

**COUNCIL VARIANCE APPLICATION**

City of Columbus, Ohio • Department of Building & Zoning Services  
 757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

CV13-031

**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 EXHIBIT B

Signature of Applicant

*Donald Plank*  
 Roof to Road LLC

Date

*7/10/13*  
 July 10, 2013

BY: Donald Plank, Attorney

**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 all checks payable to the Columbus City Treasurer

## Exhibit B

### Statement of Hardship

894 Frank Road, Columbus, OH 43223

CV13- 031

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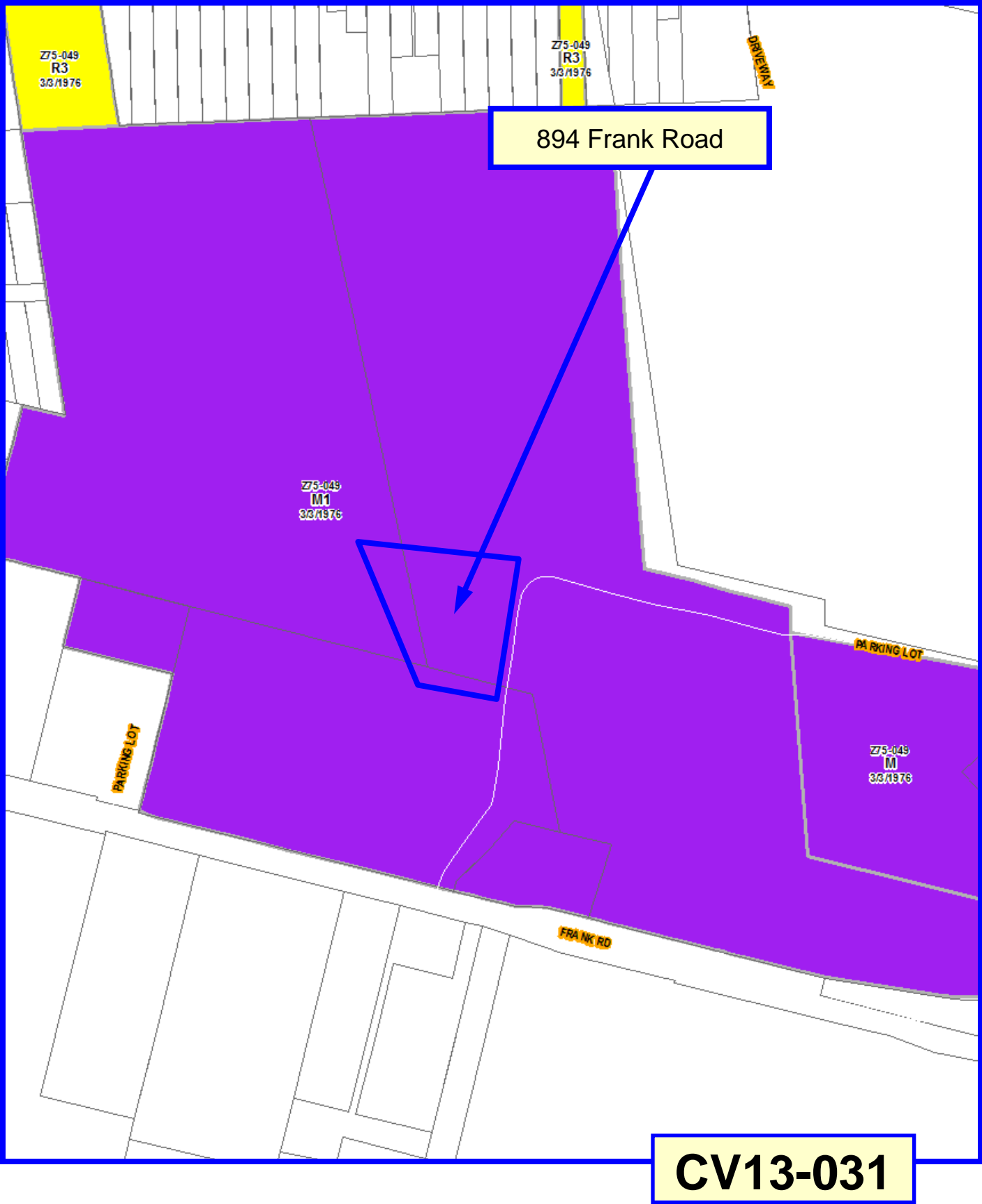
The 4.521 +/- acre site is part of 275 +/- acres owned by applicant. The 275 +/- acres is located in both the City of Columbus and Franklin Township, Franklin County. The 275 +/- acres is zoned M, Manufacturing, M-1, Manufacturing and GI, General Industrial (Franklin County Zoning Resolution). While there is housing in the area, generally located on Hart Road and off of Brown Road, the area is characterized by an interstate interchange (SR 104 and I-71S), an arterial right of way (Frank Road), large areas of industrial uses in both the City of Columbus and Franklin Township and land uses such as demolition land fills, industrial uses, trucking terminals, and outside storage. The 4.521 +/- acres for this application is zoned M-1, Manufacturing.

Applicant proposes to recycle roofing shingles. The Columbus Zoning Code classifies this use as salvage. Salvage uses are permitted only in the M, Manufacturing District rather than the M-1, Manufacturing District. The primary distinction between the M and M-1 zoning classifications is that the M district also permits all uses of the C-1 – C-5, Commercial Districts, while the M-1 District doesn't permit C-1 – C-5 uses as primary land uses. While there are a few industrial uses permitted only in the M district, with salvage being one of them, the M and M-1 districts are largely comparable relative to permitted uses other than commercial uses. Applicant's salvage (recycling) of used shingles diverts material from demolition land fills and results in a product used in the manufacture of asphalt for road paving. The location of the 4.521 +/- acre site leaves huge setbacks from the perimeter property line of abutting property, as follows: North: 1,950' +/-, East: 1,950' +/-, South, 500' (to Frank Road) and West, 1,560' +/-.

The proposed location of a salvage use in an industrial area is an appropriate location for the proposed use, the proposed location of the 4.521 +/- acre site provides very large setbacks from all perimeter property lines and the property of the variance site as well as large areas of surrounding property is zoned M-1, in which many industrial uses are permitted. Salvage uses require a Special Permit. Following permission to locate the proposed use at this location in the M-1, applicant will apply to the Board of Zoning Adjustment for Special Permit.

Applicant requests the following variance:

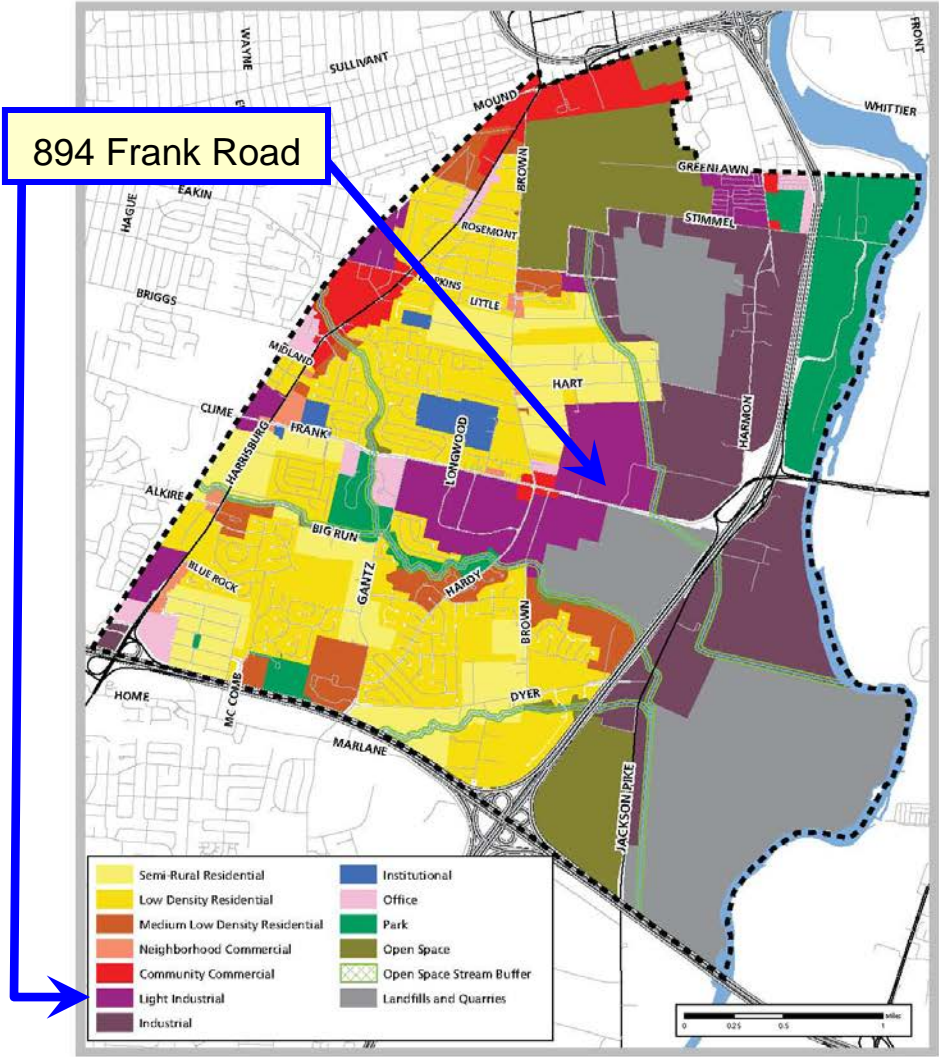
3365.01, M-1, Manufacturing District, to permit salvage (recycling) and processing of roofing shingles.



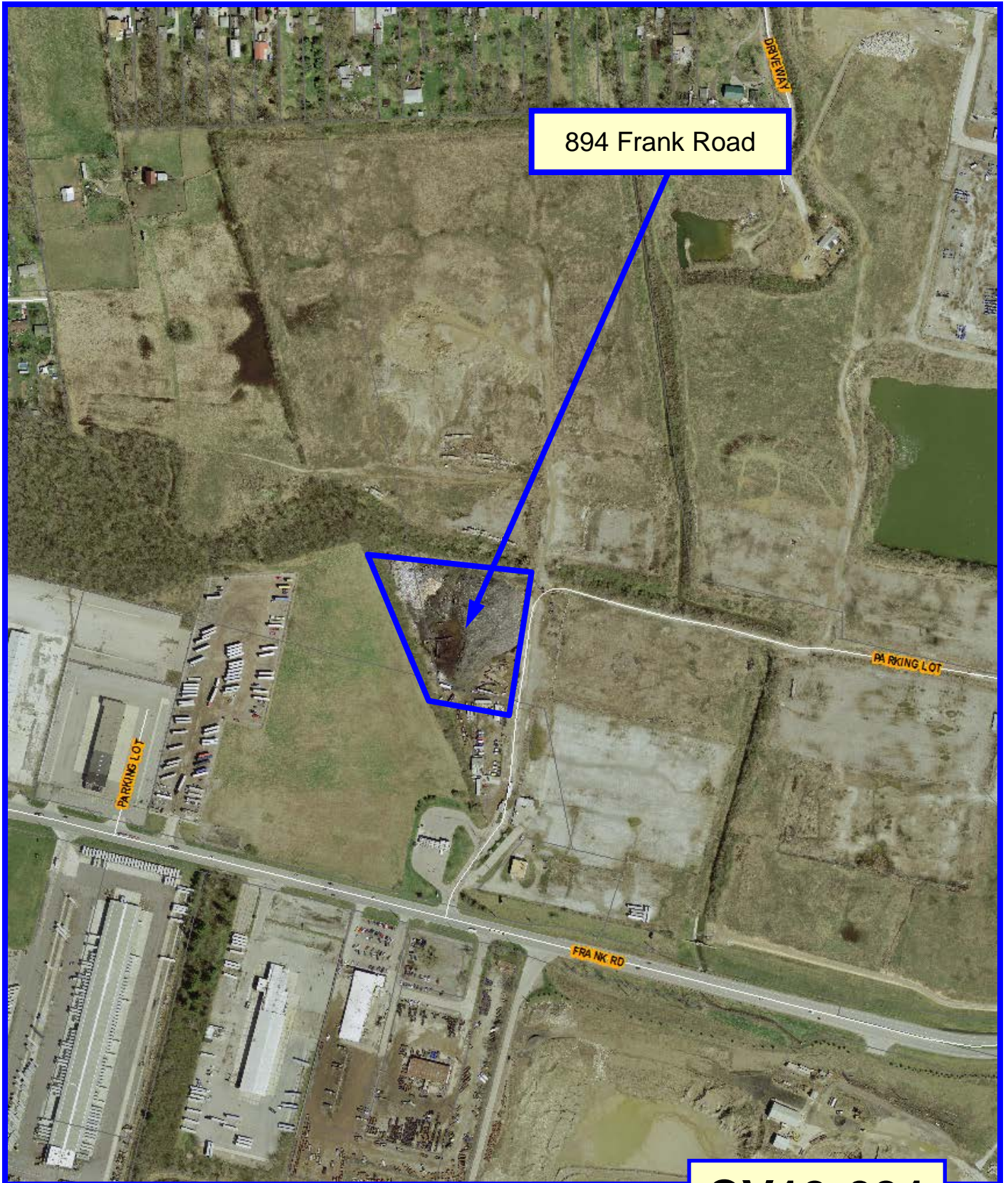
**Future Land Use Map**

The intent of the Southwest Area Plan's future land use map is to preserve open space along

stream channels, reinforce established residential areas, introduce office uses and revitalize Central Point and Southwest Square as the primary commercial nodes for the area.







**CV13-031**



August 22, 2013

Shannon Pine  
Management Analyst II  
City of Columbus  
Department of Building & Zoning Services  
Zoning/Council Activities Section  
757 Carolyn Avenue  
Columbus, Ohio 43224

*Via Electronic Mail (spine@columbus.gov)*

Re: CV13-031 (894 Frank Road)

Dear Ms. Pine,

The purpose of this letter is to explain the position taken by the Southwest Area Commission ("SWAC") regarding CV13-031. Dave Perry appeared at our April 2013 meeting to discuss the pending rezoning application for 894 Frank Road. Many of the residents surrounding this property appeared at this meeting to ask questions and express their concerns. Ultimately the SWAC unanimously voted to oppose that application. It is our understanding the applicant decided to forgo the rezoning application and is now pursuing a council variance regarding 894 Frank Road. On August 21, 2013 Dave Perry again appeared before the SWAC with Steve Johnson the owner of Roof to Roads.

A motion was made and seconded to oppose this council variance with the following explanation. We appreciate the fact that the applicant has reduced the potential for similar operations or salvage operations by asking for a council variance instead of rezoning the entire property. We support the positive impact on the environment a recycling operation like Roof to Roads has and finally we appreciated the fact Mr. Johnson appeared before the SWAC to explain his business and answer questions. But we have significant concerns about the environmental impact the business has on our community. There are three key areas we would like to see further investigated and addressed before this variance is approved. The first concern we have is that there is no containment in place, runoff from the piles of shingles is not contained on the property. The second issue is that we understand there is testing conducted on site to confirm that asbestos shingles are not contained within the piles. We would like to see these test results. Finally, we were told that employees were trained to observe the loads of shingles when they arrive and determine visually if there is asbestos shingles in the load before it is

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www.columbuswac.org





dumped into the pile. We have concerns about a visual inspection process and would like to see some additional inspection program put in place to verify asbestos shingles do not get dumped on the property.

The SWAC voted unanimously to support this motion in opposition to the council variance application.

We have dedicated our time to advocating for projects and opportunities to improve our community. We believe this site and business has had a negative impact on our community.

Sincerely,

*Stefanie Coe*

Stefanie Coe  
Chair, Southwest Area Commission

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**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 # CW13-031

STATE OF OHIO  
 COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] DONALD PLANK -----

Of [COMPLETE ADDRESS] Plank Law Firm, 145 East Rich Street, FL 3, Col., OH  
 43215  
 deposes and states that he 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 or individual's address  
 Address of corporate headquarters  
 City, State, Zip  
 Number of Columbus based employees  
 Contact name and number

1. Roof to Road LLC 27910 Chillicothe Pike Williamsport, OH 43164 # Columbus Based Employees: 5 Contact: Steve Johnson, 740-419-0788	2. Inland Products, Inc. PO Box 2228 Columbus, OH 43085 c/o Jill Tangeman, Esq. 614-464-5608
3. 800 Frank Road LLC PO Box 91111 Columbus, OH 43209 c/o Jill Tangeman, Esq. 614-464-5608	4. -----

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

**SIGNATURE OF AFFIANT**

Subscribed to me in my presence and before me this 10th day of JULY, in the year 2013

SIGNATURE OF NOTARY PUBLIC Barbara A. Painter

My Commission Expires: AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER  
 Notary Public, State of Ohio  
 My Commission Expires AUGUST 3, 2015

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

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