

**THE CITY OF
COLUMBUS**

ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
DEVELOPMENT**Zoning Report**

Site Information

Address	EASTON SQUARE PL
Mailing Address	667 MADISON AVE FL 23 NEW YORK NY 10065-8077
Owner	MORSO HOLDING CO
Parcel Number	010294812
In Columbus?	Yes
County	FRANKLIN

Zoning Information

Zoning	Z96-034, Residential, LR, 8/14/1996, H-35 Z01-024, Commercial, CPD, 6/12/2001, H-110
Historic District	None
Short North Special Parking Area	Out
Council Variance	None
Board of Zoning Adjustment (BZA) Variance	07310-00000-00070, Passed
Commercial Overlay	None
Planning Overlay	None
Graphics Variance	None
Area Commission	Northeast Area Commission
Historic Site	No
Flood Zone	Out
Airport Overlay Environs	None

Pending Zoning Action

Zoning	None
Board of Zoning Adjustment (BZA) Variance	None
Council Variance	None
Graphics Variance	None

THE CITY OF
COLUMBUS

AN OFFICE OF THE CITY OF COLUMBUS

DEPARTMENT OF HOUSING
AND PORTING SERVICES

Board of Zoning Adjustment Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: BZA17-110 Date Received: SEP 2017
Application Accepted by: NORTH EAST AC Fee: \$1900
Commission/Civic: _____
Existing Zoning: _____
Comments: _____

TYPE(S) OF ACTION REQUESTED (Check all that apply):

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections:

Section ~~3350.1~~ 3353.09 C-2 setback lines: to reduce the building setback from 100 feet to zero along the south property line.

Section 3312.27 Parking setback line from 50 feet to zero along the south property line.

LOCATION

Certified Address: 3185 Easton Square Place City: Columbus Zip: 43219

Parcel Number (only one required): 010294812

APPLICANT (If different from Owner):

Applicant Name: Morse Holding Co. Phone Number: _____ Ext.: _____

Address: PO Box 1600 City/State: Columbus, OH Zip: 43216

Email Address: c/o jlbrown@smtihandhale.com Fax Number: _____

PROPERTY OWNER(S) Check here if listing additional property owners on a separate page

Name: Morse Holding Co. Phone Number: _____ Ext.: _____

Address: PO Box 1600 City/State: Columbus, OH Zip: 43216

Email Address: c/o jlbrown@smithandhale.com Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): ☒ Attorney ☐ Agent

Name: Jeffrey L. Brown, Smith & Hale LLC Phone Number: 614-221-4255 Ext.: 614-221-4409

Address: 37 W. Broad St. # 460 City/State: Columbus, OH Zip: 43215

Email Address: jlbrown@smithandhale.com Fax Number: 614-221-4409

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Morse Holding Co. By: [Signature]

PROPERTY OWNER SIGNATURE Morse Holding Co. By: [Signature]

ATTORNEY / AGENT SIGNATURE [Signature]

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

THE CITY OF
COLUMBUS
ANDREW J. LUTHE, Mayor

DEPARTMENT OF BUILDING
AND ZONING SERVICES

Board of Zoning Adjustment Application

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Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jeffrey L. Brown c/o Smith & Hale LLC

of (1) MAILING ADDRESS 37 W. Broad St., #460, 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 the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 3185 Easton Square Place

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Morse Holding Co.

PO Box 1600

Columbus, OH 43216

APPLICANT'S NAME AND PHONE #
(same as listed on front application)

Morse Holding Co.

c/o 614-221-4255

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR
OR CONTACT PERSON AND ADDRESS

(5) Northland Area Commission

Alice Porter

3130 McCutcheon Place, Columbus, OH 43219

and that the attached document (6) is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property

(7) SIGNATURE OF AFFIANT

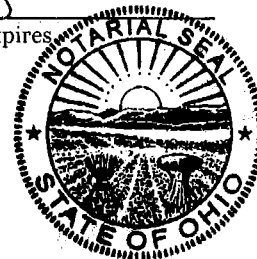
[Handwritten Signature]

Sworn to before me and signed in my presence this 7th day of September, in the year 2017

[Handwritten Signature]
(7) SIGNATURE OF NOTARY PUBLIC

9/4/2020
My Commission Expires

Notary Seal Here



Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2020

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APPLICANT/ PROPERTY OWNER

ATTORNEY

AREA COMMISSION

Morso Holding Co.
 P.O. Box 16000
 Columbus, OH 43216

Jeffrey L. Brown
 Smith & Hale LLC
 37 West Broad Street, Suite 460
 Columbus, OH 43215

Northeast Area Commission
 c/o Alice Porter
 3130 McCutcheon Place
 Columbus, OH 43219

SURROUNDING PROPERTY OWNERS

Peter B & Cristina L Parady
 "or current occupant"
 3172 Oak Spring Street
 Columbus, OH 43219

Ronald L & Elise B Jackson
 "or current occupant"
 3160 Oak Spring Street
 Columbus, OH 43219

Bernadine K Kent
 James A Whitaker Jr
 "or current occupant"
 3148 Oak Spring Street
 Columbus, OH 43219

Juanita L Mullins
 "or current occupant"
 3136 Oak Spring Street
 Columbus, OH 43219

Jacqueline M Doughty
 "or current occupant"
 3122 Oak Spring Street
 Columbus, OH 43219

Richard B & Linda J Carr
 "or current occupant"
 3227 Oak Spring Street
 Columbus, OH 43219

Arthur L & Barbara J Monroe
 "or current occupant"
 3211 Oak Spring Street
 Columbus, OH 43219

James C & Delorise Hough
 "or current occupant"
 2520 McCutcheon Road
 Columbus, OH 43219

Nathaniel C & Sharon Brannon
 "or current occupant"
 2530 McCutcheon Road
 Columbus, OH 43219

Duwayne E Hobson
 "or current occupant"
 3212 Oak Spring Street
 Columbus, OH 43219

Robert A & Grace T Neely
 "or current occupant"
 3219 Oak Spring Street
 Columbus, OH 43219

Flint Funding Company LLC
 "or current occupant"
 667 Madison Avenue, 23rd Floor
 New York, NY 10065

ADS Place Phase III LLC
 "or current occupant"
 c/o The Georgetown Company
 667 Madison Avenue, 23rd Floor
 New York, NY 10065

Gloria E Parker
 "or current occupant"
 4762 Karl Road
 Columbus, OH 43219

JPMorgan Chase Bank National Assoc
 "or current occupant"
 237 Park Avenue, 12th Floor
 New York, NY 10017

Creative Housing Inc.
 "or current occupant"
 2233 Citygate Drive
 Columbus, OH 43219

Board of Education
 Real Estate Coordinator
 "or current occupant"
 270 East State Street
 Columbus, OH 43215-4312

Georgetown Chase Phase I LLC
 "or current occupant"
 P.O. Box 1919
 Wichita Falls, TX 76307

ltd-mccutcheon.lbl (nct)
 9/7/17 S:Docs/s&hlabels/2017

THE CITY OF
COLUMBUS
ANDREW J. BOWEN, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

Board of Zoning Adjustment Application

757 Carolyn Avenue, Columbus, Ohio 43224
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STATEMENT IN SUPPORT OF VARIANCE(S)

APPLICATION #

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). The board shall take into account all of the following facts and conditions when considering variances:
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.
 2. Whether the variance is substantial.
 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.
 4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

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 demonstrates practical difficulty as contemplated by that section, in the following ways (use separate page if needed or desired):

See attached statement

Signature of Applicant

[Handwritten Signature]

Date

9/27/17

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The Board of Zoning Appeals reviews variance requests under the standard of practical difficulties. The Ohio Supreme Court outlined the practical difficulties standard in the Duncan case. There are seven factors that make up the Duncan standards and the Ohio Supreme Court has emphasized that "no single factor controls a determination of practical difficulties. The key to the standards is whether the area zoning requirements, as applied to the property owner in question is reasonable:

1. **The 1st Duncan factor – 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 applicant zoned this site in 2001 (Z01-024) with a building and parking setback along the south property line. The applicant is now zoning the parcel to the south. The existing zoning text allows the BZA to vary setbacks. There is no reason for an internal building and parking setbacks when the applicant will control both parcels and the property line in question is now internal to the proposed development.

2. **The 2nd Duncan factor – whether the variance is substantial.**

The building and parking setback reductions are substantial because the property line will now be an internal property line and therefore there is no need for these setbacks.

3. **The 3rd Duncan factor – 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.**

The essential character of the area would not change. There is office development to the north and east; vacant ground and a church to the south.

4. **The 4th Duncan factor – whether the variance would adversely affect the delivery of governmental services.**

The granting of the variance would not adversely affect the delivery of governmental services. Utilities are available to the site. Police and fire protection are already provided to the site.

5. **The 5th Duncan factor – whether the property owner purchased the property with knowledge of the zoning restriction.**

When the setbacks were established by the zoning in 2001, the applicant did not anticipate acquiring this property.

6. **The 6th Duncan factor – whether the property owner's predicament feasibly can be obviated through some method other than a variance.**

The variance request is the only way to resolve this issue.

7. The 7th *Duncan* factor – whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Finally, the spirit and intent behind the zoning resolution would be observed and substantial justice would be done by granting the variance. The setbacks were established to protect the perimeter of the site and the applicant proposes to make this property line and internal property line.

Given this analysis the applicant meets all the Duncan factors establishing practical difficulties and the variances should be granted by the board.

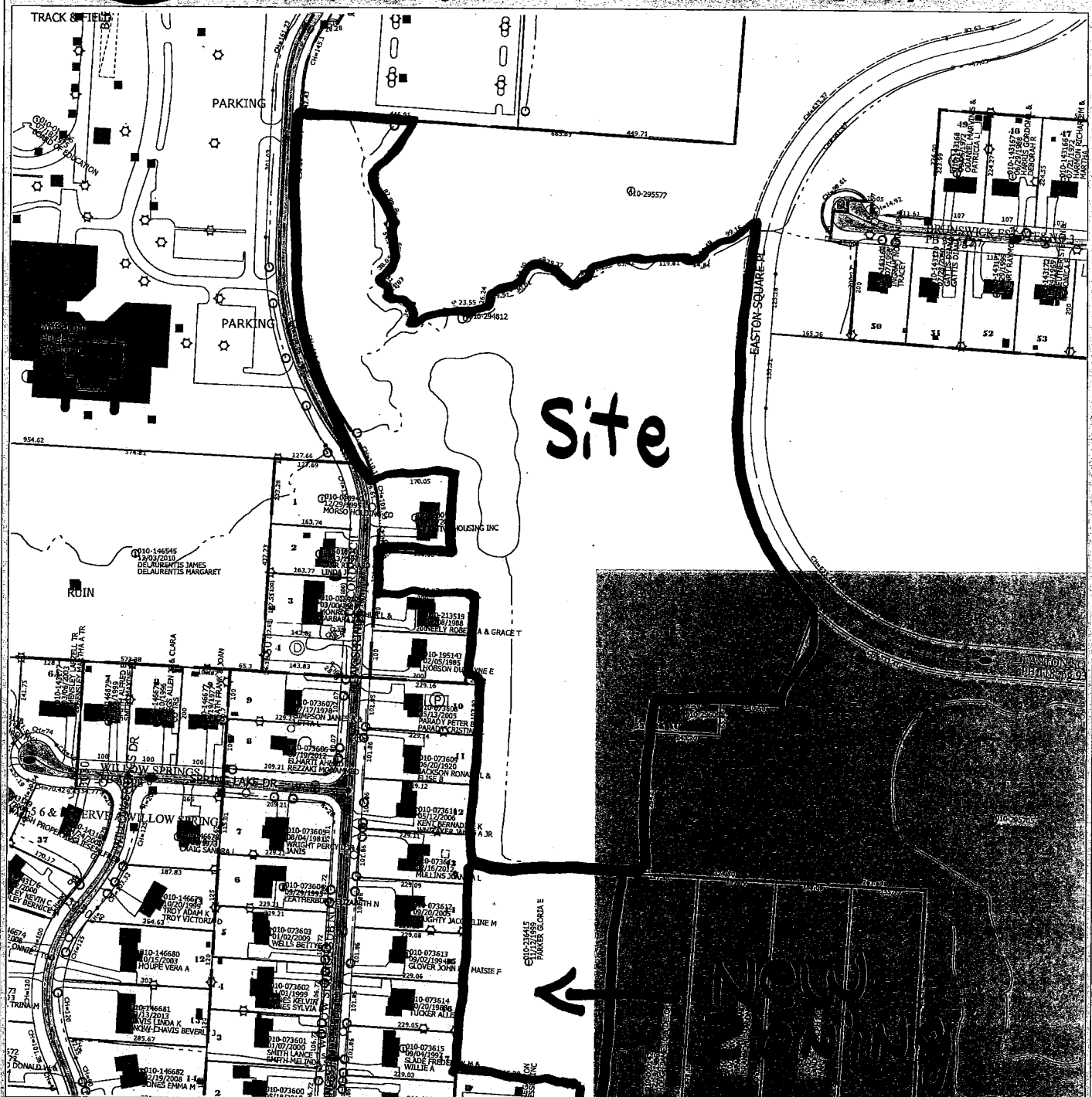
ltd.mccutcheon (clh)
9/27/17 S:Docs



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: jbr

DATE: 8/16/17



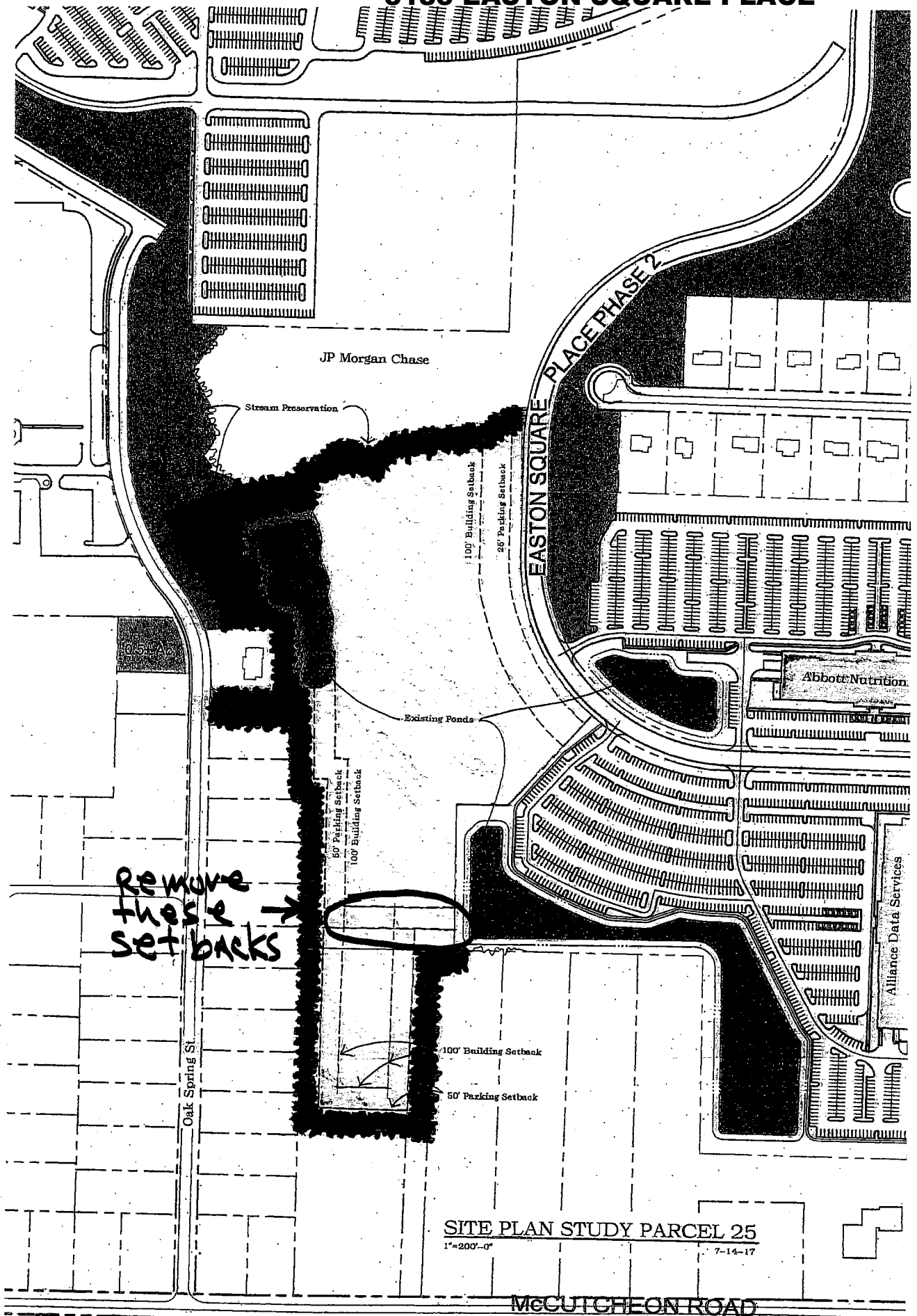
Disclaimer

Scale = 300

 Grid
North

This map is prepared for the real property inventory within the county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department



SITE PLAN STUDY PARCEL 25

1"=200'-0"

7-14-17

MCCUTCHEON ROAD

THE CITY OF
COLUMBUS
OHIO

DEPARTMENT OF BUILDING
AND ZONING SERVICES

Board of Zoning Adjustment Application

757 Carolyn Avenue, Columbus, Ohio 43224
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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 # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Jeffrey L. Brown c/o Smith & Hale LLC
of (COMPLETE ADDRESS) 37 W. Broad St., #460, Columbus, OH 43221
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 and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Morse Holding Co. PO Box 1600, Columbus, OH 43216

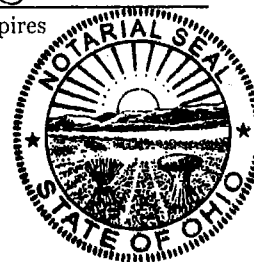
SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 17th day of September, in the year 2017

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2020

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