



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: 113.11-0-00141
Date Received: 3/15/11
Commission/Group: South Side
Existing Zoning: M Application Accepted by: D. Reiss Fee: \$1,900.00
Comments: Hearing date: 5/24/11

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.

Special Permit to permit portable building and variances to Section 3392.10 (first paragraph) and 3392.10(b), as noted on Statement of Hardship Exhibit B

LOCATION

1. Certified Address Number and Street Name 2296 Alum Creek Drive
City Columbus State OH Zip 43207
Parcel Number (only one required) 010-112301

APPLICANT: (IF DIFFERENT FROM OWNER)

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

PROPERTY OWNER(S):

Name Valerio and Linda Dalicandro c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Flr. 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 Flr. 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

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

One Stop Shop Zoning Report

Building Services Division Department of Development

Report date: 3/22/2011 2:47:01 PM

Parcel Report

Parcel ID	Owner	Address
010112301	DALICANDRO VALERIO DALICANDRO LINDA	2228 ALUM CREEK DR COLUMBUS OH 43207

Base Zoning Report

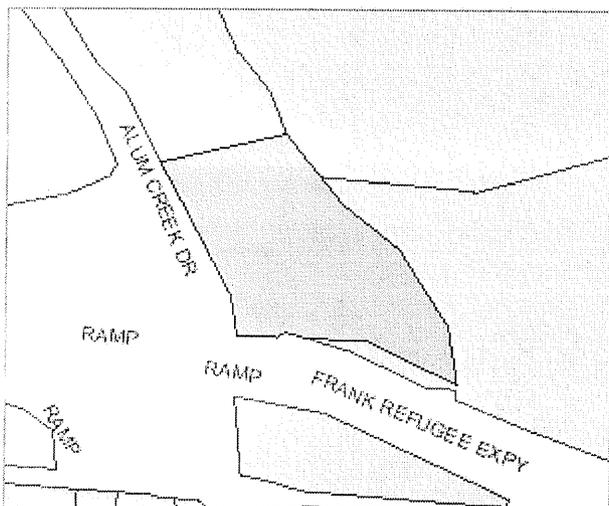
Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
Z67-013	M	H-35	45	Manufacturing	<i>(View Document)</i>

Flood Zone

Firm Panel	Flood Zone	SFHA	Panel Type	FZONE
TBD	X500	OUT	CURRENT	0.2 PCT ANNUAL *
TBD	AE	IN	CURRENT	AE
TBD	X	OUT	CURRENT	X
TBD	AE	IN	CURRENT	AE
TBD	AE	IN	CURRENT	AE

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.

11311-00141
2296 Alum Creek Dr.

EXHIBIT B

Request for Special Permit and Statement of Hardship (Variance)

2296 Alum Creek Drive, Columbus, OH 43207

11311-00141

BZA: V11/SP11_____

2296 Alum Creek Dr.

Concrete and asphalt salvage/recycling and variances related to same is permitted at this site by Board of Zoning Adjustment (BZA) application 10311-00203, approved August 24, 2010. The Board Order for application 10311-00203 is incorporated herein by reference. Since August 2010, applicant has purchased the property and has proceeded with site engineering.

The 14.25 +/- acre site is located on the east side of Alum Creek Drive and the north side of State Route 104 (PID: 010-112301). The site is zoned M, Manufacturing (Z67-013, April 19, 1967). Abutting property to the north and northwest is zoned M, Manufacturing. The property to the north (2160 – 2180 Alum Creek Drive, PID: 010-111922) is zoned M, Manufacturing and is developed with a manufacturing district use and outside storage. The property to the northwest (2181 Alum Creek Drive, PID: 010-237396) is zoned M, Manufacturing and is developed with an automobile salvage business. State Route 104 right of way is located to the west, with large areas of M, Manufacturing District zoning further to the west along Refugee Road. Approximately 250 feet of State Route 104 right of way separates the site from the south side of State Route 104. A site zoned L-M, Limited Manufacturing is located at the southeast quadrant of Alum Creek Drive and State Route 104. The east property line of the site is approximately the centerline of Alum Creek. The City of Columbus owns property east and south of the site that is zoned R-1, Residential from annexation in 1957. The City of Columbus property has large areas of Alum Creek flood plain and poor access. The City of Columbus property is the only residentially zoned property within 600 feet of the subject site.

By this application, applicant requests a Special Permit (3389.02, Special Permit Required) to permit a Portable Building, as required by Section 3389.12, Portable Building, to permit the use of a Portable Building for the on-site office for two (2) years. The Portable Building is 12' x 30' and will be located approximately as indicated on the submitted site plan. 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 the site is zoned M, Manufacturing, is in an area of extensive M, Manufacturing District zoning, and is located adjacent to State Route 104 (SR104), with ramps to SR 104 a short distance from the site, and the Portable Building is consistent with the M, Manufacturing District, many approved Special Permits for Portable Buildings in the M, Manufacturing District and industrial sites and areas in general.

Applicant also requests the following variances:

- 1) Section 3392.10, Performance Requirements (first paragraph), which Section requires a six (6) foot nontransparent fence around the salvage area, while there are heavy tree lines and topography changes along the south, east and north property lines and applicant is required to install a minimum three (3) foot tall mound with two (2) staggered rows of evergreen trees along the Alum Creek Drive frontage and the non transparent fence is unnecessary because of these mitigating circumstances.

- 2) Section 3392.10(b), Performance Requirements, which Section states material shall not be piled higher than ten feet except that metals that are to be processed or reprocessed on site may be piled to a height necessary for the effective functioning of the processing or reprocessing equipment, while a higher permitted pile height is needed for the crushing equipment and belt stacker to function properly and efficiently and there is no substantive difference in permitted pile height between processing and reprocessing of metals vs. processing and reprocessing of concrete and asphalt, so applicant requests a permitted height of thirty (30) feet for the stock piling, processing and reprocessing of concrete and asphalt.

March 11, 2011

11311-00141
2296 Alum Creek Dr.



City of Columbus Zoning Plat

11311-00141
2296 Alum Creek Dr.

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: 010112301

Zoning Number: 2296

Street Name: ALUM CREEK DR

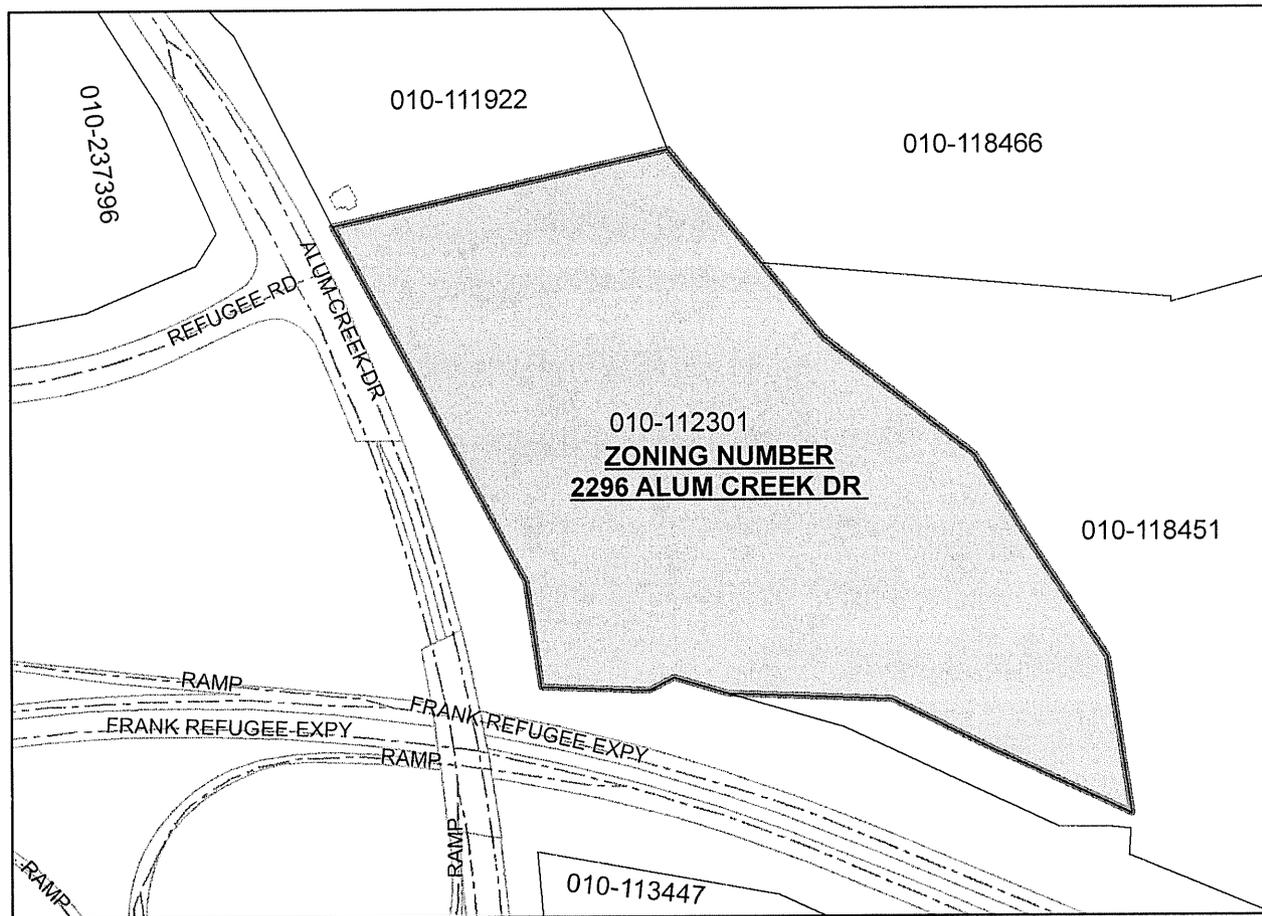
Lot Number: N/A

Subdivision: N/A

Requested By: THE DAVE PERRY CO (DAVE PERRY)

Issued By: *Adyana Amarian*

Date: 6/7/2010



SCALE: 1 inch = 300 feet

GIS FILE NUMBER: 4801



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

5. **Application No.:** 10311-00203
Location: 2296 ALUM CREEK DRIVE (43207), located at the northeast corner of State Route 104 and Alum Creek Dr.
Area Comm./Civic: South Side Area Commission
Existing Zoning: M, Manufacturing District
Request: Variances & Special Permit(s) to Section(s):
3363.19, Location requirements.
To permit the establishment of a recycling facility within 600 ft. of a residential zoning district.
3363.41, Storage.
To permit the open storage of junk, waste products salvaged or wrecked automobiles (recycling materials) within 100 ft. of a residential zoning district.
3392.12, Prohibited location.
To allow the operation of a junk yard, impound lot or salvage yard (recycling center) within 600 ft. of a residential zoning district.
3312.43, Required surface for parking.
To not provide a hard surface for parking, circulation aisles and driveways; to allow a gravel surface.
3312.39, Striping and marking.
To not stripe and mark parking spaces on a gravel surface.
Proposal: To allow the establishment of a concrete and asphalt recycling facility.
Applicant(s): Donald Plank; c/o Plank Law Firm
145 E. Rich St., 3rd Floor
Columbus, Ohio 43215
Property Owner(s): Louis and Harriette C. Zuckerman, Co-Tr.; c/o Stephen P. Samuels; Schottenstein, Zox & Dunn
250 W. State St.
Columbus, Ohio 43215

RESULTS: APPROVED in consideration of the following **CONDITION(S)**:

1. A 25 ft. strip, beyond the Stream Corridor Protection Zone, shall be established to be designated for future trail development.
2. Permitted salvage materials shall only be concrete, bricks, block and asphalt. No other salvage material shall be permitted.
3. Vehicular access to the site shall only be from a driveway aligned with the traffic signal located at Alum Creek Drive and Refugee Road. The signal shall be modified, at the applicant's expense, to provide signalized access to and from the site. Applicant shall enter into a signal maintenance agreement with the City of Columbus, if required.
4. A right-of-way dedication of 60 ft. from the center line of Alum Creek Dr. will be established.
5. Applicant shall provide a concrete driveway for a minimum of 60 linear feet onto the property.
6. Mounding (minimum 3 feet tall at a maximum 3:1 slope) shall be provided along the Alum Creek Drive frontage. Two (2) staggered rows of evergreen trees shall be planted on the mound. Evergreen trees shall be planted at minimum 20 feet on center and shall be a minimum of five (5) feet tall at installation. The evergreen trees shall be maintained in good condition and any dead or diseased trees shall be replaced.
7. The site plan titled "Alum Creek Drive Property, Exhibit 1) dated August 23, 2010, is incorporated by reference to depict required setbacks, a vehicular access point aligned with the Refugee Road/Alum Creek Drive traffic signal, and mounding along Alum Creek Drive.

Note: The conditions listed above are all inclusive of those agreed to by the applicant on a separate sheet initialed by David B. Perry on August 24, 2010. Some conditions are combinations of those listed by the City of Columbus in the staff report and therefore some re-wording was necessary, without loss of intent.



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 # 11311-00141
2296 Alum Creek Dr.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) DONALD 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
Valerio and Linda Dalicandro	3497 Summit Road, Pataskala, OH 43062

SIGNATURE OF AFFIANT *Donald Plank*

Subscribed to me in my presence and before me this 11th day of MARCH, in the year 2011

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

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