

## Council Variance Application

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

OFFICE USE ONLY

Application Number: CV15-044 Date Received: 7/17/15  
Application Accepted by: ET Fee: \$1920  
Comments: Assigned to Shannon Pine; spine@columbus.gov  
614-645-2208

### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 4480 Winchester Pike Zip: 43232

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: 430-292606

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): C4

Area Commission or Civic Association: N/A

Proposed Use or reason for Council Variance request:

To permit the storage of yard clippings, leaves, etc.. for recycling purposes

Acreage: 2.557 acres

### APPLICANT:

Name: Ohio Mulch Phone Number: 445-4455 Ext.: \_\_\_\_\_

Address: 1600 Universal Road City/State: Columbus, OH Zip: 43207

Email Address: \_\_\_\_\_ Fax Number: 445-4464

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

Name: Weber-Holdings-South LLC Phone Number: 445-4455 Ext.: \_\_\_\_\_

Address: 1600 Universal Road City/State: Columbus, OH Zip: 43207

Email Address: \_\_\_\_\_ Fax Number: 445-4464

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

Name: Jackson B. Reynolds, III Phone Number: 221-4255 Ext.: \_\_\_\_\_

Address: 37 West Broad Street, Suite 460 City/State: Columbus, OH Zip: 43215

Email Address: jreynolds@smithandhale.com Fax Number: 221-4409

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

APPLICANT SIGNATURE By: Jackson B. Reynolds III

PROPERTY OWNER SIGNATURE By: Jackson B. Reynolds III

ATTORNEY / AGENT SIGNATURE Jackson B. Reynolds III

*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.**

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

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### STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

#### Section 3307.10 Variances by City Council

CV15-044

- 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.

**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 requested as detailed below:**

The owner/applicant is seeking a council variance to allow for the temporary accumulation of yard waste on the subject property. The applicant operates landscaping / garden store at the site and a part of the business model is accepting yard waste from customers that is ultimately recycled at another location. The request is to allow the storage of the yard waste onsite until it is picked up and removed from the property. The storage of the yard waste has been determined to be manufacturing use so in order to continue the activity the council variance is being requested as rezoning to a manufacturing district would be inappropriate for the limited activity that is being requested. There is no request to grind or recycle. The yard waste on the site only to store it for pick up and removal from the site. The storage of yard waste on the site will not negatively affect surrounding properties nor be a detriment to the guidelines of the Columbus Zoning Code.

Signature of Applicant

*John B. Reynolds III*

Date

7/13/15

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## Council Variance Application

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**AFFIDAVIT** (See instruction sheet)

Application Number

CV15-0244

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jackson B. Reynolds, III

of (1) MAILING ADDRESS 37 West Broad Street, Suite 460, 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 4480 Winchester Pike

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 7-17-15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Weber Holdings - South LLC

1600 Universal Road

Columbus, OH 43207

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

Ohio Mulch

445-4455

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

(5) N/A

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)

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

(8) SIGNATURE OF AFFIANT

Jackson B. Reynolds III

Sworn to before me and signed in my presence this 13<sup>th</sup> day of July, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

9/4/15  
My Commission Expires



Seal Here Natalie C. Timmons  
Notary Public, State of Ohio  
My Commission Expires 09-04-2015

This Affidavit expires six (6) months after the date of notarization.

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CV15-044

**APPLICANT**

Ohio Mulch  
1600 Universal Road  
Columbus, OH 43207

**PROPERTY OWNER**

Weber Holdings-South LLC  
1600 Universal Road  
Columbus, OH 43207

**ATTORNEY**

Jackson B. Reynolds, III  
Smith & Hale LLC  
37 West Broad Street, Suite 460  
Columbus, OH 43215

**SURROUNDING PROPERTY  
OWNERS**

Winham Investments LLC  
7921 Waterton Lane  
Lakewood Ranch, FL 34202

Morning Star Partners LLC  
1404 Vine Street  
Cincinnati, OH 45202

Mark C & Kathleen L Walsh  
4444 Winchester Pike  
Columbus, OH 43207

Aurangzeb Iftikhar  
Maimona Asmat  
3595 South Hamilton Road  
Columbus, OH 43232

Robert J Dorsey  
4490 Winchester Pike  
Columbus, OH 43232

Columbia Gas of Ohio Inc.  
200 Civic Center Drive  
P.O. Box 117  
Columbus, OH 43216

Lewis J & Mary M Slone  
3456 Daglow Road  
Columbus, OH 43232

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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 # CV15-044

STATE OF OHIO  
COUNTY OF FRANKLIN

Jackson B. Reynolds, III

Being first duly cautioned and sworn (NAME) \_\_\_\_\_  
of (COMPLETE ADDRESS) 37 West Broad Street, Suite 460, 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 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. Weber Holdings-South LLC 1600 Universal Road Columbus, OH 43207 0 employees Jim Weber - 445-4455	2. Ohio Mulch 1600 Universal Road Columbus, OH 43207 250 employees Jim Weber - 445-4455
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 13<sup>th</sup> day of July, in the year 2015

SIGNATURE OF NOTARY PUBLIC

My Commission Expires 9/4/15



Notary Seal Here  
Natalie C. Timmons  
Notary Public, State of Ohio  
My Commission Expires 09-04-2015

*This Project Disclosure expires six (6) months after the date of notarization.*

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Legal Description of 2.557 acres  
4480 Winchester Pike

CN15-044

Situated in the State of Ohio, County of Franklin, Township of Madison, in Section 9, Township 11, Range 21, Mathew's Survey being all of Parcels 1, 2 and 3 containing 2.557 acres of land described in a deed to Weber Holdings – South, LLC of record in Instrument 201204060048327 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at the northeasterly corner of the 0.556 acre, Parcel 3 described in said Instrument 201204060048327, and the northwesterly corner of that 1.350 acre tract described in a deed to Winham Investments, LLC of record in Instrument 20102100168497;

Thence South, along the easterly line of said 0.556 acre tract, westerly lines of said 1.350 acre tract and a portion of that 0.687 acre tract described in said Instrument 201012100168497 and the existing City of Columbus Corporation Line, Ordinance 2183-01, Instrument 200205030111360, a distance of 242.45 feet, to the northeasterly corner of that 0.009 acre tract described in a deed to Columbia Gas of Ohio of record in Deed Book 2779, Page 577;

Thence West along the northerly line of said 0.009 acres and that 0.532 acre tract described in a deed to Robert J. Dorsey of record in Instrument 201209210141601, a distance of 100.00 feet;

Thence South along the westerly line of said 0.532 acre tract and the easterly line of that 1.023 acre Parcel 2 in Instrument 201204060048327, a distance of 215.66 feet, to the old centerline of U.S. Route 33, and the northerly right of way line of Winchester Pike;

Thence westerly along a southerly line of said 1.023 acre tract, the old centerline of U.S. Route 33, and the northerly right-of-way line of Winchester Pike, being the arc of a curve to the left, having a radius of 622.46 feet, a distance of 46.18 feet;

Thence West continuing along said right-of-way line and southerly line of said 1.023 acre Parcel 2 and 0.978 acre Parcel 1 in said Instrument 201204060048327, a distance of 157.64 feet;

Thence North along the westerly line of said 0.978 acre tract and an easterly line of that 2.364 acre tract described in a deed to Mark C. and Kathleen L. Walsh of record in Official Record 19557 F18, a distance of 415.94 feet, to the northwesterly corner of said 0.978 acre tract, the northeasterly corner of said 2.364 acre tract and the southeasterly corner of that 6.391 acre tract described in a deed to Mary M. and Lewis J. Slone of record in Official Record 15531 E11;

Thence East along the northerly lines of said 0.978, 1.023 and 0.556 acre tracts, and a southerly line of that 2.268 acre tract described in a deed to Christopher P. Weyand and April M. Walsh of record in Instrument 201104220053132, a distance of 300.00 feet, to the Point of Beginning, containing 2.557 acres of land, more or less.



# City of Columbus Zoning Plat

CV15-044



## 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: 430292606

Zoning Number: 4480

Street Name: WINCHESTER PIKE

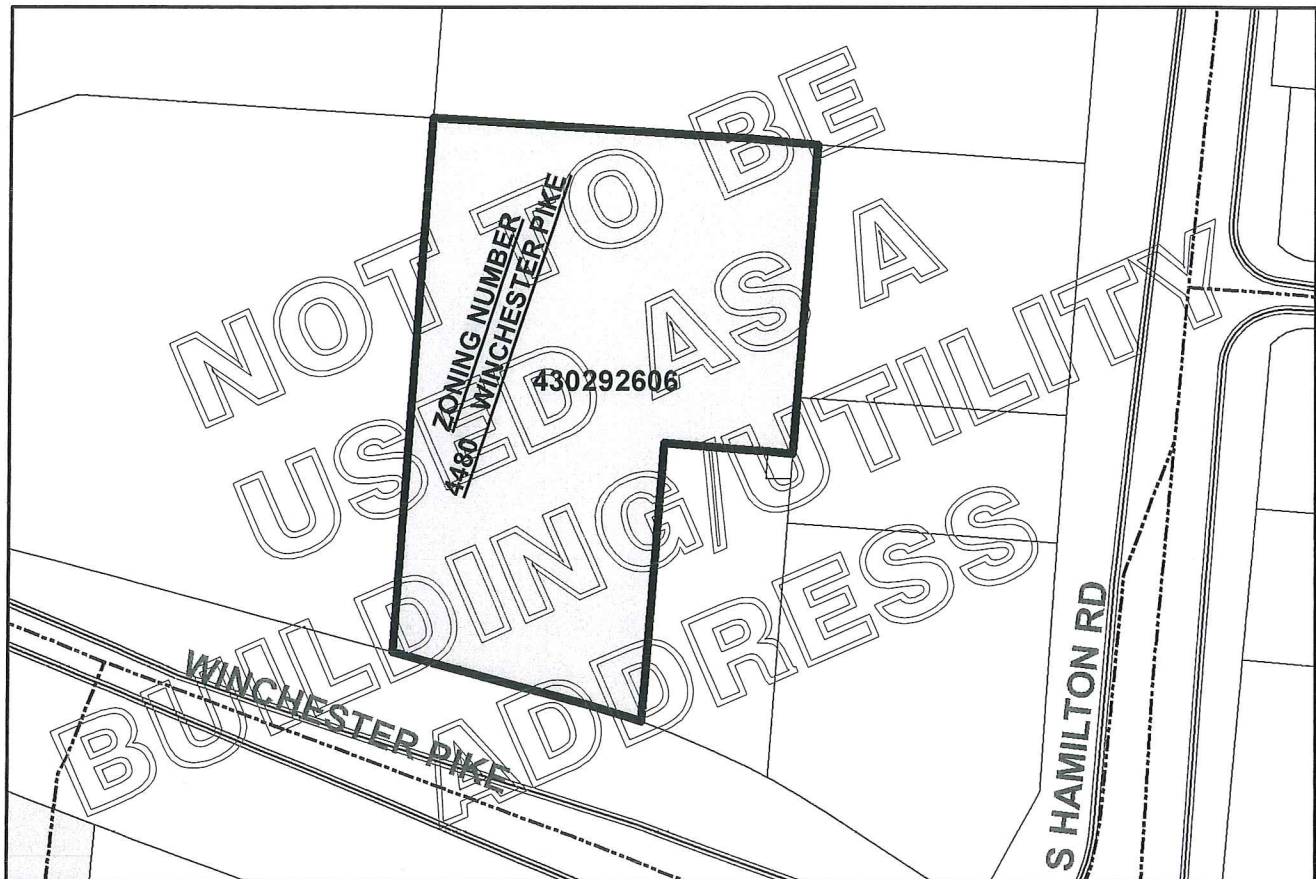
Lot Number : N/A

Subdivision: N/A

Requested By: SMITH & HALE (JACK REYNOLDS)

Issued By: *Edgardo Amador*

Date: 6/26/2015



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

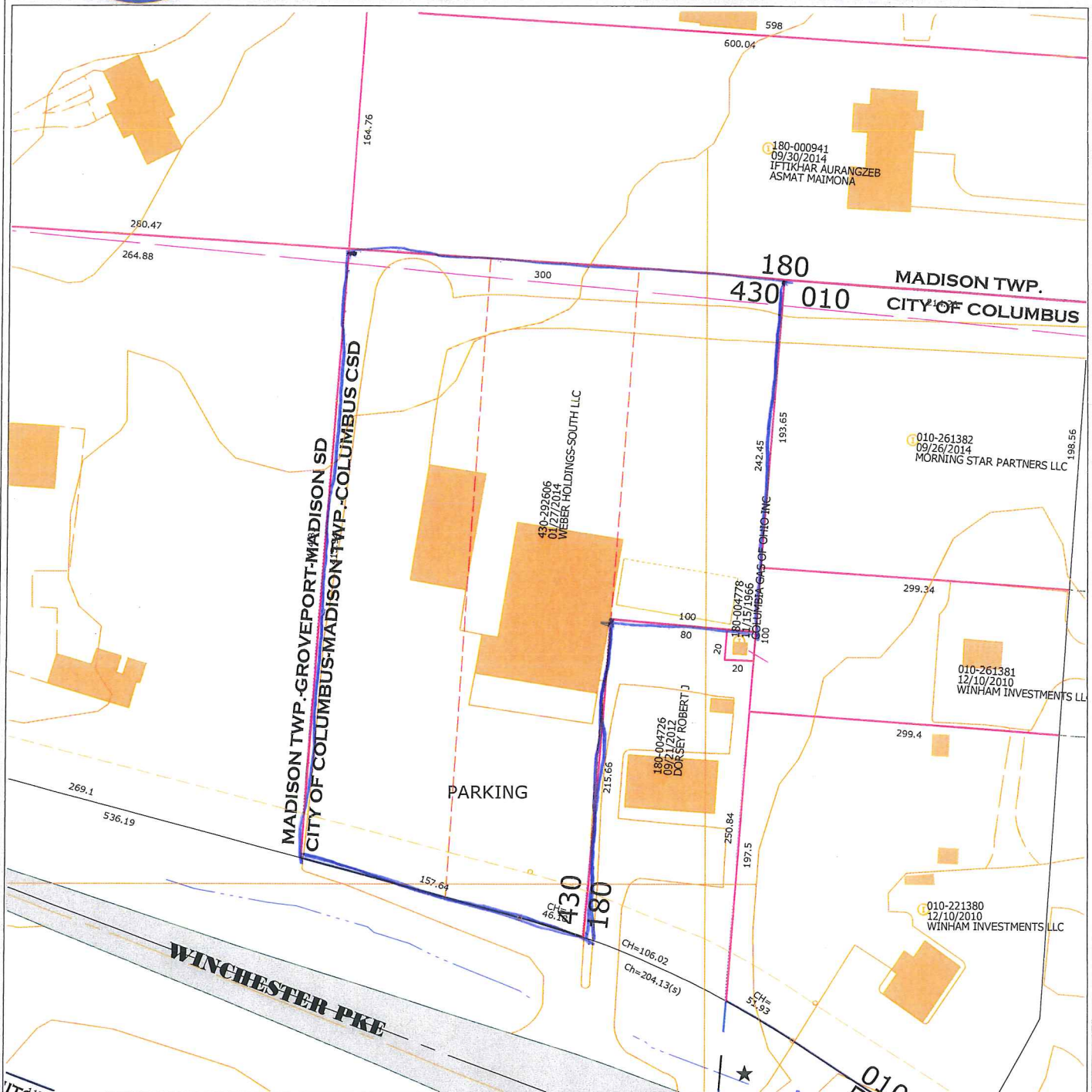
SCALE: 1 inch = 150 feet

GIS FILE NUMBER: 14827





**CLARENCE E MINGO II**  
**FRANKLIN COUNTY AUDITOR**  
**MAP ID: jbr**      **DATE: 6/26/15**



Disclaimer

CV15-044

Scale = 100



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

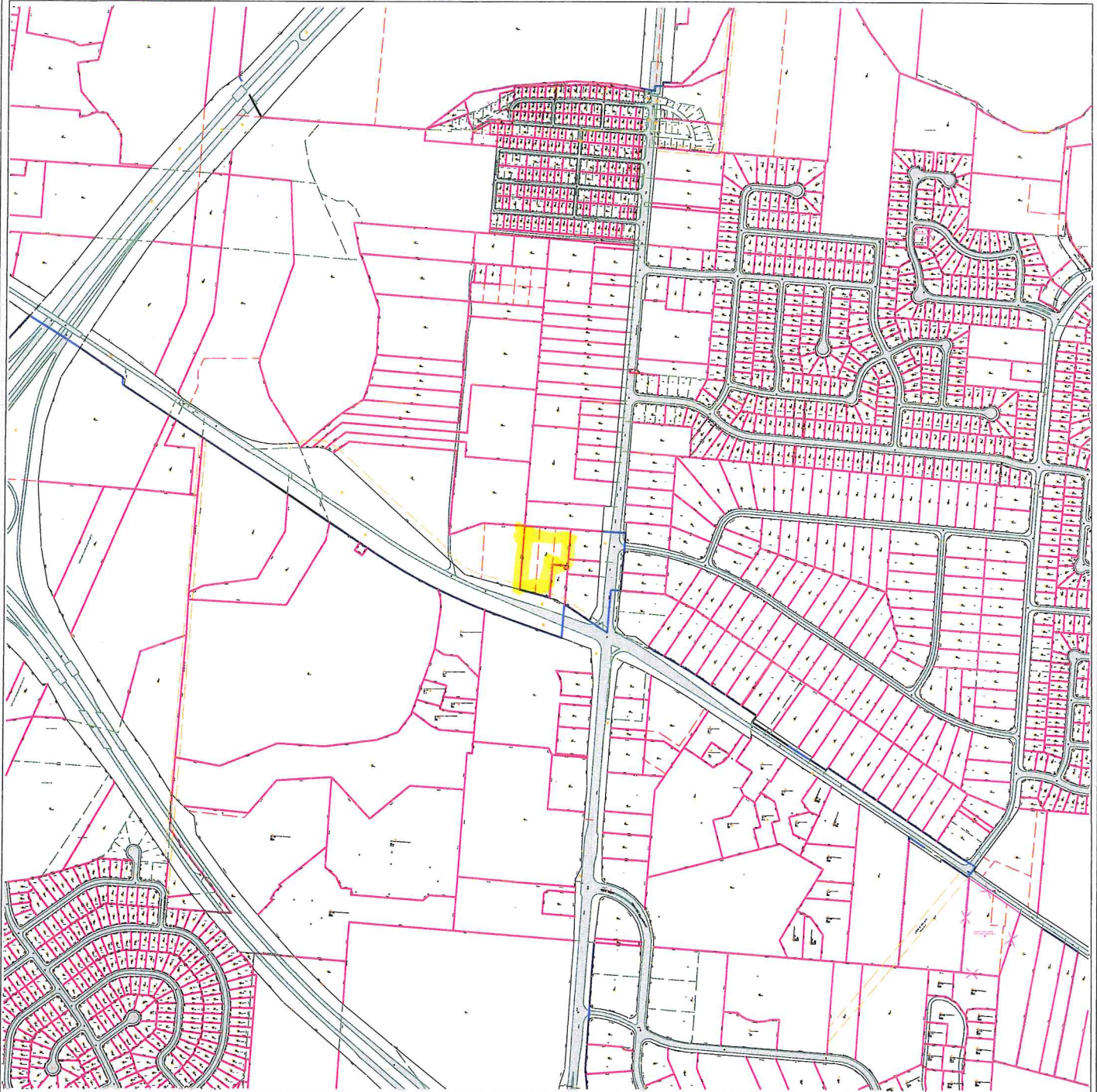




# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: jbr

DATE: 6/26/15



Disclaimer

CV15-044

Scale = 971



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Real Estate / GIS Department





CV15-044

04/08/2014



Mary M. & Lewis J. Stone  
6.391 Ac.  
O.R. 15531 E11



Winham Investments, L  
1.910 Ac  
Inst 201012100168497

(4444 WINCHESTER PIKE)

# PRAGATI SITE ENGINEERING

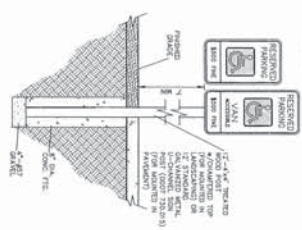
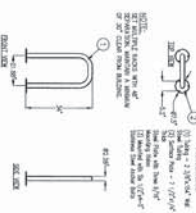
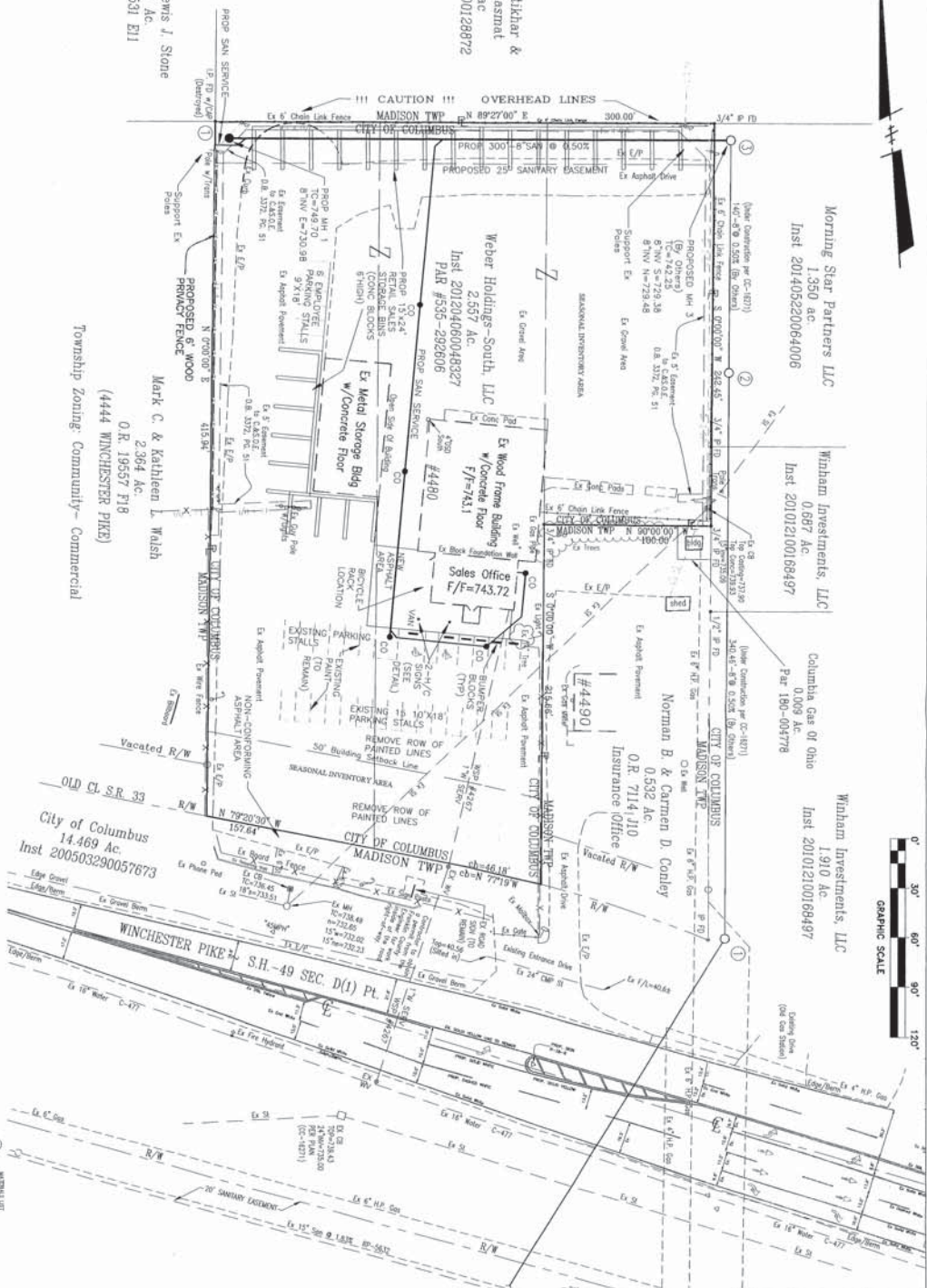
Incorporated  
Civil Engineers & Surveyors

Countdown, (nls) 42207  
(814) 443-4400 (phone)  
(814) 443-4407 (fax)

SITE AREA: 2.53 Acres  
DISTURBED AREA: Approx 7,000 SF (0.16 Acres)  
PAVE DEVELOPED IMPERVIOUS AREA: 2.34 AC  
POST DEVELOPED IMPERVIOUS AREA: 2.16 AC

**FOR THE DIVISION OF POWER AND WATER (POWER)**

If any electric facility (relating to the power) is damaged in any manner by the contractor, its agents, servants, or employees, the resulting damages (including costs) shall, with all necessary repairs, and the expense of such repairs and other related costs shall be paid by the contractor to the division of power and light (power), city of Chicago, Ohio.



## GENERAL INFORMATION

LOCATION MAP

GROVEPORT /

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1.27

11

server	node

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4480 WINCHESTER PIKE- COLUMBUS, OHIO 43232

**SITE COMPLIANCE PLAN**

**SITE ENGINEERING**  
—Incorporated—  
Civil Engineers & Surveyors

7453 East Main Street  
Reynoldsburg, OH 43068  
Phone: (614) 759-9900  
Fax: (614) 759-9902  
Mail: [strong@ameritech.net](mailto:strong@ameritech.net)

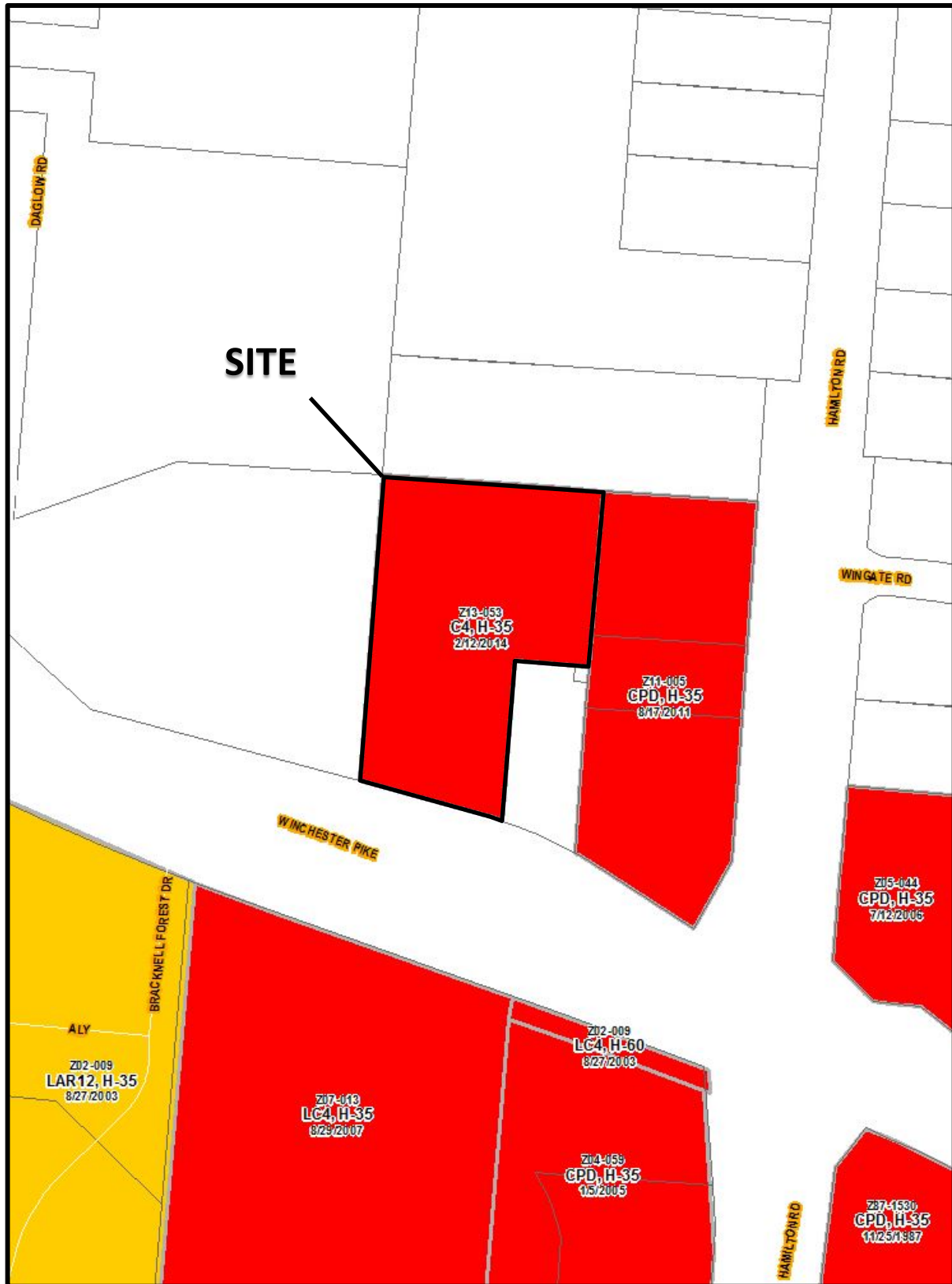
REV	DATE	DESCRIPTION	BY
1	2-17-14	BULK RETAIL SALES-PARKING REQUIRED	MAH
2	2-27-14	ADD NOTE FOR COUNTY PERMIT	MAH
3	12-22-14	REVISE PLAN PER AS-BUILT CONDITIONS	MAH
4	2-3-15	REVISE PLAN PER SANITARY COMMENTS	MAH
5	5-19-15	ADD FENCE ON PART OF W. PROPERTY LINE	MAH
6	7-6-15	CHANGE PROVIDED PARKING AND DELINATE SEASONAL INVENTORY AREA	MAH

### INVERTED "U" BICYCLE RACK

## HANDICAPPED PARKING SIGN

SHEET: 1 of 1

CV15-044



CV15-044  
4480 Winchester Pike  
Approximately 2.56 acres





CV15-044  
4480 Winchester Pike  
Approximately 2.56 acres