



COUNCIL VARIANCE 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: CV11-010/ 11315-00000-00182
Date Received: 4/5/11
Application Accepted By: S. Pine Fee: \$7000
Comments: Assigned to Shannon Pine; 645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 4624 Hall Road Zip 43228
Is this property currently being annexed into the City of Columbus [ ] Yes [X] No
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.
Parcel Number for Certified Address: 570-144455
[ ] Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): L-AR-12
Recognized Civic Association or Area Commission: Greater Hilltop Area Commission
Proposed use or reason for Council Variance request: Temporary storage and sales of recycled material
Acreage: 34.83

APPLICANT: Name AI Limited
Address 2641 Bethel Road City/State Columbus, OH Zip 43220
Phone # 457-7750 Fax # Email:

PROPERTY OWNER(S): Name AI Limited
Address 2641 Bethel Road City/State Columbus, OH Zip 43220
Phone # 457-7750 Fax # Email:
[ ] Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT [X] Attorney [ ] Agent
Name Jackson B. Reynolds, III c/o Smith & Hale LLC
Address 37 W. Broad St., Ste. 725 City/State Columbus, OH Zip 43215
Phone # 221-4255 Fax # 221-4409 Email: jreynolds@smithandhale.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)
APPLICANT SIGNATURE By: AI Limited
PROPERTY OWNER SIGNATURE By: AI Limited
ATTORNEY / AGENT 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.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer



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## AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-010

STATE OF OHIO \_\_\_\_\_  
COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME Jackson B. Reynolds, III  
of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, 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 CERTIFIED ADDRESS FOR ZONING PURPOSES 4624 Hall Road  
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) 4/5/11

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) AI Limited  
2641 Bethel Road  
Columbus, OH 43220

APPLICANT'S NAME AND PHONE # (5) AI Limited  
(same as listed on front of application) 457-7750

AREA COMMISSION OR CIVIC GROUP (5) Greater Hilltop Area Commission  
AREA COMMISSION ZONING CHAIR OR c/o Dave Horn  
CONTACT PERSON AND ADDRESS 105 S. Brinker Ave.  
Columbus, OH 43204

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.

SIGNATURE OF AFFIANT (8) Jackson B. Reynolds III

Subscribed to me in my presence and before me this 1st day of April, in the year 2011

SIGNATURE OF NOTARY PUBLIC (8) Natalie C. Timmons

My Commission Expires: 9/4/15



Natalie C. Timmons  
Notary Public, State of Ohio  
My Commission Expires 09-04-2015

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PROPERTY OWNER

AI Limited  
Hall Rd.  
2641 Bethel Rd.  
Columbus, OH 43220

APPLICANT

DGAS Development  
P.O. Box 2541  
Columbus, OH 43216

ATTORNEY

Jackson B. Reynolds, III  
Smith & Hale LLC  
37 W. Broad St., Ste. 725  
Columbus, OH 43215

AREA COMMISSION

Greater Hilltop Area Commission  
c/o Dave Horn  
105 S. Brinker Ave.  
Columbus, OH 43204

SURROUNDING PROPERTY OWNERS

Ashton Square Associates LP  
Pier 9, Suite 114  
San Francisco, CA 94111

Trembly Family LP Two  
1315 Fountaine Dr.  
Columbus, OH 43221

Sullivant LP  
433 E. Las Colinas Blvd.  
Suite 980  
Irving, TX 75034

Ohio Investments LLC  
4756 Pheasant Hill Ct.  
Fairborn, OH 45324

Robert Ven et al.  
1061 Rowland Ave.  
Columbus, OH 43228

Anthony & Shannon Shorie  
1053 Rowland Ave.  
Columbus, OH 43228

Stephen & Ginger Rausch  
1045 Rowland Ave.  
Columbus, OH 43228

Patrick & Dianne Harding  
1037 Rowland Ave.  
Columbus, OH 43228

Donna Lykans  
1021 Rowland Ave.  
Columbus, OH 43228

Melissa Henry  
1013 Rowland Ave.  
Columbus, OH 43228

Matthew Zellam & Jessica Liddy  
1005 Rowland Ave.  
Columbus, OH 43228

MTK Investments LLC  
640 Bear Run Lane  
Lewis Center, OH 43035

Nii & Agatha Codjoe  
989 Rowland Ave.  
Columbus, OH 43228

Kennard Skinner  
981 Rowland Ave.  
Columbus, OH 43228

Sahal Dheag & Zienab Ali  
973 Rowland Ave.  
Columbus, OH 43228

William Perkins  
965 Rowland Ave.  
Columbus, OH 43228

Phetmany Xayavong  
957 Rowland Ave.  
Columbus, OH 43228

Rendon Rodolfo  
949 Rowland Ave.  
Columbus, OH 43228

Kelly Quakenbush  
4586 Trickle Creek Ln  
Columbus, OH 43228

Dominion Homes  
4900 Tuttle Crossing Blvd.  
Dublin, OH 43016-555

Igor & Katie Chmil  
1029 Rowland Ave.  
Columbus, OH 43228

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3/31/11 F:Docs/s&hlabels/2011



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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 # C111-010

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Jackson B. Reynolds, III

Of [COMPLETE ADDRESS] 37 W. Broad St., Ste. 725, 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 in the following formats

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. AI Limited 2641 Bethel Road Columbus, OH 43220 Khaled Farag	2.
3. 457-7750 0 employees	4.

Check here if listing additional parties on a separate page.

### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 1<sup>st</sup> day of April, in the year 2011

### SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Jackson B. Reynolds III  
Natalie C. Timmons  
9/4/15



Natalie C. Timmons  
Notary Public, State of Ohio  
My Commission Expires 09-04-2015

This Project Disclosure Statement expires six months after date of notarization.

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CV11-010

## 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:**

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See Attached Sheet

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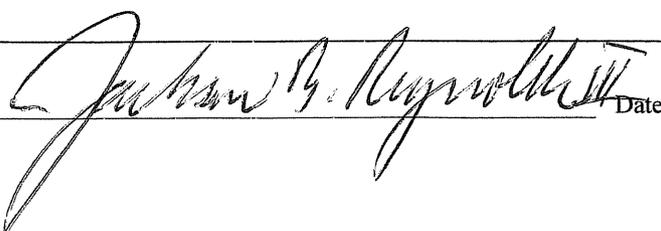
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Signature of Applicant  Date 4/11/11

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Please make all checks payable to the Columbus City Treasurer

## STATEMENT OF HARDSHIP

Pursuant to the City of Columbus Zoning Code and Section 3307.10, AI Limited, the Applicant, hereby submits this Statement of Hardship. The subject parcel is the AI Limited Property at 4624 Hall Road, Columbus, Ohio, 43228 (the "Parcel"), which has an existing zoning designation of L-AR-12. Applicant seeks a temporary four (4) variance to the L-AR-12 zoning. The Applicant proposes to use the Parcel for two functions which are not permissible under the existing zoning for the parcel. Those uses are:

1. Temporary Offices and Tool Sheds along with a Temporary Gravel Lot.
2. Temporary stockpiling of Recycled Concrete Product and a sales yard for Recycled Concrete Product.

The requested term of the council variance will be a four (4) year period beginning on the day that the Applicant begins said use of this site.

The proposed use of the site during the period of the temporary zoning is consistent with, and in furtherance of, the City's Get Green Columbus Initiative. This temporary variance is sought in order to facilitate the recycling of used building materials, namely concrete. This construction debris would ordinarily be trucked to and discarded in the area landfills. The proposed use of the site during the temporary variance will allow this material to be transported to the site with the minimal use of over the road trucks, the material will be crushed off-site, and the resulting product imported to the site and then recycled through retail and commercial sales. The benefits are obvious – less space taken from the community landfills, less vehicle emissions and less impact upon the community's roads.

The Get Green Columbus Initiative has a number of goals consistent with this proposed temporary variance. Goal 1 of the initiative is "Improve Economic, Social and Environmental Prosperity by Supporting the Growth and Development of Sustainable 'Green' Business". In furtherance of this goal, the Initiative incorporates the U.S. Department of Labor's definition of Green Jobs which included "energy efficient building, construction and retrofit industries ...the deconstruction and materials reuse industries ...recycling and waste reduction...".

The temporary use of the parcel under the requested council variance satisfies Goal 2 of the Initiative, which is "Improve Livability by Improving Air Quality, Water Quality and Conservation of Natural Resources". The first stated objective under this goal is the reduction of greenhouse gases. The proposed use under the requested temporary variance will, through proprietary means, eliminate the hauling of substantial quantities of construction debris to the community landfills. The clear benefit of this will be the reduction of greenhouse gas emissions from over the road trucks.

Under the proposed use, pursuant to the requested temporary variance, Applicant will not erect any permanent structure on the site, nor will there be any modification to the existing parcel that is inconsistent with the current and on-going zoning. The Applicant has submitted a detailed

written statement with its application that will describe more specifically the use of the site and that address the concerns identified in Paragraph B of the Statement of Hardship. The Applicant has submitted a detailed site plan that defines the location and uses of the various activities on the property.

dgas-hallrd.ste(ssg)  
4/1/11 F:Docs

## PROPOSED USE OF SITE

### GENERAL OVERVIEW

The proposed use for the A.I. Limited property at 4624 Hall Road, Columbus, Ohio 43228 is for a temporary period of four (4) years for three functions. The three functions are as follows:

1. Temporary offices and tool sheds along with a temporary gravel lot and driveways.
2. Placement of approximately 50,000 cubic yards of fill dirt material to aid in future development of the site for L-AR-12 uses.
3. Temporary stockpile of recycled concrete product and sales yard for recycled concrete products to the public.

The requested term of the council variance will be four years beginning on the day that work begins on the above uses of this site.

A site plan drawing is also included as the proposed use of this site.

### CONDITIONS

Currently the subject property is zoned as L-AR-12 Limited Apartment Residential District. As described above, A.I. Limited propose four (4) temporary uses that contemplate future aggregate recycling functions on the property. The applicant seeks herein to address any concerns that either the Council or abutting residents may have regarding these operations. Specifically, the applicant proposes to include the following conditions with the proposed council variance:

#### **Noise**

1. As reflected on the accompanying site plan, the stockpiling, loading and unloading of recycled concrete product will be confined to an area on the property that is immediately adjacent to Interstate 270 and as far away from the adjacent residential properties as possible. At no time will stockpiling, loading or unloading of recycled concrete product take place any less than 450 feet from the residential buildings to the east. At no time will stockpiling, loading or unloading of recycled concrete product take place any less than 500 feet from residential buildings to the south. These setback limits exclude non-living areas such as garages or sheds. A portable concrete barrier will be placed on the east side of the stockpile area to prevent any inadvertent encroachment to the east. The drainage ditch on the south side of the stockpile area will preclude any encroachments towards the south.

The applicant will use various types of heavy equipment for this operation during the daytime operational hours. The measured decibel levels of this equipment during operation at a distance of 450 feet is 45 decibels. This is equivalent to one fourth (1/4) the level of noise that the EPA identifies as an annoyance in an outdoor setting.

2. The import/stockpiling of recycled concrete product will not be a continual operation, but will be permitted 24 hours per day, 6 days per week (Monday-Saturday). Such stockpiling may occur intermittently for periods of up to approximately 2 months at a time. The noise from stockpiling equipment during this operation will be controlled to minimize any disturbances to the surrounding residents. This operation will be limited to within the stockpile area that is outside the setback limits state in number one.
3. The export/sales of recycled concrete product shall only take place during the hours of 7:00a.m. thru 7:00p.m., 6 days per week (Monday-Saturday). This may be a continual operation throughout the period of the variance.

### **Dust and Erosion Control**

1. A water truck shall be available on site during any and all operations to control dust.
2. Erosion control will be handled with a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the NPDES.

### **Traffic Ingress/Egress**

1. Driveway access to the site will be constructed in conformance to the requirements of the Franklin County Engineer who is the maintaining agency of Hall Road.
2. The condition of Hall Road at the vicinity of said property shall be addressed with the Franklin County Engineer and A.I. Limited shall satisfy their requirements.

### **Site Access**

1. The existing fence that runs along the eastern property line will be repaired and maintained by applicant during its operation at this site.
2. Access to the west is prohibited by the right of way fence along I-270.
3. Access from the north is limited by the topography and existing creek.
4. Access from the south is limited by the existing roadway ditch.

### **Reclamation**

1. Upon completion of the aggregate recycling operation, the site will be reclaimed in a manner agreeable with the property owner. The site will be leveled and graded for positive drainage. Any area that are not left graveled will be seeded and mulched.

## General

1. Slight modifications to the site plan may be made to adjust to any differing field conditions.
2. Any requirements by AEP regarding the utility easement for the overhead power lines will be adhered to.

dgas-hallrd.propuse(ssg)  
4/1/11 F:Docs



# City of Columbus Zoning Plat



C11-010

## 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: 570144455

Zoning Number: 4624

Street Name: HALL RD

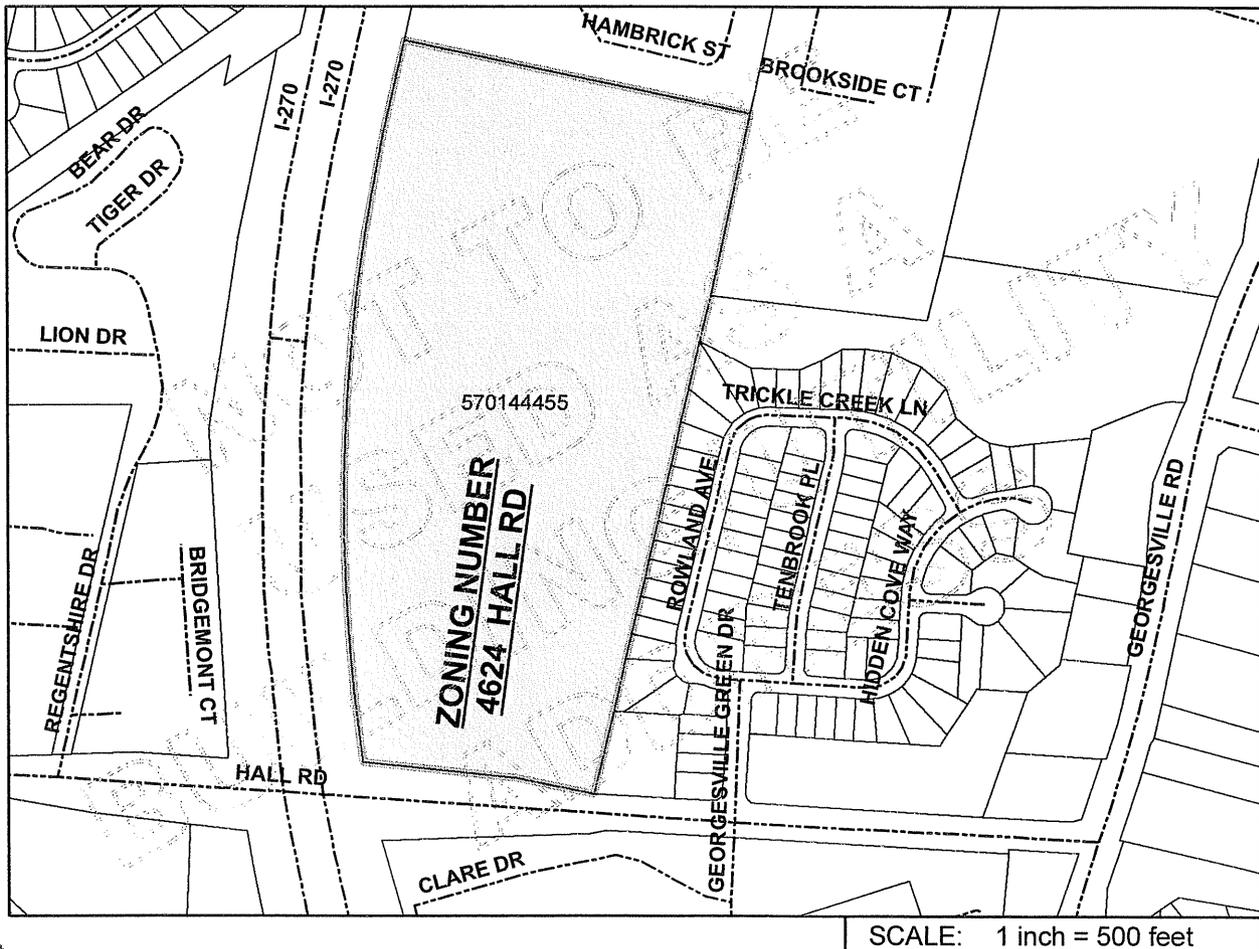
Lot Number: N/A

Subdivision: N/A

Requested By: SMITH & HALE ( JACK REYNOLDS)

Issued By: *Adyana Amarian*

Date: 3/24/2011



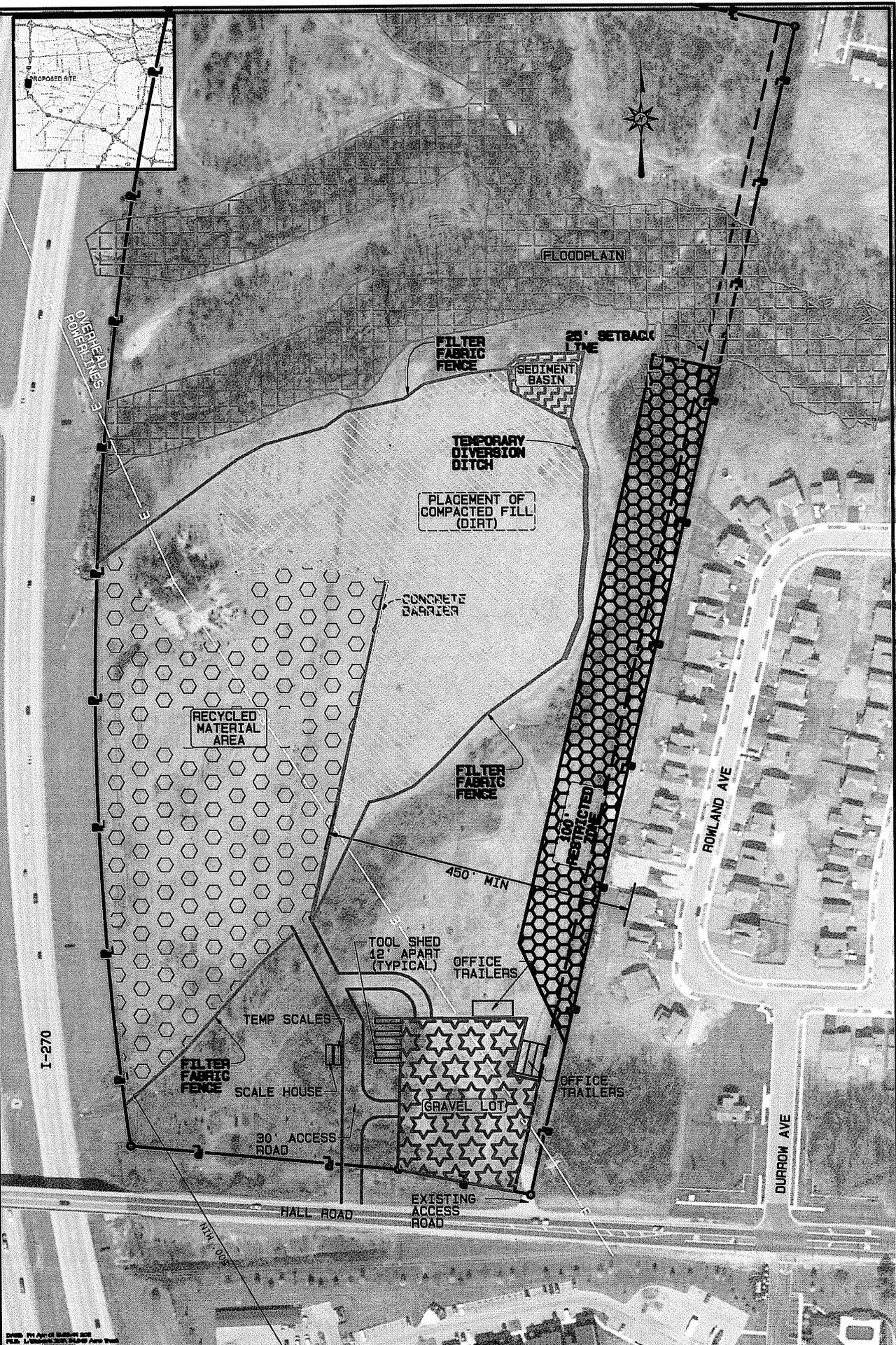
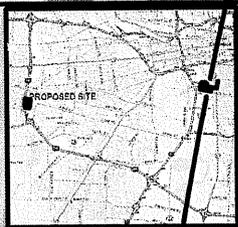
SCALE: 1 inch = 500 feet



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

GIS FILE NUMBER: 2009

CVII-010



DATE: 11/14/01 BY: JLD/ML  
FILE: I:\000000\000\01400\000.dwg

A. I. Limited Property  
4646 Hall Road, #3225  
Parcel No. 570-144455-00

SITE PLAN

AI LIMITED

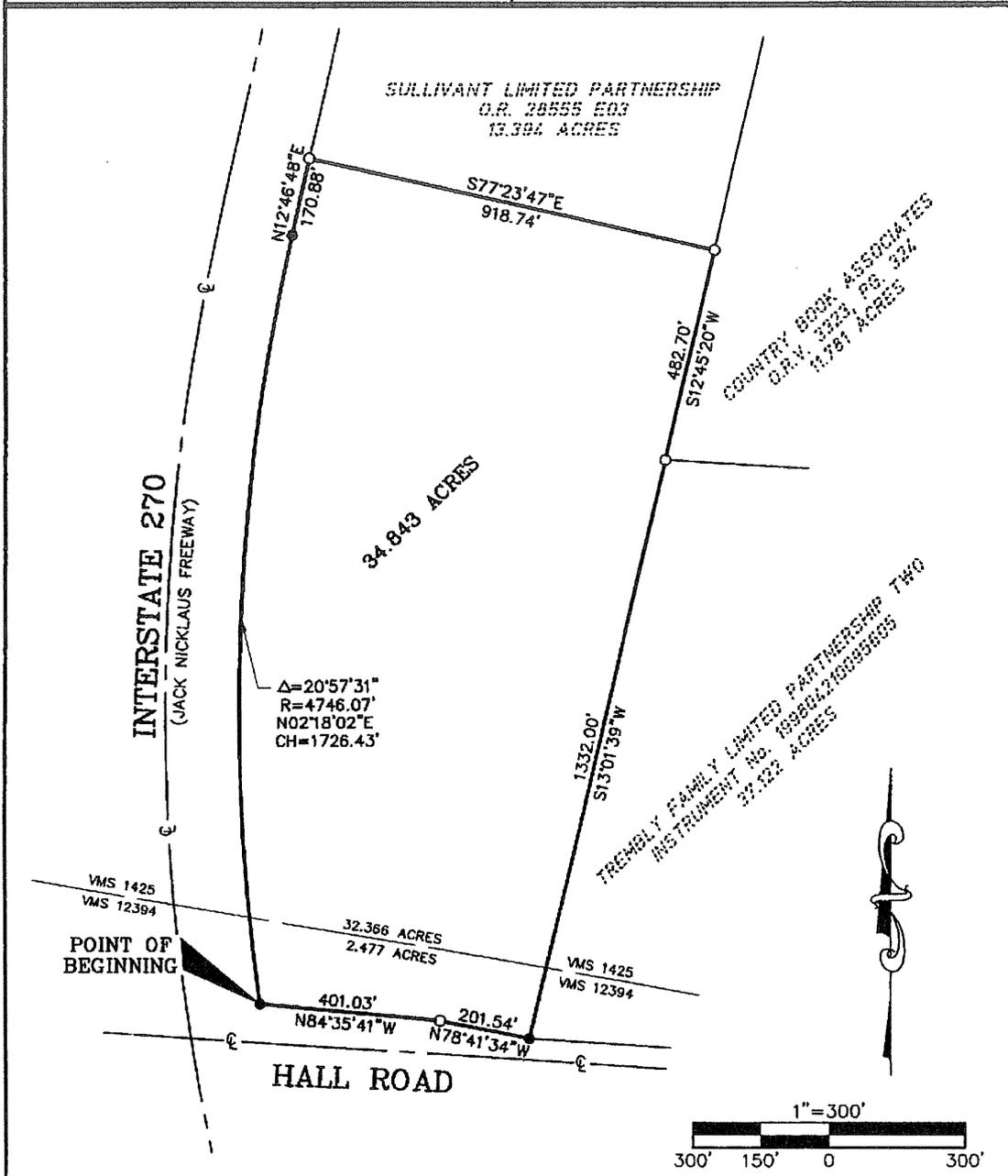
1/1

# Pomeroy & Associates

Consulting Engineers & Surveyors

599 Scherers Court • Worthington, Ohio 43085  
Phone (614) 885-2498 • Fax (614) 885-2886

## EXHIBIT 34.843 ACRE TRACT NORTH SIDE OF HALL ROAD COLUMBUS, OHIO



BASIS OF BEARING:  
N 12°46'48" E FOR THE CENTERLINE OF INTERSTATE  
270 PER. CENTERLINE PLAT FRA-270-2.43S AT THE  
FRANKLIN COUNTY ENGINEERS OFFICE AND ALL OTHER  
BEARINGS CALCULATED FROM THIS MERIDIAN.

I HEREBY CERTIFY THAT:  
THE FOREGOING DRAWING REPRESENTS THE  
RESULTS OF AN ACTUAL FIELD SURVEY OF  
THE PREMISES PERFORMED UNDER MY  
RESPONSIBLE SUPERVISION AND THAT THE  
SAID DRAWING IS CORRECT TO THE BEST  
OF MY KNOWLEDGE AND BELIEF.



### LEGEND

- = IRON PIN FOUND
- = IRON PIN SET
- △ = RAILROAD SPIKE FOUND
- ▲ = RAILROAD SPIKE SET
- = FRANKLIN COUNTY SURVEY MONUMENT

DRAWN	CHECKED	BY:	<i>Jerry L. Ryser</i>	12/21/98
JLR	GDP		JERRY L. RYSER, P.S. 7599	DATE

CV11-010

CV11-010



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: jbr

DATE: 3/30/11



Disclaimer

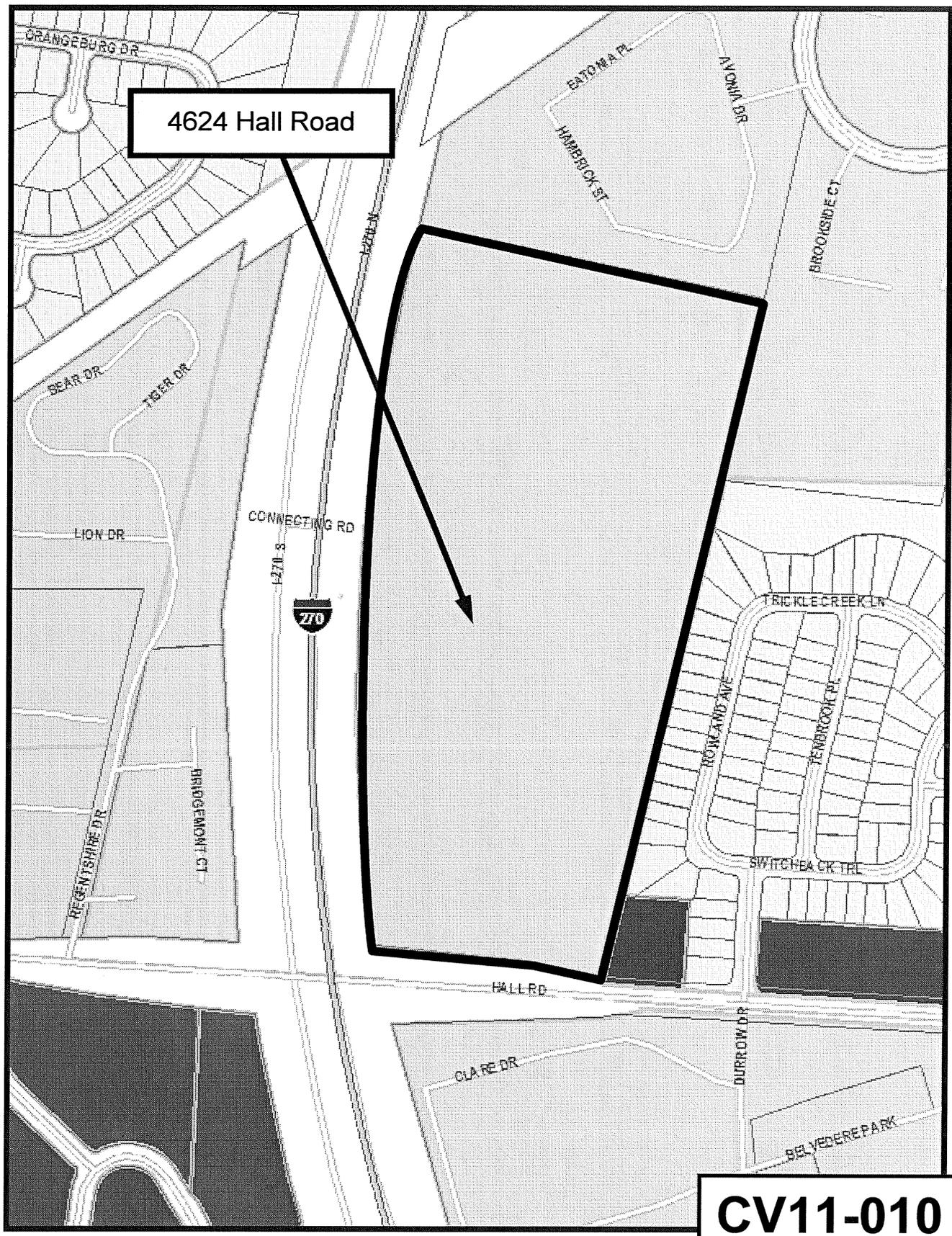
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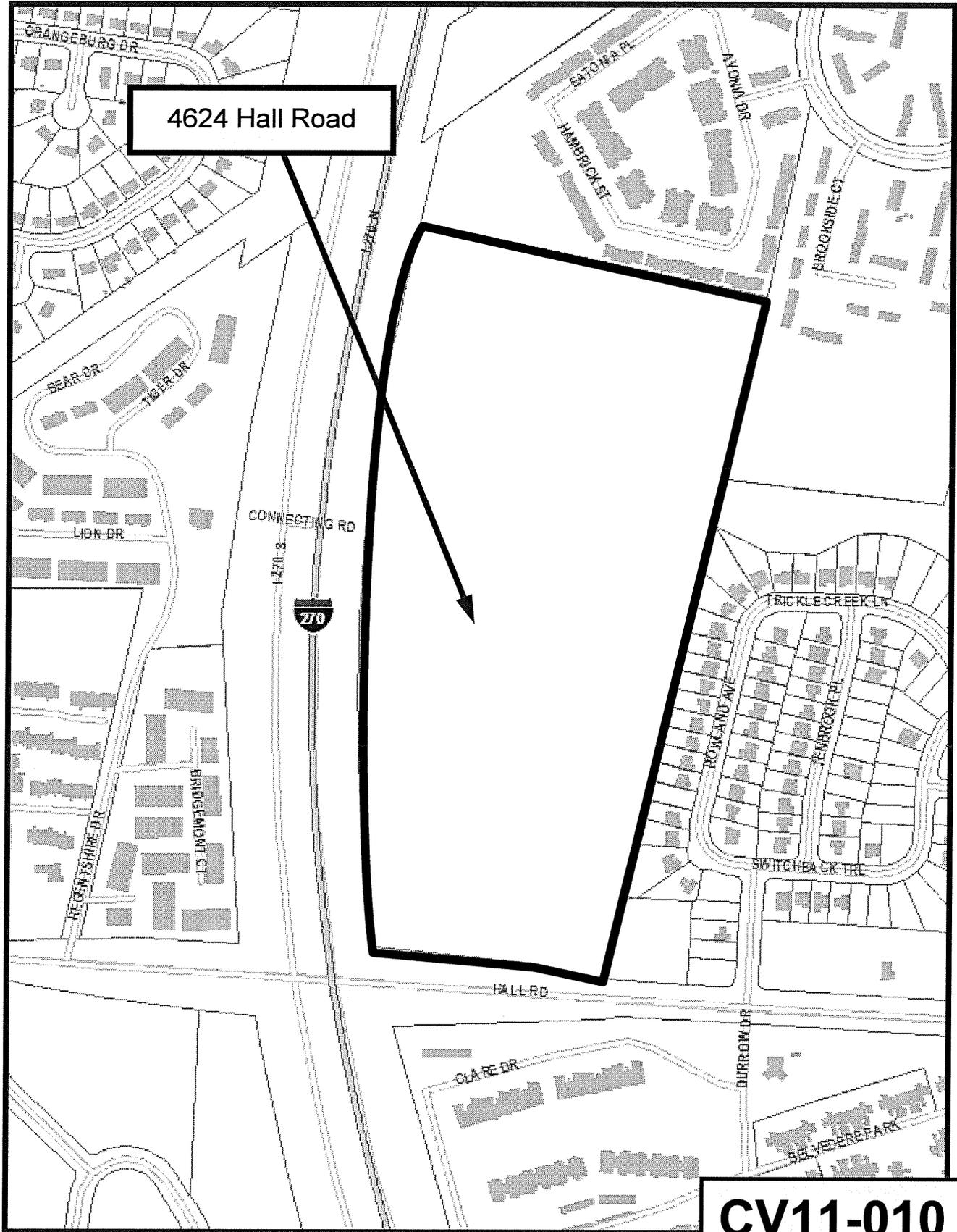
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on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

Real Estate / GIS Department

4624 Hall Road



**CV11-010**



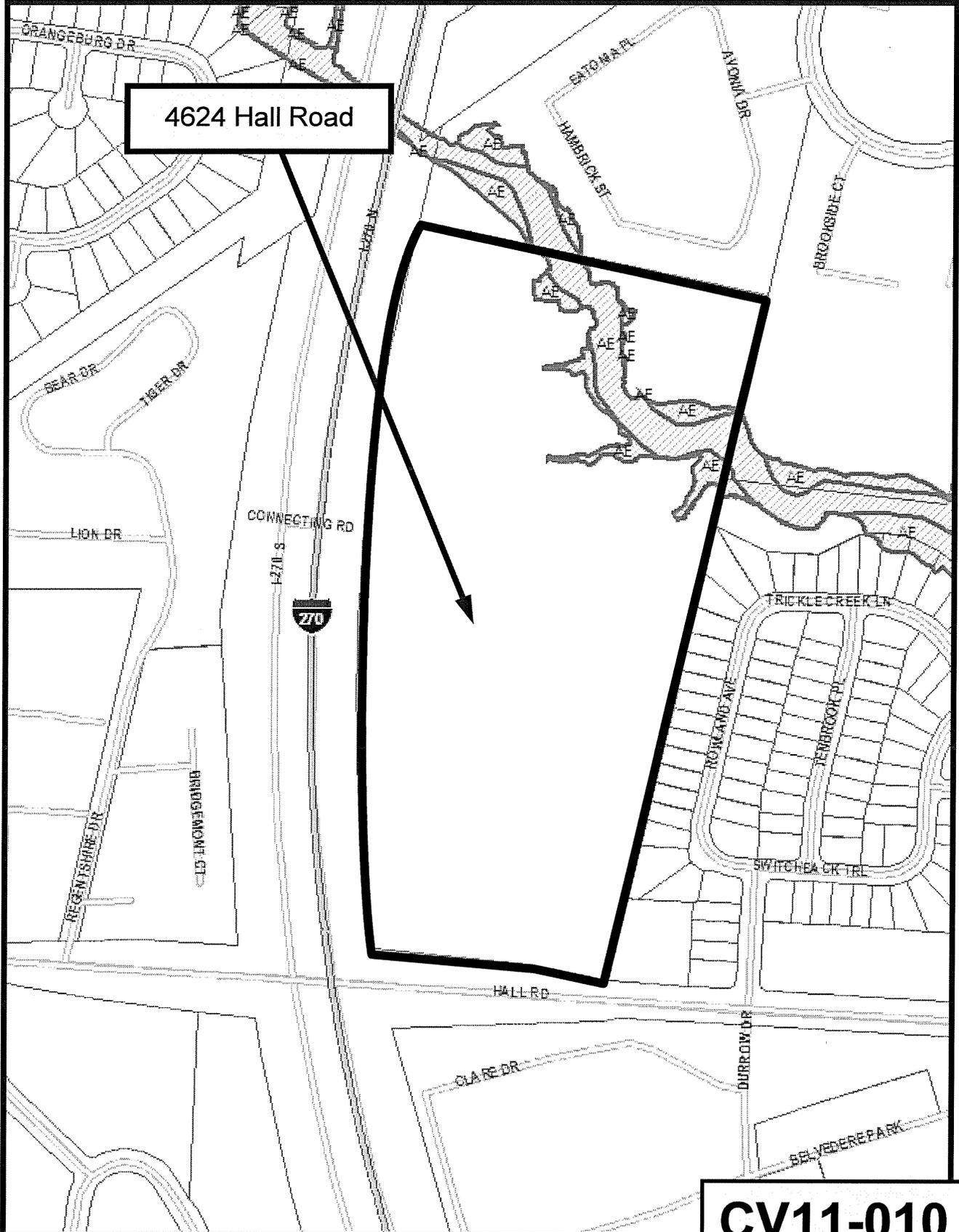
4624 Hall Road



**CV11-010**



4624 Hall Road



**CV11-010**