



Commissioner Marilyn Brown • Commissioner Paula Brooks • Commissioner John O’Grady
President

Economic Development & Planning Department
James Schimmer, Director

Franklin County Board of Zoning Appeals

Franklin County Courthouse
Commissioner’s Hearing Room – 26th Floor
Columbus, OH 43215

Monday, September 21, 2015
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of minutes from the August 17, 2015 meeting
5. New Business:

i. VA-3838 – Anthony Hray

Applicant:	Aaron & Theresa Haller
Owner:	Theresa Haller
Township:	Pleasant Township
Site:	6790 Darby Blvd. (PID # 230-002321)
Acreage:	0.4898 acres
Zoning:	Rural District
Utilities:	Private water and public wastewater
Request:	Requesting a Variance from Section 650.162(a) to allow construction of a room addition within the Big Darby Creek Riparian Setback in an area zoned Rural.

i. CU-3839 – Matt Brown

Applicant/Owner:	Celina Investments LTD.
Township:	Franklin Township
Site:	711 Frank Rd. (PID #140-000253)
Acreage:	75.309 acres
Zoning:	General Industrial District (GI)
Utilities:	Private water and public wastewater
Request:	Requesting a Conditional Use from Section 346.031 and 346.032 of the Franklin County Zoning Resolution to allow the use of composting as currently defined under SIC Code 2875 in an area zoned General Industrial (GI).

6. Adjournment of Meeting to October 19, 2015



Commissioner Marilyn Brown • **Commissioner** Paula Brooks • **Commissioner** John O'Grady
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James Schimmer, Director

MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, August 17, 2015

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, August 17, 2015.

Present were:

Gary Dever, Chairperson
Christopher Baer, Vice Chairperson
Tim Guyton
Nancy Hunter

Franklin County Development Department members:

Matt Brown, Planning Administrator
Anthony Hray, Planner

Chairperson Dever opened the hearing, which was followed by the swearing in of all witnesses by Mr. Brown.

The first order of business being approval of the minutes of the July 20, 2015, Franklin County Board of Zoning Appeals hearing. Mr. Guyton made a motion to approve the minutes. It was seconded by Mr. Baer. The minutes were approved by a vote of three yeases and one abstention.

NEW BUSINESS:

The next order of business being Case No. CU-3835. The applicant is Nicole Yoder. The site is located at 8115 Patterson Road. The township is Brown Township. It is 5.06 acres. It is in the Rural District. And the request is for a Conditional Use from Section 302.0392(b) of the Franklin County Zoning Resolution to allow the construction of a pond in excess of 1,000 square feet in an area zoned Rural. Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals Mr. Baer made a motion to approve a Conditional Use from Section 302.0392(b) with Staff's five conditions, and added Condition No. 6; that the construction of the pond not adversely affect the neighbor to the west. Mr. Guyton seconded the motion. The motion was approved by a four-to-zero vote.

The next order of business being Case No. CU-3836. The applicant is Joy Bair. The township is Norwich Township. It is located at 3550 Cemetery Road. It is 4.02 acres in size. It is in the Rural District. It is serviced by private water and wastewater. And the request is for a Conditional Use from Sections 610.06(1) and (7) of the Franklin County Zoning Resolution to allow the construction of a private culvert and to install a gravel/asphalt drive within the floodway fringe in an area zoned Rural. Mr. Matthew Brown read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve a Conditional Use from Section 610.06(1) and (7) with Staff's five conditions. Mr. Baer seconded the motion. The motion was approved by a four-to-zero vote.

The next order of business being Case No. VA-3837. The applicant is Sharon Kendrick. The site is located at 2900 Renfro Road. The township is Truro Township. It is 0.23 acres. It is zoned Restricted Urban Residential and is serviced by public water and wastewater. The request is for a Variance from Section 312.044 of the Franklin County Zoning Resolution to construct a deck that will fail to meet the rear yard setback requirement in an area zoned Restricted Urban Residential (R-8) District. Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve a Variance Section 312.044 of the Franklin County Zoning Resolution with Staff's two conditions. Mr. Baer seconded the motion. The motion was approved by a four-to-zero vote.

There being no further new business to come before the Board of Zoning Appeals, Chairperson Dever adjourned the hearing.

And, thereupon, the hearing adjourned at 2:29 p.m.

Minutes of the August 17, 2015, Board of Zoning Appeals hearing were approved this 21st day of September, 2015.

Signature



Commissioner Marilyn Brown • Commissioner Paula Brooks • Commissioner John O’Grady
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
September 21, 2015

Case VA-3838

Prepared by: Matt Brown

Applicant:	Aaron & Theresa Haller
Owner:	Theresa Haller
Township:	Pleasant Township
Site:	6790 Darby Blvd. (PID # 230-002321)
Acreage:	0.4898 acres
Zoning:	Rural District
Utilities:	Private water and public wastewater
Request:	Requesting a Variance from Section 650.162(a) to allow construction of a room addition within the Big Darby Creek Riparian Setback in an area zoned Rural.

Summary

The applicant is requesting a Variance from Section 650.162(a) to allow the construction of a 2-story room addition within the Big Darby Creek Watershed Riparian Setback. Staff recommends approval with conditions.

Description of the Request

The applicant’s property is located on the east side of Darby Boulevard, south of London-Groveport Road in Darbydale. The property contains a 729 square foot house (footprint) with a 180 square foot attached deck, a 154 square foot shed, a 192 square foot shed, and a 1,043 square foot pool and deck. The applicant desires to construct a 2-story room addition with a foot print of 208 square feet over 104 square feet of the existing attached deck.

The total proposed increase in impervious area is 104 square feet. The entire property is located within the Big Darby Creek Riparian Setback.

Surrounding Area

The zoning in the surrounding area is Rural and riparian setbacks apply to most of the area. The surrounding area is developed with medium density residential uses. The site is the northern half of Lot 47 of Allen E. McDowell’s East Darbydale subdivision platted in 1948. The Big Darby Creek is located immediately to the south of the subdivision and tributaries of Big Darby Creek are located immediately to the west and north.

Comprehensive Plan

The Pleasant Township Comprehensive Plan, adopted in 2009, includes two maps to guide development: a Future Land Use map and a Conservation Strategy Tiers map. The Future Land Use map indicates the site as stream buffer and recommends no construction in the area. The Conservation Strategy Tiers map

does not show the site being located in a tiered area. Tiered lands are the most environmentally sensitive areas recommended for protection.

The Big Darby Accord Watershed Master Plan, adopted in 2006, also includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map shows the subject site as existing development and recommends the site for Residential Suburban High Density development with 3 to 5 dwelling units per acre. The Conservation Strategy Map shows the site as existing development and outside of tiered areas.

The applicant's request is consistent with the land use recommendations of both planning documents and will not negatively impact any land included in the conservation strategy.

Staff Review

Variance from Section 650.162(a) – Construction:

- Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
 - The request is to construct a 2-story 208 square foot room addition.
 - The deck will be constructed over an existing 104 square foot deck
 - The increase in the site's impervious surface will be 104 square feet

Franklin County Engineer's Office

The Franklin County Engineer's Office has indicated no concerns with the variance request.

Franklin County Drainage Engineer's Office

The Franklin County Drainage Engineer's Office has indicated no concerns with the variance request.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has reviewed the requested variance and believes that the project can mitigate any adverse impacts to the riparian setback area.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.
 - 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
 - » The proposed development will not cause a negative impact to the riparian setback, nor will it reduce the setback area's effectiveness in performing riparian functions. A net increase in impervious area of 0.4 percent has been proposed. The applicant will work with the Franklin Soil and Water Conservation District to mitigate the increase in impervious surface.
 - 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » The proposed development is permitted in the underlying Rural zoning district and conforms to all development standards.
 - 3) *Variances are void if not implemented within one (1) year of the date of issuance.*
 - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no

work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:

- In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.
 - 1) *The native vegetation of the property.*
 - » The room addition will be in an area that includes a deck and maintained yard. The proposal does not require the removal of any native vegetation.
 - 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Working with the Franklin Soil and Water Conservation District, the applicant will mitigate any impacts of the proposed development to maintain the integrity and functionality of the riparian setback.
 - 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The development will require minimal disturbance in the riparian setback.
 - 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The applicant will mitigate the additional impervious area from the development.

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Rural zoning district.*
 - » Special circumstances do apply to the subject property. The property is located entirely within the Big Darby Creek Watershed Riparian Setback. Any new construction on this lot is only permitted through approval of a variance.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the same zoning district.*
 - » A literal interpretation of the zoning resolution would prohibit any new construction on the property. Other properties in the Rural zoning district but not within the riparian setback would be permitted to construct a structure provided all development standards are met. The applicant's proposal complies with all development standards required of a new structure within the Rural zoning district.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » No special circumstances or conditions apply as a result of any action of the applicant.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » The proposed development on the site is minimal, adding only 0.4 percent impervious surface, and other properties in the area have development located in the riparian setback.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
 - » Allowing the development will not be injurious to private property or the public welfare. The applicant will be required to mitigate the increase in impervious surface.

Recommendation

Staff's recommendation is that the BZA **approve** a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a room addition that is a prohibited use within the Big Darby Creek Watershed Riparian Setback with the following conditions:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance for the proposed room addition from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive approval of a Building Permit for the proposed room addition from the Franklin County Building Department.
3. The applicant must submit a landscape plan with the Certificate of Zoning Compliance Application demonstrating mitigation in compliance with the Ohio EPA General Permit, the plan is to be reviewed and approved by the Franklin Soil and Water Conservation District and Franklin County Economic Development and Planning Department.
4. The applicant, under direction of the Franklin Soil and Water Conservation District, must install and maintain sediment and erosion control measures prior to any earth disturbing activities.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve a Variance from Section 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3838 with the conditions in staff’s recommendation.

Seconded by: _____

Voting:

Findings of Fact

For your convenience, the following are proposed findings of fact:

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant’s request for a Variance from Sections 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3838 results from the applicant’s failure to satisfy the criteria for granting a variance under Sections 650.20(a), 650.20(b) and 810.041.

Seconded by: _____

Voting:

RECEIVED
JUL 30 2 15
Franklin County Planning Department
Franklin County, Ohio

RECEIVED

AUG 11 2015

Franklin County Planning Department
Franklin County, OH

DENIED

KS

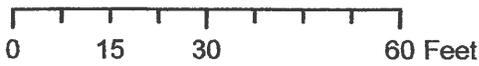
R2-15-880

8/5/2015

See letter



1 inch = 30 feet



16' x 13' 2 STORY ROOM ADDITION / 18 feet High

CLOSEST NEW SECTION OF STRUCTURE TO PROPERTY LINE

NORTH = 54'
SOUTH = 19'
EAST = 152'
WEST = 83'



VA-3838

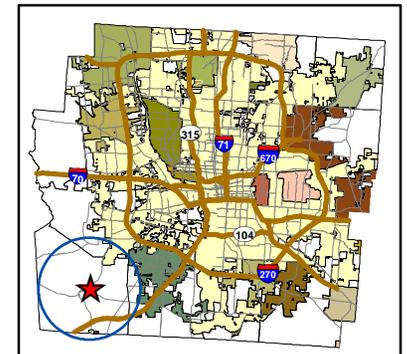
Requesting a Variance from Section 650.162(a) to allow construction of a room addition within the Big Darby Creek Riparian Setback in an area zoned Rural.

0.4898 Acres
Pleasant Township

- 6790 Darby Blvd.
- Streets
- Big Darby Creek Setbacks

Franklin County Flooplain

- Floodway Fringe
- Floodway



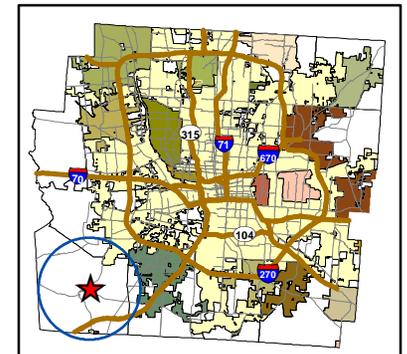


VA-3838

Requesting a Variance from Section 650.162(a) to allow construction of a room addition within the Big Darby Creek Riparian Setback in an area zoned Rural.

0.4898 Acres
Pleasant Township

-  6790 Darby Blvd.
-  Streets
-  Big Darby Creek Setbacks





Commissioner Marilyn Brown • Commissioner Paula Brooks • Commissioner John O'Grady
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
September 21, 2015

Case CU-3839

Prepared by: Matt Brown

Applicant/Owner:	Celina Investments LTD.
Township:	Franklin Township
Site:	711 Frank Rd. (PID #140-000253)
Acreage:	75.309 acres
Zoning:	General Industrial District (GI)
Utilities:	Private water and public wastewater
Request:	Requesting a Conditional Use from Sections 346.031 and 346.032 of the Franklin County Zoning Resolution to allow the use of composting as currently defined under SIC Code 2875 in an area zoned General Industrial (GI).

Summary

The applicant is requesting a conditional use to allow the operation of a composting facility on a lot zoned General Industrial. Staff recommends **approval with conditions.**

Description of the Request

The subject property is located at the southwest corner of Frank Road and Interstate 71 in Franklin Township. The site is zoned as General Industrial (GI) with an Excavation and Quarry District overlay on a portion of the site. Multiple operations are currently conducted on the site including a Construction and Demolition Debris Landfill, Clean Hard Fill, and a Quarry. These operations require the receipt, sorting and processing of various materials.

The applicant is seeking a conditional use to allow the operation of a composting facility on the site. Staff has interpreted the composting use to be included under Standard Industrial Classification (SIC) 2875. This SIC code includes establishments engaged in producing compost from purchased fertilizer materials and SIC code 287 is a conditional use of the General Industrial district. In addition to materials already being accepted on the site, yard waste materials will be received and used in the composting operation. No new buildings or structures have been proposed and the site will utilize existing internal drives and access points.

The Ohio EPA regulates the licensure and operation of composting facilities and the subject site will be a Class IV facility.

Surrounding Area

The surrounding area is zoned and used for industrial and manufacturing uses in both Franklin County and the city of Columbus. The Franklin County Correction Center and Jackson Pike Waste Water Treatment plant are located to the east of Interstate 71. Waste services and trucking operations exist to

the west of the site. The property owner of the subject site owns the properties to the south and southwest which are used as part of the existing Construction and Demolition Debris Landfill and Quarry operations.

Comprehensive Plan

The site is located in the planning area of the Southwest Area Plan, adopted in 2009. The Plan's future land use map recommends the subject site for Landfills and Quarries. The Plan recommends that industrial sites have direct access to major truck routes and freeways, and that buffers and screening be provided next to residential uses.

The conditional use proposal is consistent with the Southwest Area Plan.

Staff Review

Section 346.03 – Conditional Use - Provided the following performance standards are met, the following uses shall be allowed in the GENERAL INDUSTRIAL DISTRICT. A conditional use permit is required pursuant to SECTION 815, ARTICLE VIII, but if the standards of this section are met, such conditional use permit shall not be unreasonably denied.

- a.) The use of chemicals or compounds which decompose by detonation, are radioactive, or considered extremely hazardous by the Franklin County Chemical Emergency Preparedness Advisory Council (CEPAC) shall be reviewed by CEPAC and their recommendations for location, and buffer distances to incompatible uses shall be used as criteria for the conditional use permit. CEPAC is the local chemical emergency response organization required by the Super fund Reallocation Act Title III.
- b.) The use of compounds, materials or chemicals which by their processing emit stench, or otherwise foul odors, shall propose appropriate odor remediation as may be required by the OEPA.
- c.) Users of highly explosive materials or processes shall provide precautionary safety design standards as part of their conditional use application so as to reasonably to protect the safety of the immediate neighborhood from industrial accidents, spills, accidental release or explosion. CEPAC shall be consulted in the location of such uses.

The application as submitted complies with or will comply with all of the above standards.

Franklin County Technical Review Agencies

The Franklin County Engineer's Office Traffic Department indicated no concerns with the proposed use. The Franklin Soil & Water Conservation District has indicated that storm water permitting will be through the Ohio EPA as this is an industrial use. The Ohio EPA has confirmed that storm water permitting will be through their agency and the Ohio EPA has indicated that the composting facility must meet licensing and operating standards administered by the Division of Materials and Waste Management.

Staff Analysis

Section 815.041 – Approval of Conditional Uses

- 1) The proposed use is a Conditional Use of the Zoning District, and the development standards are met;
- 2) The proposed development is in accordance with the Southwest Area Plan;
- 3) The proposed development keeps with the existing industrial character of the area.

Recommendation

Staff recommends approval of a Conditional Use from Sections 346.031 and 346.032 of the Franklin County Zoning Resolution based on staff’s analysis with the following conditions:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department prior to operation of the composting facility.
2. The applicant must receive all necessary approvals from the Ohio EPA prior to operation of the composting facility.
3. The applicant must provide screening along the eastern property line adjacent to Interstate 71 meeting the following standards:
 - a. Screening must be eight (8) feet in height
 - b. Screening shall have an opaqueness of 60 percent or more
 - c. Fencing, landscaping, mounding or a combination thereof may be used. Chain link, or similar fencing, cannot be utilized to meet the screening requirement. If landscaping is utilized it must achieve the standards above within a period of 2 years. If mounding is utilized, it may not be located within the regulatory floodplain without first receiving the necessary approvals for development in the floodplain.

Resolution

For your convenience, the following is a proposed resolution:

(a) **Proposed Resolution for Request:**

_____ moves to approve a Conditional Use from Sections 346.031 and 346.032 of the Franklin County Zoning Resolution to allow the use of composting as currently defined under SIC Code 2875 in an area zoned General Industrial (GI) as outlined in the request above for the applicant identified in Case No. CU-3839 with the conditions in staff’s recommendation.

Seconded by: _____

Voting:

Findings of Fact

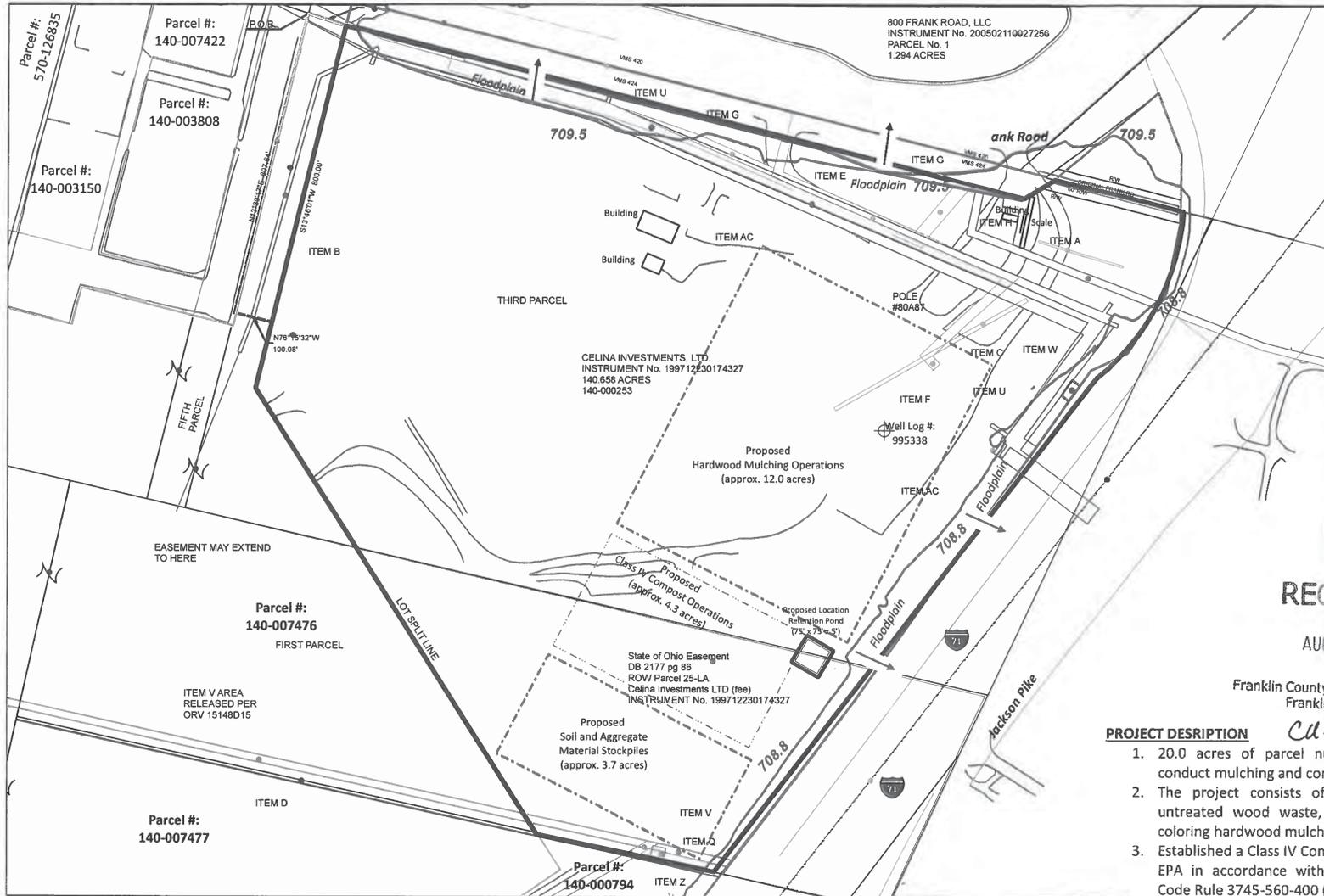
For your convenience, the following are proposed findings of fact:

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant’s request for the conditional use as outlined in the request above for Case No. CU-3839 results from applicant’s failure to satisfy the conditions for granting a Conditional Use under Sections 346.03 and 815.041.

Seconded by: _____

Voting:



RECEIVED

AUG 13 2015

Franklin County Planning Department
Franklin County, OH

PROJECT DESCRIPTION

CU-3837

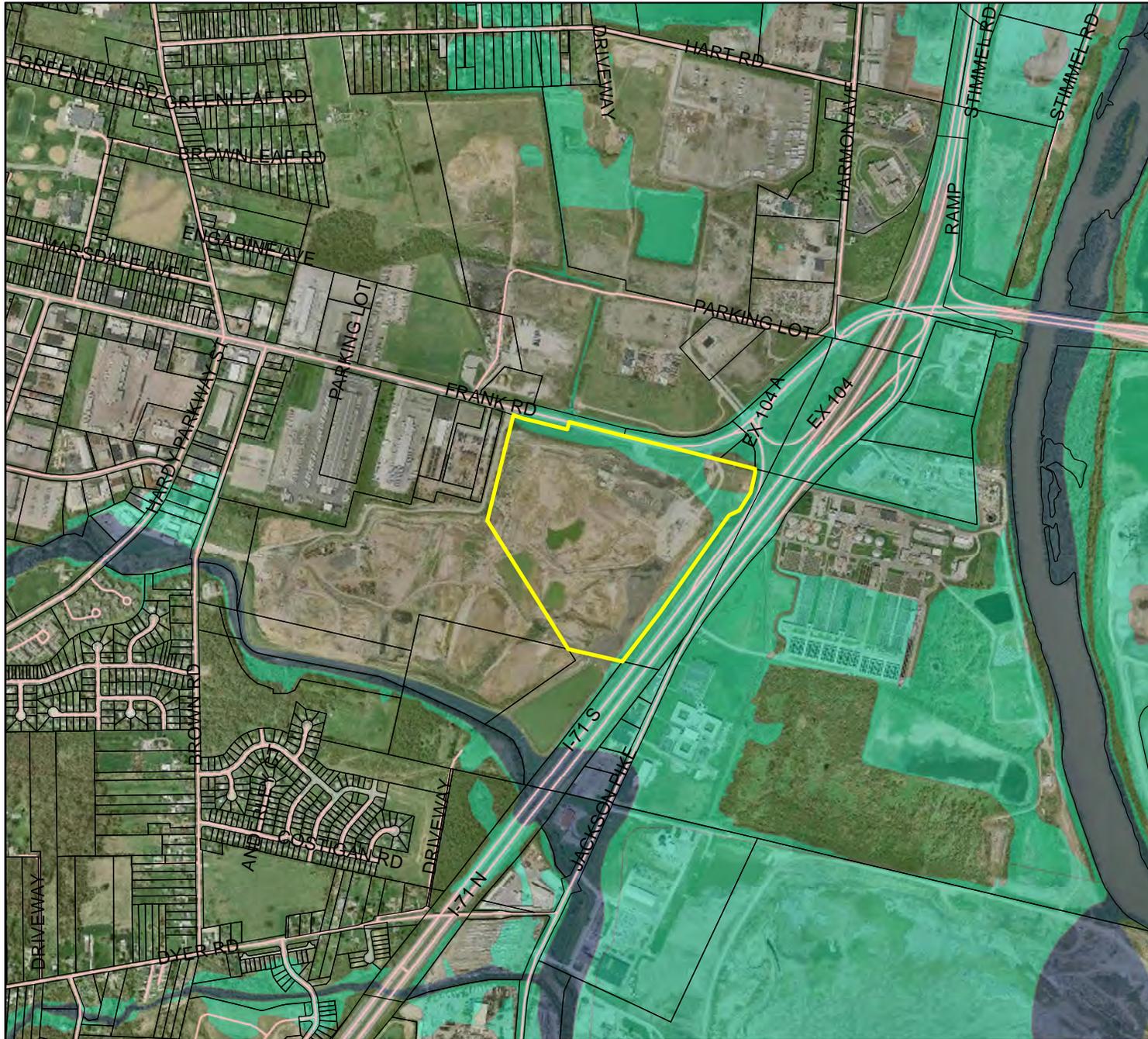
1. 20.0 acres of parcel number 140-000253-00 to conduct mulching and composting operations
2. The project consists of stock piling all natural untreated wood waste, grinding operations and coloring hardwood mulch (approx. 12.0 acres)
3. Established a Class IV Compost facility with the Ohio EPA in accordance with the Ohio Administrative Code Rule 3745-560-400 (approx. 4.3 acres)
4. A retention pond is designated to collect and contain leachate solely running off of the Class IV compost operations. It will be engineered and sized to hold storm water from 4.3 drainage acres of the composting operations as specific in the ODNR "Rainwater and Land Development Manual." The proposed dimensions of the retention pond will be 75' x 75' x 5'. Water will be used for re-circulating back onto compost stockpiles.

1 inch = 275 feet



Legend

- Existing Buildings
- Property Line
- Floodplain Elevation
- - - - Mulch Operations
- - - - Compost Operations
- Retention Pond



CU-3839

Requesting a Conditional Use from Section 346.031 and 346.032 of the Franklin County Zoning Resolution to allow the use of composting as currently defined under SIC Code 2875 in an area zoned General Industrial (GI).

75.309 Acres
Franklin Township

 711 Frank Road

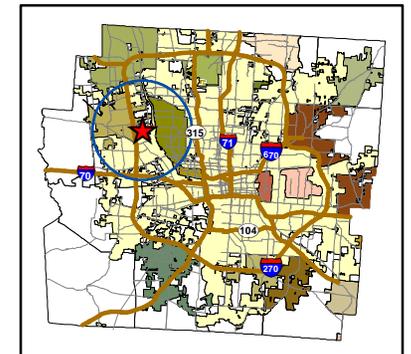
 Parcels

 Streets

Franklin County Floodplain

 Floodway Fringe

 Floodway





CU-3839

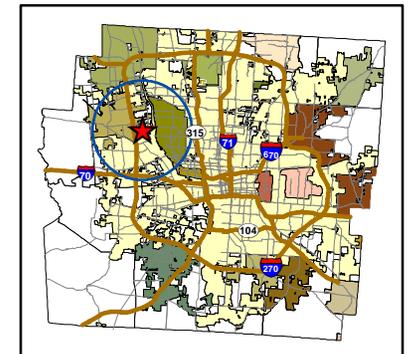
Requesting a Conditional Use from Section 346.031 and 346.032 of the Franklin County Zoning Resolution to allow the use of composting as currently defined under SIC Code 2875 in an area zoned General Industrial (GI).

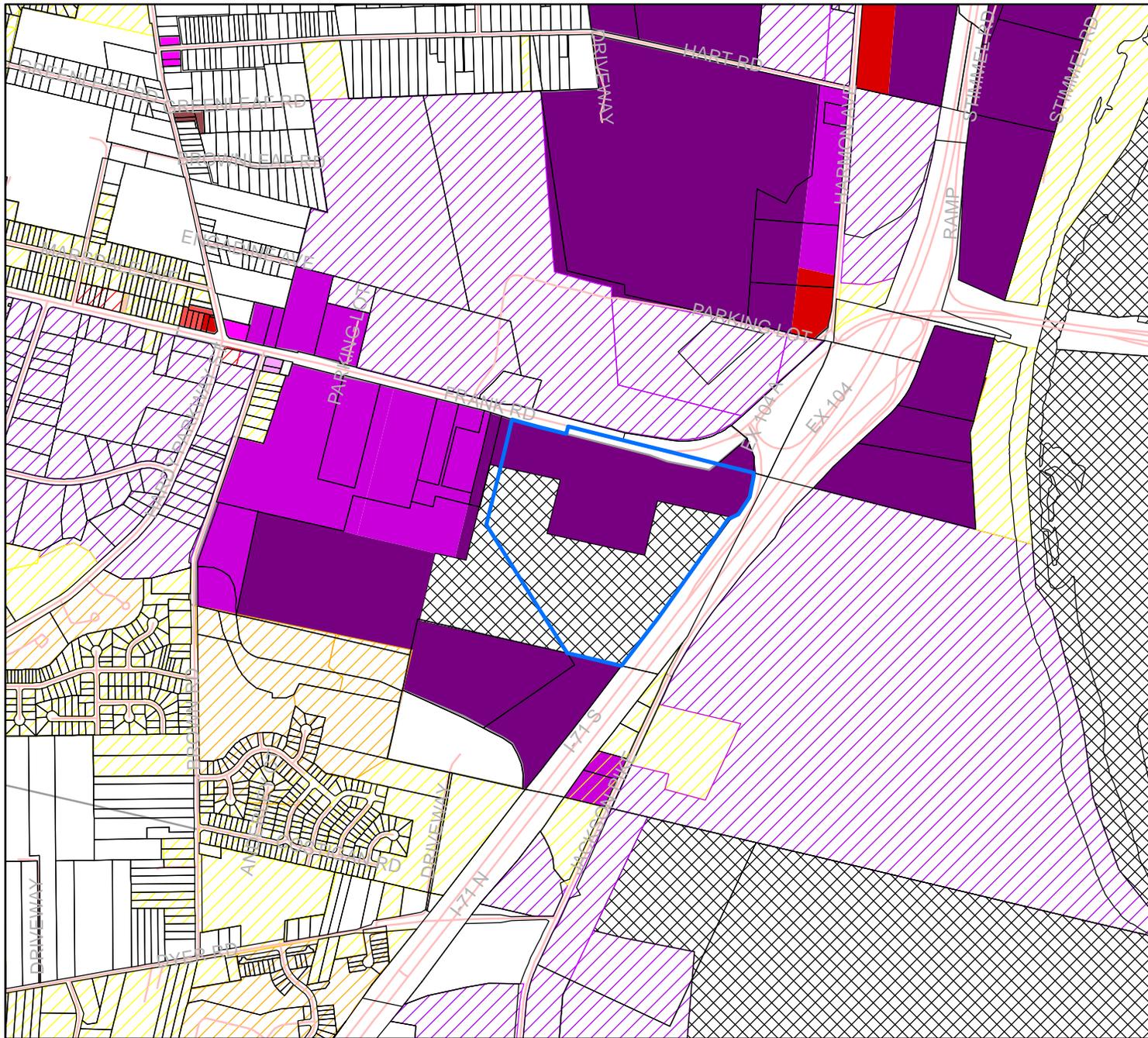
75.309 Acres
Franklin Township

-  711 Frank Road
-  Parcels
-  Streets

Franklin County Floodplain

-  Floodway Fringe
-  Floodway





CU-3839

Requesting a Conditional Use from Section 346.031 and 346.032 of the Franklin County Zoning Resolution to allow the use of composting as currently defined under SIC Code 2875 in an area zoned General Industrial (GI).

75.309 Acres
Franklin Township

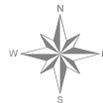
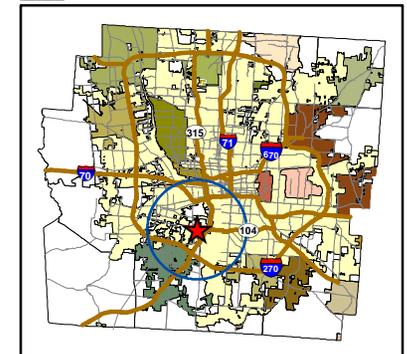
- 711 Frank Road
- Parcels
- Streets

Columbus Zoning

- Commercial
- Excavation/Quarrying
- Manufacturing
- Multi-family
- Residential

County Zoning

- Rural
- Suburban Apt. Res.
- Suburban Office/Institutional
- Neighborhood Com.
- Community Com.
- Community Service
- Restricted Industrial
- Limited Industrial
- General Industrial
- Excavation & Quarry



RECEIVED

Application for

Conditional Use

AUG 13 2015

Revised January 1, 2009



Commissioners
Marilyn Brown, President
Paula Brooks
John O'Grady

Economic Development & Planning Department
James Schimmer, Director

Property Information	
Site Address <i>711 Frank Rd.</i>	
Parcel ID(s) <i>140-000253</i>	Zoning <i>G1 EQ overlay</i>
Township <i>Franklin</i>	Acreage <i>75.309</i>
Water Supply <input type="checkbox"/> Public (Central) <input checked="" type="checkbox"/> Private (Onsite)	Wastewater Treatment <input checked="" type="checkbox"/> Public (Central) <input type="checkbox"/> Private (Onsite)

Staff Use Only
Case # <i>CU-3839</i>
Date filed: <i>8/13/15</i>
Fee paid <i>650.00</i>
Receipt # <i>15-01914</i>
Received by: <i>DAH</i>
Hearing date: <i>9/21/15</i>
Zoning Compliance: <i># 2075</i>

Applicant Information	
Name/Company Name <i>Celma Investments LTD.</i>	
Address <i>2300 Brown Rd</i> <i>Grove City, Oh 43123</i>	
attn: <i>Mike Dinneen</i>	
Phone # <i>614 875 5500</i>	Fax # <i>614 875-5305</i>
Email <i>mdinneen.aggrok@gmail.com</i>	

Property Owner Information	
Name/Company Name <i>Same as above</i>	
Address	
Phone #	Fax #
Email	

Agent Information (if applicable)	
Name/Company Name <i>Laura MacGregor Comek, ESQ</i>	
Address <i>300 E. Broad St. Suite 450</i> <i>Columbus, Ohio 43215</i>	
Phone # <i>614 560 1400</i>	Fax #
Email <i>Laura@Comeklaw.com</i>	

Document Submission
The following documents must accompany this application:
<input type="checkbox"/> Completed application ✓
<input type="checkbox"/> Fee Payment (Checks only) ✓
<input type="checkbox"/> Auditor's map (8 1/2" x 11") ✓
<input type="checkbox"/> Site Map (max 11" x 17") ✓
<input type="checkbox"/> Covenants and deed <i>N/A</i>
<input type="checkbox"/> Notarized signatures ✓
<input type="checkbox"/> Proof of water & waste water supply ✓
Please see the Application Instructions for complete details

Case #

Conditional Use(s) Requested	
Section	§ 346.031 ; § 346.032
Description	
Section	
Description	
Section	
Description	

Describe the project
please see the attached.

NOTE: To receive a conditional use, you must meet all the conditional use requirements in Section 815.04 of the Franklin County Zoning Resolution. Your answers to the following questions will help the Board of Zoning Appeals determine whether you meet the requirements for a conditional use. If you don't answer the questions, we will consider your application incomplete.

- Proposed Use or Development of the Land:

- How will the proposed development relate to the existing and probable future land use character of the area:

- Will the Conditional Use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area?

4. Will the Conditional Use be hazardous or disturbing to existing or future neighboring uses?

5. Will the Conditional Use be detrimental to property in the immediate vicinity or to the community as a whole?

6. Will the Conditional Use be served adequately by essential public facility and services?

7. How will the proposal meet the development standards of that specific district?

8. Could the applicant's predicament be feasibly obtained through some method other than a conditional use?

9. Would the spirit and intent behind the zoning requirements be observed and would substantial justice be done by granting the conditional use?

10. Would the conditional use adversely affect the delivery of governmental services (e.g., water, sewer, garbage, fire, police).

11. Did the applicant purchase the property with knowledge of the zoning restrictions?

Conditional Use-Expanded Home Occupation (Only)

The following questions must be addressed when applying for a Conditional Use from *Section 511.03* (Conditional Use Home Occupation) of the Franklin County Zoning Resolution. If these questions are not answered, the application will be considered incomplete.

1. Enclose all details regarding the day-to-day operations of the home occupation (type of business, hours of operation, designated parking areas, etc.).

2. How many non-resident employees?

3. Will the home occupation be conducted within a structure accessory to a dwelling unit and located on the same lot as the dwelling unit?

4. What type of commodities, if any, will be sold on the premises? If sales of commodities are not produced on site, please specify all commodities associated with the home occupation?

5. Will there be outside storage of any kind associated with the conditional use home occupation? If so, what is proposed to be stored on site and how will the storage be **completely** screened from adjacent residential lots and abutting streets? ***This must be met!***

6. Will there be any organized instruction of pupils that would exceed six (6) pupils at any given time?

7. Will there be any signage? *Signage shall be consistent with the provisions of Section 541.03(8).*

8. Will the delivery traffic increase? *Traffic shall be limited to not more than three (3) UPS or similar deliveries per week. No semi-tractor truck deliveries will be permitted at any time.*

Affidavit

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form.

Will Hoff
Applicant *President, Mountain Aerial*

August 13, 2015
Date
LAURA MacGREGOR COMEK
Attorney At Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

Will Hoff
Property Owner (Signature must be notarized) *President, Mountain Aerial*

August 13, 2015
Date
LAURA MacGREGOR COMEK
Attorney At Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

Swore before me this
Property Owner (Signature must be notarized) *13th day of August, 2015*
Date

I Hereby authorize Laura MacGregor Comek as attorney of agent for the Owner/Applicant in this matter.
Will Hoff
President, Mountain Aerial

*Agent must provide documentation that they are legally representing the property owner.

**Approval does not invalidate any restrictions and/or covenants that are on the property.

RECEIVED

AUG 13 2015

Statement In Support
Of Conditional Use Application

Franklin County Planning Department
Franklin County, OH

Case #: _____
Address: 711 Frank Road
Owner/Applicant: Celina Investments Ltd.
c/o Laura MacGregor Comek, Esq.
300 E. Broad St., Ste 450, Cols. Ohio 43215
Zoning Districts: GI, General Industrial
EQ, Excavating and Quarrying Overlay
Date: August 12, 2015

CU-3839

Introduction: This application is intended to officially document and recognize the legal use of composting, interpreted by Franklin County Development Department as SIC Code 2875. The Owner/Applicant has utilized the SIC Codes and the process/guidance of the Standard Industrial Classification Manual 1987, of the Executive Office of the President, Office of Budget and Management, which recognizes some Division F establishments (ie. SIC 50 and 51) uses to include some onsite processing or conversion.

This application is being submitted because of Franklin County's determinations of: (1) the need for multiple SIC code assignments to a single establishment; and (2) the conclusion that composting is not already covered under SIC 50, as forest product processing and sales, within the context of wholesale durable goods.

The Owner/Applicant believes the addition of a composting use remains within the established SIC 50 and as such does not concur with the determination of the Franklin County Planning Department that this application is necessary to allow the composting use. However, the Owner/Applicant is willing to reconcile these interpretations with a review and determination from the Board to confirm the existing activities on site, the related use of composting, and in doing so, recognize the general intensity of surrounding industrial uses make this request a minor addition to the long established industrial processing on site.

Conditional Use Application Items

Describe the project. This application is being submitted to clarify the record and identify the existing ancillary use on site, ie., mulching. The site has an active

Clean Hard Fill Site and an active quarry, as well as an approved C&DD Landfill use. These operations inherently involve the receipt, sorting, and processing of various materials, which includes various wood, forest products. Those materials get sorted and processed (chipped/shredded) and stored, until such time as they are wholesaled. The on site activities also involve dirt, soil, sand and gravel aggregates. The activities of processing of wood and forest products occur within the SIC 50. This application will further recognize the composting use.

The Owner/Applicant has expended significant, concerted efforts to document the historical and current intense industrial and manufacturing uses that exist on site. The major SIC Codes 14,15, 17, and 50, are already identified in the 1996 zoning clearance approval issued by the Franklin County Development Office.

1. Proposed Use or Development of the Land. This site was zoned HM, Heavy Manufacturing under prior versions of the Franklin County zoning resolution. At that time, the entire site and surrounding areas were heavy manufacturing uses. Later, the zoning category was changed, and this site retained the GI, General Industrial designation. The GI district is the broadest, most intense industrial uses permitted by the code.

The use of this site as a C+D landfill, Clean Hardfill and an active quarry will not change. So too will the use of this site will continue to include mulching (of wood, forest products).

This application addresses the addition of the composting, which will utilize the already existing materials that are received, sorted, processed through the site by virtue of the existing permitted uses. Composting is the process whereby the wood products are further processed and integrated with natural materials, soil, other wood products, etc. The Ohio EPA regulates the licensure and operation of such facilities, in this case a Class IV facility, for source separated yard waste (ie., wood or forest products).

There are no structures or buildings being proposed (that do not already exist on site) for this application. Access drives will be internal to the site and all traffic will utilize existing access points.

2. How will the proposed development relate to the existing and probably future land use character of the area? The current use of this site and the essential character of this area is industrial, as reflected by the landfill, the quarry and nearby trucking, asphalt and other industrials. The future land use recommendation in the South West Area plan recognizes and retains the industrial uses.

3. Will the Conditional Use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not chance the essential character of the same area? YES. The current on site conditions are reflected in the 1996 zoning clearance approval from Franklin County. The processing of wood and forest products already occurs, as that is innately a component of that approval.

4. Will the Conditional Use be hazardous or disturbing to existing or future neighboring uses? NO. The genesis /impetus for this application is a GREEN initiative, but operationally is the same industrial character that exists currently. Again, the surrounding uses are the MOST INTENSE industrial uses within Franklin County. To the extent that most of this processing activity already occurs on site, there is no change expected in terms of activity, noise, traffic or other operations aspects that would be detected by adjacent users. In all other respects, this activity will comply with all applicable laws, state and local.

5. Will the Conditional Use be detrimental to property in the immediate vicinity or to the community as a whole? NO. See above. The site is surrounded to the North and East by property zoned by the City of Columbus as Manufacturing as well as property zoned by Franklin County as General Industrial. The site to the South and East is zoned General and Limited Industrial by the Franklin County as well as a section of property zoned Rural by Franklin County.

The Manufacturing and Industrial uses include Republic Services (west), Estes Express Lines (trucking to west), Interstate 71 to the east, and further east the Jackson Pike Waste Water Treatment facility.

6. Will the Conditional Use be served adequately by essential public facility and services? Yes, sewer is already on site. Water is available for the

offices. Landfills and quarries do not, in and of themselves, require centralized public facilities and services.

7. How will the proposal meet the development standards of that specific district? The proposal will meet the development standards of that specific district by adhering to the setback and screening per code. Please see Site Map attached herein.

8. Could the applicant's predicament be feasibly obtained through some method other than a conditional use? Yes, Franklin County could recognize the SIC code for this activity (SIC 50, Wholesale durable goods, forest products) as inclusive of production and conversion activities. Franklin County could also recognize the SIC guidance as to the definition of an establishment (use) contained in the Standard Industrial Classification Manual 1987 which speaks to the basis of code assignment in the SIC, and thereby acknowledge the existing SICs include the activities contained in this application.

9. Would the spirit and intent behind the zoning requirements be observed and would substantial justice be done by granting the conditional use? YES, these uses are legal, conforming and core industrial, ... as is permitted by code. The applicable area plan call for this area to retain its industrial character.

10. Would the conditional use adversely affect the delivery of governmental services (e.g., water, sewer, garbage, fire, police). NO. Again, utilities are available to the extent they are needed. The fire and police needs are not expected to increase by merely recognizing an existing use.

11. Did the applicant purchase the property with knowledge of the zoning restrictions? The Owner/Applicant has established these industrial uses of the property that pre date the Franklin County zoning resolution. The Owner has documented the many SIC codes that reflect these intense, manufacturing uses in an official approval document from 1996.

A handwritten signature in black ink, consisting of several loops and flourishes, located at the bottom right of the page.

Enclosures:

Conditional Use Application with attachments/fee
1996 Zoning Clearance Approval (plan and narrative)
2015 Site Map re: Application
Franklin County Zoning Map
Sewer Contract
Proof Of Water Service
Legal Description

References:

SW AREA Plan Future Land Use Map