

THE CITY OF  
**COLUMBUS**  
MICHAEL B. COLEMAN, MAYOR

## 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 15-024 Date Received: 2/19/15  
Application Accepted by: D. Keiss Fee: \$1,900.00  
Commission/Civic: Southwest  
Existing Zoning: \_\_\_\_\_  
Comments: 4/28/15

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

☒ Variance ☒ Special Permit

Indicate what the proposal is and list applicable code sections:

See Exhibit B

**LOCATION**

Certified Address: 1669 Harmon Avenue City: Columbus Zip: 43223

Parcel Number (only one required): 570-136750

**APPLICANT** (If different from Owner):

Applicant Name: Pro-Tow, Inc. c/o Donald Plank Phone Number: (614) 947-8600 Ext.: \_\_\_\_\_

Address: 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

Name: Pro-Tow, Inc. c/o Donald Plank Phone Number: (614) 947-8600 Ext.: \_\_\_\_\_

Address: Plank Law Firm, 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

Name: Donald Plank Phone Number: (614) 947-8600 Ext.: \_\_\_\_\_

Address: Plank Law Firm, 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

**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 checks payable to the Columbus City Treasurer**

**DEPARTMENT OF BUILDING AND ZONING SERVICES**

## Date: Wed Mar 4 2015

THE CITY OF  
**COLUMBUS**  
MICHAEL B. COLEMAN, MAYOR

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## 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 Donald Plank  
of (1) MAILING ADDRESS Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215  
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 1669 Harmon Avenue, Columbus, OH 43223  
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  
AND MAILING ADDRESS

(4) Pro-Tow, Inc. c/o Donald Plank  
Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

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

Pro-Tow, Inc.  
c/o Donald Plank (614) 947-8600

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

(5) Southwest Area Commission  
c/o Stefanie Coe  
1397 Gorham Drive, Columbus, OH 43223-6202

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 NAME	(6a) PROPERTY ADDRESS	(6b) PROPERTY OWNER MAILING ADDRESS
<u>See Exhibit A</u>		

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

(8) SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 16th day of FEBRUARY, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

AUGUST 3, 2015  
My Commission Expires



Notary Seal Here

BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2015

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

**EXHIBIT A, Public Notice**  
**1669 Harmon Avenue**  
**BZA15-\_\_\_\_\_**  
**February 12, 2015**

**APPLICANT**

Pro-Tow, Inc.  
c/o Donald Plank  
Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

Pro-Tow, Inc.  
c/o Donald Plank, Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEY FOR APPLICANT**

Donald Plank, Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP**

Southwest Area Commission  
c/o Ms. Stefanie Coe  
1397 Gorham Drive  
Columbus, OH 43223-6202

**PROPERTY OWNERS WITHIN 125 FEET**

Arra Partners LLC  
1641 Harmon Ave.  
Columbus, OH 43223

Arra Partners LLC  
477 S. Front St.  
Columbus, OH 43215

Lutz Family Properties LLC  
1640 Harmon Ave.  
Columbus, OH 43223

Visintine Equipment Corp  
c/o Mr. Dan Igoe  
5393 Bennington Woods Ct.  
Columbus, OH 43220

Hubert West  
1685 Harmon Ave.  
Columbus, OH 43223

Harmon Avenue LLC  
1595 Frank Road  
Columbus, OH 43223

Arnold Scott and Joyce Scott  
5336 Ebright Rd.  
Canal Winchester, OH 43110

Shelly Materials Inc.  
80 Park Dr.  
Thornville, OH 43076

Gordon Shuler, Attorney  
145 E Rich Street, FL 3  
Columbus, OH 43215

**ALSO NOTIFY**

David B. Perry  
David Perry Co., Inc.  
145 East Rich Street, 3<sup>rd</sup> Floor  
Columbus, OH 43215

Pro-Tow, Inc.  
c/o Mr. Jimmy Whitridge, Sr.  
1669 Harmon Avenue  
Columbus, OH 43223

**1669 Harmon Avenue**  
**BZA15-\_\_\_\_\_**  
**February 12, 2015**  
**Page 1 of 1**

THE CITY OF  
**COLUMBUS**  
MICHAEL B. COLEMAN, MAYOR

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## Board of Zoning Adjustment Application

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

### STATEMENT OF HARDSHIP

APPLICATION #

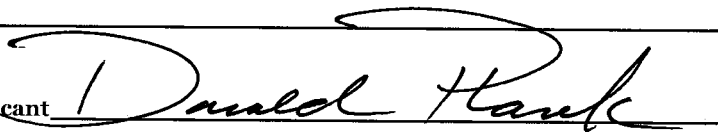
#### **3307.09 Variances by Board.**

- 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. Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.
  2. The special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. 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. 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 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



Date

2/16/15

**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

## **EXHIBIT B**

### **Project Statement**

**1669 Harmon Avenue, Columbus, OH 43223**

**BZA15310-00000-\_\_\_\_\_**

---

The site 5.0 acres located on the west side of Harmon Avenue, 740 +/- feet north of Hart Road. The site is zoned both M, Manufacturing and M-2, Manufacturing with the M-2 area being from Harmon Avenue west 226 feet. The site area west of 226 feet from Harmon Avenue is zoned M, Manufacturing. Applicant proposes a Impound Lot in the area zoned M, Manufacturing, and certain variances as itemized. Property on Harmon Avenue between Frank Road and Stimmel Road is characterized by large industrial uses located in the City of Columbus and Franklin Township, Franklin County (Franklin County Zoning Resolution). City of Columbus zoning on Harmon Avenue is generally M, Manufacturing and Franklin Township zoning is generally GI, General Industrial (Franklin County Zoning Resolution). The area includes land fill uses west of Harmon Avenue. The Southwest Area Plan (2009) recommends industrial uses on Harmon Avenue between Frank Road and Stimmel Road, including the subject site.

By this application to the Board of Zoning Adjustment (BZA), applicant requests a Special Permit, as required for an Impound Lot (Section 3389.07, Impound Lot, Junk Yard or Salvage Yard), to permit an Impound Lot. Vehicles are temporarily impounded in a secure, fenced area. The impound lot will be located solely in the area of the property zoned M, Manufacturing and further in the area labeled "Vehicle Impound Area" on the site plan. No salvage of any kind will occur on the premises. A Special Permit is required for an impound lot. Applicant also requests certain variances to site development standards. The building on the property, located in the M-2 area of the site, is used for office functions and parking/securing of business vehicles in garage spaces.

#### **Special Permit**

Section 3307.06, Special Permits, empowers the Board of Zoning Adjustment (BZA) 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.

The site and a large surrounding area is zoned and used for industrial purposes. The adopted land use plan (Southwest Area Plan, 2009) recommends industrial uses. An Impound Lot is an industrial use. The proposed impound lot is consistent with surrounding uses, zoning and the adopted land use plan. The impound lot will not be a detriment to the public good, the general purpose and intent of the zoning district in which the use is proposed to be located, and is

compatible with the general character of the neighborhood. No finding of hardship is required for the granting of a Special Permit.

**Variances**

The proposed use is an industrial use permitted only in the M, Manufacturing District. Compliance with pavement (hard surface) for the parking area is impractical for the site given truck traffic and towed vehicles. While a 20 foot side yard setback is required, applicant requests a three (3) foot side yard setback since, unlike loose materials, there is no risk of an impounded vehicle spilling onto adjacent property. Many of the properties on Harmon Avenue are zoned M, Manufacturing vs. the frontage of this property being zoned M-2 and the 50 foot landscaped parking setback required by the M-2 District. Many of the properties do not provide or are not subject to the 50 foot landscaped setback. Compliance with the required 50 foot landscaped setback on this property is a hardship for the property owner to reasonably provide customer parking. Reduction of the side yard setback allows better use of the property given the site constraints. Adjacent property is zoned M and includes outside storage (south), an access drive to rear acreage (north) and outside storage (north).

Applicant requests the following variances:

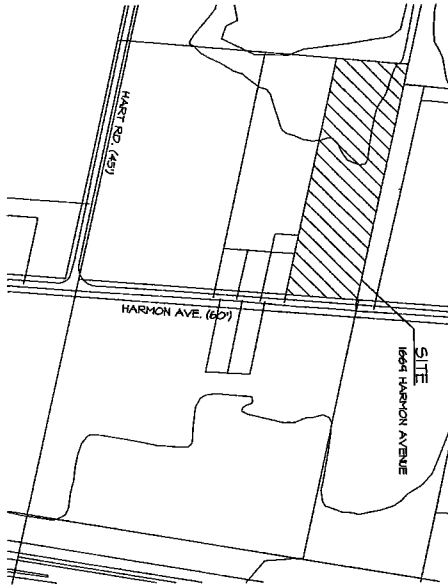
- 1) 3312.43, Required Surface for Parking, to permit a gravel parking/maneuvering/aisle/driveway surface rather than asphalt or concrete surface. The vehicle impound area itself is outside storage and not subject to surfacing requirements of this Section.
- 2) 3312.39, Striping and Marking, to not provide pavement striping for parking spaces, but customer parking shall be delineated with parking blocks and/or numbering.
- 3) 3363.41(a), Storage, to reduce the required side yard setback from 20 feet to 3 feet, to permit impounded vehicles to be stored within three (3) feet of a side property line.
- 4) 3392.10, Performance Standards, to not provide an opaque fence, while the existing 6 foot chain link fence around the impound lot shall remain, and to permit driveways, access corridors and customer and employee parking to have a gravel surface rather than asphalt or concrete surface.
- 5) 3367.15(c)(d), M-2, Manufacturing District Special Provisions, to reduce the Harmon Avenue parking setback from 50 feet to 8 feet.

02-16-2014

# ZONING VARIANCE

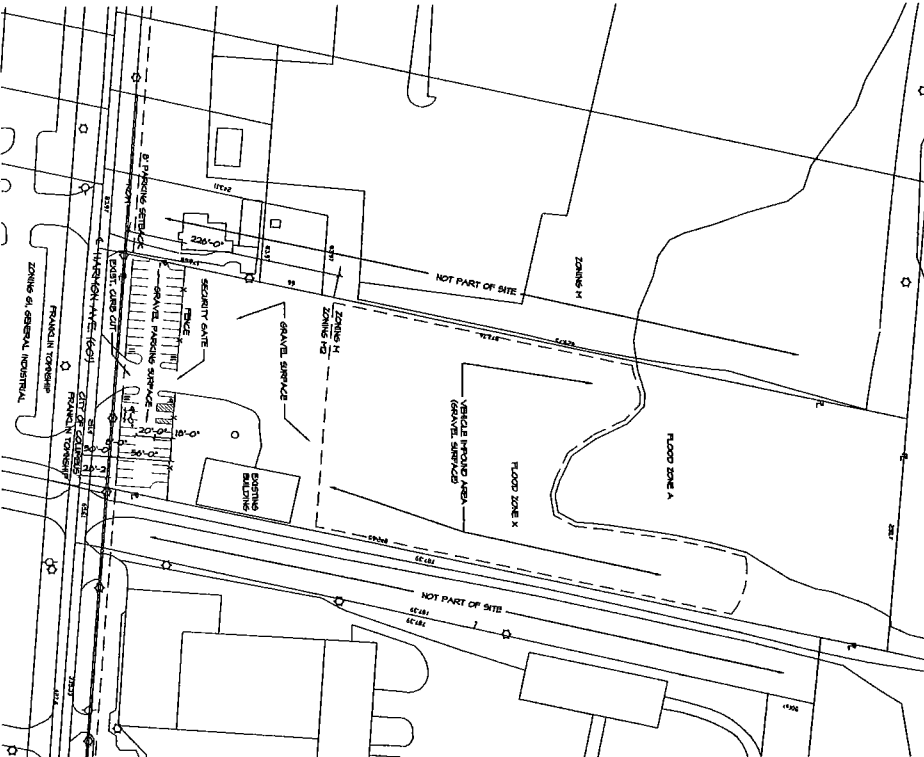
# 1669 HARMON AVENUE

COLUMBUS, OHIO 43223



LOCATION MAP  
1" = 200'

**PROJECT DATA**  
ADDRESS 1669 HARMON AVENUE  
PID 510-08700  
AREA 5.0 ACRES  
EXISTING BUILDING 5000 SF (OFFICE & GARAGE BAY)  
EXISTING ZONING H-2 (TO 220 FEET WEST OF HARMON AVENUE)  
NEIGH DISTRICT H-2 (BALANCE OF PROPERTY)  
PROPOSED USE VEHICLE REPAIR SHOP IN N. MANUFACTURING AREA OF PROPERTY  
FLOOD PLAIN ZONE X AND A PANEL 3504/C2/C3/C  
CRITERIA



SITE PLAN  
1" = 60'

BZAB-

NOT FOR  
CONSTRUCTION

DCH

DCH ARCHITECTS, LLC

4028 N. HART RD. SUITE 200  
COLUMBUS, OHIO 43223  
614.727.1555

EDUCATION/RESIDENTIAL USE

Project 2009

ZONING VARIANCE

1669 HARMON AVENUE

COLUMBUS, OHIO 43223

Sheet Title

SITE PLAN

Sheet Number

A1

1 of 1

Date Date FEBRUARY 11, 2015  
Revision Date  
Modif

General Notes





# 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: 570136750

Zoning Number: 1669

Street Name: HARMON AVE

Lot Number : N/A

Subdivision: N/A

Requested By: DAVID PERRY COMPANY, INC. (DAVE PERRY)

Issued By: Adriana Luis-Vismar Date: 2/12/2015



SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 28278

JAMES D. YOUNG, P.E., ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO





# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 1/23/15



Disclaimer

Scale = 200



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

THE CITY OF  
**COLUMBUS**  
MICHAEL B. COLEMAN, MAYOR

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## Board of Zoning Adjustment Application

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) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215  
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

Pro-Tow, Inc.

c/o Mr. Jimmy Whitridge, Sr.

1669 Harmon Avenue

Columbus, OH 43223

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 16th day of FEBRUARY, in the year 2015

Barbara A. Painter

SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015

My Commission Expires

Notary Seal Here



BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2015

**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