

**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  
 BY: Donald Plank, Attorney

Date

6/23/14

**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 the property owner. Applicant proposes to lease 4.521 +/- acres. 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 in the M, Manufacturing District but not 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 proceed with an application to the Board of Zoning Adjustment (BZA) for the required Special Permit. Applicant understands a Special Permit must also be granted by the BZA to permit the shingle salvage use.

The Southwest Area Commission (SWAC) requests the following conditions, to which applicant has agreed, and applicant requests the incorporation of the following conditions in the ordinance for this variance request:

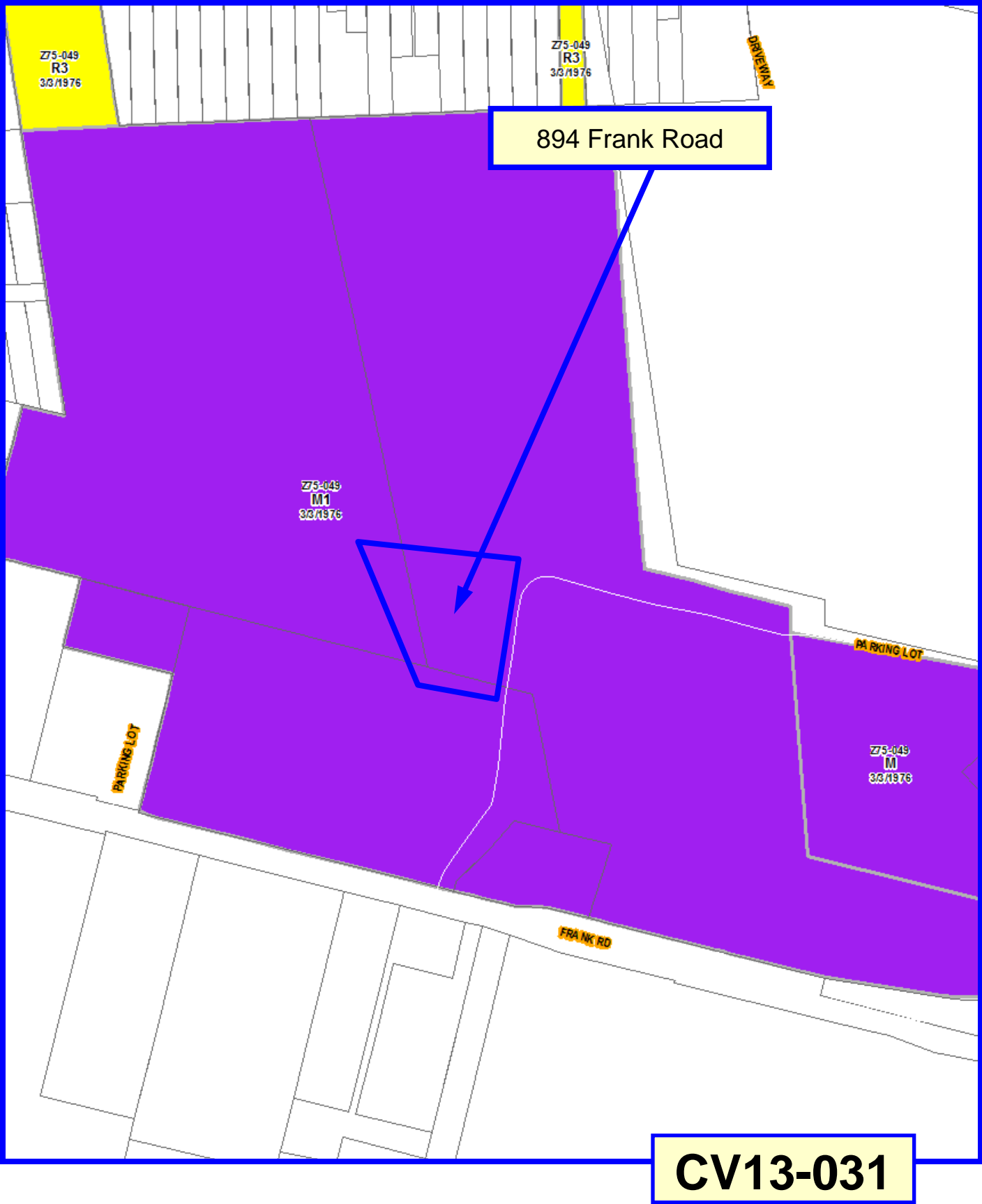
- 1) Under the authority of Columbus City Code Section 3307.10(B), Variances by City Council, which Section permits Council to impose requirements and conditions including the duration of a variance, the duration of this Council Variance and Special Permit (to be specifically so conditioned by the BZA) will be limited to 10 years from the effective date of the ordinance. The time duration of the shingle salvage use may be extended subject to the following conditions:

- a) All applicable City of Columbus permits, including a Salvage Yard License, renewed annually or as the City Code may specify in the future, are applied for and received from the City of Columbus;
  - b) There has been full compliance with all requirements of the permit(s) issued by the City of Columbus at all time;
  - c) Shingles continue to be tested for asbestos by an independent lab with no positive asbestos test results and the test results are shared with the EPA and City of Columbus;
  - d) Compliance with other conditions of SWAC approval, as stated in items #2 – #4, inclusive, as follows;
- 2) All trash is removed from the property in general and, specifically, the trash presently piled at the northwest corner of the leased property shall be removed. All trash (scrap wood, plastic, paper) shall be contained and disposed of on-site in appropriate containers which are covered to prevent debris from blowing into the community. The on-site trash containers shall be emptied on a regular basis.
  - 3) The maximum height of any pile or piles of shingles shall be 30 feet.
  - 4) Although the specific parking areas will move as a result of the shifting of the pile on the leased property – management will provide designated parking for employees and customers.
  - 5) The shingle salvage use shall occur only on the 4.521 +/- acres described in the legal description submitted with this application.
  - 6) There shall be no other salvage use on any of the Franklin County Auditor's parcels on which the shingle salvage use is located. These parcels are specifically: 570-145444, 570-145445, and 570-145446.

Applicant requests the following variance:

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

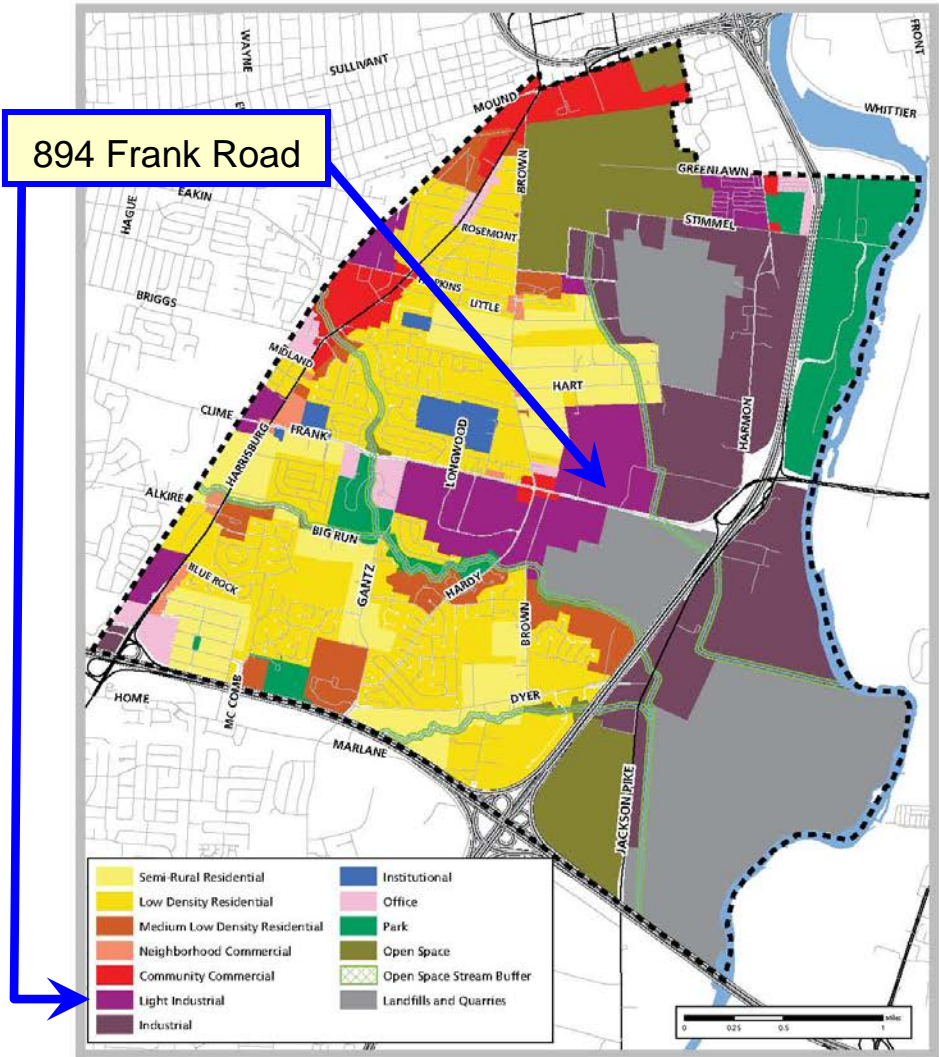
06-23-14



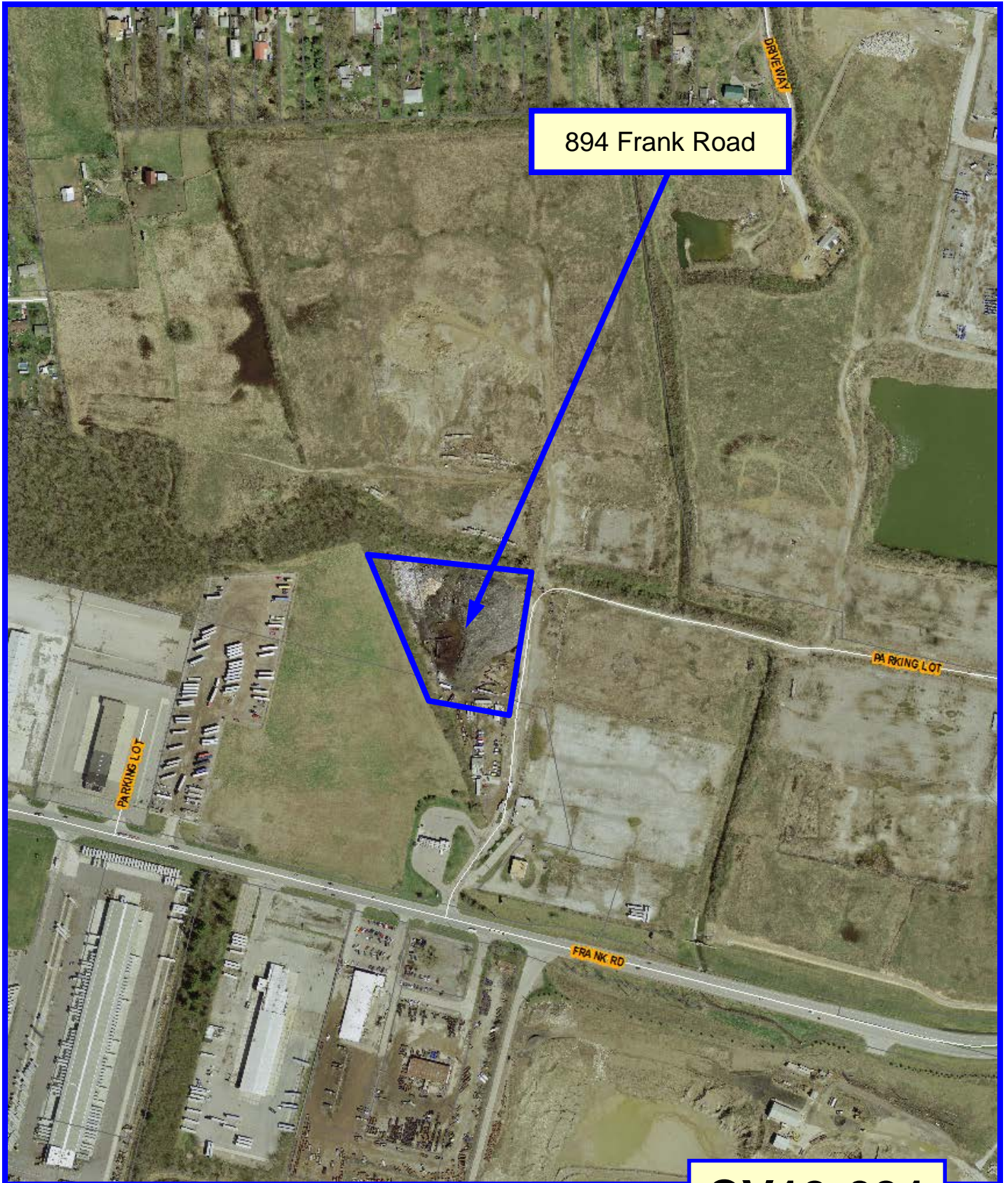
**Future Land Use Map**

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**

**Pine, Shannon L.**

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**From:** Coe, Stefanie <scoe@mpwservices.com>  
**Sent:** Thursday, April 17, 2014 10:19 AM  
**To:** Freise, James F.; Pine, Shannon L.  
**Cc:** Perry, Drexel  
**Subject:** Re: 894 Frank Road/Roof to Road (BZA 13311-00103 & CV13-031)  
**Attachments:** Roof to Road Motion.pdf

The Southwest Area Commission held the third public meeting to discuss this property and the related applications last night, April 16, 2014. Although members of the SWAC and the community have concerns about the overall activities on the three related parcels and the impact on our community, we feel that it is in our best interests to work out a compromise. Therefore we approved the attached motion last night, 5-1. It is my understanding that Roof to Road is willing to honor our conditions.

If you need additional information please let me know.

**Stefanie Lynn Coe**  
**Chair, Southwest Area Commission**

## Southwest Area Commission Motion - 4/17/14

Past and Present members of the Southwest Area Commission have worked diligently to improve the quality of life for all of us who live and work in the Southwest Area. The Frank Road corridor is one of the major points of access to our community. Residents and visitors drive back and forth on Frank Road regularly. We have worked with applicants in this area to ensure that their projects bring positive developments to the community.

The Commission has previously indicated our opposition to the Roof to Road business, specifically in a letter dated August 22, 2013.

Code enforcement cited this business prior to 2009 and ultimately this matter was filed in Environmental Court. We have waited patiently for the court process to help resolve these issues; our patience has worn thin. At this time we feel like the last option to improve the current situation is for the community to attempt to work out a compromise.

To be clear – we are opposed to the continuing negative impacts certain businesses have on our community. We are not supportive now nor will we be of businesses such as dumps or landfills as well as salvage operations.

After intense discussions with the community and Roof to Road we agree to support the Council Variance (CV13-031) and Special Permit (13311-00103) filed by Roof to Road regarding the approximately 4.5 acres they lease with the following conditions:

- 1) The duration of the Council Variance and Special Permit will be limited to 10 years. They will be able to get an extension if they meet the following conditions: a) They have applied for and received a permit from the City of Columbus each year; b) They have fully complied with all requirements of the permit issued by the City of Columbus at all time; c) they continue to have the shingles testes by an independent lab with no positive asbestos test results and share those results with the EPA and City of Columbus; d) they comply with the other conditions of the SWAC's approval.
- 2) All trash is removed from the property, specifically the North West corner of the leased property. Any trash (wood, plastic etc.) is disposed of in appropriate containers which are covered to prevent debris from blowing into the community.



- 3) The maximum height of any pile or piles of shingles will be 30 feet.
- 4) Although the specific parking areas will move as a result of the shifting of the pile on the leased property – management will provide designated parking for employees and customers.

The SWAC and community reluctantly agree to support this motion in an attempt to resolve long standing issues that has not been addressed by others. We specifically agree to this support under the condition that no other salvage permits will be issued for any of these parcels in the future and there will be no expansion of the current Roof to Road business.

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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 # CV13-031

STATE OF OHIO  
 COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] DONALD PLANK

Of [COMPLETE ADDRESS] Plank Law Firm, 145 E Rich Street, FL3, 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 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 Employees: 5 Steve Johnson, 740-419-0788	2. Inland Products, Inc. PO Box 2228 Columbus, OH 43085 Contact: Dan Minor, Esq. 614-464-8260
3. 800 Frank Road LLC PO Box 91111 Columbus, OH 43209 Contact: Dan Minor, Esq. 614-464-8260	4. -----

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

**SIGNATURE OF AFFIANT**

Subscribed to me in my presence and before me this 12 day of June, in the year 2014

SIGNATURE OF NOTARY PUBLIC Amy K. Kuhn

My Commission Expires: N/A

Notary Seal Here



Amy K. Kuhn, Attorney At Law  
 NOTARY PUBLIC - STATE OF OHIO  
 My commission has no expiration date  
 Sec. 147.03 B.C.

This Project Disclosure Statement expires after date of notarization.

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