED.

3 **3392.10 PERFORMANCE REQUIREMENTS**

The piles of junk and salvage are over the maximum height of 10 feet.

PILES INSIDE STORAGE BINS AND OUTSIDE STORAGE BINS ARE OVER TEN (10) FEET IN HEIGHT.

4 **3392.10 PERFORMANCE REQUIREMENTS**

AISLES NOT MAINTAINED AS REQUIRED BY CODE - LARGE SECTIONS OF STANDING WATER, SUNKEN AREAS, AND/OR POT HOLES

5 **3392.10 PERFORMANCE REQUIREMENTS**

The required passageways are not eight feet wide.

PASSAGEWAYS BETWEEN PILES OF DIFFERENT MATERIALS/ITEMS LESS THAN EIGHT (8) FEET WIDE.

6 **3305.03 Authority and compliance**

The following are violations of the accepted site plan for this property:

ITEMS/PILES OF DEBRIS, SALVAGE, AND/OR STORAGE WITHIN 20 FT OF PROPERTY LINES.

7 **3305.03 Authority and compliance**

The following are violations of the accepted site plan for this property:

ADDITIONAL STORAGE/PARKING AREAS, AT OR AROUND BUILDINGS, STORAGE BINS AND/OR ALONG FENCE LINES, IN AREAS NOT DESIGNATED AS STORAGE PER APPROVED SITE PLAN. THESE AREAS ARE BEING USED TO STORE TRAILERS, BUSES, BOX TRUCKS, EQUIPMENT, SALVAGE, BOAT(S), CONCRETE CHUNKS, METALS, PIPING, TIRES, AND/OR MISC BULK ITEMS.

BOARD ORDER
BOARD OF ZONING ADJUSTMENT
CITY OF COLUMBUS, OHIO
JANUARY 26, 2010

13310-00000-00905
2205 PARSONS AVENUE

3.	**Application No.:**	**09311-00302**
	Location:	**2205 PARSONS AVE. (43207),** located at the northwest corner of Parsons Ave. and Frank Road
	Area Comm./Civic:	Columbus Southside Area Commission
	Existing Zoning:	M, Manufacturing District
	Request:	Special Permit & Variance(s) to Section(s): 3389.07, Junk or salvage. To permit the expansion of an automobile salvage yard. 3363.41,Storage. To not provide a fence or landscaping as screening of storage.
	Proposal:	The expansion of an automobile salvage facility.
	Applicant(s):	PSC Metals, Inc., c/o Joseph King 5875 Landerbrook Drive, #200 Mayfield Heights, Ohio 44124
	Property Owner(s):	Applicant

RESULTS: APPROVED in consideration of the following **CONDITION(S)**: NONE

VOTE: 5-0

MEMBER	
James V. Maniace (Chair)	yes
John Behal	yes
Jim Bubutiev	yes
John Haytas	yes
Paul Love	yes

Signature of **STAFF MEMBER** in attendance, certifying that the outcome of this case was as reported above:

Jennifer Fining 28 JAN. 2010
Name Date

This ruling pertains to the above referenced section(s) of the Zoning Code. It does not modify any other obligation you may have under other existing City or State codes, nor does it nullify your responsibility to obtain all proper permits. Contact the Building Services Division plans examination staff at (614) 645-7816 or (614) 645-6079 for preliminary review of all applicable requirements.

NOTICE

An order of the Board of Zoning Adjustment becomes effective immediately. All variances and special permits, unless otherwise specified by the Board, will be void one (1) year after the date issued unless extended by the Board or unless an affirmative action by the applicant has been taken.

Mayor Michael B. Coleman

BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio ▪ Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 ▪ Phone: 614-645-7433▪ www.columbus.gov

STATEMENT OF HARDSHIP

13310-00000-00905
2205 PARSONS AVENUE

APPLICATION # _____

3307.09 Variances by Board.

A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:

1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.

B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

See Exhibit B

Signature of Applicant Donald Plank Date 12/11/13

PSC Metals, Inc.
by: Donald Plank, Attorney

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Please make all checks payable to the Columbus City Treasurer

Revised 11/12 tmt

13310-00000-00905
2205 PARSONS AVENUE

EXHIBIT B

Special Permit and Statement of Hardship

2205 Parsons Avenue

BZA13: _____

The 13.946 +/- acre site is located east of South High Street, west of Parsons Avenue and 540 +/- feet south of Hosack Street. The site and abutting property is zoned M, Manufacturing. Applicant is presently operating a metals salvage business, as permitted by Board Order 09311-00302, approved January 26, 2010, (the "2010 Board Order") and as subsequently approved by Site Compliance Plan 10345-351 and as subsequently licensed by the City of Columbus as a Junk and Salvage Yard pursuant to licensing and annual license renewal requirements (CCC 3392.02, License Required and Expiration. Applicant applied for the 2013 Junk and Salvage Yard license renewal and has been cited by a Code Enforcement officer for various violations. See "Zoning Code Violation Order", #13470-04224, dated 8/22/2013, which is enclosed as an exhibit to this application. Applicant submitted an Appeal (#13312-00667), which was tabled by the Board of Zoning Adjustment (BZA) at the November 19, 2013 BZA meeting, at the request of applicant and with the concurrence of the Code Enforcement Officer, pending requesting certain variances by this application.

The 2010 Board Order granted a Special Permit (CCC 3389.07), to permit the expansion of an automobile salvage yard and a variance (CCC 3363.41, Storage, to not provide a fence or landscaping as screening of storage). The Special Permit and variance (CCC3 3363.41) are repeated as part of this current application to consolidate the request and action by the BZA. Additional variances should have been included with the 2009 (09311-00302) BZA application, which resulted in the 2010 Board Order, to reflect operating conditions in 2009 and today, some of which have been cited now as violations. The site is surrounded by other property zoned M, Manufacturing, including railroad right of way to the north and west, and a large industrial use, formerly Buckeye Steel, also zoned M, Manufacturing, located to the south and east.

Special Permit

Applicant requests a Special Permit, as required by Section 3389.07, to operate an Impound Lot, Junk Yard or Salvage Yard. The BZA approved a Special Permit with application 09311-00302 (2010 Board Order). A Junk and Salvage Yard, for the purpose of recycling vehicles, has

operated continuously at the site since the Special Permit, Site Compliance Plan and Junk and Salvage Yard License were issued. The Special Permit request is included with this application to consolidate action of the BZA. Recycling of vehicles, which includes automobiles, trucks, buses, semi-trailers, boats and/or any other vehicle licensed, formerly licensed or typically licensed by the State of Ohio and may also include other non-vehicle metal for recycling, receiving wrecked, damaged or operable or inoperable vehicles and/or mechanical equipment and/or metals, whether or not part of a vehicle, to be recycled and/or stored for future processing; processing of any vehicle received at the premises, which may include, but not be limited to, removal of tires, draining and recycling and/or storing fluids removed from the vehicles and/or salvage of parts to be stored on the premises and/or shipped off-premise; crushing and/or shredding of whole or partial vehicles or other metals; operating and maintaining equipment capable of crushing and/or shredding vehicles and/or other metals, and storage for handling, processing, piling, sorting or shipping materials produced by the vehicle and/or metals recycling conducted on the premises. Storing, handling, processing, piling, sorting and/or shipping may occur anywhere on the property where not in violation of a specific code required setback and/or fire lane requirement(s), whether or not such location is specifically identified for a specific purpose on the submitted site plan.

Section 3307.06, Special Permits, describes the powers and findings of the BZA when considering a request for Special Permit. Section 3307.06 is hereby incorporated by reference. In granting a Special Permit as part of the 2010 Board Order, the BZA has found the criteria of 3307.06 to be met. In consideration of a Special Permit, no finding of hardship is required.

Applicant also requests a Special Permit to permit the following temporary Portable Buildings, as noted on the site plan, for two (2) years: a) Break Room Trailer, b) Office Trailer. These temporary Portable Buildings do not impair the general purpose or intent of the M, Manufacturing District in an area developed with industrial uses and are not incompatible with the character of the site or surrounding industrial uses.

Variances:

Applicant requests relief from the following code Sections:

3363.41(b), Storage, to not provide a fence or landscaping as screening of the Junk or Salvage yard, as permitted by the 2010 Board Order, and to permit salvage within 600 feet of residential zoning by reducing the required separation from 600 feet to 370 +/- feet and 400 +\- feet from residentially zoned property on the south side of Hosack Street. The residentially zoned property within 600 feet of the site is separated from the site by a railroad right of way and other property zoned M, Manufacturing.

3312.21(A), Landscaping and Screening, to not require interior landscaping for or in the existing 22 space parking lot.

3312.43, Required Surface for Parking, to not provide an improved surface for vehicle/equipment parking/circulation areas or storage, including, but not limited to, circulation areas within processing and/or storage areas within the site, other than the existing 22 space parking lot next to the site office building.

3392.10 (b)(e), Performance Requirements, which Sections limit the height of materials to ten (10) feet, except that metals that are to be processed or reprocessed on site may be piled to a height necessary for the effective functioning of the processing or reprocessing equipment. The Code Enforcement Officer has drawn a distinction between pile height for processing/reprocessing and storage of materials to be or that has been processed, applicant believes no such distinction exists nor was intended by this Section and request all pile heights to be permitted up to 40 feet tall; Said Section also requires passageways of not less than eight (8) feet in width to be maintained between piles of stored junk or salvage material. Applicant maintains a minimum of eight (8) feet between piles, however, the Code Enforcement Officer interprets this standard to require a minimum of eight (8) feet also between every pile of dissimilar material, meaning dissimilar materials must be pile separately from each other, rather than eight (8) feet between piles. Applicant proposes to maintain the minimum eight (8) foot aisles only between stored/piled unprocessed junk and salvage material and the processed material, as is applicant's present practice.

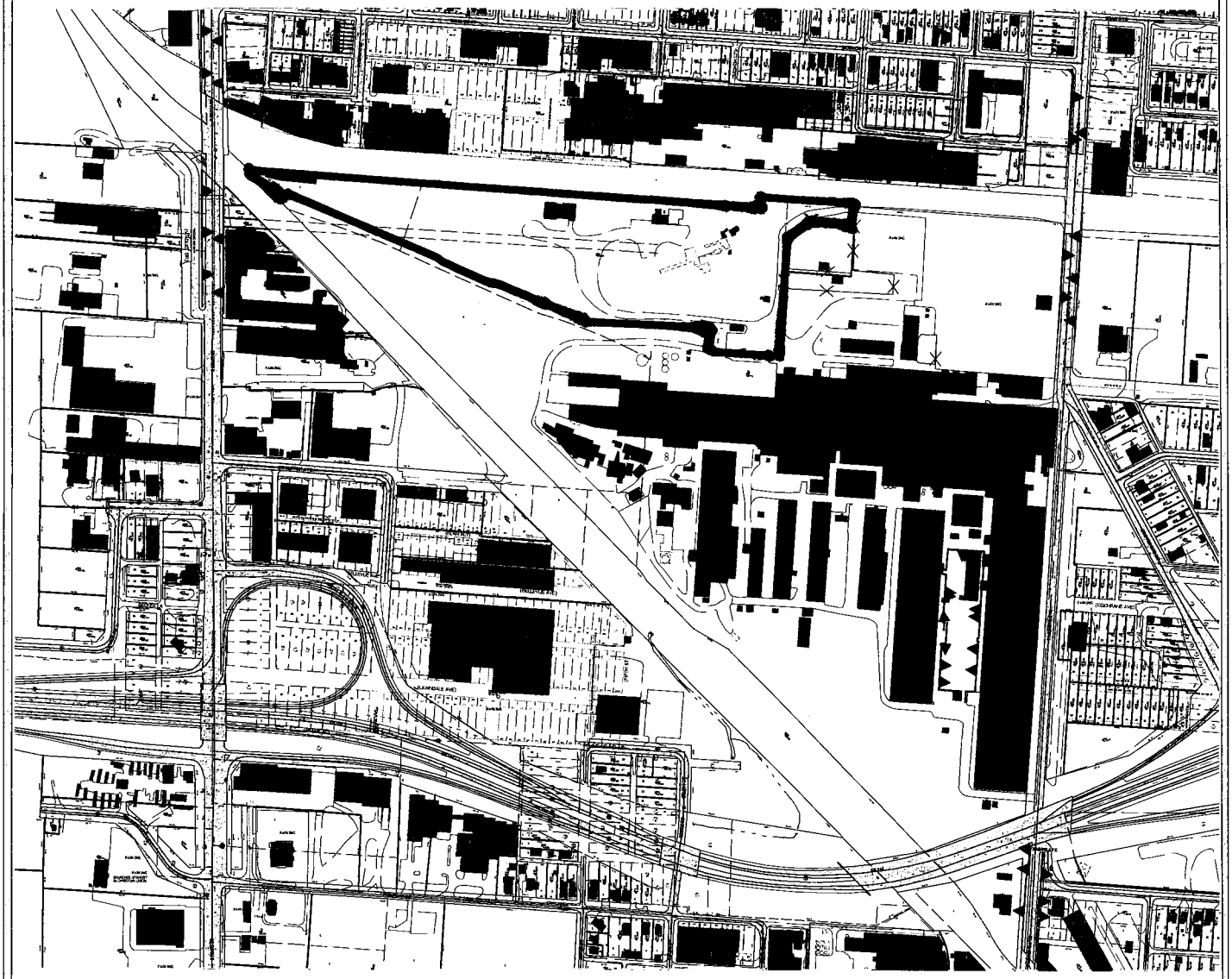
Applicant has a hardship and practical difficulty with compliance with the literal requirements of the Sections cited for the reasons stated and requests relief from these Sections to permit reasonable use of the property.

12/11/13

CLARENCE E M
FRANKLIN COUNT

13310-00000-00905
2205 PARSONS AVENUE

MAP ID: dbp **DATE: 12/12/13**



Scale = 574

Grid North

Disclaimer

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

Mayor Michael B. Coleman

BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio ▪ Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 ▪ Phone: 614-645-7433▪ www.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 # **13310-00000-00905**
2205 PARSONS AVENUE

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 145 East Rich Street, FL 3, Columbus, OH 43215-5240
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
PSC Metals, Inc., c/o Joseph D. King, Attorney, Vice President, General Counsel and Secretary	5875 Landerbrook Drive, Suite 200, Mayfield Heights, OH 44124

SIGNATURE OF AFFIANT Donald Plank

Subscribed to me in my presence and before me this 12th day of December, in the year 2013

SIGNATURE OF NOTARY PUBLIC Amy K Kuhn

My Commission Expires:

Notary Seal

Amy K. Kuhn, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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