

Council Variance Application

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.

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

PLEASE 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):

Please see attached.

Signature of Applicant



Date

2/25/21

CV21-027

COUNCIL VARIANCE STATEMENT OF HARDSHIP

Applicant/Owner: Columbus Limestone Inc.
 c/o Laura MacGregor Comek, Esq.
 17 S. High St., Ste 700
 Columbus, Ohio 43215
 Address: 399 Haul Road
 Parcel Nos.: 010-112294-00
 Zoning District: EQ, Excavating and Quarrying
 Date: September 1, 2022

This Statement is provided in support of the Owner's Council Variance application, to allow automotive storage not specifically related to the already permitted EQ uses or City Impound Lot, and for existing ancillary standards/uses to be varied in association therewith.

The Site has been zoned EQ since 1958. The Site has been historically operated as a sand and gravel quarry with associated business and operational activities since the early 1900's and even prior to its annexation to the City in 1956, as part of the Merion Village Annexation. The materials mined from these quarries were used to build US70 and 71, and to this day are utilized all over Central Ohio for important infrastructure projects.

In 2009, the Owner worked with the City of Columbus to relocate the City's impound lot to a 54.22 acre area of the quarry (the "City Parcel"). A Council Variance (CV08-013) was passed for the entire Site with impound lot and storage uses. Thereafter, the property was conveyed to the City and the Impound Lot was officially relocated to the City Parcel.

In addition to the EQ and associated legal uses on Site, the Owner would like to allow automobile storage for nearby automotive auction and other businesses. The auto storage would involve a small office/portable trailer building (special permit applied for contemporaneously herewith) and variances to obviate the obligation to have 1 or 2 parking lot spaces/lot, and/or pave/buffer, light parking areas for any person using the portable trailer building.

NOTE: outdoor storage of EQ and Impound Lot vehicles is already permitted and on-going. So too is the outdoor storage of equipment and machinery, as well as of course the manufacturing materials and sand, gravel, etc. Finally, portable trailer/buildings are already in use on site, a special permit having been granted by BZA 21-024. This request is for such uses to apply independent of the EQ or Impound Lot uses.

The Site is located on the west side of the Scioto River, in and among the historically heavy manufacturing area of the City. There are extensive distances and visual barriers/screening/landscaping (grassed mound with 100% opacity) between the closest residential area (couple hundred feet away from the perimeter). The operational aspects of the Site are almost hidden from view by virtue of the topography, SR 104 to the north, and otherwise occur with little or no impact to adjacent properties.

The following variances are hereby requested:

- 3369.02 - to allow a Miscellaneous non-objectionable use (3363.08) and outdoor storage in the EQ District.
- 3363.41 - to allow a Miscellaneous non-objectionable use (3363.08) and outdoor storage in the EQ District.
- 3369.04 - to eliminate the requirement(s) for additional development plan(s) associated with this request (the areas of current use change from time to time based upon capacity and seasonality of the business).
- 3312.01, et. seq. - to eliminate the requirements for an established parking lot, and eliminate the requirements for said parking lot (3312.01, et seq.); 3312.13 driveway, 3312.19 Lighting, 3312.21 Landscaping and screening, 3312.23 Maintenance; 3312.25 Maneuvering, 3312.27 Parking setback line – from the east and north sides and within the "inner-side" of Impound Lot Road, 3312.29 Parking Space, 3312.39 striping and marking, 3312.41 access and circulation, 3312.43 required surface, 3312.45 wheel stop, 3312.49 minimum number parking spaces and to eliminate bicycle racks; and 3312.51 eliminate dimension and locations for a loading space.
- 3312.15 - to eliminate specific dumpster placement or screening.

3321.01 – to Eliminate specific dumpster placement or screening
(will be moved regularly with site /seasonal operations)

These variances are minimal – and only relate to minimal requirements for a parking lot, and relate closely to the existing and historical uses of the property, those being impound lot and historical intense manufacturing.

The use of the site varies with seasonal operation of the EQ, and too, certain market demands. It does not make practical sense to pave areas that are later torn out or re purposed for heavy manufacturing uses.

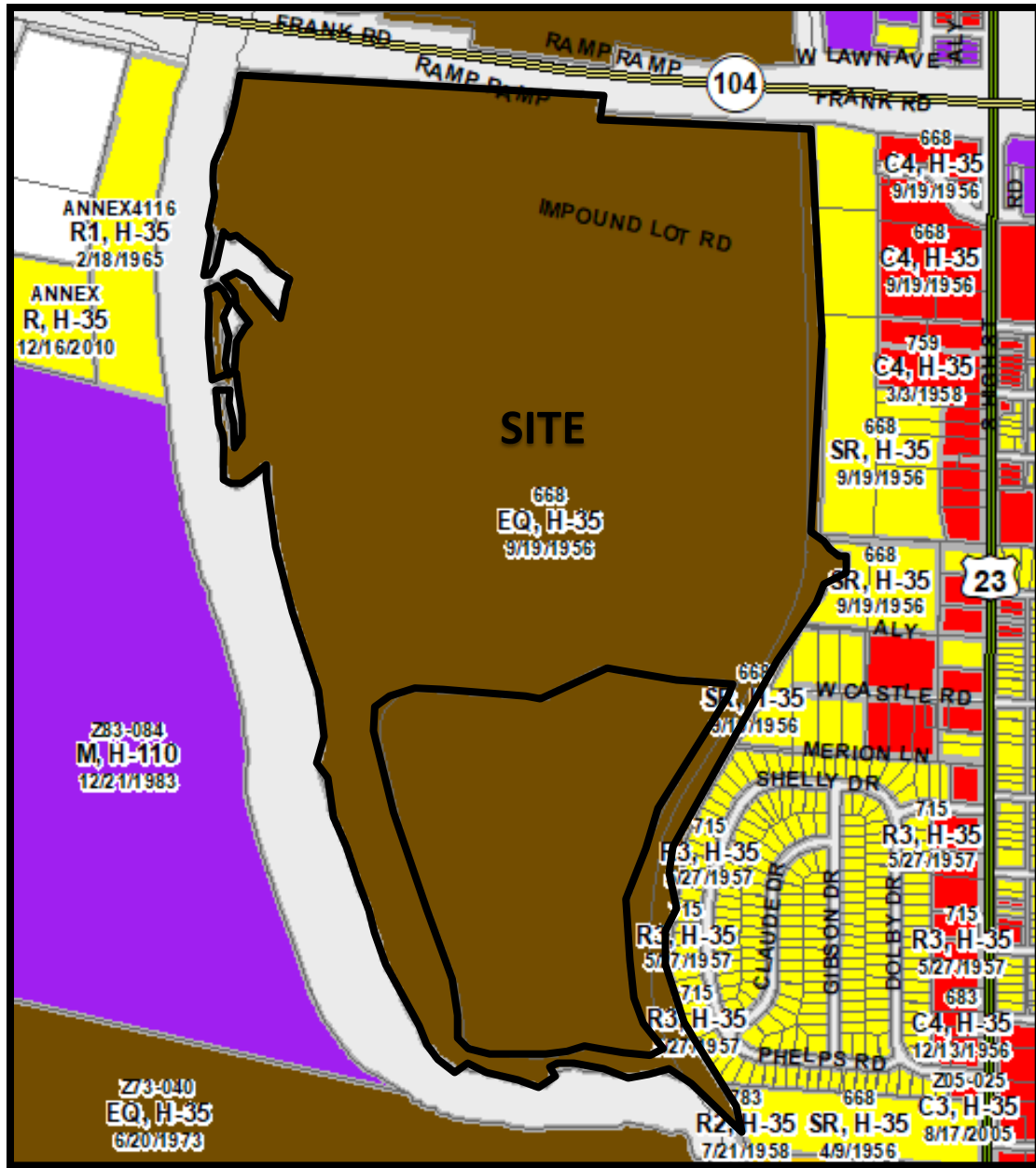
The request is in keeping with the general character of the area, that being manufacturing and industrial uses. The requests will have no effect on the delivery of governmental services. The roads and infrastructure are constructed for heavy vehicles and established routes exist - no residential area is traversed. The request will have no adverse effects to the area, as the intensity of use, size of operations, location, mature and significant buffering - already exist. Relatively speaking, storage itself is a lower intensity activity than active blasting and mining.

This request will accommodate and help an existing business owner on the south side - with little or no impact noticed.

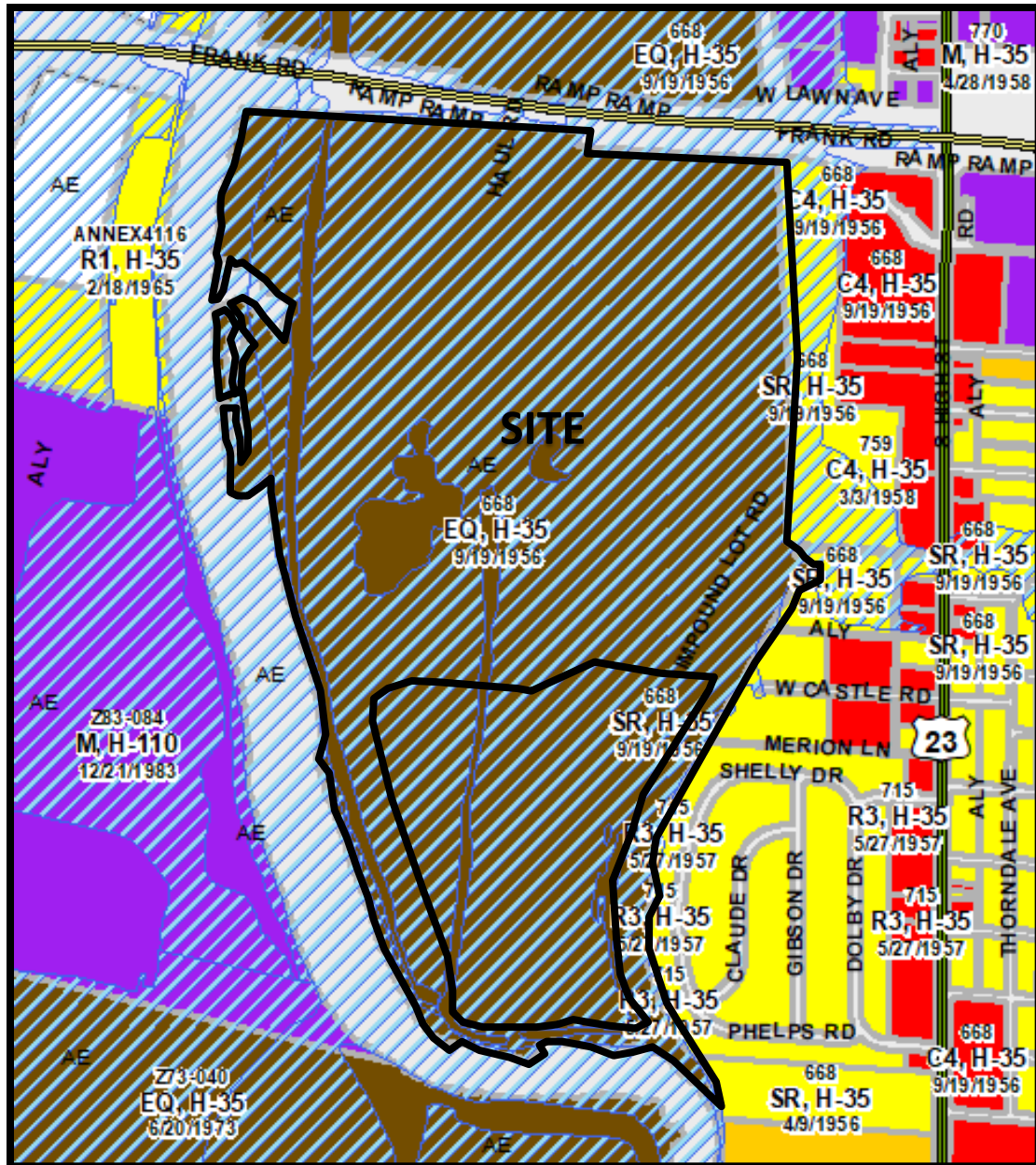
For these reasons, the Applicants respectfully request approval of these variances.

Respectfully submitted,

____/s/ *Laura MacGregor Comek* ____
Laura MacGregor Comek, Esq.
17 S. High Street, Ste 700
Columbus, Ohio 43215
Phone: 614.560.1488
Laura@comeklaw.com
Counsel for Owner/Applicant

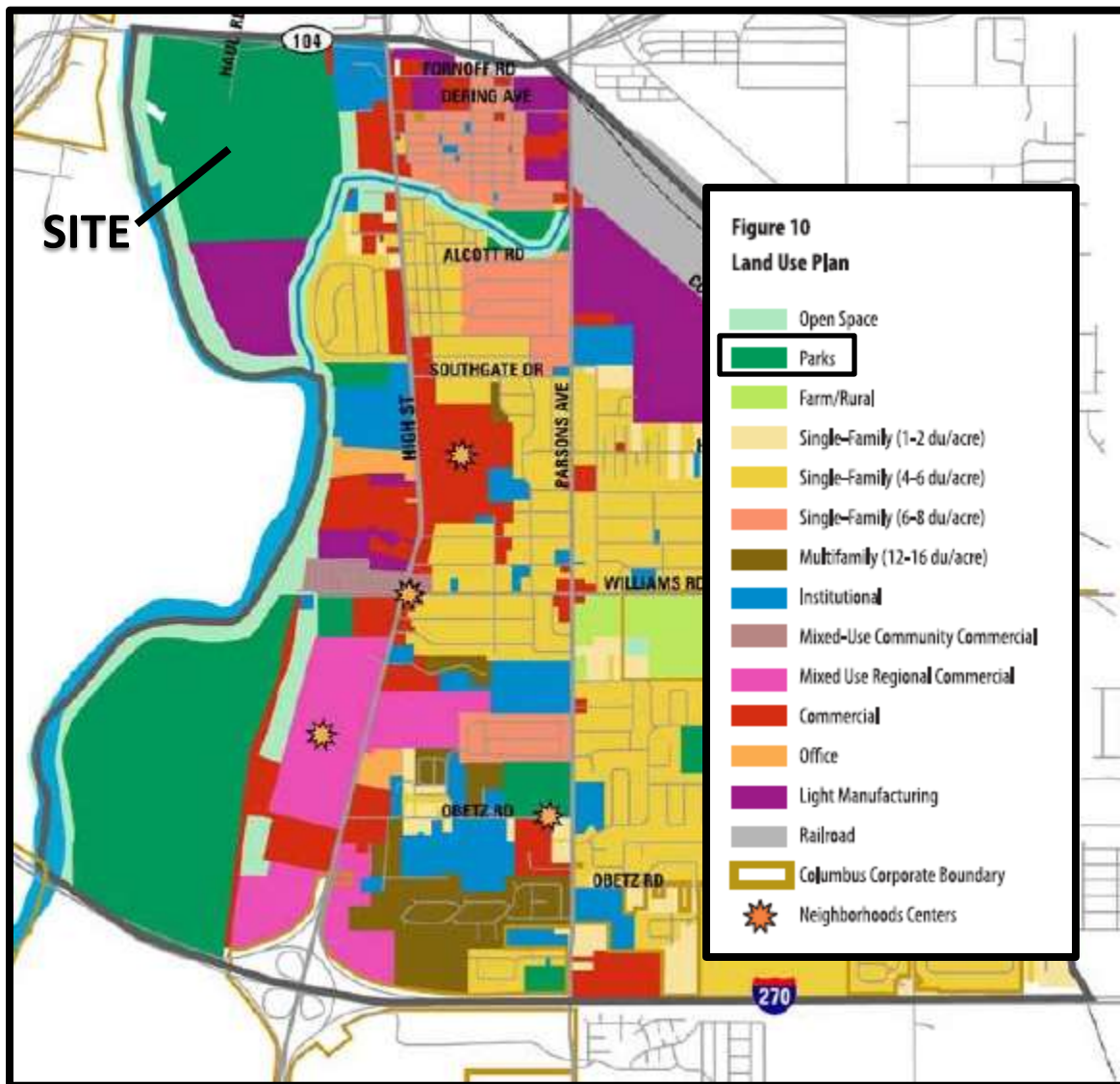


CV21-027
399 Haul Rd.
Approximately 227.54 acres



CV21-027
399 Haul Rd.
Approximately 227.54 acres

Scioto Southland Plan (2007)



CV21-027
399 Haul Rd.
Approximately 227.54 acres



CV21-027
399 Haul Rd.
Approximately 227.54 acres

Standardized Recommendation Form

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

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number CV21-027

Address 399 Haul Rd., Columbus, OH 43207

Group Name Far South Columbus Area Commission

Meeting Date April 1, 2021

Specify Case Type

☒ BZA Variance / Special Permit

☐ Council Variance

☐ Rezoning

☐ Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

☒ Approval

☐ Disapproval

NOTES: The Far South Columbus Area Commission met in general session and voted to approve
the applicant's petition.

Vote AYE 12, NAY 0, ABSTAIN 0

Signature of Authorized Representative Michael D. Walker, Sr

Recommending Group Title FAR SOUTH COLUMBUS AREA COMMISSION

Daytime Phone Number 740-649-5376

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

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

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

CV21-027

PROJECT DISCLOSURE STATEMENT

APPLICATION #: _____

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) L. M. Comek, Esq
of (COMPLETE ADDRESS) 17 S. High St., Suite 700 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 format:

Name of Business or individual (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1. <u>Colecculus Limestone, Inc.</u> <u>399 Frank Road</u> <u>Cols., Oh 43207</u> <u>600+ Lees</u>	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT _____

Sworn to before me and signed in my presence this 18th day of February, in the year 2023

SIGNATURE OF NOTARY PUBLIC _____

Notary Seal Here



Commission Expires
Kristen Lee Sours, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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