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: 12310-9-00017
Date Received: 1/17/12
Commission/Group: Southwest
Existing Zoning: M, C-3 Application Accepted by: D. Reiss Fee: $1,900.00
Comments: 3/27/12

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.
See Statement of Hardship, Exhibit B

LOCATION

1. Certified Address Number and Street Name 1085 Frank Road
City Columbus State OH Zip 43223
Parcel Number (only one required) 570-126837

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

PROPERTY OWNER(S):
Name Certified Oil Corp. c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Floor City/State Columbus, OH Zip 43215
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) ☒ Attorney ☐ Agent
Name Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Floor City/State Columbus, OH Zip 43215
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 for applicant*
PROPERTY OWNER SIGNATURE Donald Plank, attorney for owner*
ATTORNEY / AGENT SIGNATURE Donald Plank

* for purposes of this variance application

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer

Revised 02/01/11

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

AFFIDAVIT

12310-00017
1085 Frank Rd.

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 Floor, Columbus, OH 43215
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
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)** 1085 Frank Road

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS	**(4)** Certified Oil Corp c/o Donald Plank Plank Law Firm 145 East Rich Street, 3rd Floor Columbus, OH 43215
APPLICANT'S NAME AND PHONE # (same as listed on front of application)	Certified Oil Corp 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 Stephanie Lynn Coe 1397 Gorham Drive Columbus, Ohio 43223

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 11th day of JANUARY, in the year 2012

SIGNATURE OF NOTARY PUBLIC **(8)** Barbara A. Painter

My Commission Expires AUGUST 3, 2015

Notary Seal Here

NOTARIAL SEAL STATE OF OHIO

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

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Revised 02/01/11

EXHIBIT A, Public Notice
1085 Frank Road
BZA 12310-00017
January 11, 2012

APPLICANT

Certified Oil Corp
c/o Donald Plank, Plank law Firm
145 East Rich Street, 3rd Floor
Columbus, OH 43215

PROPERTY OWNER

Certified Oil Corp
c/o Donald Plank, Plank law Firm
145 East Rich Street, 3rd Floor
Columbus, OH 43215

ATTORNEY

Donald Plank, Plank law Firm
145 East Rich Street, 3rd Floor
Columbus, OH 43215

COMMUNITY GROUP

Southwest Area Commission
c/o Stephanie Lynn Coe
1397 Gorham Drive
Columbus, OH 43223

PROPERTY OWNERS WITHIN 125 FEET

Dave Gregory Electric, Inc.
1080 Frank Road
Columbus, OH 43223

Davkin Investments
3511 Farm Bank Way
Grove City, OH 43123

Five Star Realty
220 West Bridge Street, Suite 200
Dublin, OH 43017

Melissa M Bradford
1031 Frank Road
Columbus, OH 43223

Boehm Family Partnership II
2050 Hardy Parkway Street
Grove City , OH 43123

Bradley T Barrow TR
c/o MH Equipment Co
PO Box 50
Morrisville, IL 61552

ALSO NOTIFY

Richard Schulze
Certified Oil Corp
949 King Avenue
Columbus, OH 43212

Don Glenn
Certified Oil Corp
949 King Avenue
Columbus, OH 43212

Keith Cheney
Certified Oil Corp
949 King Avenue
Columbus, OH 43212

Roger Nash
Withers Design Group
1250 Chambers Road
Columbus, OH 43212

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

Exhibit A, Public Notice
January 11, 2012
1085 Frank Road
BZA _____
Sheet 1 of 1

12310-00017
1085 Frank Rd.

CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

One Stop Shop Zoning Report Date: Wed Jan 18 2012

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 1075 FRANK RD COLUMBUS OH 43123
Mailing Address: 949 KING AVE
COLUMBUS OH 43212

Owner: CERTIFIED OIL CORP
Parcel Number: 570126837

ZONING INFORMATION

Zoning: Z80-154, Manufacturing, M
effective 5/13/1981, Height District H-35
Board of Zoning Adjustment (BZA): N/A
Commercial Overlay: N/A
Graphic Commission: N/A
Area Commission: Southwest Area Commission
Planning Overlay: N/A

Historic District: N/A
Historic Site: No
Council Variance: N/A
Flood Zone: OUT
Airport Overlay Environs: N/A

PENDING ZONING ACTION

Zoning: N/A
Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A
Graphic Commission: N/A

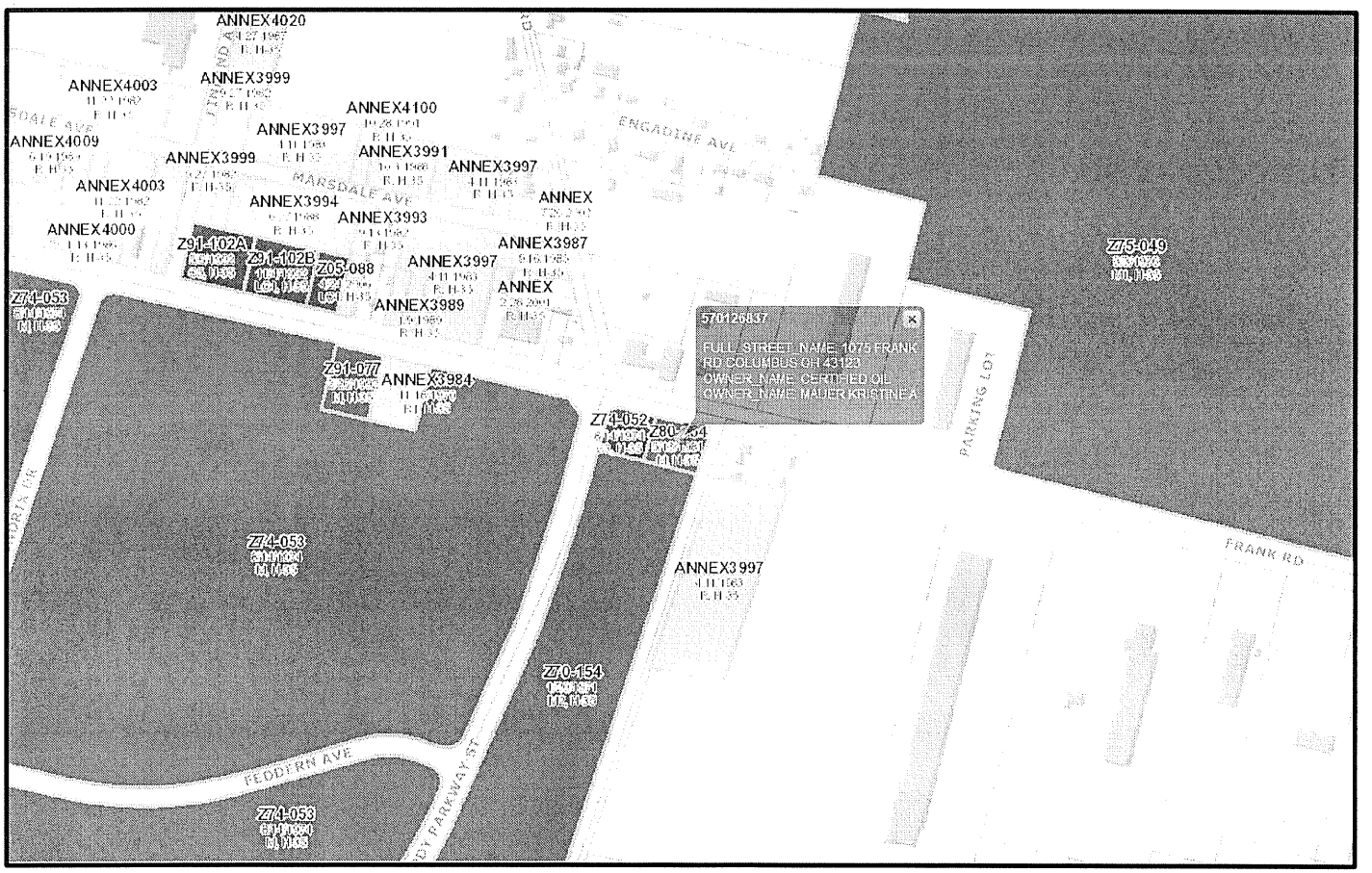


EXHIBIT B

Statement of Hardship

1085 Frank Road **12310-00017**

1085 Frank Rd.

BZA: Application # _____

The 1.009 +/- acre site is located on the south side of Frank Road between Brown Road and Hardy Parkway Street. The site fronts on all three (3) streets. The site was formerly two (2) tax parcels, with approximately the west 45% +/- of the site being zoned C-3, Commercial and the east 55% +/- being zoned M, Manufacturing. The C-3 portion of the site is developed with a retail gasoline sales use including pump island canopy and underground fuel storage tanks. . The M zoned portion of the site was developed with a building that has recently been removed. The two (2) tax parcels have been combined into one (1) tax parcel (570-126837).

Applicant proposes to redevelop the area zoned M, Manufacturing with a 4,710 +/- square foot building for convenience retail sales, including a Subway restaurant (1,465 sq. ft.) with pickup window, and a new fuel pump canopy. The existing retail building in the C-3 area will be removed, but the existing pump island canopy and the underground fuel tanks will remain. A convenience store, restaurant and sale of fuel are all permitted uses of the M, Manufacturing district.

Applicant's site is unusual in that it is shallow (136 ' +/-) for a commercial site and fronts on three (3) public streets. The Hardy Parkway Street curbcut and the west curbcut on Frank Road are existing, as is the fuel canopy, pump islands and underground fuel storage tanks. The required turning radius and maneuvering pattern require the Brown Road and west Frank Road curbcuts, both existing, as depicted on the submitted site plan, to remain as full-turning movement cuts. Applicant has a practical difficulty and economic hardship in complying with the code sections from which relief is sought. The requested variances are not substantial and they will not be detrimental on the character of the neighborhood. Numerous comparable variances have previously been supported by staff and approved by the Board of Zoning Adjustment (BZA).

Applicant requests the following variances:

1) 3312.11, Drive-up Stacking Area, which Section requires eight (8) stacking spaces for one (1) pickup window, while applicant proposes to provide seven (7) stacking spaces.

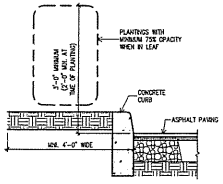
2) 3312.27, Parking Setback Line, which Section requires a ten (10) foot parking setback line, while applicant proposes a five (5) foot parking setback line along Frank Road and Brown Road.

3) 3312.49, Minimum Numbers of Parking Spaces Required, which Section requires a total of 24 parking spaces, while applicant proposes to provide 22 parking spaces.

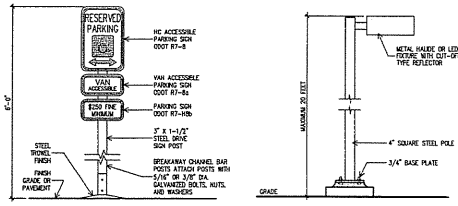
4) 3357.04, Building Lines in Highway Oriented Commercial Districts, which Section requires conformance with setback (60') established by the designated right of way width of the fronting street (Frank Road, 4-2D, 120 feet right of way), while the setback (22 feet) of the existing fuel canopy establishes the Frank Road building setback line since the established setback is less than 25 feet, but the canopy setback is non-conforming and applicant proposes to permit the existing canopy at the existing setback (22 +/- feet) and permit the new fuel canopy at a 25' setback, both as measured from the current property line along Frank Road.

01/11/12

2 C1 DUMPSTER ELEVATION
3/8" = 1'-0"

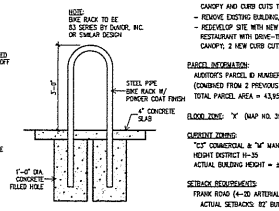


3 C1 PARKNG SETBACK SCREENING
3/4" = 1'-0"



4 C1 H.C. PARKING SIGN
3/4" = 1'-0"

5 C1 LIGHT POLE
1/2" = 1'-0"



6 C1 BIKE RACK
3/4" = 1'-0"

PROJECT INFORMATION

PROJECT DESCRIPTION:
- REMOVE EXISTING CONVENIENCE STORE BUILDING, EXISTING FUEL ISLANDS, CANOPY AND CURB CUTS TO REMAIN (C3 AREA)
- REMOVE EXISTING BUILDING, PAVING AND CURB CUTS (M AREA)
- REDEVELOP SITE WITH NEW CONVENIENCE STORE & QUICK-SERVE RESTAURANT WITH DRIVE-THRU WINDOW; 3 NEW FUEL ISLANDS WITH CANOPY, 2 NEW CURB CUTS

PARCEL INFORMATION:
AUDITOR'S PARCEL ID NUMBER: 570-126837-00
(COMBINED FROM 2 PREVIOUS PARCELS)
TOTAL PARCEL AREA = 43,950 SQ. FT. / 1.009 ACRES

FLOOD ZONE: "X" (MAP NO. 39049C0316K, 06/17/2008)

CURRENT ZONING:
"C3" COMMERCIAL & "M" MANUFACTURING
HEIGHT DISTRICT H-35
ACTUAL BUILDING HEIGHT = ± 16 FT.; ACTUAL CANOPY HEIGHT = ± 20 FT.

SETBACK REQUIREMENTS:
FRANK ROAD (4-20 ARTERIAL) 120' WIDTH, 60' BUILDING SETBACK LINE
ACTUAL SETBACKS: 82' BUILDING, 25' NEW CANOPY, 22' EXG. CANOPY
HARDY PARKWAY (C COLLECTOR) 60' WIDTH (ACTUAL WIDTH 80')
30' BUILDING SETBACK LINE
ACTUAL SETBACKS: 140' BUILDING, 31' EXISTING CANOPY
BROWN ROAD 60' R/W, 25' BUILDING SETBACK LINE
ACTUAL SETBACKS: 81' BUILDING, 101' NEW CANOPY
BUILDING COMPLIES WITH SECTION 3357.12 DEVELOPMENT STANDARDS: DISTANCE REQUIREMENTS

GENERAL:
SITE WILL COMPLY WITH THE FOLLOWING SECTIONS, AS APPLICABLE:
3321.01 DUMPSTER AREA; 3321.03 LIGHTING; 3321.07 LANDSCAPING;
3312.21 LANDSCAPING & SCREENING; 3312.39 STRIPING & MARKING;
3312.43 REQUIRED SURFACE FOR PARKING; AND 3312.45 WHEEL STOP DEVICE.

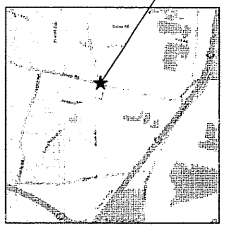
PARKING REQUIREMENTS PER CHAPTER 3312:
FUEL SALES = 2
RETAIL = 1 PER 250 S.F. = 13
RESTAURANT < 5,000 S.F. W/ PICKUP UNIT
= 1 PER 175 S.F. = 9
TOTAL PARKING REQUIRED = 2 + 13 + 9 = 24 SPACES
PARKING PROVIDED:
21 STANDARD SPACES
+ 1 HANDICAP SPACE
22 TOTAL SPACES PROVIDED

BICYCLE PARKING:
24 VEHICLE SPACE REQUIRED = 3 BICYCLE SPACES REQUIRED
3 BICYCLE SPACES PROVIDED

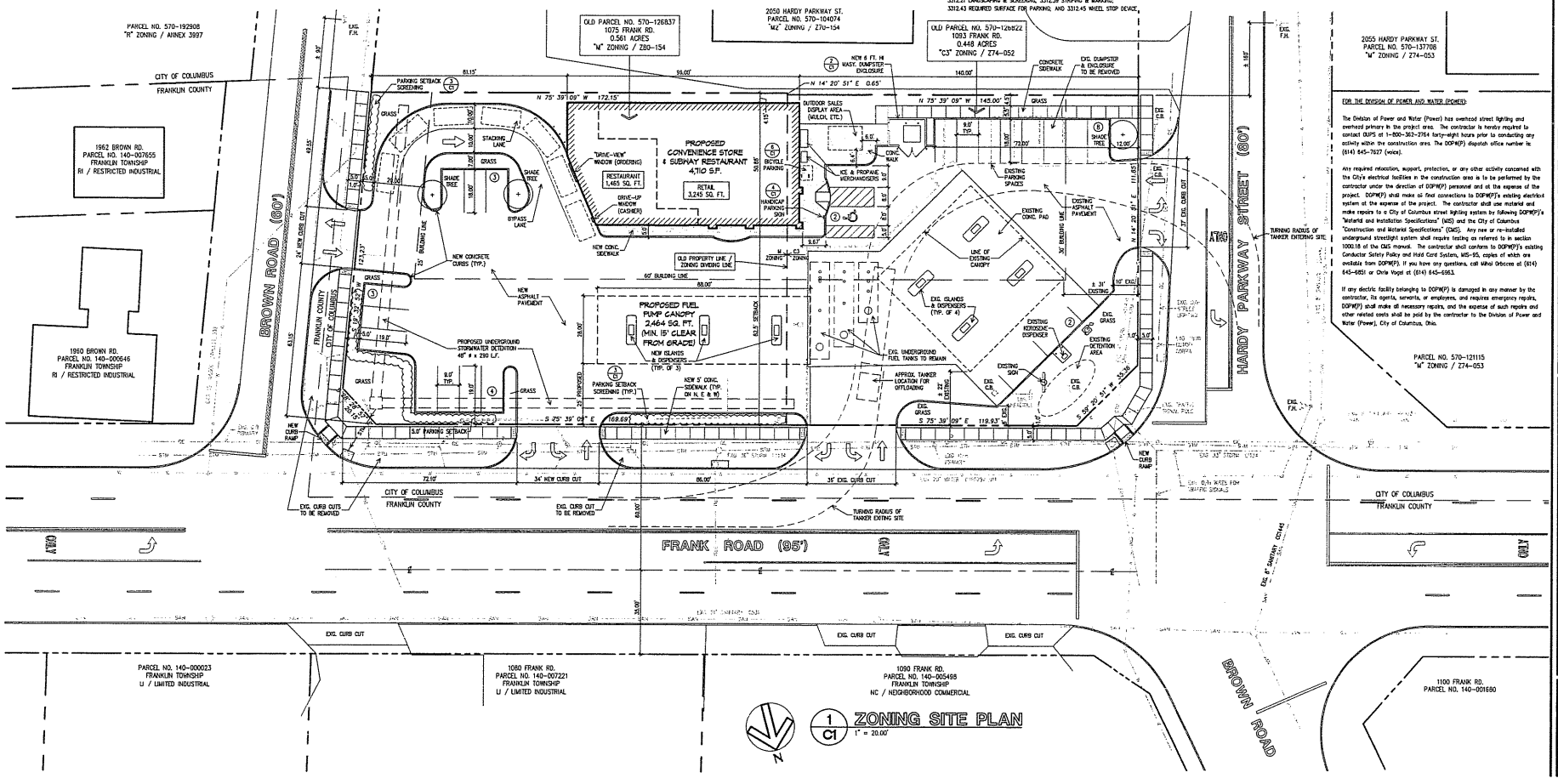
STACKING SPACE REQUIREMENT PER CHAPTER 3312.31:
STACKING SPACES REQUIRED FOR 1 UNIT = 6
STACKING SPACES PROVIDED = 7

LANDSCAPING & SCREENING PER SECTION 3312.21:
A. INTERIOR LANDSCAPING: 1 SHADE TREE PER 10 SPACES
3 TREES PROVIDED, MIN. 2" CALIPER, PLANTING AREAS ARE CURBED, WITH MIN. 145 S.F. PER TREE
B. PARKING SETBACK LANDSCAPING REQUIRED; PERIMETER LANDSCAPING NOT REQUIRED (NO RESIDENTIAL WITHIN 80')
D. LINE PLANT SCREENING TO BE MIN. 3 FT. HIGH, MIN. 75% OPAQUE

VARIANCES REQUESTED:
3312.11 REDUCE STACKING LANE BY 1 SPACE
3312.27 REDUCE PARKING/PAVING SETBACK TO 5'-0"
3312.49-C REDUCE REQUIRED PARKING SPACES BY 2
3356.11 REDUCE SETBACKS FOR NEW CANOPY TO 25' AND FOR EXISTING CANOPY TO 22'



LOCATION MAP
NOT TO SCALE



1 C1 ZONING SITE PLAN
1" = 20.00'

FOR THE DIVISION OF POWER AND WATER (DOPW):

The Division of Power and Water (Power) has overhead street lighting and overhead primary in the project area. The contractor is hereby required to contact OUPS at 1-800-362-2764 forty-eight hours prior to conducting any activity within the construction area. The DOPW(P) dispatch office number is (614) 645-7627 (voice).

Any required relocation, support, protection, or any other activity concerned with the City's electrical facilities in the construction area is to be performed by the contractor under the direction of DOPW(P) personnel and at the expense of the project. DOPW(P) shall make all final connections to DOPW(P)'s existing electrical system at the expense of the project. The contractor shall use material and make repairs to a City of Columbus street lighting system by following DOPW(P)'s "Material and Installation Specifications" (MIS) and the City of Columbus "Construction and Material Specifications" (CMS). Any new or re-installed underground streetlight system shall require testing as referred to in section 1000.18 of the CMS manual. The contractor shall conform to DOPW(P)'s existing Conductor Safety Policy and Hold Card System, MIS-95, copies of which are available from DOPW(P). If you have any questions, call Mihal Orbocea at (614) 645-6851 or Chris Vogel at (614) 645-6963.

If any electric facility belonging to DOPW(P) is damaged in any manner by the contractor, its agents, servants, or employees, and requires emergency repairs, DOPW(P) shall make 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 Water (Power), City of Columbus, Ohio.

WITHERS DESIGN GROUP
ARCHITECTS
1250 Chambers Road
Columbus, Ohio 43212
Phone 614 488-3103
Fax 614 488-1635

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WITHERS DESIGN GROUP, INC.
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ISSUE DATES:
15 JAN 2012 - PRELIM. SITE REVIEW
12 JAN 2012 - BZA SUBMITTAL

REVISIONS

PROJECT NO 11048
DATE: 12 JAN 2012
DRAWN BY: RDN

SHEET TITLE: ZONING SITE PLAN

PROJECT: CERTIFIED OIL #219
1085 FRANK ROAD
COLUMBUS, OHIO 43123

SHEET NO.
C1

WDG'S FILE NAME:

12310-00017
1085 Frank Rd.

CLARENCE E MINGO II
FRANKLIN COUNTY AUDITOR

MAP ID: dbp **DATE: 1/9/12**

Scale = 80

Grid

Disclaimer

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 not
information sources should be consulted for verification of the informatio
county and the mapping companies assume no legal responsibilities for th
Please notify the Franklin County GIS Division of any discrepancies.

12310-00017
1085 Frank Rd.

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

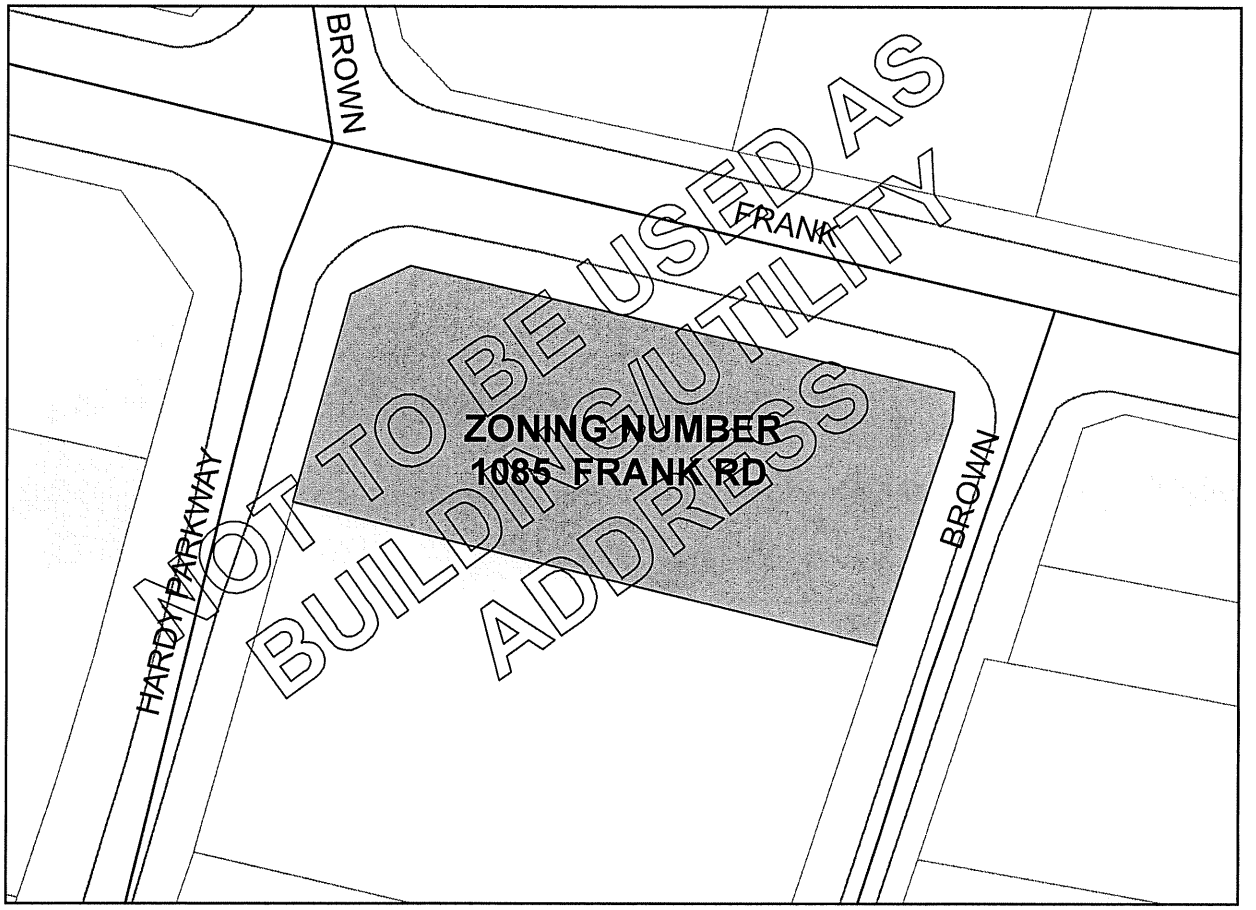
Parcel ID: 570126837

Zoning Number: 1085 **Street Name: FRANK RD**

Lot Number: N/A **Subdivision:** N/A

Requested By: WITHERS DESIGN GROUP

Issued By: Louis O. McCann **12/29/2011**



SCALE:1 inch = 100 feet

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

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 # **12310-00017**
1085 Frank Rd.

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, 3rd Floor, 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
Certified Oil Corp	949 King Avenue, Columbus, OH 43212

SIGNATURE OF AFFIANT Donald Plank

Subscribed to me in my presence and before me this 11th day of JANUARY, in the year 2012

SIGNATURE OF NOTARY PUBLIC Barbara A. Painter

My Commission Expires: AUGUST 3, 2015

Notary Seal Here

NOTARIAL SEAL STATE OF OHIO

BARBARA A. PAINTER
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