

**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: CV24-160
Location: 2512 JACKSON PI. (43223), being 5.83± acres located 278± feet west of Jackson Pike and 650± feet north of Dyer Road (part of 570-181425; Southwest Area Commission).
Pending Zoning: M, Manufacturing District (H-110).
Proposed Use: Renewable gas production.
Applicant(s): SuburbanRNG-Columbus c/o Rebecca J. Mott, Atty.; 411 East Town Street, Floor 2; Columbus, OH 43215.
Property Owner(s): City of Columbus; 90 West Broad Street, Room 425; Columbus, OH 43215.
Planner: Eastman Johnson; 614-645-7979; roejohnson@columbus.gov

BACKGROUND:

- The site consists of a portion of one parcel developed with a waste water treatment plant in the pending M, Manufacturing District. The requested Council variance will allow reductions in landscaping and screening requirements, and gravel surfaces for a renewable gas production facility.
- The requested variances will reduce required parking lot trees from one to zero, eliminate landscaping and screening, and allow gravel surfaces for a drive aisle and equipment pad for the proposed development.
- To the north of the site is a solid waste facility in the M, Manufacturing District. To the south is a limestone quarry in the M, Manufacturing District. To the east is an undeveloped parcel in the M, Manufacturing District. To the west is a quarry in the EQ, Excavation and Quarrying District.
- The Applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request (Z24-071) to the M, Manufacturing District.
- The site is within the planning boundaries of the *Southwest Area Plan (2009)*, which recommends “Industrial” land uses at this location. Additionally, the Plan includes complete adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. The Plan’s design guidelines state that, “Landscaping should be used to soften industrial buildings along front elevations or elevations that face public streets.”
- The site is located within the boundaries of the Southwest Area Commission, whose recommendation is for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving this proposed development.

CITY DEPARTMENTS’ RECOMMENDATION: Approval.

The proposed Council variance will allow reduced development standards for a renewable gas production facility. Staff supports the requested variances which are mainly to conform existing conditions, meet surface waiver requirements, and are further mitigated by existing landscaping along Jackson Pike. The request will not introduce an incompatible use to the area.



Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
 Yes No

Please see Exhibit B (Statement in Support)

2. Whether the variance is substantial.
 Yes No

The variances being requested are primarily to legitimize existing, long-standing conditions of the Property. The variances are technical and comport with routine variances granted to manufacturing properties.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 Yes No

There would be absolutely no change or any substantial alteration to the existing manufacturing properties (or their uses) or quarrying operations surrounding the Property with the granting of these variances.



Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
 Yes No

There would be no adverse affect or change whatsoever to the delivery of governmental services to the Property.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.
 Yes No

There was no knowledge of the zoning restrictions when the Property was purchased. The purchaser purchased the Property as a gas production plan with long-standing operations within the City of Columbus. The Applicant is just seeking to legitimize existing conditions of the Property.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 Yes No

There can be no other or alternative other than the granting of the variances or waivers from certain zoning restrictions sought.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 Yes No

The spirit and intent behind the zoning restrictions can be observed, as Applicant is seeking only to legitimize existing conditions and request variances that are typical for manufacturing properties of this nature.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

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(s) requested as detailed below (use separate page if needed or desired):

Signature of Applicant *Rebecca J. Meets* Date 11-27-2024

Exhibit “B”

Statement in Support

Background

SuburbanRNG-Columbus is re-zoning a 5.828 +/- acre portion of the parcel commonly known as Franklin County Auditor Tax Parcel Id. No.: 570-181425, and generally located at 2512 Jackson Place, Columbus, Ohio 43223 (or, 2506 Jackson Pike) (the “Property”) to install new equipment for the production of renewable gas. The Property is owned by the City of Columbus and is adjacent to manufacturing- and quarry-zoned properties to the north, east, west, and south, including the wastewater treatment facility.

This concurrent council variance application is only necessary to obtain area variances for certain existing conditions.

Area Variances

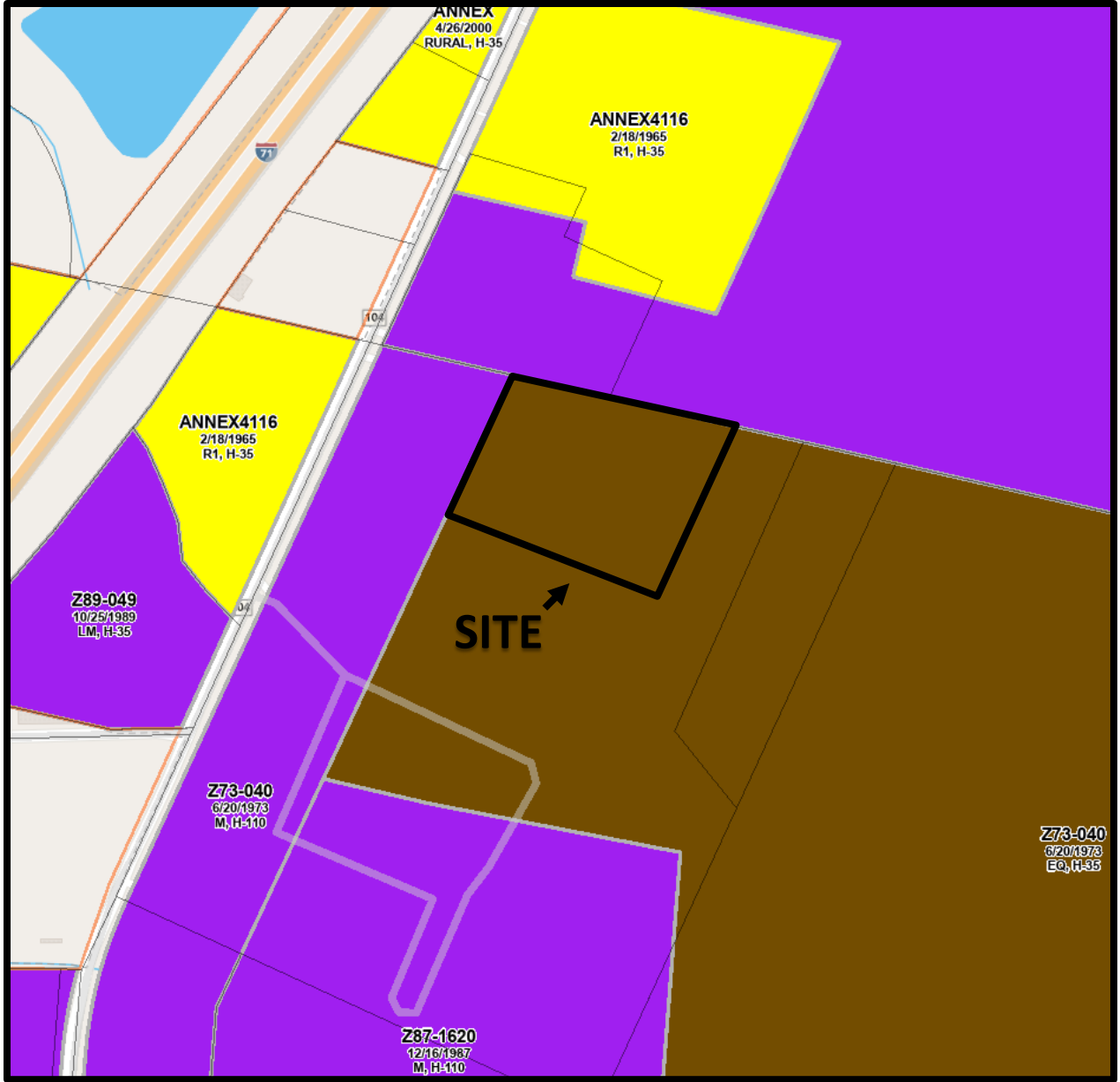
1. Section 3312.21(A) Landscaping and Screening. The interior of any parking lot containing ten parking spaces or more and not in a parking structure shall be landscaped. The parking lot, which contains 10 existing and proposed parking spaces is not landscaped, as this is a manufacturing area for renewable gas production. No interior parking lot landscaping with interior shade trees is proposed. Thus, a variance is necessary for this existing condition.
2. Section 3312.43 Improved Surface Required. The surface of any . . . circulation area; aisle or driveway shall be designed to control storm water runoff and be improved with a Portland cement, asphaltic concrete or other approved hard surface other than gravel or loose fill. Exception: The director may waive the hard surface requirements for use located in a manufacturing district when the proposed parking space or parking area is located at least 400 feet from any residential district. Applicant is requesting a variance, or a waiver, of this requirement to install a proposed gravel driveway to serve the proposed, new equipment (with truck and trailer support and passage) near the southern property line for the Property, as this is a manufacturing area and there are no residentially-zoned properties within 400 feet of the Property.
3. Section 3321.07(A) Landscaping. The lot area between a required building line and a street line shall be landscaped and shall not be paved except for paved areas approved by the City. As an existing condition, the area between the private drive and the area with the equipment is not landscaped (but is improved with gravel and concrete areas) and a truck scale is proposed alongside the private drive. Applicant requests a variance from the landscaping requirement of this section.

Practical Difficulties Analysis

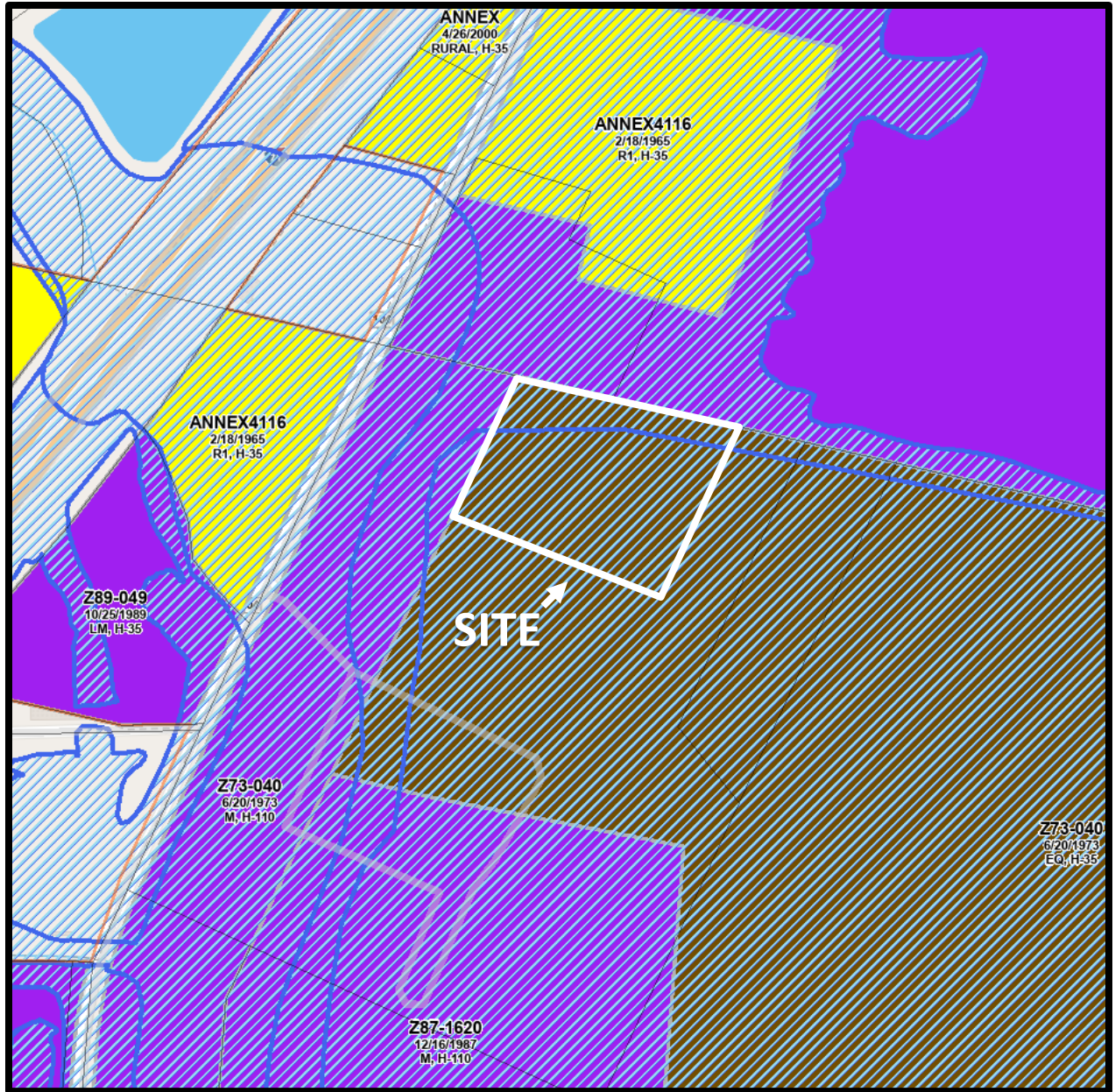
- 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.**

The Property is being used as a renewable gas production plant, and these variances are necessary to legitimize existing conditions. The installation of landscaping to an existing parking area, or providing for an asphalt/concrete drive when gravel is proposed to support truck traffic are not common sense solutions for this type of use.

[Please note: The rest of the argument prongs are contained within the application form.]



CV24-160
2512 Jackson Pike
Approximately 5.83 acres



CV24-160
2512 Jackson Pike
Approximately 5.83 acres
Floodplain Map

Policy C

New residential development should utilize design standards to reinforce a sense of community and preserve the integrity of neighborhoods.

Guidelines/Strategies:

- Developments should create a positive sense of identity at their entries through landscaping, decorative fencing and complementary signage. A common identification monument should be used at all entry points. Entry features should be placed in a platted or recorded reserve, with a homeowner or condominium association assuming ownership and maintenance responsibilities.
- Exterior materials within developments should be complementary, but not uniform.
- Walled and gated communities are strongly discouraged.
- Garages should be located behind the house or, if facing a street frontage, should not exceed 40 percent of the width of the housing façade (including the garage) and should be recessed at least three feet from the front elevation of the house.
- Houses should not back onto streets, parks or natural features.

Example of industrial building with architectural character



- Subdivisions should be designed to respect existing lot pattern established within neighborhoods to maintain community character.

Policy D

Industrial development should be designed to increase compatibility between residential and abutting uses and to mitigate environmental impacts.

Guidelines/Strategies:

- Buildings should exhibit a “corporate” architectural character of high quality materials, design and color. Where feasible, natural materials should be used on front façades that are compatible with the remaining elevation treatments in terms of color.
- Landscaping should be used to soften industrial buildings along front elevations or elevations that face public streets.
- Buildings should be oriented so that loading, storage and other external activities, as well as building features that generate noise are not facing public rights-of-ways or residential or institutional uses.
- Accessory uses should be screened from the public right-of-way and adjacent residential and institutional uses to their full height by a solid masonry wall (not cement block) or wooden fence of a color or material that is complementary to the principal building.
- Parking should be hidden to the greatest extent possible by locating it to the rear or side of a building, or by extensive landscaping. Parking lots used primarily by semitrucks or other large vehicles require more intensive screening when located adjacent to residentially-zoned land.
- Gravel parking lots are not permitted by city and county code. Variances to this standard are strongly discouraged.
- Where feasible, safe bike and pedestrian access should be provided to encourage employees to use these modes of transportation.



CV24-160
2512 Jackson Pike
Approximately 5.83 acres

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number - Z24-071 and CV24-160

Address - 2512 Jackson Pike

Group Name - Southwest Area Commission

Meeting Date - Tuesday February 11 2025

Specify Case Type BZA Variance / Special Permit

Council Variance

Rezoning

Graphics Variance / Plan / Special Permit

Recommendation Approval

(Check only one) Disapproval

LIST BASIS FOR RECOMMENDATION:

The presenters noted that they would continue to work with the city in addressing any issues that were in the Staff Report

Vote Z24-071 - 5 members attended - 5 voted for approval CV24-160 - 5 members attended - 5 voted for approval

Signature of Authorized Representative

Patty Spencer

Recommending Group Title - Zoning Chair

Daytime Phone Number - 614-214-5727



Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-160

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

Being first duly cautioned and sworn (NAME) Rebecca J. Mott, Plank Law Firm, LPA
of (COMPLETE ADDRESS) 411 East Town Street, Floor 2, Columbus, Ohio 43215

deposes and states that they are 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:

For Example: Name of Business or individual
Contact name and number
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees

<p>1. Michael A. Stivala, President & CEO 240 Route 10 West Whippany, NJ 07981-0206 Columbus based employees - 3</p>	<p>2. Michael A. Kuglin, CFO & CAO 240 Route 10 West Whippany, NJ 07981-0206 Columbus based employees - 3</p>
<p>3. A. Davin D'Ambrosio, VP & Treasurer 240 Route 10 West Whippany, NJ 07981-0206 Columbus based employees - 3</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Rebecca J. Mott

Sworn to before me and signed in my presence this 21st day of DECEMBER, in the year 2024

Donald Plank
SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

 My Commission Expires _____
 DONALD E. PLANK
 ATTORNEY AT LAW
 NOTARY PUBLIC
 STATE OF OHIO
 My Comm. #
 Expiration Date
 Section 147.03 R. C.

This Project Disclosure Statement expires six (6) months after date of notarization.