



10310-00000-00030

Comments: \_\_\_\_\_ Application Number: \_\_\_\_\_ Commission/Group: Smith Side

Date Received: 2/18/10 Planning Area: \_\_\_\_\_

Date of Hearing: 4/27/10 Acreage: \_\_\_\_\_

Zoning Fee: \$1,900.00 Address Fee: ~~\$2,200.00~~

Existing Zoning: M Accepted by: (Signature)

## BOARD OF ZONING ADJUSTMENT APPLICATION

### TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- ☒ Variance ☒ Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting. Sections 3363.41(b), 3392.10 and 3389.12

Describe: To permit a Portable Building at a salvage yard and to grant a variance to screening along the east property line. See Exhibit B

### LOCATION

1. Certified Address Number and Street Name 715 Marion Road
- City Columbus State OH Zip 43207
- Parcel Number (only one required.) 010-104095

### APPLICANT (IF DIFFERENT FROM OWNER)

2. Name Bo-Mic Enterprises c/o Donald Plank, Plank Law Firm
3. Address 145 East Rich Street City Columbus, OH Zip 43215
4. Phone# (614) 947-8600 3rd Flr. Fax # (614) 228-1790
5. Email Address dplank@planklaw.com

### PROPERTY OWNER(S)

6. Name Bo-Mic Enterprises c/o Donald Plank, Plank Law Firm
7. Address 145 East Rich Street 3rd City Columbus, OH Zip 43215
8. Phone# (614) 947-8600 Flr Fax # (614) 228-1790
9. Email Address dplank@planklaw.com

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

### ATTORNEY / AGENT (CIRCLE ONE)

10. Name Donald Plank, Plank Law Firm
11. Address 145 East Rich Street 3rd City Columbus, OH Zip 43215
12. Phone# (614) 947-8600 flr Fax # (614) 228-1790
13. Email Address dplank@planklaw.com

### SIGNATURES

14. Applicant Signature Donald Plank, attorney
15. Property Owner Signature Donald Plank, attorney
16. (Signature) Attorney/Agent Signature Donald Plank



# One Stop Shop Zoning Report

Building Services Division  
Department of Development  
Report date: 2/19/2010 10:56:31 AM

## Parcel Report

Parcel ID	Owner	Address
010104095	CRA-CO INVESTMENTS LLC	715 MARION RD COLUMBUS OH 43207

## Base Zoning Report

Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
650	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.

**10310-00030**  
**715 Marion Rd.**



## EXHIBIT B

### Request for Special Permit and Statement of Hardship (Variance)

715 Marion Road, Columbus, OH 43207

BZA: \_\_\_\_\_

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The Board of Zoning Adjustment (BZA), by application 09310-00141, approved July 28, 2009, approved applicant's request for Special Permit to operate a salvage yard and a variance to Section 3342.24, Surface, to permit a gravel surface. The Board Order for application 09310-00141 is incorporated in this application by reference.

Following the approval of application 09310-00141, applicant obtained approval of the Site Compliance Plan (09345-242), fence building permit (FNCE0928433) for an eight (8) foot tall security fence and access gates and a permit for electrical work. Applicant applied for a City of Columbus Salvage License, and upon inspection, was cited for various items of non-compliance with Section 3392.10, Performance Requirements, applicable to licensing. Applicant has and continues to make every effort to comply with applicable requirements to operate properly and to run a business.

By this application, applicant requests a Special Permit to have a Portable Building on the premises for use as a site office. The Portable Building is approximately 10 feet by 20 feet and is located within the fenced salvage materials area, approximately 325 feet from Marion Road, along the west property line. The land use adjacent to this property to the west has extensive outside storage. The BZA has the authority to grant a Special Permit upon finding that the proposed Special Permit

*"... 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." Section 3307.06 (A), Special Permits.*

Applicant believes the Special Permit request meets the criteria of Section 3307.06 (A), in that the proposed Portable Building will not be detrimental to the public good, will not be detrimental to the general purpose and intent of the zoning district (M, Manufacturing) and is not incompatible with the general character of the neighborhood, in that there is minimal visibility of the Portable Building off-site, the Special Permit is consistent with the M, Manufacturing District and industrial sites and areas in general and the Portable Building is compatible with this highly industrial area with uses having extensive areas of outside storage.



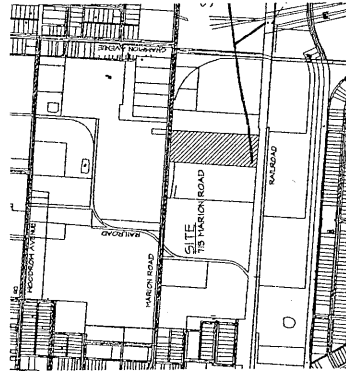
Applicant also requests a variance to Sections 3363.41(b) and 3391.10, to not provide any screening of the property/salvage yard along the east property line adjacent to the building on the property to the east. The adjacent building is approximately 750 feet long and 20 or more feet tall. The adjacent property is zoned M, Manufacturing and the building is used for a steel product processing and product forming business. The building is located 6 – 8 feet from the common property line and provides complete visual blockage of the subject site from the east. There is an existing 6 – 7 foot chain link fence along the east property line that will remain to secure the salvage yard. Screening along the east property line will serve no purpose that isn't already accomplished by the existing adjacent building.

February 16, 2010



# 715 MARION ROAD

COLUMBUS, OHIO 43207

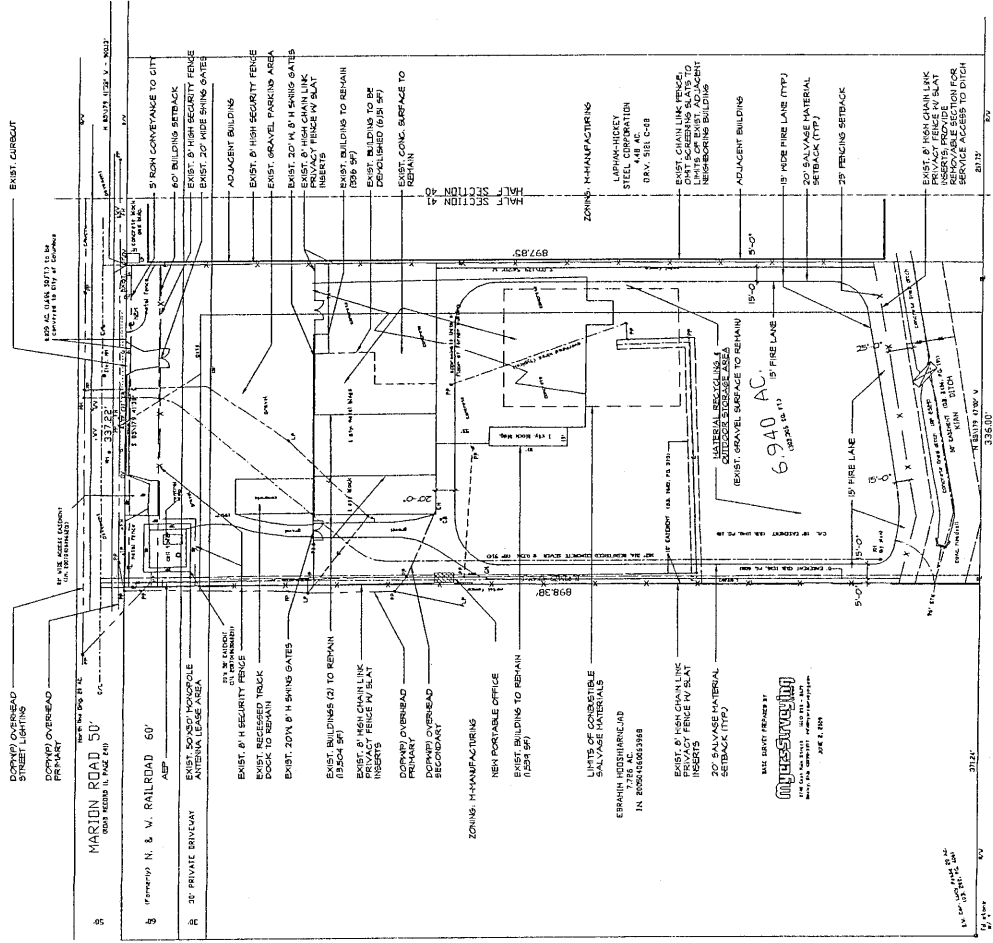


LOCATION MAP  
1" = 600'

## PROPERTY DATA

PROPERTY ID	DIC-104095
PROPERTY AREA	6.910 ACRES
ZONING CLASSIFICATION	H-MANUFACTURING
FLOOD ZONE	X - PANEL 39046C036K DATED 6/17/09
HEIGHT DISTRICT	H-39'
EXISTING USE OF RECORD	FACTORY & WAREHOUSE
PROPOSED USE	OUTSIDE STORAGE & OUTSIDE RECYCLING; 5 EXISTING BUILDINGS - 155,971 SF TOTAL
BZA	09510-00141 (JULY 26, 2009)
PARKING	16 SPACES (1 ACCESSIBLE)

THE PROJECT WILL COMPLY WITH ALL REQUIREMENTS OF SECTION 8842.10, UNK. INFOUND AND SALVAGE YARDS, PERFORMANCE REQUIREMENTS



SITE PLAN  
1" = 60'

10310-00030

715 Marion Rd.

COLUMBUS, OHIO 43217

Project

Sheet Title

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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 heard unless extended by the Board or unless an affirmative action by the applicant has been taken.





# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: M

DATE: 1/19/10



Disclaimer

Scale = 400



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

10310-00030

715 Marion Rd.





# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

**MAP ID: M**

**DATE: 1/19/10**



ORTHOPHOTOGRAPHY DATE 2008

Disclaimer

Scale = 400



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

**10310-00030**  
**715 Marion Rd.**





City of Columbus  
Mayor Michael B. Coleman

## Department of Development

Boyce Sanford III, Director

757 Carolyn Avenue, Columbus, OH 43224

Date of Service/Posting 1/08/2010

Order Number: JAYS0900055

Parcel Number:  
010104095

BO-MIC ENTERPRISES INC  
C/O Kim Lanning  
3800 COLS-LANCASTER RD N  
CARROLL OH 43112

### ZONING CODE VIOLATION ORDER

Re: 715 MARION RD

An inspection has been made at the above address on December 28, 2009.

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 Building Services Section.

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

SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)

by Paola Turner  
Paola Turner  
Code Enforcement Officer  
(614) 645-0152

2C-7  
REV 09/09  
01082010

10310-00030  
715 Marion Rd.



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ITEM#	CODE	SECTION
COMMENTS		

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Junk Salvage Yard - 7/1/2011

- |   |         |                                 |   |
|---|---------|---------------------------------|---|
| 1 | 3392.02 | LICENSE REQUIRED AND EXPIRATION | Operating a salvage/ recycling yard without a license.<br>No person shall operate a junk yard, impound lot, or a salvage yard except under authority of a valid junk yard, impound lot, or salvage yard license issued by the Department in the name of the operator and for the specific site. |
| 2 | 3392.10 | PERFORMANCE REQUIREMENTS        | The required fencing and screening is missing.<br>Fence is missing sections along the east side of property.  |
| 3 | 3392.10 | PERFORMANCE REQUIREMENTS        | The required fencing is not opaque.   |
| 4 | 3392.10 | PERFORMANCE REQUIREMENTS        | There is junk, salvage, and other improper items being stored outside the required fence. Storage containers in front of building in parking lot area.  |
| 5 | 3392.10 | PERFORMANCE REQUIREMENTS        | There are combustible materials being stored within 10 feet of the fence.   |
| 6 | 3392.10 | PERFORMANCE REQUIREMENTS        | The structures on the property of the facility are in a state of disrepair.   |
| 7 | 3392.10 | PERFORMANCE REQUIREMENTS        | The required fire lanes are not fifteen feet wide( Items blocking lane).  |
| 8 | 3305.03 | AUTHORITY AND COMPLIANCE        | The following are violations of the accepted site plan for this property: Trailer building dumpster placement are not on site and lacking required number of parking spaces .   |
- 

10310-00030  
715 Marion Rd.



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## Junk Salvage Yard Violations

### 9      3363.41      STORAGE

The open storage of materials other than junk, waste products, salvage or wrecked automobiles may be permitted in the M-manufacturing district when located at least thirty (30) feet from any street right-of-way line and not less than twenty (20) feet from other lot line, and shall be handled so as to control dust effectively. All combustible material shall be stored in such a way, including, where necessary access drives, as to permit free access of fire-fighting equipment.





Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

## PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this  
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate

**10310-00030**  
**715 Marion Rd.**

STATE OF OHIO  
COUNTY OF FRANKLIN

APPLICATION # \_\_\_\_\_

Being first duly cautioned and sworn (NAME) Dolald Plank, Plank Law Firm  
of (COMPLETE ADDRESS) 145 East Rich Street, 3rd Flr., 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

<u>Bo-Mic Enterprises</u>	<u>3800 Columbus - Lancaster Road</u>
<u>c/o Kimberly Lanning</u>	<u>Carroll, OH 43112</u>
<u>Chris Lanning</u>	

SIGNATURE OF AFFIANT

Dolald Plank

Subscribed to me in my presence and before me this 15<sup>th</sup> day of February, in the year 2010

SIGNATURE OF NOTARY PUBLIC

[Signature]  
N/A

My Commission Expires:

Notary Seal



**David Watkins**  
**Attorney At Law**  
**Notary Public - State of Ohio**  
**My commission Has no Expiration Date**  
**Ohio Revised Code Section 147.03**



Date

Application #

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue, Columbus, Ohio 43224



## AFFIDAVIT

(See next page for instructions.)

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, 3rd Flr., Columbus

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same OH  
and the following is a list of the name(s) and mailing address(es) of all the owners of record of 43215  
the property located at

(2) per ADDRESS CARD FOR PROPERTY 715 Marion Road

for which the application for a rezoning, variance, special permit or graphics plan was filed  
with the Department of Development, Building Services Division on (3)

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME  
AND MAILING ADDRESS

(4) Bo-Mic Enterprises

c/o Donald Plank, Plank Law Firm  
145 East Rich Street 3rd Flr.  
Columbus, OH 43215

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

Bo-Mic Enterprises

c/o Donald Plank, (614) 947-8600

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

(5) Columbus South Side Area Commission

c/o Debera Diggs  
1312 Linwood Avenue  
Columbus, OH 43206

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

Subscribed to me in my presence and before me this 5th day of February, in the year 2010

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



David Watkins

Attorney At Law

Notary Public - State of Ohio

My commission Has no Expiration Date

Ohio Revised Code Section 147.03



**Exhibit A**  
**715 Marion Road**  
**BZA:** \_\_\_\_\_  
**January 22, 2010**

**APPLICANT:**

Bo-Mic Enterprises  
C/O Donald Plank  
Plank Law Firm  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, Ohio 43215

**PROPERTY OWNERS:**

Bo-Mic Enterprises  
C/O Donald Plank  
Plank Law Firm,  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, Ohio 43215

**ATTORNEY:**

Donald Plank  
Plank Law Firm  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, Ohio 43215

**COMMUNITY GROUP/COALITION:**

Columbus Southside Area  
Commission  
c/o Debera Diggs  
1312 Linwood Avenue  
Columbus, OH 43206

**SURROUNDING PROPERTY**  
**OWNERS:**

Ebrahim Hooshiannejad  
659 Marion Road  
Columbus, OH 43207

Lapham Hickey Steel Corp  
PO Box 7845  
Columbus, OH 43207

Delille Oxygen Co  
PO Box 7890  
Columbus, OH 43207

FIP Realty Co LTD  
1879 Federal Parkway  
Columbus, OH 43207-5712

Ebrahim Hooshiannejad  
611 Marion Road  
Columbus, OH 43207

Pennsylvania Lines LLC  
Norfolk Southern Railway  
110 Franklin Road SE  
Roanoke, VA 24042-0028

Weber-Holdings Buckeye LLC  
2140 Advance Avenue  
Columbus, OH 43207

DW Real Estate VI LTD  
900 Buckeye Park Road  
Columbus, OH 43207

**SEE SHEET 2**

**SEE SHEET 2**

**SHEET 1 OF 2**  
**January 22, 2010**  
**BZA:** \_\_\_\_\_  
**715 Marion Road**



**ALSO NOTIFY:**

David B. Perry  
The David Perry Company  
145 East Rich Street, 3<sup>rd</sup> Floor  
Columbus, Ohio 43215

Amy Kuhn, Esq.  
Plank Law Firm  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, OH 43215

Kimberly Lanning  
Bo-Mic Enterprises  
3800 Columbus-Lancaster Road  
Carroll, OH 43112

**SHEET 2 OF 2**  
**January 22, 2010**

**BZA:** \_\_\_\_\_  
**715 Marion Road**





# 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: 010-104095

Zoning Number: 715

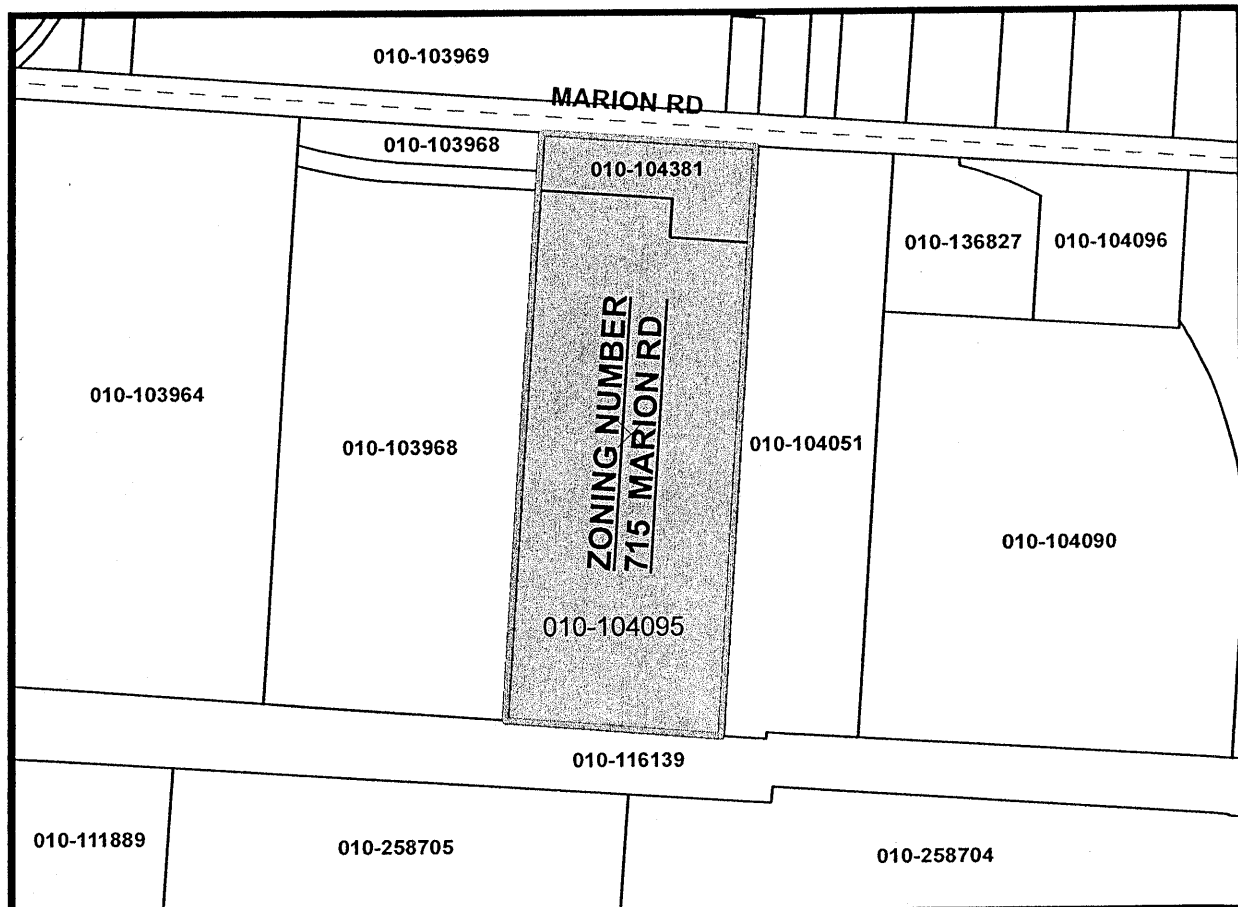
Street Name: MARION RD

Lot Number: N/A

Subdivision: N/A

Requested By: THE DAVE PERRY CO

Issued By: *Edyana Amarian* Date: 05/12/2009



SCALE: 1 inch = 300 feet



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
PLANNING AND OPERATIONS DIVISION  
COLUMBUS, OHIO