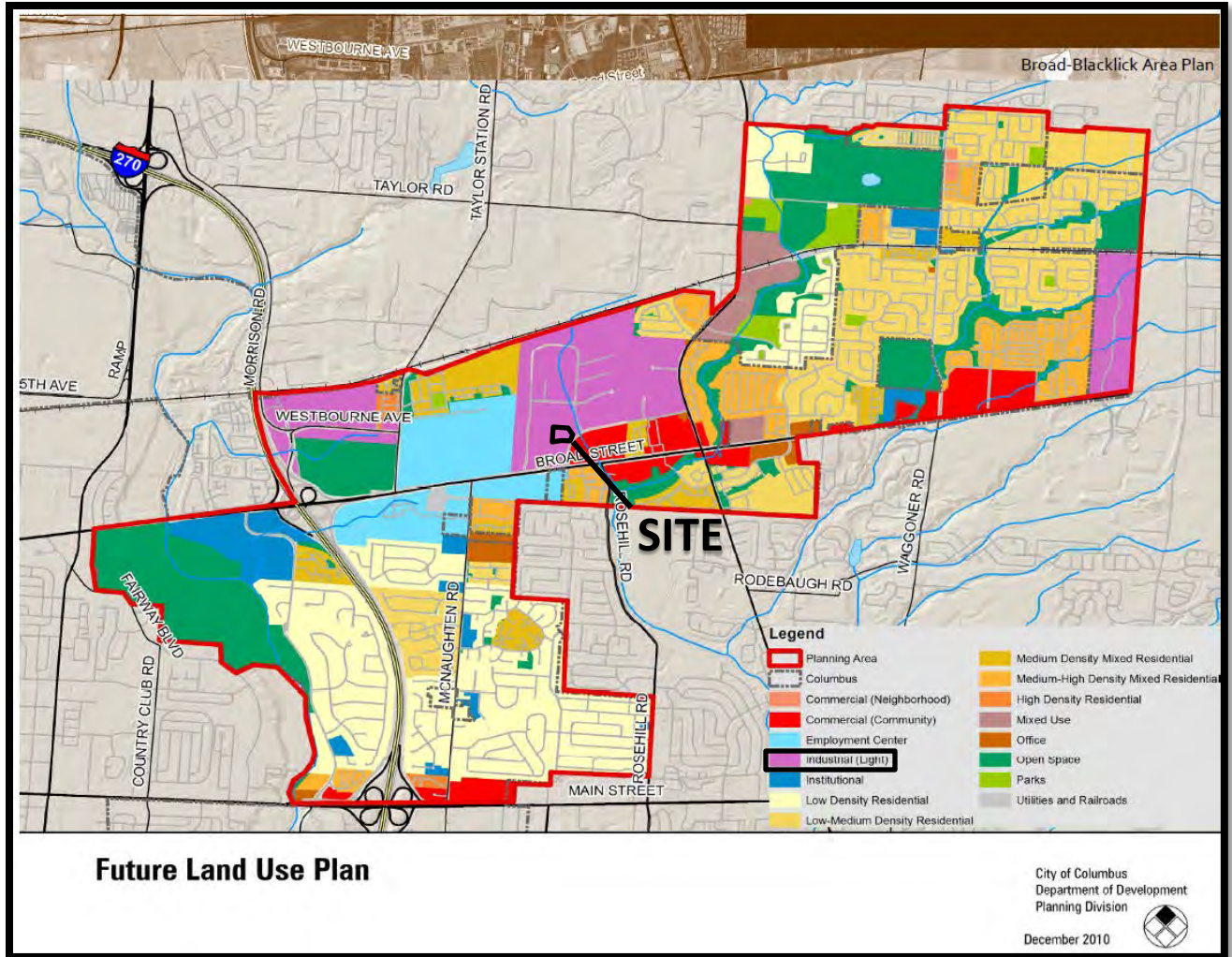


CV16-030
61 North Brice Road
Approximately 2.9 acres



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Approximately 2.9 acres



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61 North Brice Road
Approximately 2.9 acres



ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

CV16-030

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:

please see attached Statement of Hardship

Signature of Applicant

[Handwritten Signature]

Date

4-25-16

PLEASE NOTE: Incomplete information will result in the rejection of this submittal. Applications must be submitted by appointment. Call 614-645-4522 to schedule. Please make checks payable to the Columbus City Treasurer

Capital Tire Inc., ("Applicant") is requesting a variance to Section 3367.01, M-2 Manufacturing District. This will allow for tire re-treading, which is categorized as a more objectionable use that is only allowed in the M and M-1 Manufacturing Districts.

Pro Tire Service Inc. ("Property Owner"), an Ohio Corporation, purchased the property located at 61 N. Brice Road in August 1997 and subsequently built and occupied a 14,400 square foot building. At the time of purchase, it was indicated that the property was zoned as an M-1 Zoning District.

Pro Tire Service Inc., is a wholly owned subsidiary of Capital Tire Inc., an Ohio Corporation. In the later months of 2002 the Property Owner leased land to the Applicant to build an additional 19,200 square foot building on the property identified by mailing address, 71 N. Brice Road. The building was used for Capital Tire Inc.'s Wholesale Tire operation until August 2014 when the warehousing moved to Lockbourne, Ohio. The building at mailing address, 71 N. Brice Road has remained vacant since August 2014.

We are seeking a variance so that the Applicant can relocate a re-tread plant in Dover, Ohio to the building located at mailing address, 71 N. Brice Road. Through re-location, Capital Tire Inc. and Pro Tire Service Inc. will be able to fill a vacant building, and with expanded capacity, will create 10 to 12 jobs in the City of Columbus. This re-treading use would have been allowed in the M-1 district that we believed to have applied to the property at purchase date. However, since that time, a mapping error was discovered and the zoning was subsequently updated to an M-2 Zoning District.

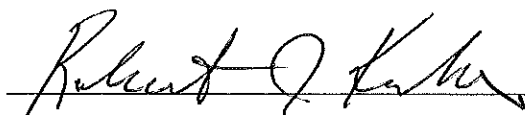
Re-treading, sometimes referred to as "Recaps," is a re-manufacturing process for tires that replaces worn tread with a new tread. New treads are applied to the tire casing after the casing has been inspected and repaired. The method to be used is referred to as "pre-cured" where a previously prepared tread strip is vulcanized to the original casing. This process preserves 90% of the original product and allows the original casing to remain in service for many additional years.

Tires awaiting processing and completed tires are stored inside the building, at no time will finished product or casings be stored outside. These tires serve as physical inventory for our business and we need to protect our assets for the true value that they possess.

The "Rubber Chunk Trailer" will be onsite to collect tire tread particles from the Buffering Process, this trailer serves as a means of recycling and is only intended to help preserve the Environment; with our expected business flow this trailer will be filled and replaced about every ninety (90) days.

The pre-cure process does not create any emissions. There is no smoke or odors emitted in the process. Noise is completely contained within the building. Therefore, nearby residents will not be affected by noise, vibrations, smoke or odors. The granting of the variance will not endanger public safety, unreasonably diminish or impair public health, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Signature of Applicant



Date

5-31-16

ZONING/REZONING/VARIANCE APPLICATION STAFF REPORT

ORD # 1718-2016-CV16-030, Page 6 of 8

This form is strictly for use of the Area Commission to help in the review of information and flow of handling this application while being reviewed by the Area Commission. It is not to be construed as a legal document in content or meaning.

PRO-TIRE B1

APPLICANT: CAPITAL TIRE/ PRO TIRE
APPLICATION/ ZONING / DEVELOPMENT COMMISSION CASE NUMBER: CV16-030

DATE RECEIVED City of Columbus Dept Building & Zoning Service:

AREA COMMISSION: FAR EAST AREA COMMISSION
DATE RECEIVED BY AREA COMMISSION: 04/28/2016

LOCATION AND ZONING REQUEST:
Certified address: 61 N BRICE RD ZIP: 43213
Parcel Number for Certified Address: 520-239681
Current Zoning District: M-2 **Requested Variance:** TIRE RETREADING
Proposed Use or reason for rezoning request:
Allow tire retreading
Proposed Height District: H-35

APPLICANT:
Name: Capital Tire Inc. Attn: Robert Kuhr Phone Number: 419-241-5111 Ext.: 129
Address: 1001 Cherry St. City/State: Toledo, Ohio Zip: 43608
Email Address: rkuhr@capitaltire.net Fax Number: 419-241-7902

PROPERTY OWNER(S) Check here if listing additional property owners on a separate page
Name: Pro Tire Service Inc. Attn: Thomas B. Geiger, Jr. Phone Number: 614-864-8662 Ext.:
Address: 61 N. Brice Rd. City/State: Columbus, Ohio Zip: 43213
Email Address: tbgjr54@gmail.com Fax Number: 614-864-7833

ATTORNEY / AGENT (Check one if applicable): Attorney Agent
Name: John D. (Jack) Gillespie Phone Number: 614-628-4472 Ext.:
Address: 41 S. High St. Suite 2400 City/State: Columbus, Ohio Zip: 43215
Email Address: jgillespie@slk-law.com Fax Number: 614-463-1108

ADJACENT PROPERTIES CURRENT ZONE AND OCCUPANCIES:
NORTH:
EAST:
SOUTH: REYNOLDSBURG PRIMROSE PRE SCHOOL
WEST:

COMMENTS:

CONCERNS OVER COLLECTION OF RUBBER "GROUND" OFF TIRES DURING PROCESS, STORAGE OF TIRES IN OR OUTSIDE OF BUILDING and fumes from grinding and gluing operations.

PER HARDSHIP STATEMENT:

Tires awaiting processing and completed tires are stored inside the building. Scrap is immediately transferred to a sealed trailer. Tires will visible on only a minimal basis and never in the overnight period.

The pre-cure process does not create any emissions. There is no smoke or odors emitted in the process. Noise is completely contained within the building. Therefore, nearby residents will not be affected by noise, vibrations, smoke or odors. The granting of the variance will not endanger public safety, unreasonably diminish or impair public health, comfort, morals, or welfare of the inhabitants of the City of Columbus.

AREA COMMISSION: FAR EAST AREA COMMISSION

SCHEDULED TO BE PRESENTED TO FEAC ON: 5-03-16

Notification of Identifiable Civic Organization recognized by the City:

Organizations: NONE

Emailed date: _____ Email Received Notification: _____

Notification of Applicant or legal representative:

APPLICANT COMMENTS: 5-03-16 MEETING:

Applicant provided pictures of the grinding machine and collection system

CIVIC ORGANIZATION COMMENTS:

AREA COMMISSION COMMENTS DECISION ACTIONS 5-03-16 MEETING:

RECOMMENDATION IS TO ALLOW VARIANCE. Applicant has 50 years experience and has indicated concerns over protecting persons and environment.

WITH 7 MEMBERS PRESENT AND BEING A QUORUM:

VOTES: FOR: AGAINST: ABSTAINED: .

DATE:

DECISIONS NOTIFICATION TO DEPT OF BUILDING & ZONING SERVICES/ DEPT OF DEVELOPMENT

DATE:

TO:



DEPARTMENT OF BUILDING AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.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 # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Robert Kuhr
of (COMPLETE ADDRESS) Capital Tire Inc., 1001 Cherry St., Toledo, Ohio 43608

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 format:

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

Table with 2 columns and 2 rows containing business information for Pro Tire Service, Inc. and Capital Tire, Inc.

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

SIGNATURE OF AFFIANT Robert J. Kuhr

Sworn to before me and signed in my presence this 25 day of April, in the year 2016

SIGNATURE OF NOTARY PUBLIC Marie Ann Truckor

My Commission Expires 2-2-2021

Notary Seal Here



MARIE ANN TRUCKOR
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 02-02-2021

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