



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: 11311-0-00617

Date Received: _____

Commission/Group: _____

Existing Zoning: _____ Application Accepted by: _____ Fee: _____

Comments: _____

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.
Central Ready Mix, LLC is seeking a special permit pursuant to Columbus Municipal Code Section 3389.07, Impound, junk yard or salvage yard and certain variances of the Columbus Municipal Code Sections 3389.07, 3392.10, and 3392.12 for the operation of the salvage yard.

LOCATION

1. Certified Address Number and Street Name 4252 Truro Station Road

City Columbus State Ohio Zip 45232

Parcel Number (only one required) 010040496

APPLICANT: (IF DIFFERENT FROM OWNER)

Name _____

Address _____ City/State _____ Zip _____

Phone # _____ Fax # _____ Email _____

PROPERTY OWNER(S):

Name Central Ready Mix, LLC

Address 550 S. Main Street City/State Monroe, Ohio Zip 45050

Phone # 513-402-5001 Fax # 513-402-5002 Email _____

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

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Jonathan C. Lippert, Esq.

Address 550 S. Main Street City/State Monroe, Ohio Zip 45050

Phone # 513-402-5036 Fax # 513-402-5043 Email: jlippert@centralrm.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Central Ready Mix, LLC - By [Signature] C. Y.

PROPERTY OWNER SIGNATURE Central Ready Mix, LLC - By [Signature] C. Y.

ATTORNEY / AGENT SIGNATURE Jonathan C. Lippert, Esq. - By [Signature] C. Y.

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



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

11311-00000-00617
4252 TURURO STATION
ROAD

One Stop Shop Zoning Report Date: Fri Dec 2 2011

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 4252 TRURO STATION RD COLUMBUS OH 43232

Mailing Address: 550 S MAIN ST
MONROE OH 45050

Owner: CENTRAL READY MIX LLC

Parcel Number: 010040496

ZONING INFORMATION

Zoning: 760, Manufacturing, M1
effective 3/24/1958, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

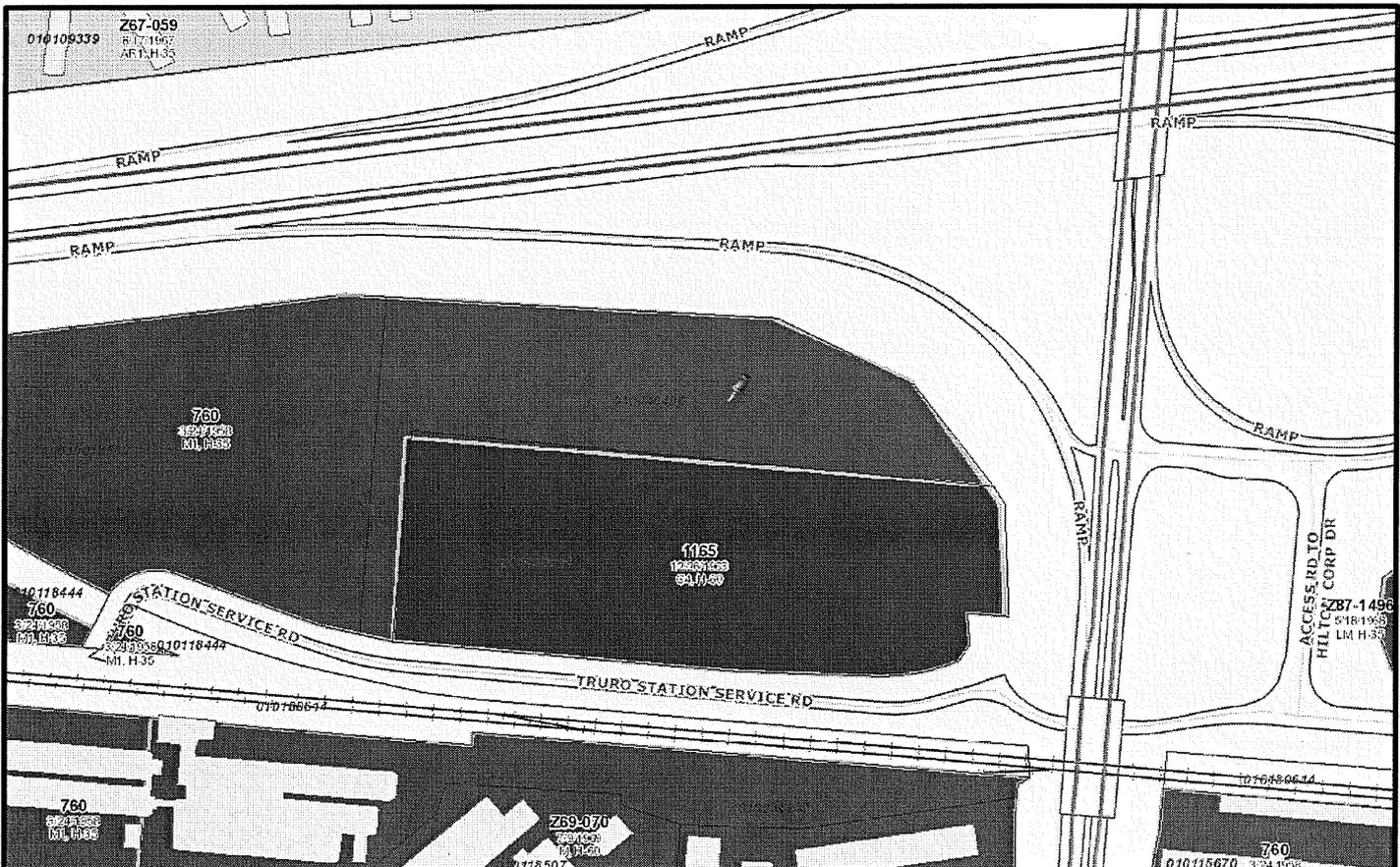
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





City of Columbus
Mayor Michael B. Coleman

Department of Development

Boyce Safford III, Director 757 Carolyn Avenue/Columbus, OH 43224

Date of Service/Posting 9/13/10

Order Number: 10470-03569

Parcel Number: 010040496

CENTRAL READY-MIX OF OHIO LLC
808 FRANK RD
COLUMBUS 43223

ZONING CODE VIOLATION ORDER

Re: 4252 TRURO STATION RD

An inspection has been made at the above address on September 9, 2010.

As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within 30 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 Janae Crawford
Janae Crawford
Code Enforcement Officer
(614) 645-0325

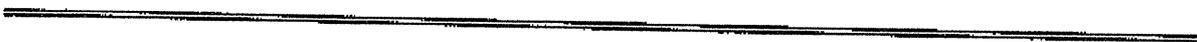
ZC-7
REV 09/09
09132010

ITEM#	CODE SECTION	COMMENTS
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Zoning Violations

- 1 3305.01 **Certificate of zoning clearance**
This property requires a certificate of Zoning Clearance due to the following change:STORING SALVAGED CONCRETE.

- 2 3389.02 **SPECIAL PERMIT REQUIRED**
The following use noted at this property requires a Special Permit:SALVAGE OF CONCRETE AND OR STORING IT.





BOARD OF ZONING ADJUSTMENT APPLICATION

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AFFIDAVIT

11311-00000-00617
4252 TURURO STATION
ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jonathan C. Lippert, Esq.

of (1) MAILING ADDRESS 550 S. Main Street, Monroe, Ohio 45050

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) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Central Ready Mix, LLC

AND MAILING ADDRESS

550 S. Main Street

Monroe, Ohio 45050

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

AREA COMMISSION OR CIVIC GROUP

(5) Southeast Community Coalition

AREA COMMISSION ZONING CHAIR OR

c/o Judy White

CONTACT PERSON AND ADDRESS

P.O. Box 16, Brice, Ohio 43109

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

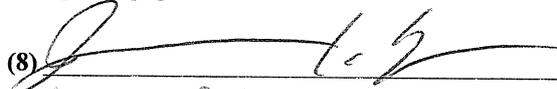
Penn Lines, Inc.- 3011 Petzinger Road, Columbus, Ohio 43232 (Parcel- 010-013583) / 110 Frank Road SE, Roanoke, VA 24042

Mikuria K. Tegegne & Alemita Ayana- Truro Station Road (Parcel No. 010-109361) / 1325 Orleans Ct., Grayson, GA 30017

Truro Station, LLC- Truro Station Road (Parcel No. 010-013583) / 2323 Performance Way, Columbus, OH 43207

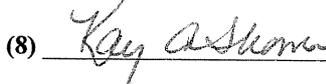
(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8) 

Subscribed to me in my presence and before me this 27 day of October, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) 

My Commission Expires:

KAY A. THOMA
Notary Public, State of Ohio
My Commission Expires Jan. 8, 2014

Notary Seal Here

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Central Ready Mix, LLC

Narrative Statement and Statement of Hardship

Objective:

Central Ready Mix, LLC (“CRM”) is seeking to obtain a special use permit for its property, 4252 Truro Station Road, Columbus Ohio 45232 (“the property”), pursuant to and in accordance with City of Columbus Code §3389.07- Impound, junk yard or salvage yard. Additionally, CRM also seeks to obtain several variances from portions of the City of Columbus Code §3392.10, §3389.07, §3392.12 for the operation of the salvage yard on the same property.

The property is situated in an M-1 manufacturing district.

Relevant Background:

In November 2010, CRM purchased the subject property from Central Ready Mix of Ohio. It is worth noting, Central Ready Mix of Ohio is an entirely different entity, including different ownership, than CRM. The property at the time of purchase was and still remains used as a concrete mixing and proportioning plant. To the best of CRM’s belief, the property has been used in that capacity since at least 2001.

As part of the mixing and proportioning plant operation, the ready mix trucks are loaded with the customer’s concrete order which is then delivered to the various job sites. Once at the job site, the concrete is unloaded and the truck returns to the property. At times, not all the concrete which was ordered is used at the job site and the truck must return to the property with some unused concrete. In order to dispose of the unused concrete, it is poured onto the ground and allowed to solidify. Once the concrete solidifies, it is pushed into a pile where it remains until it is crushed and removed from the property. This pile of concrete is the catalyst for this request for a special use permit and variances.

Special Use Permit:

The aforementioned described process is common standard practice in the manufacture and distribution of ready mix concrete. This process involves a very limited number of materials, unused concrete, exclusively and directly related to the type of operation being conducted at the property. The process is a key and fundamental component to the operation of a ready mix manufacturing plant.

Based upon this common standard practice, this special use permit is essential for the continued operation of a ready mix concrete plant. The special permit in this case would also appear to be within the intent of the zoning code. The land is zoned M-1 which allows this type of operation. Since the handling of unused concrete in this

manner is industry standard, it must have been the intent to allow a special use permit under these circumstances otherwise the land would be unusable for the purpose in which it is zoned.

The sole purpose of this permit is to allow CRM to operate its facility by storing, crushing and disposing of the unused concrete described above. This permit may be granted without any substantial detriment to the public good, without substantial impairment of the general purpose and intent of this M-1 Manufacturing district, and without significant incompatibility with the general character of the neighborhood. Therefore, CRM requests the Board of Zoning Adjustment (BZA) grant its application for this special use permit.

Variations:

In addition to the aforementioned special use permit, CRM is also seeking several variations to allow for the practical application of the special use permit. Specifically, CRM is seeking the following variations:

1. Allowance of a salvage yard in an M-1 zoning district- City of Columbus Code §3389.07;
2. Allowance of a salvage yard without the necessity for a fence- City of Columbus Code §3392.10;
3. Allowance of a salvage yard within 600 feet of a residential complex- City of Columbus Code §3392.12; and
4. Allowance for a height greater than 10 feet- City of Columbus Code §3392.10;

**Allowance of a salvage yard in an M-1 zoning district-
City of Columbus Code §3392.07**

Section 3392.07 of the Columbus City Municipal Code requires salvage yards to be maintained in an M, Manufacturing District. However, the property at issue is zoned as an M1, Manufacturing District. A concrete mixing and proportioning plant is one of the intended purposes for property located within an M1, Manufacturing district. As set forth above, since the property is being used as it was intended, and the process in handling unused concrete is the industry standard, this variance should be granted to allow for use of the property for its intended purpose.

Therefore, CRM is requesting a variance to allow a special use permit in an M1, Manufacturing District.

**Allowance of a salvage yard without the necessity for a fence-
City of Columbus Code §3392.10**

Section 3392.10 of the Columbus City Ordinances requires that all “salvage yards” be operated in an area enclosed by a nontransparent fence not less than six feet in height. The subject site is bordered by I-70 to the north. Looking east, the nearest

building is over 600 feet away from the nearest property line. In order to see the property you must look through trees/foilage across a street and a field. To the south is a vacant, undeveloped piece of land which borders a large grain silo situated on the railroad line. To the west, is another piece of land which appears to be used for some type of construction business and is separated by green space.

The pile of concrete consists of large chunks of concrete of considerable weight. The concrete is not likely to be blown and/or strewn about the property or neighboring properties by wind or other weather related event. To the extent possible, the concrete is piled in a neat and orderly fashion and it is not randomly placed or piled on the property.

For these reasons, a variance permitting the storage of limited amounts of unused concrete will not be injurious to any of the neighboring properties.

**Allowance of a salvage yard within 600 feet of a residential complex-
City of Columbus Code §3392.12**

A portion of property zoned for apartments is within 600 feet of the CRM's property. However, the two properties are separated by a main artery, I-70. Being adjacent to I-70 means the property and owners are already subject to the noise, dust and pollutants from the major interstate. Additionally, the fact remains the property has been used as a concrete mixing and proportioning plant for years. The allowance of this variance will not add any additional noise, dust, pollutants or nuisance like attributes/characteristics to the property owner than had already existed. Furthermore, the subject concrete pile would not be visible by the residential property owner due to the separation by I-70. There will be no harm to the residential property owner.

**Allowance for a height greater than 10 feet-
City of Columbus Code §3392.10**

City of Columbus Code §3392.10 also limits the height of the materials stored. For all the reasons stated above, CRM is requesting a variance as to this requirement as well. CRM requests this variance allow concrete to be piled 14 foot in height.

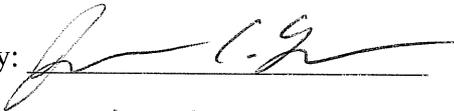
Conclusion:

Although a "salvage" permit may be required by the City of Columbus the true nature of the operation conducted on the property is a mixing and proportioning plant. The handling of unused concrete is a necessary component and is accessory to the kind of operations permitted to be run on the property.

The request for these variances is reasonable and appropriate. These variances will not impair air and light to adjacent properties, unreasonably increase the congestion of public streets; increase the danger of fires; endanger public safety; nor unreasonably diminish or impair the public health, safety comfort morals or welfare of the inhabitants

of the City of Columbus. By granting the requested variances, CRM will be able to utilize the property as it is/was intended.

Central Ready Mix, LLC

Signature of Applicant By: 

Date: 10/24/2011

11311-00000-00617
4252 TURURO STATION
ROAD



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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 # 11311-00000-00617
4252 TURURO STATION ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Jonathan C. Lippert, Esq.
of (COMPLETE ADDRESS) 550 S. Main Street, Monroe, Ohio 45050

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>Central Ready Mix, LLC</u>	<u>550 S. Main Street, Monroe, Ohio 45050</u>

SIGNATURE OF AFFIANT *J. C. Lippert*

Subscribed to me in my presence and before me this 24th day of October, in the year 2011

SIGNATURE OF NOTARY PUBLIC *Kay A. Thoma*

My Commission Expires: KAY A. THOMA
Notary Public, State of Ohio
My Commission Expires Jan. 8, 2014

Notary Seal Here

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