

Statement of Hardship
Council Variance CV08-013
399 Frank Road

This Statement of Hardship is submitted in conjunction with Council Variance Application CV08-013, seeking to legitimize legal non conforming M uses in the EQ, Excavating and Quarrying District for the subject property ("Site"), and to allow a City Impound Lot and City Parking Violations Bureau offices.

The Subject Property (Site) consists of 281 acres located south of S.R. 104, east of the Scioto River and WTTE site, immediately west of Kian Run and the old State Canal Lands. Since the late 1920s, the Site has been (and continues to be) an active limestone quarry (many hundred acres in total). The mining, excavating and quarrying operations include a host ancillary manufacturing uses, including but not limited to outdoor storage, office and office warehouses (actual structures).

These pre-existing and continuing uses pre-dated the City's 1956 adoption of an EQ district.

The Site was part of the 1956 annexation of the entire Merion Village into the City, see Ordinance 816-56. It was as a result of that annexation and the new mining industry to the City, the EQ district was also adopted in 1956, see Ordinance 852-56. Since the adoption of the EQ district, the manufacturing uses ancillary to the mining activities on Site have existed as "grandfathered" legitimate legal non conforming uses.

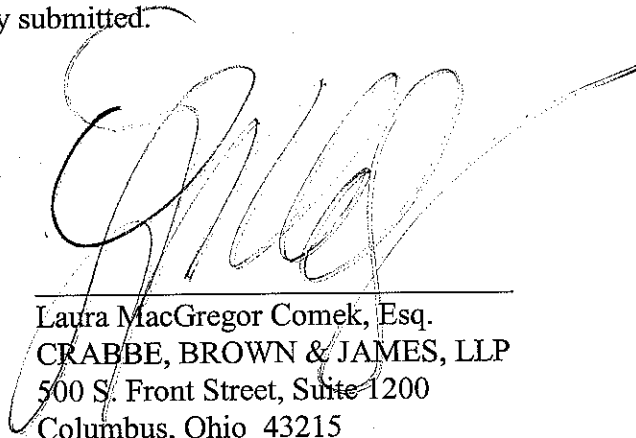
On December 10 , 2007 Columbus City Council adopted Ordinance 2045-2007 which authorized the City to contract with Columbus Limestone to construct certain improvements on the Site and accept the site thereafter. The Site is designated as the future home of the City Impound Lot and Parking Violations Bureau. Incident to that contract, Columbus Limestone is seeking to legitimize the existing legal non conforming uses of:

- on site storage (outdoor) and
- structures (varying CCC Section 3369.02)
- manufacturing office and uses ancillary to mining, excavating and quarrying actions

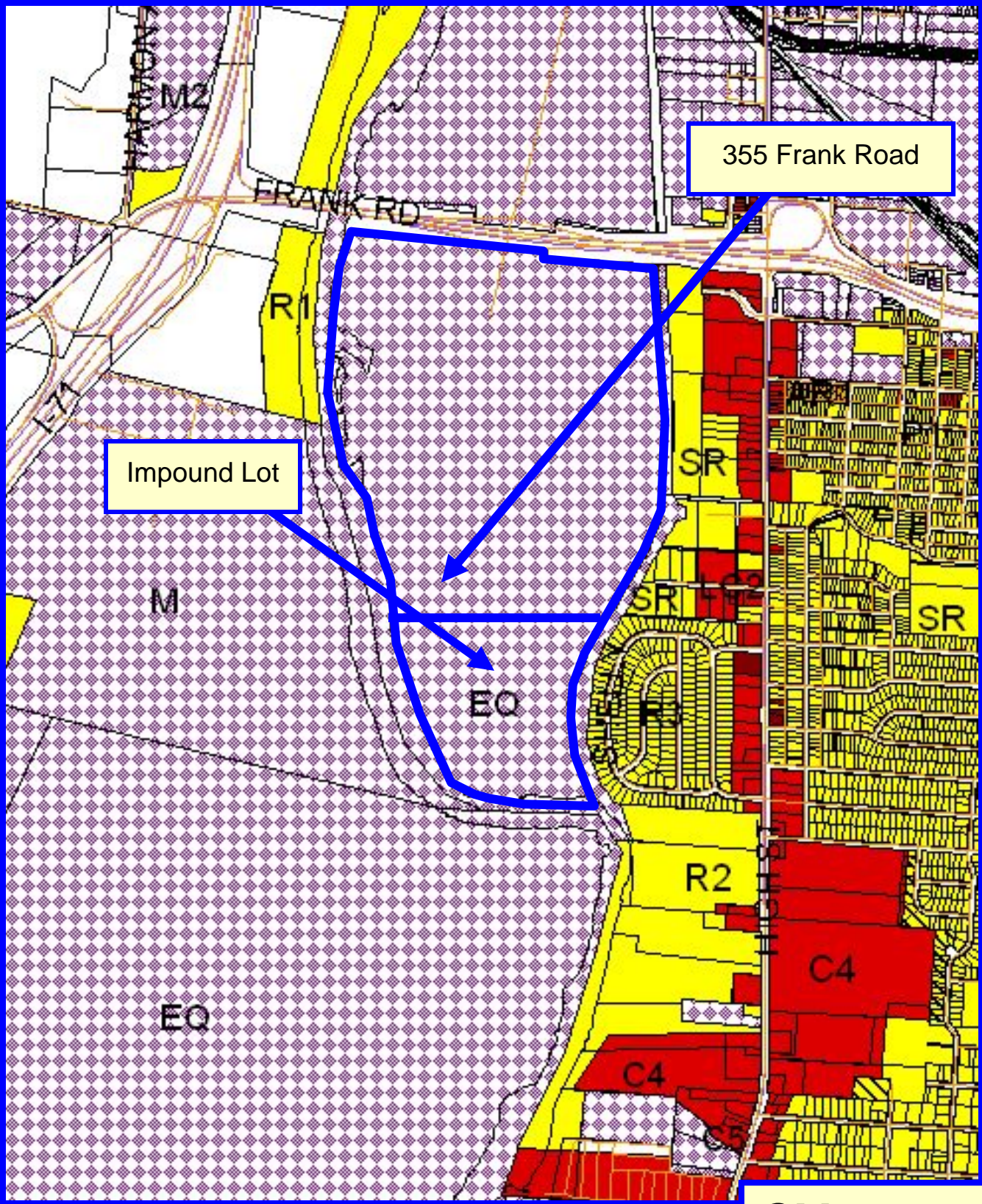
This request addresses current, legal uses, albeit non-conforming. These uses and circumstances have existed on site for more than 75 years. This variance will not adversely affect the delivery of governmental services. This variance will not change the essential character of the area or adversely effect neighboring property owners. Again, this variance is intended to address the various on site uses and conditions that already exist. There is no other action that could be taken by the owner to address this issue.

As an aside, site work includes the maintenance of an extensive wooded area which runs along the eastern boundary of the Site. In order to further maintain adequate buffering, the owner has committed to execute a conservation easement for the benefit of the City for the Kian Run area (wooded area owned by Columbus Limestone), and along the Scioto River frontages.

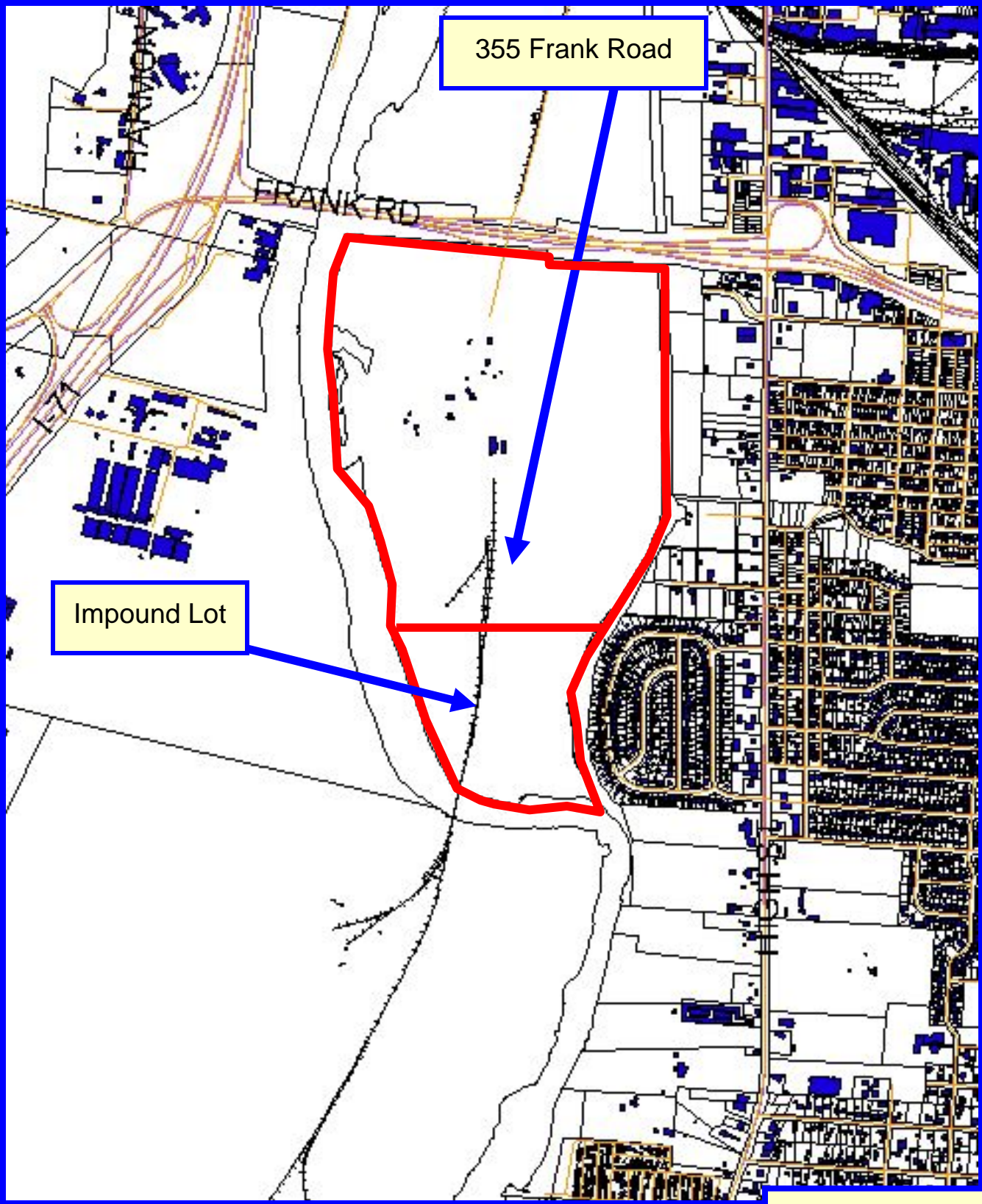
This variance is respectfully submitted.



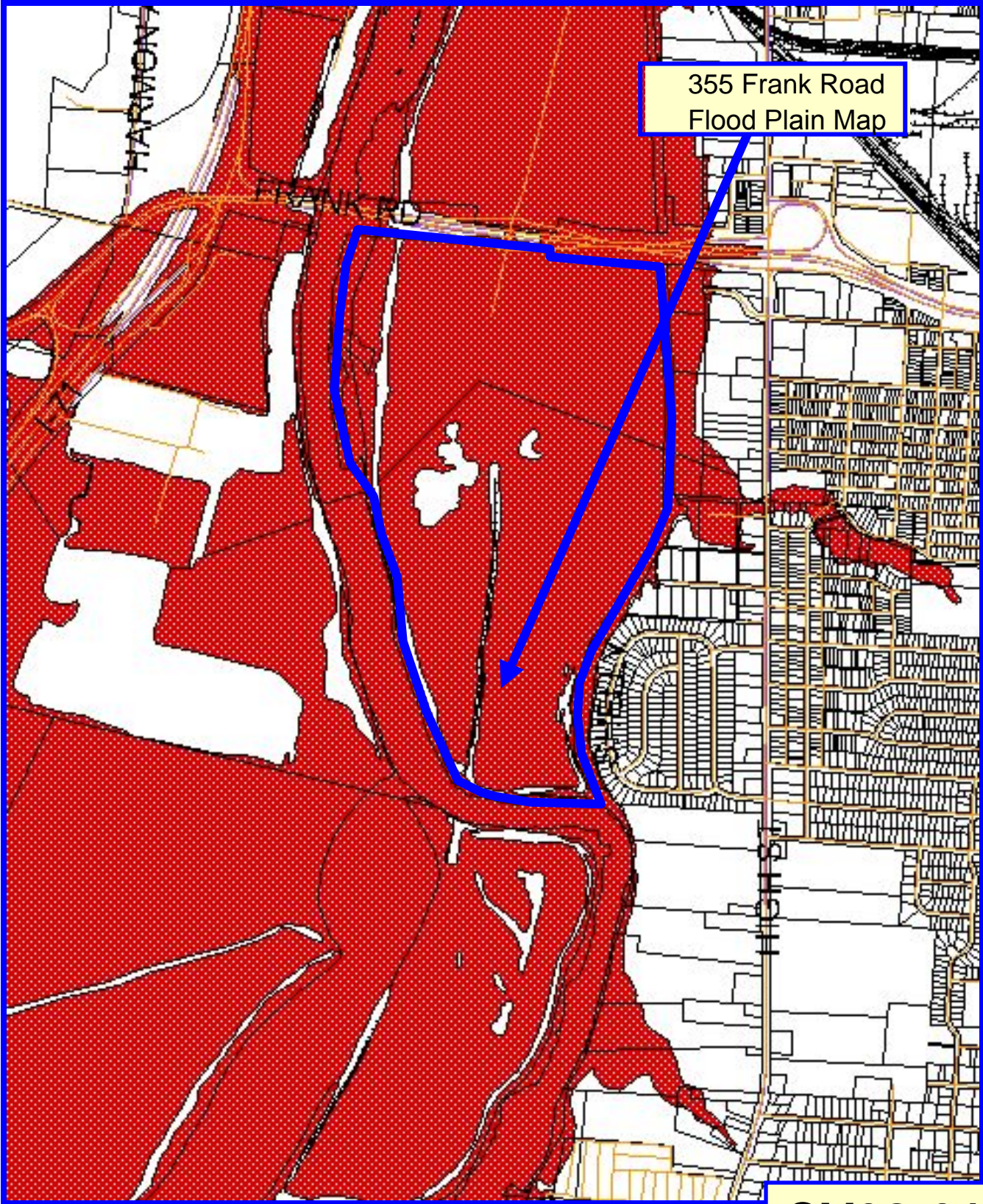
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Counsel for Owner/Applicant



CV08-013



CV08-013



355 Frank Road
Flood Plain Map

CV08-013

355 Frank Road

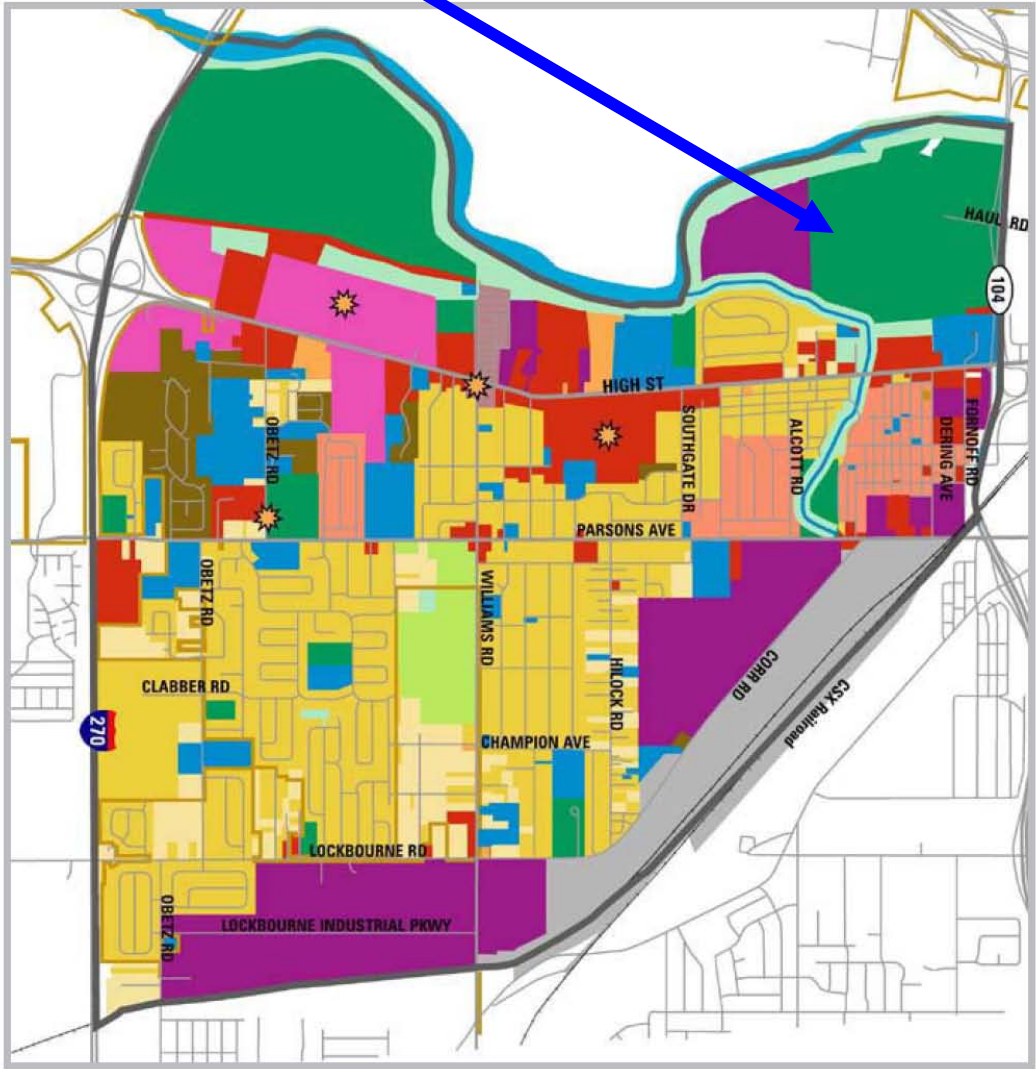


Figure 10
Land Use Plan

- Open Space
- Parks
- Farm/Rural
- Single-Family (1-2 du/acre)
- Single-Family (4-6 du/acre)
- Single-Family (6-8 du/acre)
- Single-Family (12-16 du/acre)
- Multifamily (12-16 du/acre)
- Institutional
- Mixed-Use Community Commercial
- Mixed-Use Regional Commercial
- Commercial
- Office
- Light Manufacturing
- Railroad
- Columbus Corporate Boundary
- Neighborhoods Centers

35 Land Use | Land Use Plan

Scoto Southland Area Plan 2007

CV08-013

The northern portion of the South High Street corridor, south from SR-104 to Southgate Drive on the east and Phelps Road on the west, is a vibrant mix of residential and commercial uses. The continued use of residential homes fronting South High Street is supported. Any new businesses that locate on South High Street should utilize the current commercial structures to maintain the nature of the street. The existing single-family residential development located on South High Street requires adequate buffering from future commercial development.

At the intersection of South High Street and Williams Road, mixed-use is recommended at the northwest corner with multifamily on the second story. Specifically, senior family is recommended. Mixed-use is also recommended for the northeast corner with commercial on the first floor and office or residential on the second floor.

For the property on South High Street across from the drive-in, the following options are recommended:

- ▶ **Option 1.** Offices which could encompass an office complex or medical offices.
- ▶ **Option 2.** A commercial land use with flex office/warehouse space.

Development of this property requires the construction of the Castle-Williams Relief Sewer. North of the recommended office land use is property recommended for the following options:

- ▶ **Option 1.** Senior housing.
- ▶ **Option 2.** Medium density multifamily housing with townhouses or condominiums.

Development of this property also requires the construction of the Castle-Williams Relief Sewer.

At the drive-in the portion of the property fronting South High Street is recommended for a commercial use that pairs well with the theatre, such as an ice-cream parlor or restaurant.

The old driving range at the southeast corner of South High Street and Southgate Drive is recommended for commercial on the portion fronting South High Street and medium density residential for the remainder.

On the west side of South High Street north of Nelf Avenue, additional commercial is recommended terminated on the east by open space to preserve the wooded old canal feeder:

Similar to the recommendations listed for the southwest quadrant, once the quarry property becomes obsolete, it is recommended to convert the property to parkland.

A new impound lot is proposed for the quarry property located just west of the Scioto Village housing development, southwest of Fornhoff Lane. Vehicles transporting cars to and from the proposed site would use Haul Road. A possible South High Street access has not been identified. Currently negotiations are taking place with the Scioto Southland Area community to identify the best location for the access drive.



Pine, Shannon L.

From: Baldwin, Mathew S.
Sent: Friday, June 20, 2008 3:36 PM
To: 'LComek@CBJLawyers.com'; Pine, Shannon L.
Subject: Impound Lot

Laura MacGregor Comek, Crabbe, Brown & James
Shannon Pine, City of Columbus Zoning Staff

I am writing this in two different capacities. I am the 1st Vice President of the Council of South Side Organizations and I am the Corresponding Secretary for the Scioto Southland Civic Association. Both organizations have heard Ms. Comek's presentation regarding the variance request for the proposed City Auto Impound Lot. Both organizations fully support the request. Neither organization has any objection. I apologize for my delay in responding to the request for a letter of support. Thank you.

Matthew S. Baldwin
113 Kail Avenue
Columbus, Ohio 43207
491-3433



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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV08-013

Being first duly cautioned and sworn (NAME) Laura MacGregor Conek
of (COMPLETE ADDRESS) 500 S. Front St, Columbus, Ohio 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 of individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

<p>City of Columbus c/o Paul Rakosky, Esq. 90 W. Broad Street, 4th Floor Columbus, OH 43215 (614) 645-8200</p>	<p>Columbus Limestone Ted Lennon, Vice President 1771 Harmon Avenue Columbus, OH 43223 (614) 445-1144</p>
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If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 28th day of April, in the year 2008

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Becky J. Hunt
11-20-10

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

Notary Seal Here



BECKY J. HUNT
Notary Public, State of Ohio
My Commission Expires 11-20-10