



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: 13310-0-00099
Date Received: 2/8/13
Commission/Civic: Milo - Grogan
Existing Zoning: M Application Accepted by: R. Reiss Fee: \$1,900.00
Comments: 4/23/13

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☒ Special Permit

Indicate what the proposal is and list applicable code sections.

See Statement of Hardship

LOCATION

1. Certified Address Number and Street Name 1079 E 5th Avenue
City Columbus State OH Zip 43201
Parcel Number (only one required) 010-094120, 010-051964

APPLICANT: (IF DIFFERENT FROM OWNER)

Name New World Recycling LLC c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, FL 3 City/State Columbus, OH Zip 43215
Phone # 614-947-8600 Fax # 614-228-1790 Email dplank@planklaw.com

PROPERTY OWNER(S):

Name Enterprise Investments LP
Address 1550 Old Henderson Rd., Ste. N242 City/State Columbus, OH Zip 43220
Phone # _____ Fax # _____ Email _____
☐ 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, FL 3 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
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 all checks payable to the Columbus City Treasurer



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AFFIDAVIT

13310-00099

1079 E. 5th Ave.

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
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 1079 E 5th Avenue
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) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Enterprise Investments LP
1550 Old Henderson Rd., Ste. N242
Columbus, OH 43220

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

New World Recycling LLC
c/o Donald Plank, 614-947-8600

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

(5) Milo-Grogan Area Commission
c/o Matthew Vaccaro
1191 St. Clair Avenue
Columbus, OH 43201

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: SEE EXHIBIT A

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

☐ (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 8th day of FEBRUARY, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter
AUGUST 3, 2015

My Commission Expires

Notary



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

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Exhibit A Public Notice
1079 E Fifth Avenue
BZA13- , 02/05/13

APPLICANT:

New World Recycling LLC
c/o Donald Plank, Attorney
Plank Law Firm, LPA
145 East Rich Street, Flr. 3
Columbus, OH 43215

PROPERTY OWNERS:

Enterprise Investments LP
1550 Old Henderson Rd., Ste. N 242
Columbus, OH 43220

ATTORNEY FOR APPLICANT:

Donald Plank, Attorney
Plank Law Firm, LPA
145 East Rich Street, Flr. 3
Columbus, OH 43215

COMMUNITY GROUP
/COALITION:

Milo-Grogan Area Commission
c/o Mr. Matthew Vaccaro
1191 St. Clair Avenue
Columbus, OH 43201

Milo-Grogan Area Commission
c/o Mr. Carl Lee
1753 E 26th Avenue
Columbus, OH 43219

SURROUNDING PROPERTY
OWNERS (125 Feet)

Norfolk & Western RY Co.
Tax Department
110 Franklin Rd. SE
Roanoke, VA 24042

Pennsylvania Lines LLC
Norfolk Southern Railway
Tax Department
110 Franklin Rd. SE
Roanoke, VA 24042

CTC Columbus Investments LLC
2152 Middlesex Rd.
Columbus, OH 43220

Levi Yhezkel
141 Stanbery Ave.
Columbus, OH 43209

L&N-UP Alum Creek LLC
3540 E. Fulton St.
Columbus, OH 43227

4D Family LP
1100 E. 5th Ave.
Columbus, OH 43201

1050 East Fifth Avenue LLC
1050 E. 5th Ave.
Columbus, OH 43201

Isadore I. Harris
Elizabeth R. Harris
1011 Kenwood Ln.
Columbus, OH 43220

ALSO NOTIFY:

David B. Perry
David Perry Company, Inc.
145 East Rich Street, 3rd Flr.
Columbus, Ohio 43215

13310-00099
1079 E. 5th Ave.

SHEET 1 of 1
1079 E Fifth Avenue
BZA13- , 02/05/13



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

13310-00099

1079 E. 5th Ave.

One Stop Shop Zoning Report Date: Tue Feb 12 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 1079 E 5TH AVE COLUMBUS, OH

Mailing Address: 1550 OLD HENDERSON RD
COLUMBUS OH 43220

Owner: ENTERPRISE INVESTMENTS LP

Parcel Number: 010094120

ZONING INFORMATION

Zoning: 508, Manufacturing, M
effective 9/17/1951, Height District H-35

Historic District: N/A

Board of Zoning Adjustment (BZA): N/A

Historic Site: No

Commercial Overlay: MILO-GROGAN UCO

Council Variance: N/A

Graphic Commission: N/A

Flood Zone: OUT

Area Commission: Milo-Grogan Area Commission

Airport Overlay Environs: N/A

Planning Overlay: N/A

PENDING ZONING ACTION

Zoning: N/A

Council Variance: N/A

Board of Zoning Adjustment (BZA): N/A

Graphic Commission: N/A

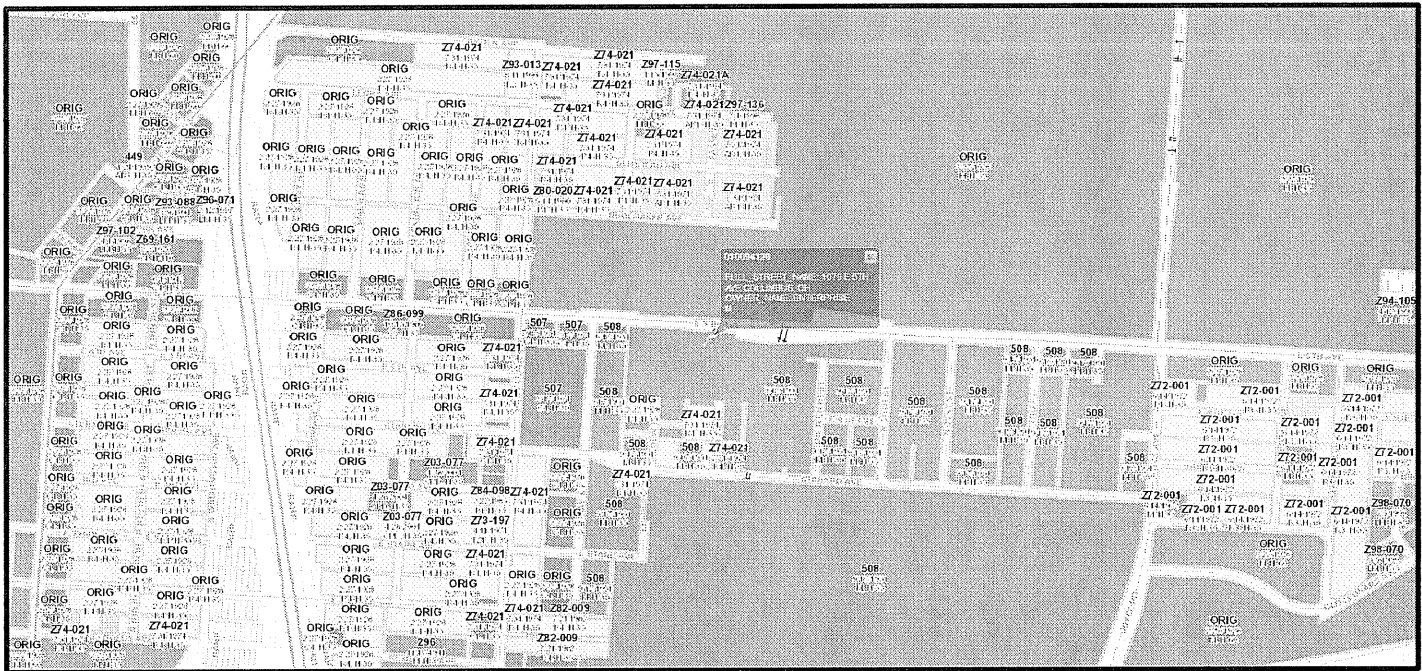


EXHIBIT B

Request for Special Permit and Statement of Hardship (Variance)

1079 E. Fifth Avenue, Columbus, OH 43201

BZA: **13310-00099**
1079 E. 5th Ave.

The site is zoned M, Manufacturing and is developed with a now vacant truck terminal/warehouse. Applicant proposes to use the site for salvage of metals and vehicles, including outside storage and recycling (outside). Every abutting property is zoned M, Manufacturing. The site is part of a large area zoned M, Manufacturing that is developed with uses of the M, Manufacturing District. Previous uses on the property had outside storage, as is permitted on this site and the large area of property zoned M, Manufacturing. There are parcels zoned R-4, Residential on Kessler Street and Loew Street, to the south and southwest, respectively, that are within 600 feet of the site. The site abuts a railroad right of way to east and the E Fifth Avenue underpass and road grade change that includes a retaining wall along E Fifth Avenue that provides substantial screening of the site.

A Special Permit is required for salvage. Applicant requests a Special Permit.

Section 3307.06, Special Permits, describes criteria for the Board of Zoning Adjustment (BZA) review of a Special Permit request:

3307.06 Special permits.

The board of zoning adjustment shall have power.

A. To grant special permits for uses listed in Chapter 3389 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.

Applicant believes the site meets the review criteria of Section 3307.06 and requests a Special Permit for recycling/salvage at the property, as required by Section 3389.02 Special permit required.

Applicant has a hardship with complying with certain applicable site development standards and requests the following variances:

- 1) 3312.27, Parking Setback Line, which Section requires a 25' parking setback line, while the parking and circulation areas are existing, the site is an old industrial

- site and applicant is not changing the existing parking areas, that include zero (0) parking setback along a retaining wall along part of East Fifth Avenue.
- 2) 3312.39, Striping and Marking, which Section requires striping of parking spaces, while the existing surface is gravel and striping on the gravel surface can't be provided, but applicant will provide other space delineation, such as notation of parking spaces on abutting fences.
 - 3) 3312.43, Required Surface for Parking, which Section requires Portland cement or asphaltic concrete for parking and circulation areas, while the site was developed long before the 1985 surfacing requirements, all parking and circulation areas are presently gravel and applicant proposes to continue the use of a gravel surface.
 - 4) 3363.19, Location Requirements, which Section requires salvage uses to be located 600 feet from the boundaries of any residential or apartment residential districts, while the site is 32 feet from a parcel zoned R-4, Residential, to the south of the site, but the R-4 parcel and others south of the first R-4 parcel are undeveloped.
 - 5) 3363.41(b), Storage, which Section requires enclosure of salvage storage within a tight, unpierced fence not less than six (6) feet in height, while there is an existing chain link fence around the truck terminal/outside storage area and part of the fence is approximately five (5) feet high, while applicant proposes to use the existing fence and install vinyl slats only in that portion of the fence that is parallel to East Fifth Avenue to provide screening along E Fifth Avenue.

February 8, 2013

ZONING VARIANCE 1079 EAST FIFTH AVENUE COLUMBUS, OHIO 43201



LOCATION MAP
1" = 200'

PROJECT DATA
PROPERTY IDENTIFICATION NUMBER: 010-04120 & 010-03844
PROPERTY AREA: 1.32 ACRES
ZONING: M-30
ZONING CLASSIFICATION: M-30
FLOOD ZONE: 100-ANNUAL FLOOD
HEIGHT DISTRICT: 10-35
PROPOSED USE: OUTSIDE STORAGE & OUTSIDE RECYCLING
SPACES TOTAL (1 ACCESSIBLE): 10
THE PROJECT WILL COMPLY WITH ALL REQUIREMENTS OF SECTION 10410.0, JAK. FLOOD AND SHALOW WATER, PERFORMANCE REQUIREMENTS.
EXISTING OCCUPANCY CLASSIFICATION: 52 - LOW HAZARD STORAGE
PROPOSED OCCUPANCY CLASSIFICATION: 52 - LOW HAZARD STORAGE

13310-00099
1079 E. 5th Ave.



SITE PLAN
1" = 10'

NOT FOR
CONSTRUCTION

DCH

DCH ARCHITECTS, LLC

6575 Tipton Circle
Columbus, OH 43226
614.742.7250
614.692.7550 Fax
DCHARCHITECTS@GMAIL.COM

Project 2002

ZONING VARIANCE
1079 E. 5TH AVENUE
COLUMBUS, OHIO 43201

Sheet Title

PROJECT DATA
SITE PLAN

Sheet Number

SDI

1 of 1



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: 010094120, 010051964

13310-00099
1079 E. 5th Ave.

Zoning Number: 1079

Street Name: E 5TH AVE

Lot Number: N/A

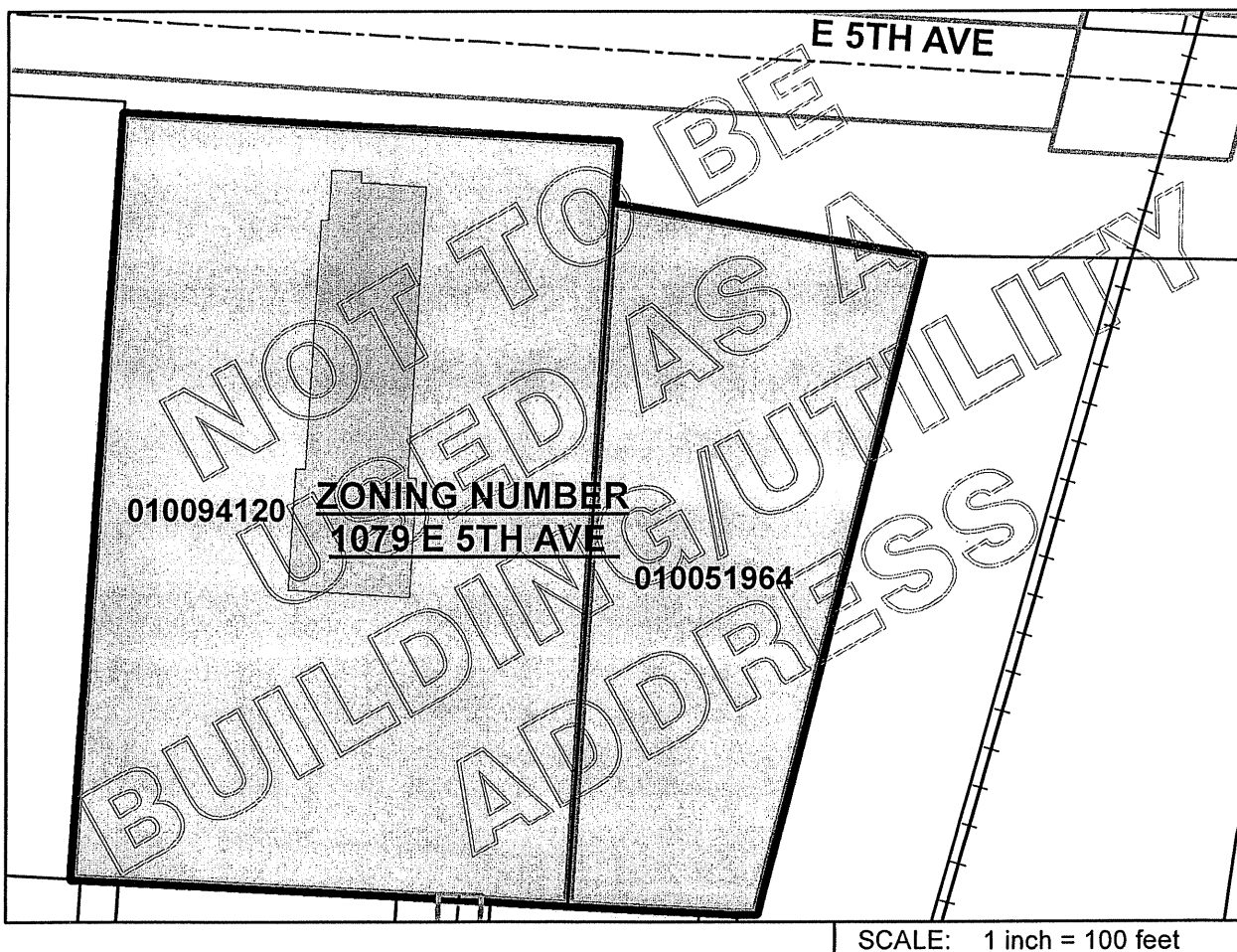
SUBDIVISION: N/A

Requested By: DAVE PERRY CO., Inc (DAVE PERRY)

Issued By:

Adyana Amarasingh

Date: 12/17/2012



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

SCALE: 1 inch = 100 feet
GIS FILE NUMBER: 12100

Real Estate / GIS Department



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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 #

13310-00099

STATE OF OHIO

COUNTY OF FRANKLIN

1079 E. 5th Ave.

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

New World Recycling LLC

145 East Rich Street, FL 3, Columbus, OH 43215

Eugene Wang

Enterprise Investments LP

1550 Old Henderson Road, Ste. N242
Columbus, OH 43220

A. Randall Witt

Sara J. Witt

M. Brent Witt

SIGNATURE OF AFFIANT

Donald Plank attorney

Subscribed to me in my presence and before me this 8th day of FEBRUARY, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



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

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