



*James Blum*  
2/18/09  
CV08-024 Final Received 2/18/09  
by Shannon Fure

DATE	1/17/2007
REV	0001
FILE	40025-000
NO.	1

EXHIBIT "D" LIMESTONE MINING PLAN  
CELL LAYOUT  
OLEN CORP. - HARTMAN FARM - COLUMBUS, OH



DATE	1/17/2007
REV	0001
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NO.	1



**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:

SEE ATTACHED

Signature of Applicant

*James R. Harris*  
The Glen Corporation  
by: James R. Harris, Esq.

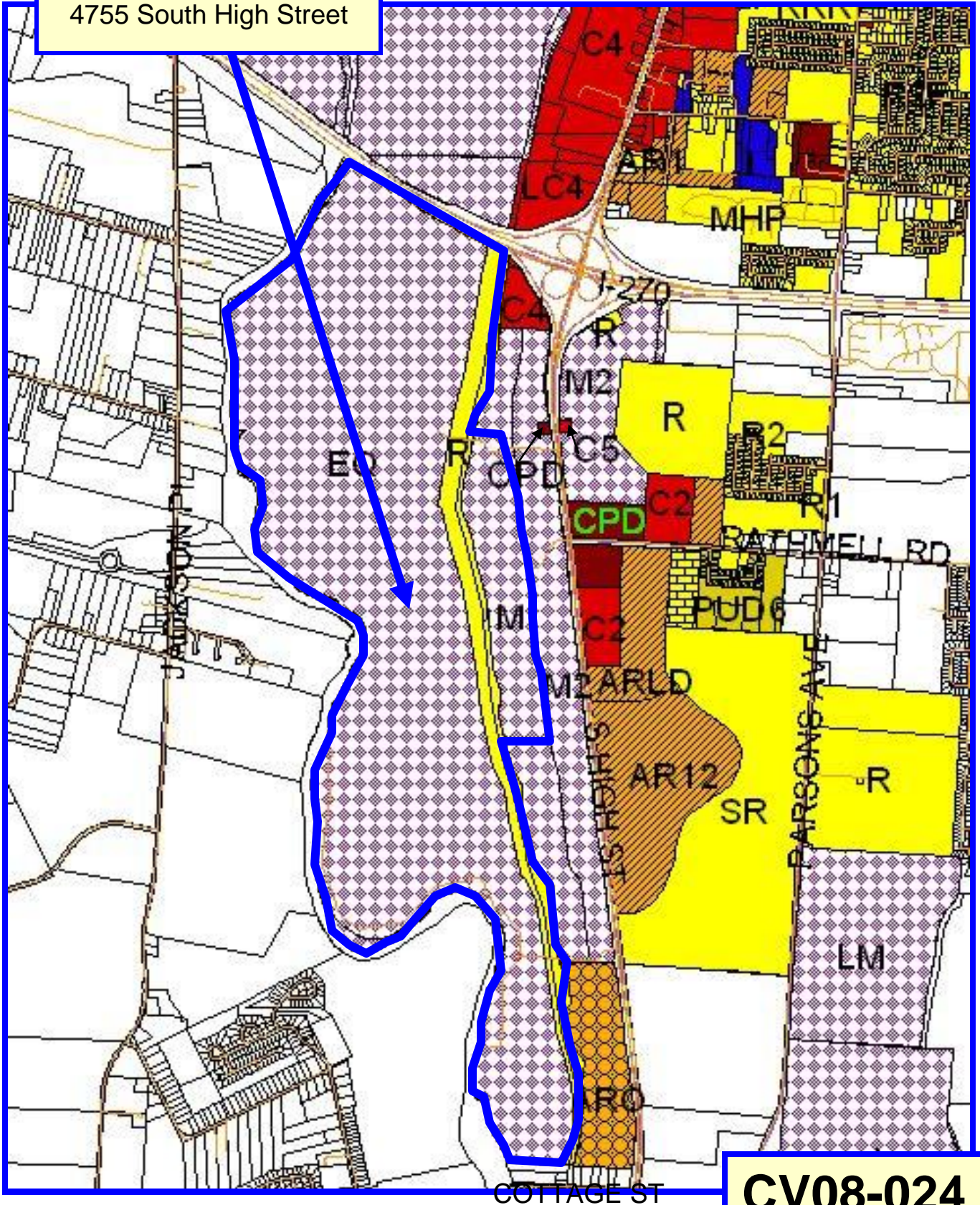
Date 8/28/08

### **STATEMENT OF HARDSHIP**

The uniqueness of this property poses hardships that can be mechanically overcome and have in fact been mechanically overcome by locating the processing Plant Premises on the high ground (outside of the EQ District) for which special permission from the City by way of Council variances is required. By so locating the Plant Premises on the elevated ground outside the flood plain the EQ District can be used in an ecologically sound manner. On December 17, 1979 the City Council passed Ordinance No. 2766-79 (the "EQ Zoning Ordinance"), which among other things, caused the subject site to be zoned for excavation and quarrying. On February 25, 1980 the City Council passed Ordinance No. 344-80 (the "Flood Land Variance"), which granted a variance from Columbus Code §3385.07 Flood Land Development, to permit the establishment of quarrying operations on the Premises but which contained various restrictive stipulations including prohibiting de-watering (the practical effect of which was to limit quarrying operations on the Premises to sand and gravel). On July 25, 1988 the City Council passed Ordinance No. 1557-88 (the "Processing Plant Variance"), which granted a variance from Columbus Code §3311.28 and §3363.19 to permit construction and operation of a sand, gravel and stone processing plant within the M-Manufacturing District upon the Plant Premises. The purpose of The Olen Corporation's Application for Council Variance is to amend the previously granted variances to permit the removal of limestone and to permit de-watering to remove that limestone, and to give effect to and implement Columbus City Council Ordinance No. 09991-207 effective July 11, 2007.



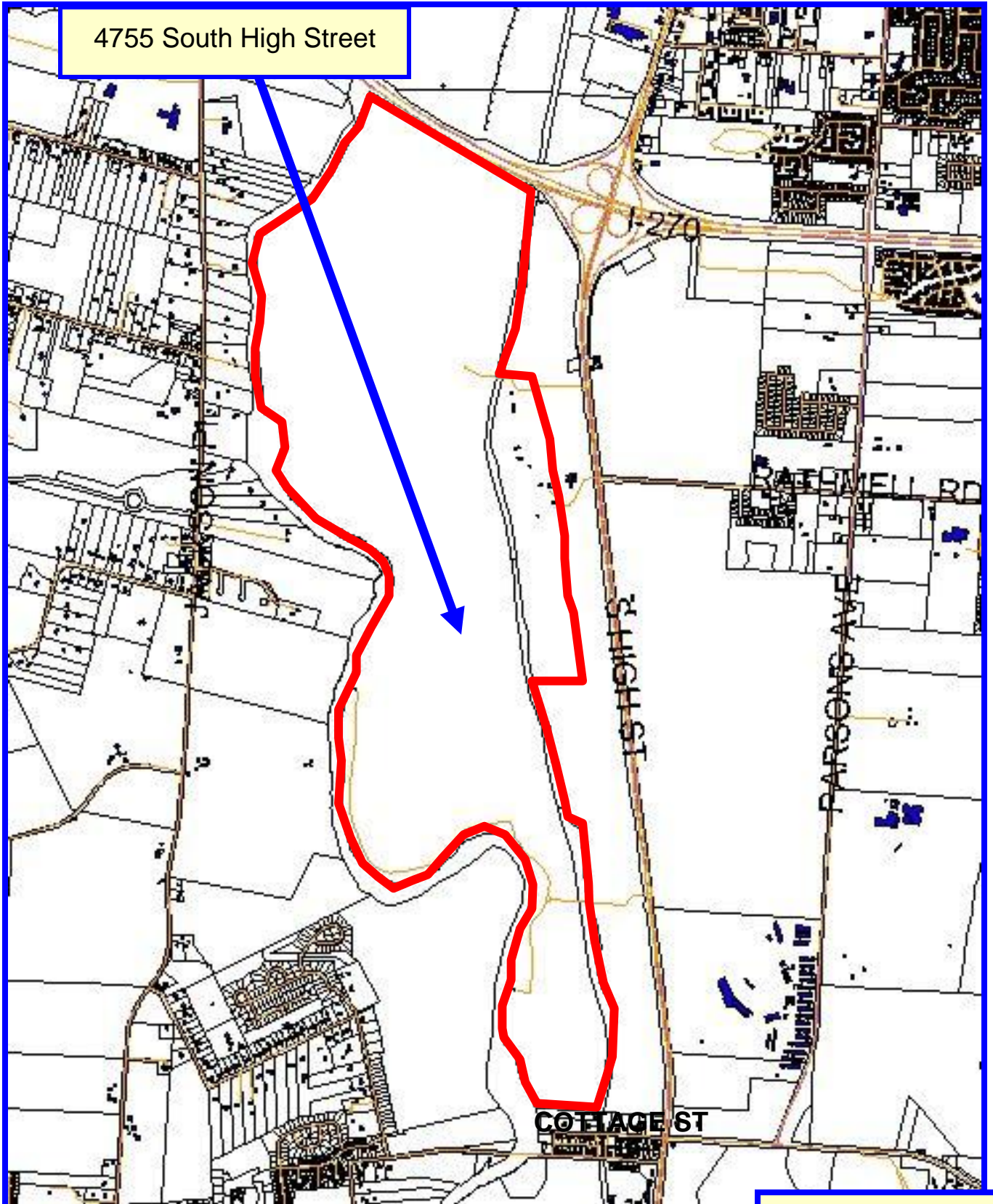
4755 South High Street



COTTAGE ST

**CV08-024**

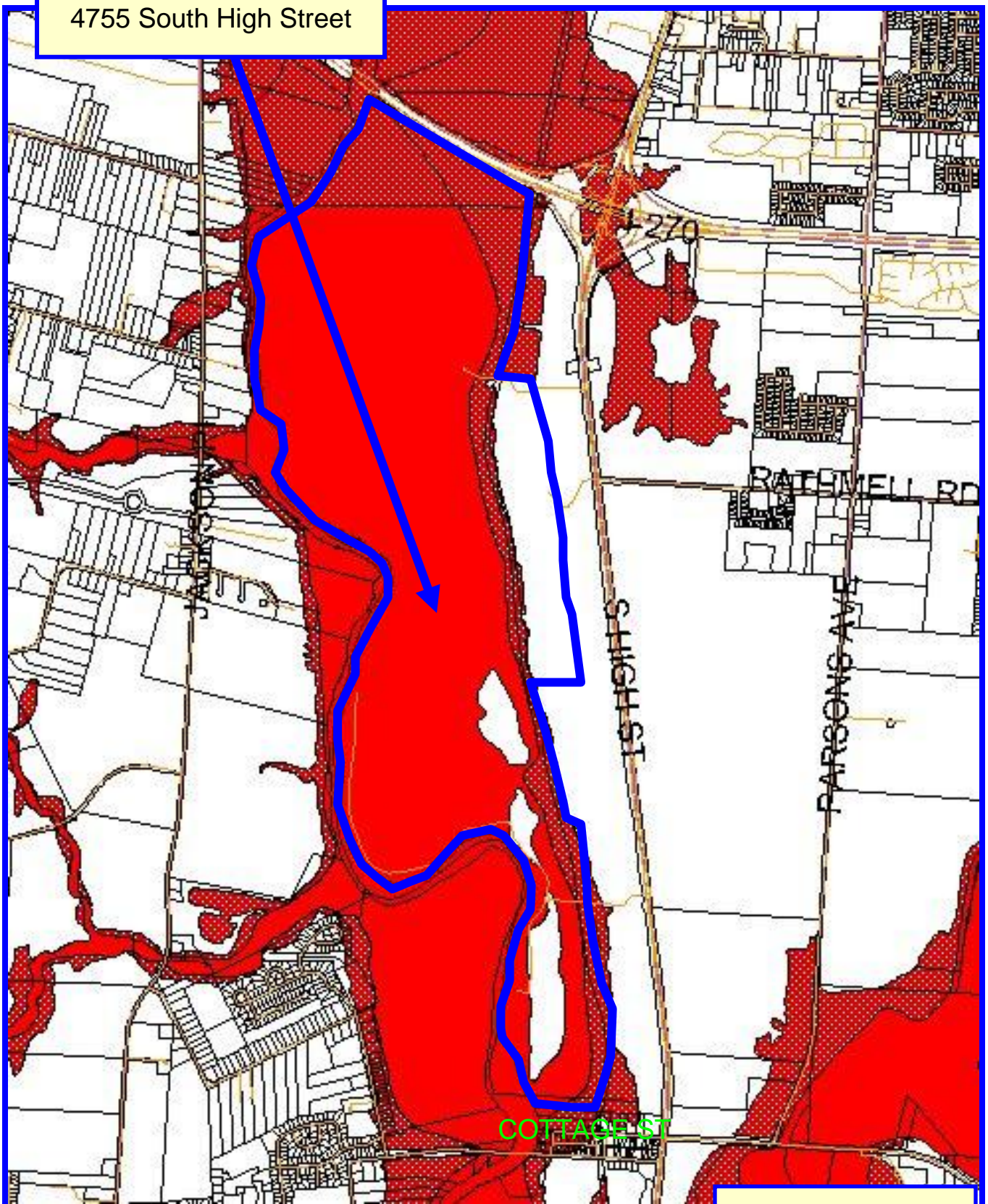




**CV08-024**



4755 South High Street



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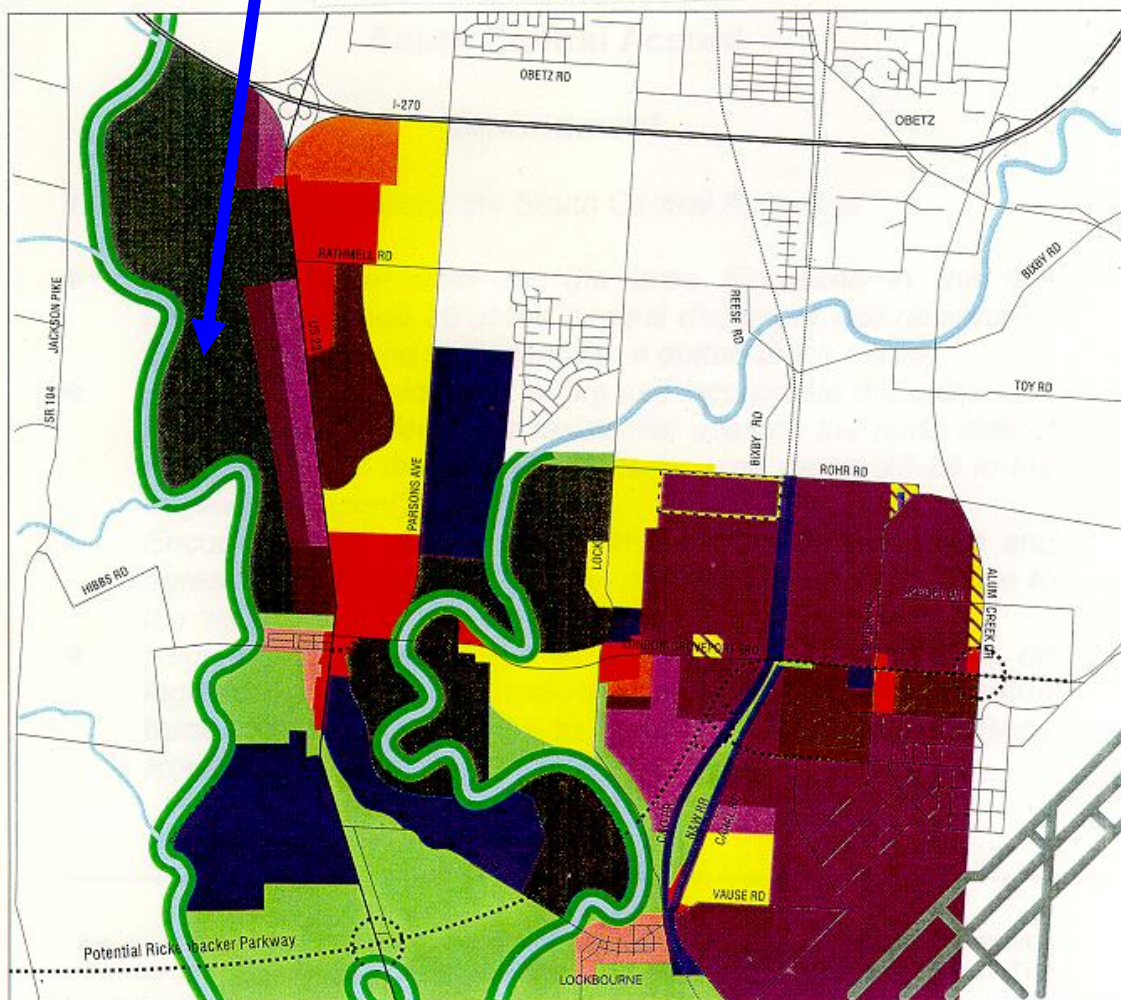






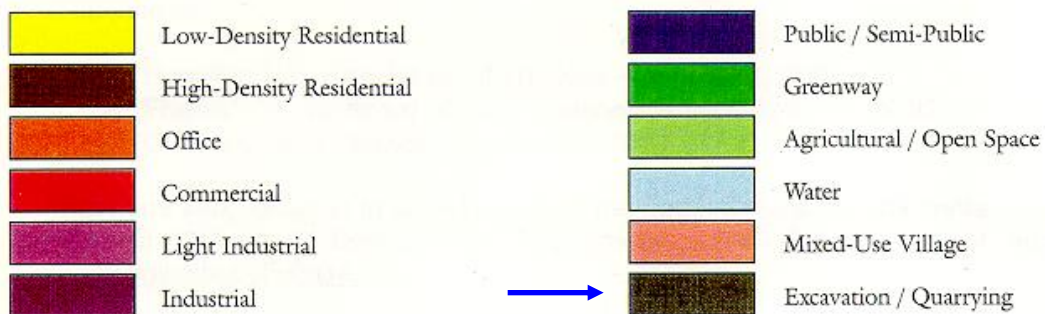
4755 South High Street

Revised Land Use Map  
Adopted by Columbus City Council  
October 23, 2000



*South Central Accord*

Future Land Use



CV08-024





November 19, 2008

City Of Columbus  
Zoning Office  
Council Activities Section

Ms. Shannon Pine,

This letter is in regards to the Council Variance application:

4755 South High Street, Columbus, Ohio 43207.  
Parcel number: 510-214607; 181564; 181563  
Applicant: The Olen Corporation c/o James B. Harris  
Agent: James B. Harris and Edward T. McClellan

The Far South Columbus Area Commission has reviewed and approved this Council Variance Application at our Thursday, November 6, 2008 meeting. Should you have any questions, please contact me at 614-402-0224.

Sincerely,

Mindi Hardgrow, President  
Far South Columbus Area Commission

Jim Sheppard, Correspondence Secretary

***Far South Columbus Area Commission***  
*4080 South High Street*  
*Columbus, OH 43207*

**Pine, Shannon L.**

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**From:** Baldwin, Mathew S.  
**Sent:** Tuesday, November 18, 2008 5:11 PM  
**To:** Pine, Shannon L.  
**Cc:** 'TED EISLEBEN'; 'Mindi Hardgrow'; 'James Sheppard'  
**Subject:** Olen Corporation Request

11-18-08

Shannon Pine  
City of Columbus Zoning Office  
Council Activities Section

This is to indicate that the Scioto Southland Civic Association voted in its regular general meeting of November 3, 2008 to support the Olen Corporation in its request to remove the restrictions which would enable the corporation to conduct the development which they have proposed on South High Street. The Far South Columbus Area Commission has passed a similar resolution of support. If you have any questions, please call me at 645-0380 (w) or 491-3433 (h). Thank you.

Matthew S. Baldwin  
Corresponding Secretary  
Scioto Southland Civic Association



City of Columbus | Department of Development | Building Services Division | 757 Gadya Avenue, Columbus, Ohio 43224

**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 # CV08-024

Being first duly cautioned and sworn (NAME) James B. Harris  
of (COMPLETE ADDRESS) 37 W. Broad St., Ste. 950, 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 of individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

The Olen Corporation c/o James B. Harris see attached	PFK Company I, LLC see attached  PFK Company II, LLC see attached
Tamarack Enterprises I, LP see attached	Tamarack Enterprises II, LP see attached

☒ If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT James B. Harris  
Subscribed to me in my presence and before me this 28<sup>th</sup> day  
of August, in the year 2008

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Stephane Sommers  
01/12/2011  
Notary Public, State of Ohio  
My Commission Expires 01-12-11



CV08-024

**PROJECT DISCLOSURE STATEMENT**

**SCHEDULE A**

**Name and Address of Tenant:**

The Olen Corporation  
Attention: Kenneth W. Holland, President  
4755 South High Street  
Columbus, Ohio 43207  
Facsimile: (614) 491-1591  
E-Mail: kwh@theolencorp.biz

c/o James B. Harris, Esq.  
Harris, McClellan, Binau & Cox P.L.L.  
37 West Broad Street, Suite 950  
Columbus, Ohio 43215-4159  
Facsimile: (614) 464-2245  
E-Mail: jharris@hmhc.com

**Name and Address of Property Owners:**

PFK Company I, LLC  
PFK Company II, LLC  
Attention: David K. Beebe, General Manager  
2520 Canterbury Road  
Columbus, Ohio 43221-3082  
Facsimile: (614) 488-0831

c/o Allen L. Handlan, Esq.  
Kegler, Brown, Hill & Ritter  
65 East State Street, Suite 1800  
Columbus, Ohio 43215-4294  
Facsimile: (614) 464-2634  
E-Mail: ahandlan@keglerbrown.com

Tamarack Enterprises I, L.P.  
Tamarack Enterprises II, L.P.  
c/o Blanchard LLC  
Attention: Lesley F. Blanchard, Managing Member  
One Southfield Drive  
Dover, MA 02030-2348  
Facsimile: (508) 785-2486  
E-Mail: LFB0916@aol.com

c/o Allen L. Handlan, Esq.  
Kegler, Brown, Hill & Ritter  
65 East State Street, Suite 1800  
Columbus, Ohio 43215-4294  
Facsimile: (614) 464-2634  
E-Mail: ahandlan@keglerbrown.com