

## Council Variance 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: CV15-072 Date Received: 11/30/15  
Application Accepted by: SP + TD Fee: \$2,400  
Comments: Assigned to Tim Dietrich; 645-6665; tedietrich@columbus.gov  
and Shannon Pine; 645-2208; spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 3995 LOCKBOURNE INDUSTRIAL PARK Columbus, OH Zip: 43207

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: 510-265811

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

Current Zoning District(s): M-1

Area Commission or Civic Association: FAR SOUTH COLUMBUS AREA COMMISSION

Proposed Use or reason for Council Variance request:

ALLOW USE OF CONSTRUCTION SORTING + STORAGE WITH SPECIAL PERMIT IN M1 ZONE

Acreage: 5.78 ±

### APPLICANT:

Name: GORILLA DUMPSTERS Phone Number: 614-344-4677 Ext.: \_\_\_\_\_

Address: 2700 Mc KINLEY AVE STE 204 City/State: COLUMBUS, OH Zip: 43204

Email Address: AMY.K@GORILLADUMPSTERS.COM Fax Number: 614-310-4051

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

Name: 562 TERMINAL FACILITY LP Phone Number: 610-334-0240 Ext.: \_\_\_\_\_

Address: 1695 RIDGE ROAD City/State: ORLEANSBURG, PA Zip: 17961

Email Address: MATT.BATES@EVANSDELIVERY.COM Fax Number: \_\_\_\_\_

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

Name: AMY KLAMUT Phone Number: 614-578-0901 Ext.: 614-344-4677

Address: 2700 Mc KINLEY AVE STE 204 City/State: COLUMBUS, OH Zip: 43204

Email Address: AMY.K@GORILLADUMPSTERS.COM Fax Number: 614-310-4051

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

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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### STATEMENT OF HARDSHIP

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.

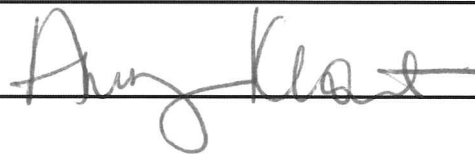
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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.

**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:**

SEE EXHIBIT "A"

Signature of Applicant



Date

11/30/15

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## **EXHIBIT 'A'**

### **STATEMENT OF HARDSHIP (REQUEST FOR VARIANCE)**

3995 Lockbourne Industrial Pkwy.  
Columbus, OH 43207

Application Number: CU15-072

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This Statement of Hardship and Request for Variance is being submitted in support of the Application of Gorilla Dumpsters, LLC for a variance as to certain Columbus City Code requirements. Specifically a variance is being requested for Columbus City Code Ordinance Section 3389.07 regarding the operation of a salvage yard and Section 3392.12 regarding the proposed location of said salvage yard. The property in question is 3995 Lockbourne Industrial Pkwy, Columbus, Ohio 43207 (the "Property") with a parcel ID number of 510-265811. The Property is +/- 5.799 acres and is zoned M-1 – H-35.

Applicant proposes to improve and modify the property in the manner set forth in the site plan submitted herewith. Applicant plans to operate what would fall under the definition of a "salvage yard" per the city code where Applicant would sort and salvage or recycle incoming construction waste and remove any non-salvageable materials from the location. Applicant plans to have installed or improved parking surface areas for the storage of waste dumpsters of varying sizes as well as trucks used for the transportation of said dumpsters. The Property is currently bordered on all sides by properties currently used for various light industrial, warehouse and outdoor storage uses as well as unimproved and currently unused property that was formerly part of an airport complex. There is housing located in the area to the West of the Property but no residential property is directly contiguous to the Property. The residential property in question sits less than 600 feet from the West boundary line of the Property and therefore the need for a variance to be granted for City Code Section 3392.12 exists.

Applicant proposes to only sort construction waste. The Columbus Zoning Code classifies this as being used for salvage. Salvage uses of this sort are permitted in "M" manufacturing district zoning districts, but not in the M-1 Manufacturing District zoning district of which the Property is a part. The main distinction between the M and M-1 zoning classifications is that an M zoning district also permits all uses of C-1 through C-5 Commercial Districts, while an M-1 zoning district does not permit C-1 through C-5 uses as the primary use of a subject property lying within such M-1 district. Salvage yards are one of the few industrial purposes that are only permitted in an M zoning district. Otherwise, disregarding commercial uses, the M and M-1 zoning classifications are largely comparable relative to permitted uses. Applicant's construction waste sorting operation would result in the salvaging/recycling of large amounts of

construction materials that can then be reused in myriad different ways and that would be diverted from landfills that take construction and demolition waste.

The layout of the proposed site plan for the property will result in a large setback from Lockbourne Industrial Parkway as well as an effective location well over the 600 foot minimum distance from any residential housing required by City Code Section 3392.12. Specifically, the 600 foot offset requirement set forth therein would fall +/- 138 feet EAST of the West Boundary line of the Property. However, per the Applicant's proposed site plan all sorting and salvage operations would take place more than 120 feet further East onto the Property, resulting in an effective distance of the proposed salvage operations from the closest residential housing property of greater than +/- 720 feet. Additionally, the set back from the Lockbourne Industrial Parkway right-of-way to the area of proposed use for the salvage and sorting operation is +/- 160 feet.

In addition to the distances/setbacks set forth above the Western boundary of the Property has an existing five foot tall fence and directly adjacent to the West boundary line on the subject Property there are currently a substantial number of shrubs and mature trees that effectively obscure any and all views of the Property and any activities carried out thereon from any residential property lying to the West of the Property.

In addition to the facts set forth above the Applicant will also follow the conditions and/or requirements in regard to its operations on the Property as set forth below:

1. All applicable City of Columbus permits, including the above referenced special permit to operate a salvage yard shall be maintained and renewed annually or per other renewal requirements as may be set forth in the City Code.
2. No hazardous materials, including any materials containing asbestos, shall be transported to, stored on or sorted on the Property.
3. No trash or other wastes other than Construction waste and debris shall ever be stored or sorted on the Property.
4. Applicant shall follow any and all requirements of any authority regarding the height, size, and any required spacing of all piles of construction debris that may exist on the Property at any time.
5. Applicant shall designate specific parking areas for Applicant's employees and Applicant's trucks that are used in Applicant's operations.

The proposed location of the salvage operations to be carried out on the Property are within an industrial area appropriate for such use. Such operations will effectively be carried out well beyond the 600 foot distance requirement set out in City Code Section 3392.12 and the Property is directly surrounded on all sides by parcels of real property that are all zoned for M-1 manufacturing use where many industrial uses are already permitted and for which the proposed operation of this Salvage yard will not interfere or otherwise cause any burden upon these neighboring properties. The proposed use of the yard for the sorting of construction waste also requires a special permit to be operated as a "salvage yard." Applicant will proceed with its application to the Board of Zoning Adjustment for such required special permit. Applicant is willing and ready to

CV15-072

work with the South Columbus Area Commission should the Commission have any conditions that they deem necessary prior to any variance being granted hereon.

THEREFORE, for the reasons set forth above Applicant requests the following variances for the property located at 3995 Lockbourne Industrial Pkwy, Columbus, Ohio 43207:

1. 3389.07: M-1, Manufacturing district, to allow the operation of a salvage yard upon the Property.
2. 3392.12: To allow the operation of said salvage yard within a prohibited location of less than 600 feet from residentially zones properties.

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV15-072

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Amy Klamut

of (1) MAILING ADDRESS 2700 MCINLEY AVE STE 204 COLUMBUS, OH 43204

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 3995 LOCKBOURNE INDUSTRIAL PKWY COLUMBUS, OH 43207

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 12-1-15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) 562 TERMINAL FACILITY LP  
695 RIDGE ROAD  
ORWIGSBURG, PA 17961

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

GORILLA DUMPSTERS, LLC  
614-344-4677

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

(5) FAR SOUTH COLUMBUS AREA COMMISSION  
ROBIN WATSON  
3802 HIGBEE DR. E COLUMBUS, OH 43207

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

[Signature]

Sworn to before me and signed in my presence this 23<sup>rd</sup> day of November, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



DANIEL E. SIMON  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.



DANIEL E. SIMON  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

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**APPLICANT**

Gorilla Dumpsters  
2700 Mc Kinley Ave Ste 204  
Columbus, Oh 43204

**PROPERTY OWNER**

562 Terminal Facility LP  
c/o Matt Bates  
695 Ridge Road  
Orwigsburg, Pa 17961

**ATTORNEY**

Daniel Simon, Esq  
6500 Busch Blvd Ste 250  
Columbus, Oh 43229

**AREA COMMISSION**

Far South Columbus Area Commission  
c/o Robin Watson  
3802 Higbee Dr E  
Columbus, Oh 43207

**SURROUNDING PROPERTY  
OWNERS**

PSH Management LLC  
5560 Biggert Road  
Grove City, Oh 43123

Local Waste Services LLC  
4025 Alum Creek Rd  
Columbus, Oh 43207

Ferrell Gas LP  
3975 Lockbourne Industrial Pkwy  
Columbus, Oh 43207

J Bowman LLC  
PO Box 182022  
Columbus, Oh 43218

Barry and Jennifer Irwin  
4015 Lockbourne Industrial Pkwy  
Columbus, Oh 43207

Spartan Warehouse Distribution Inc.  
4140 Lockbourne Rd  
Columbus, Oh 43207

3800 Lockbourne LLC  
980 N Michigan Ave Ste 1660  
Chicago, Il 60611

Phoenix Warehouse LLC  
3663 Alum Creek Dr  
Columbus, Oh 43207

3880 Gray Gables Realty LLC  
2555 Brice Rd  
Reynoldsburg, Oh 43068

Ohio Preferred Concrete Services Inc.  
1300 Emig Rd  
Columbus, Oh 43223

CV15-072



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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 # CV15-072

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Amy Klamut

of (COMPLETE ADDRESS) 2700 MCKINLEY AVE STE 204 COLUMBUS, OH 43204

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. KASSEL CONSTRUCTION, Inc. 2700 MCKINLEY AVE STE 204 COLUMBUS, OH 43204 FELIPE GONZALEZ 614 580 7303 EMPLOYEES 3	2. GORILLA DUMPSTERS, LLC 2700 MCKINLEY AVE STE 204 COLUMBUS, OH 43204 Amy KLAMUT 614 344 4677 EMPLOYEES 7
3. 562 TERMINAL FACILITY LP 695 RIDGE RD ORWIGSBURG, PA 17961 MATT BATES 610 344 0240	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 23<sup>rd</sup> day of November, in the year 2015

Notary Seal Here

SIGNATURE OF NOTARY PUBLIC



DANIEL E. SIMON  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

My Commission Expires

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

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# 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: 510265811

Zoning Number: 3995

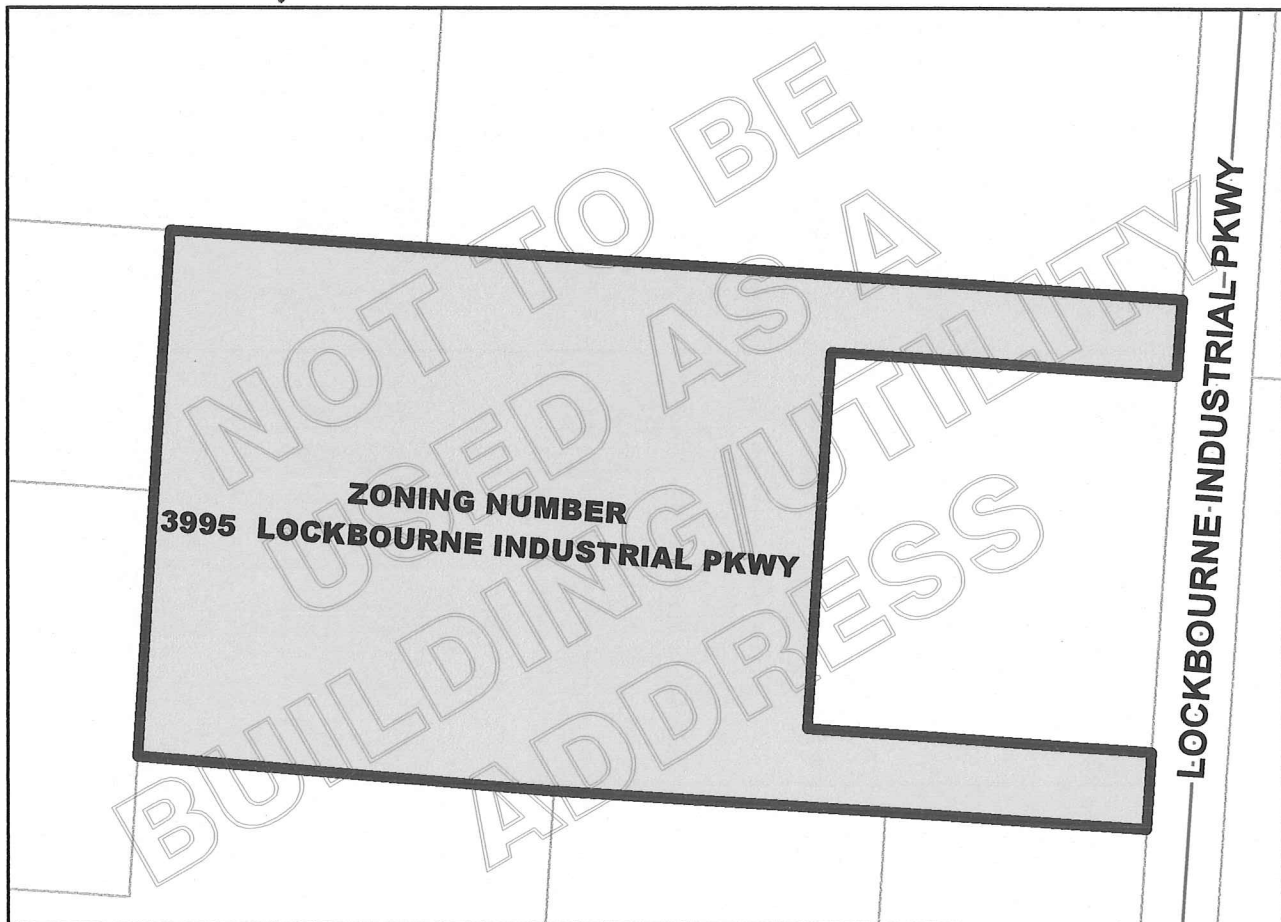
Street Name: LOCKBOURNE INDUSTRIAL PKWY

Lot Number: N/A

Subdivision: N/A

Requested By: DAN SAMIEC

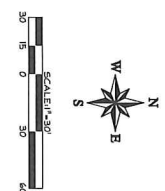
Issued By: Alfred Carson Date: 7/24/2015



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

SCALE: 1 inch = 150 feet

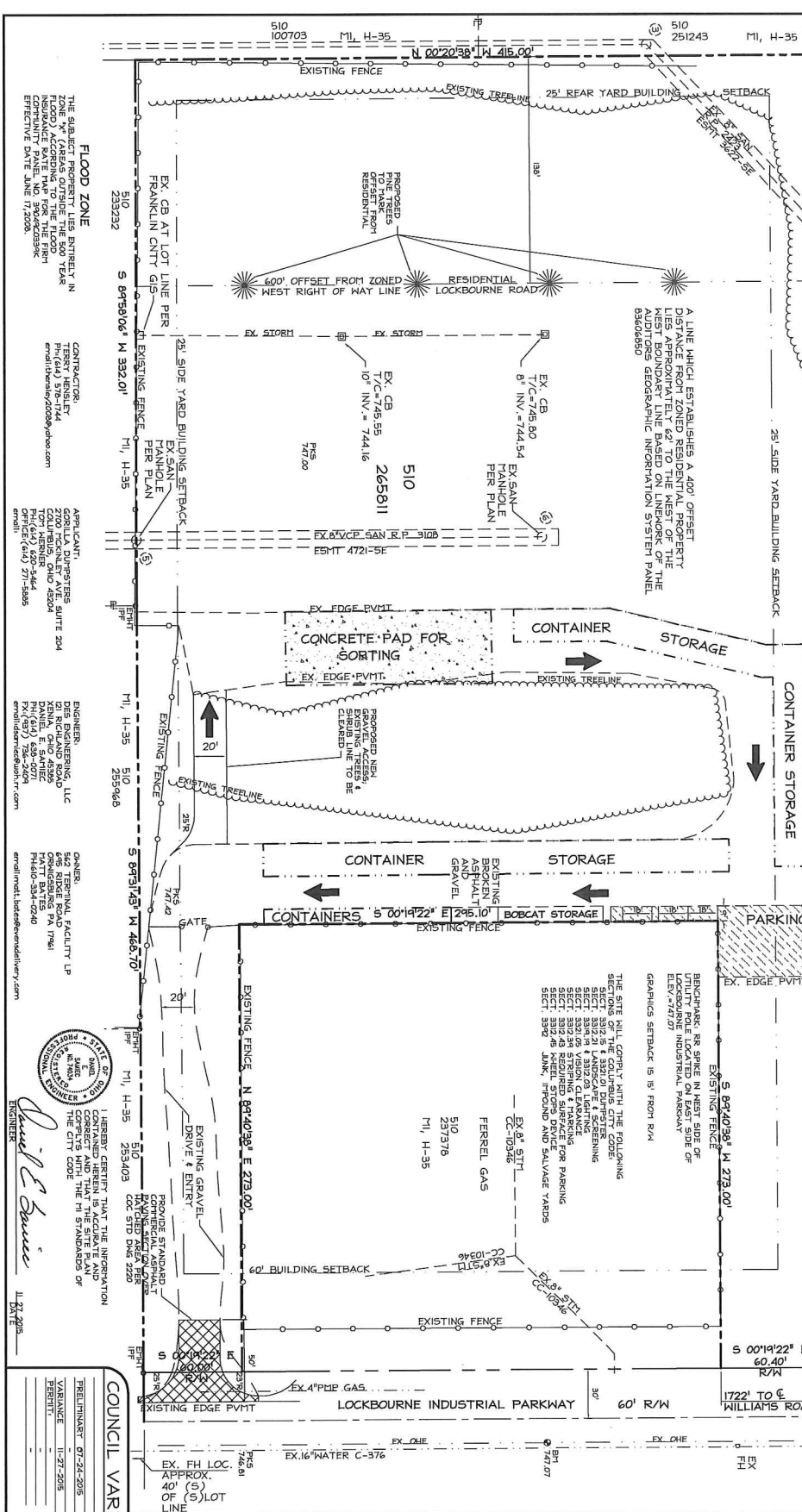
GIS FILE NUMBER: 39491



**PARKING REQUIRED**  
BUILDINGS NO STRUCTURES ON SITE  
HAZARDOUS WASTE ON SITE - 3  
**TOTAL PARKING PROVIDED**  
PROPOSED PARKING: 3 SPACES

**SITE DATA TABLE**  
TOTAL SITE AREA: 5.799 AC.  
TOTAL DISTURBED AREA: 0.09 AC.  
TOTAL DISTURBED AREA: 0.09 AC.  
TOTAL DISTURBED AREA: 0.09 AC.

**SANITARY PERMIT NOTE**  
CONNECTION TO SANITARY SEWER CANNOT BE MADE  
OFFICE 90 DRAIN RD 3RD FLOOR 64-425-740  
THERE IS NO EXISTING OR PLANNED STRUCTURE  
ASSOCIATED WITH THIS DEVELOPMENT AT THIS TIME



**FLOOD ZONE**  
THE SUBJECT PROPERTY LIES ENTIRELY IN  
ZONE X (ARMS OUTSIDE THE 500 YEAR  
FLOOD ZONE). THE 500 YEAR  
FLOOD ZONE MAP FOR THE FIRST  
EFFECTIVE DATE LINE 1/2008.

**CONTRACTOR**  
DESIGNER  
APPLICANT  
ENGINEER

**OWNER**  
LIBERTY CEMENT, INC.  
121 RICHMOND ROAD  
COLUMBUS, OHIO 43207

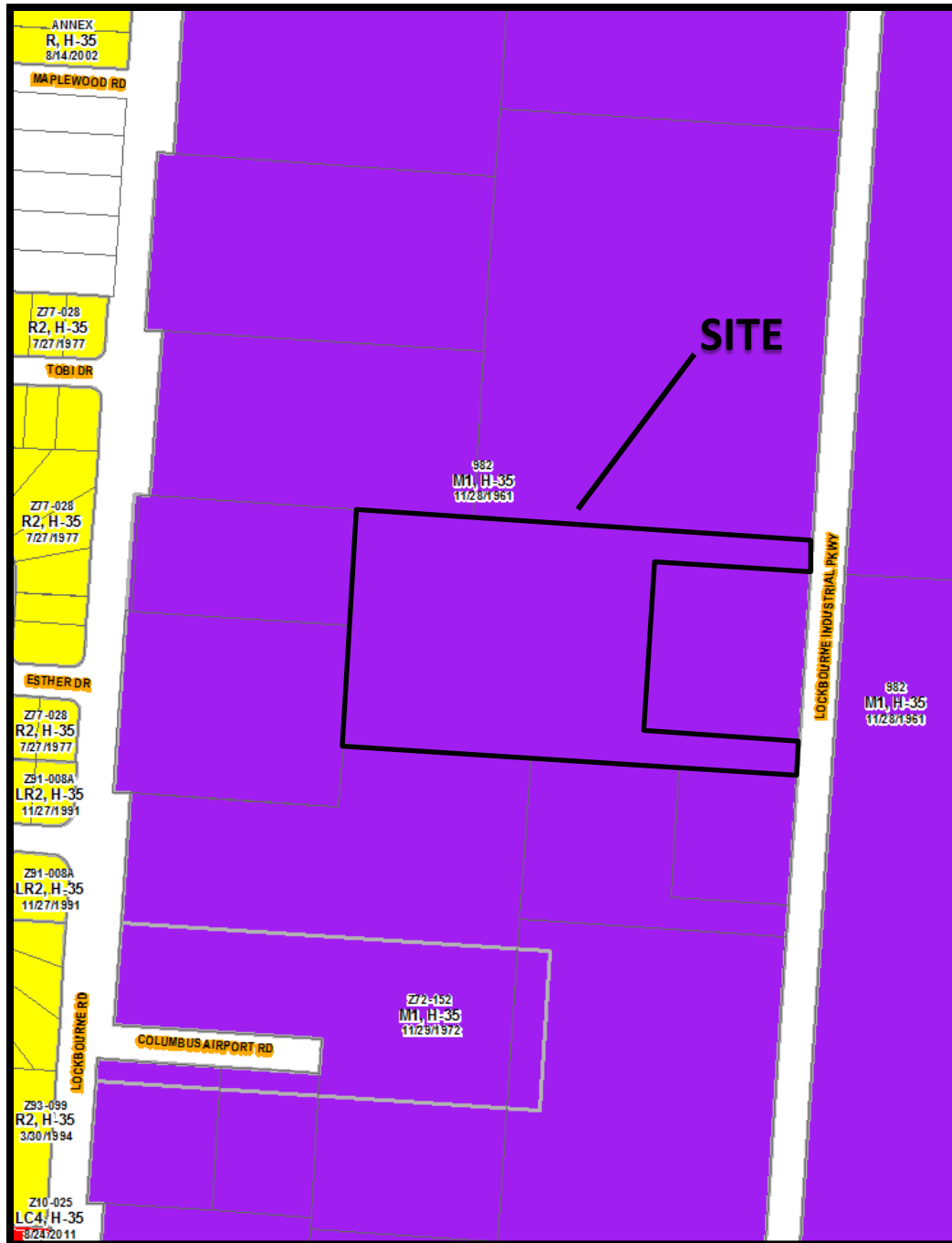
**LIBERTY CEMENT, INC.**  
121 RICHMOND ROAD  
COLUMBUS, OHIO 43207

**COUNCIL VARIANCE PLAN**  
VARIANCE 1-27-205  
PERMIT

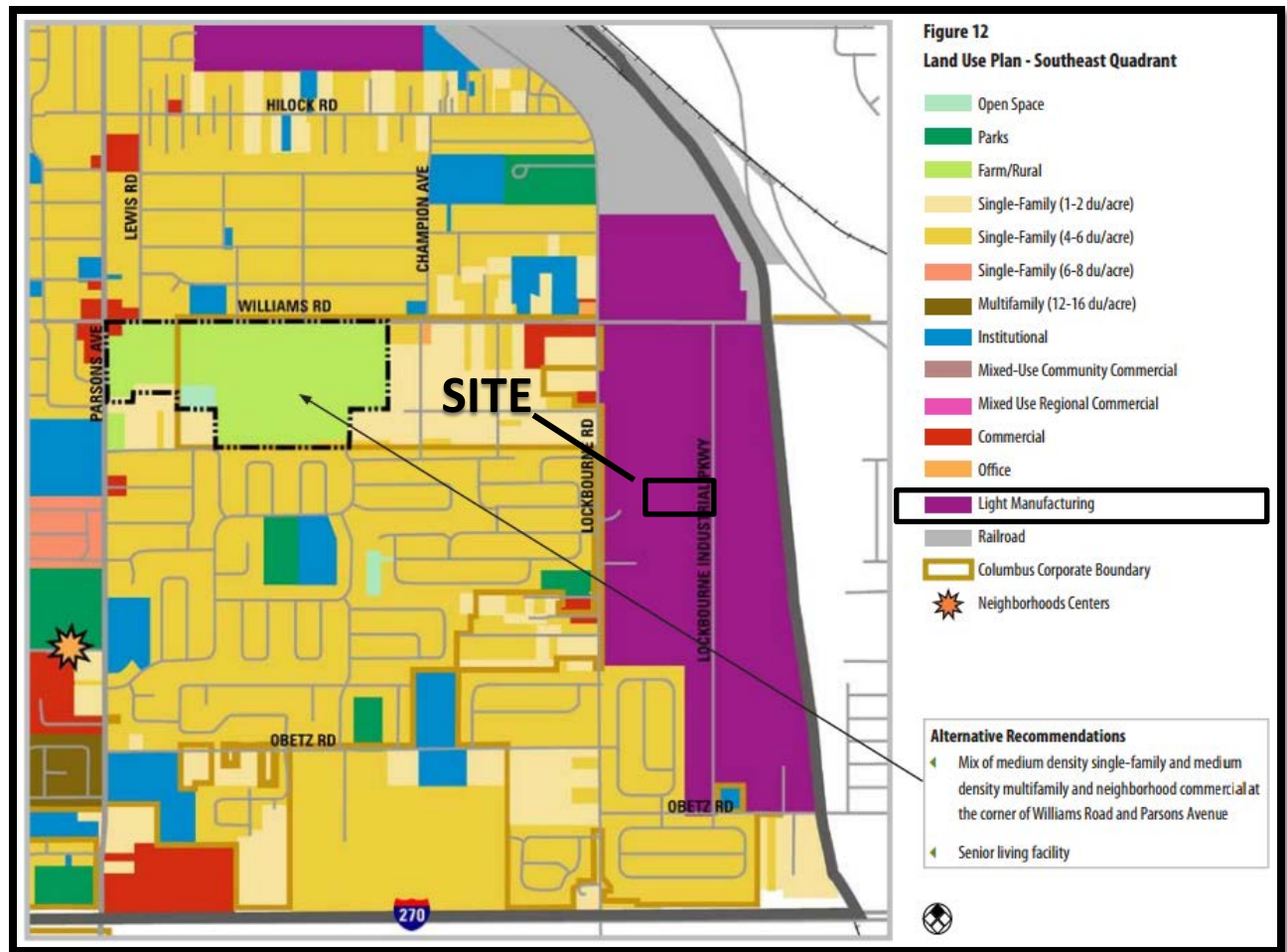
**GORILLA DUMPSTERS**  
3995 LOCKBOURNE INDUSTRIAL PARKWAY  
COLUMBUS, OHIO 43207  
COUNCIL VARIANCE APPLICATION

**DES Engineering, LLC**  
121 Richmond Road  
Nash, Ohio 43135  
614-638-0071 Fax: 937-736-2409

CV15-072



CV15-072  
3995 Lockbourne Industrial Parkway  
Approximately 5.8 acres



CV15-072  
3995 Lockbourne Industrial Parkway  
Approximately 5.8 acres





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3995 Lockbourne Industrial Parkway  
Approximately 5.8 acres