

Date

3/2/10

Application #

10315-0000 00042
CV10-005

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue, Columbus, Ohio 43224

\$3040



COUNCIL VARIANCE APPLICATION

OFFICE USE ONLY:

Planning Area: Northeast

Received By: SP

LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 4148 Easton Commons Zip 43219

Is this property currently being annexed into the City of Columbus Yes No

If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for certified address 010-233785

If applicable, check here if listing additional parcel numbers on a separate page (Required)

Current Zoning District (s) CPD

Recognized Civic Association or Area Commission Northeast Area Commission

(See instructions in "Things to Remember" on the front of application packet)

Proposed Use or reason for Council Variance request: To permit residential use on the first floor in CPD with C-4 uses.

Proposed Height District: 110' Acreage 9.6 +/- acres

(Columbus City Code Section 3309.14)

APPLICANT: Name Morso Holding Co.

Address 3 Limited Pkwy. City Columbus Zip 43230

PROPERTY OWNER(S) Name Same as applicant.

Address _____ City _____ Zip _____

If applicable, check here if listing additional property owners on a separate page (Required)

ATTORNEY / AGENT

Attorney

Agent

Name David Hodge / Smith & Hale LLC

Address 37 W. Broad St., Suite 725 City Columbus Zip 43215

Phone # 221-4255 Fax # 221-4409

Email _____

PAID
3040.00
MAR 02 PAID
440994
BUILDING SERVICES

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature Morso Holding Co.

By: David Hodge

Property Owner Signature Morso Holding Co.

By: David Hodge

Attorney / Agent Signature _____

David Hodge

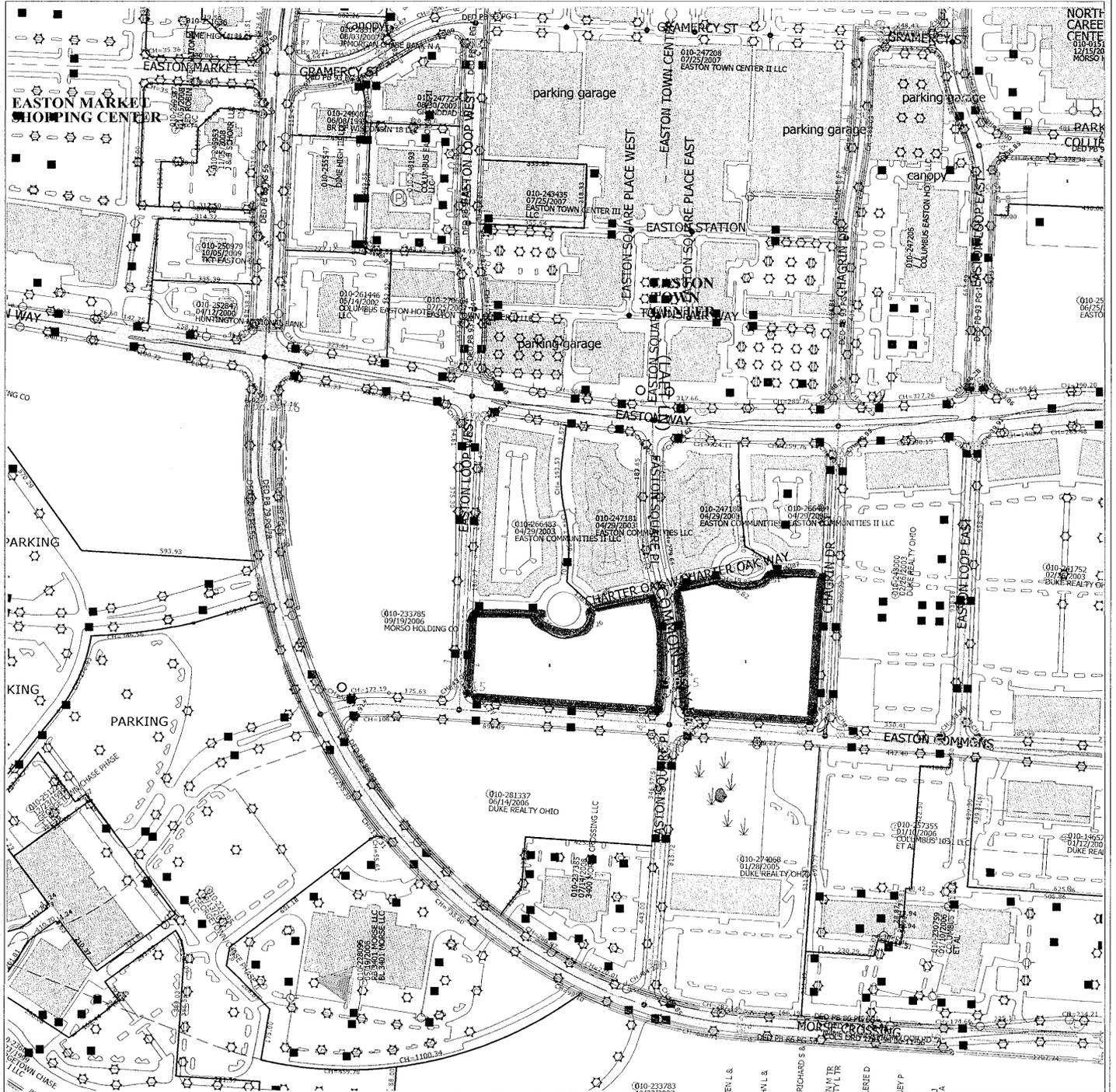
My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 12/9/09



Disclaimer

Scale = 500



This map is prepared for the real property inventory within this 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



AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge
of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, Columbus, OH 43215

deposed 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) CERTIFIED ADDRESS FOR ZONING PURPOSES 4148 Easton Commons
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Development, Building Services Division on (3) 3/2/10
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME AND MAILING ADDRESS

(4) Morso Holding Co.
3 Limited Pkwy.
Columbus, OH 43230

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

Morso Holding Co.
415-8397

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

(5) Northeast Area Commission
c/o Mrs. Alice Porter
3130 McCutcheon Pl., 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)

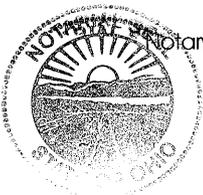
SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 2nd day of March, in the year 2010

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

(8) David Hodge
(8) Natalie C. Patrick
9/4/2010



NATALIE C. PATRICK
Notary Public, State of Ohio
My Commission Expires 09-04-11

**APPLICANT/PROPERTY
OWNER**

Morso Holding Co.
3 Limited Parkway
Columbus, OH 43230

ATTORNEY

Jeffrey L. Brown
Smith & Hale LLC
37 West Broad Street, Ste. 725
Columbus, OH 43215

AREA COMMISSION

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

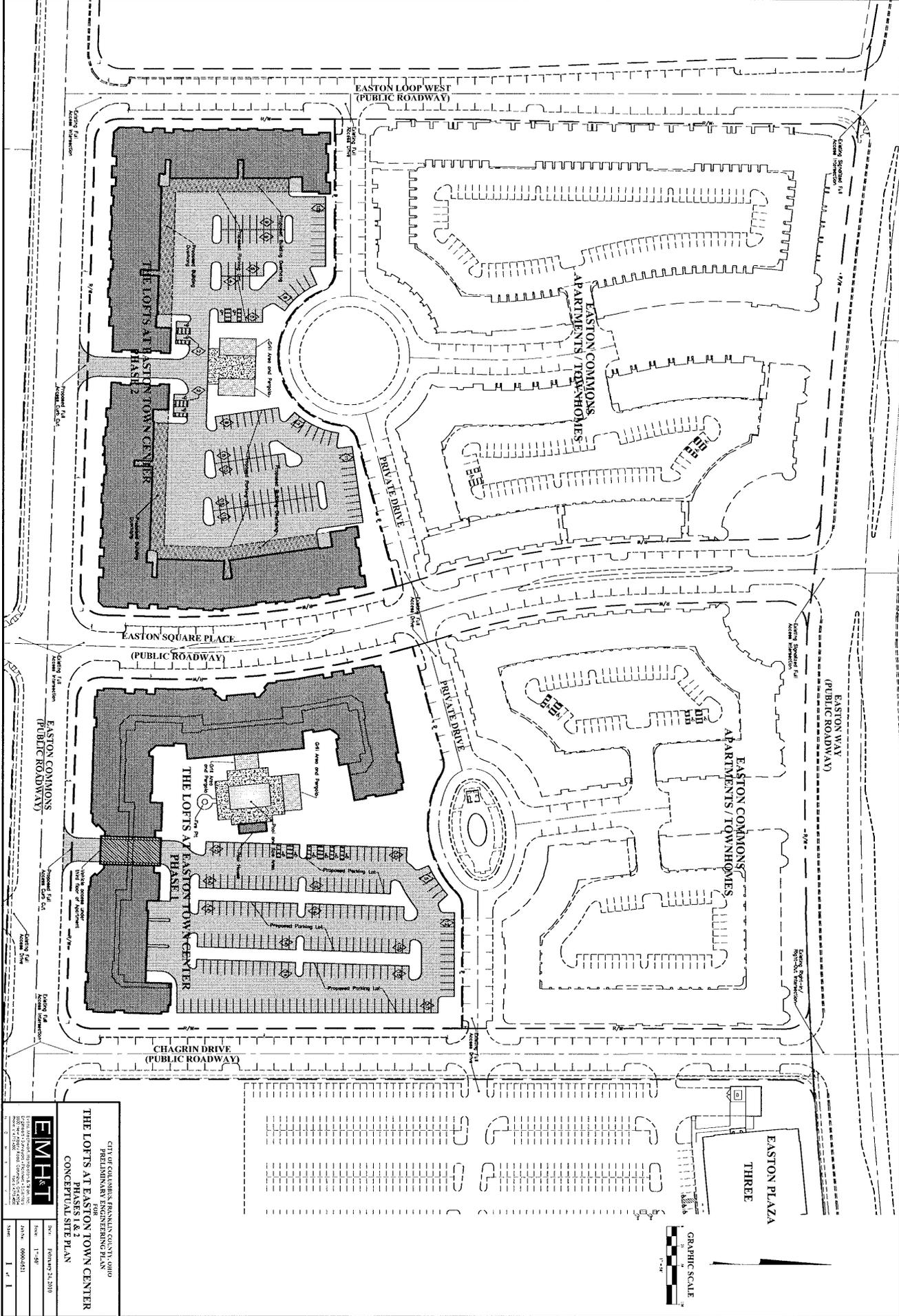
**SURROUNDING PROPERTY
OWNERS**

Duke Realty Ohio
P.O. Box 40509
Indianapolis, IN 46240

Easton Communities LLC
375 North Front Street, Ste. 200
Columbus, OH 43215

Columbus 1031 LLC et al.
P.O. Box 1746
Lomard, IL 60148

Easton Communities II LLC
375 North Front Street, Ste. 200
Columbus, OH 43215



EMH&T
 CIVIL ENGINEERS, ARCHITECTS, PLANNERS
 PRELIMINARY ENGINEERING PLAN
THE LOFTS AT EASTON TOWN CENTER
 CONCEPTUAL SITE PLAN

DATE	DESCRIPTION
1/2/2010	PRELIMINARY ENGINEERING PLAN
1/2/2010	CONCEPTUAL SITE PLAN

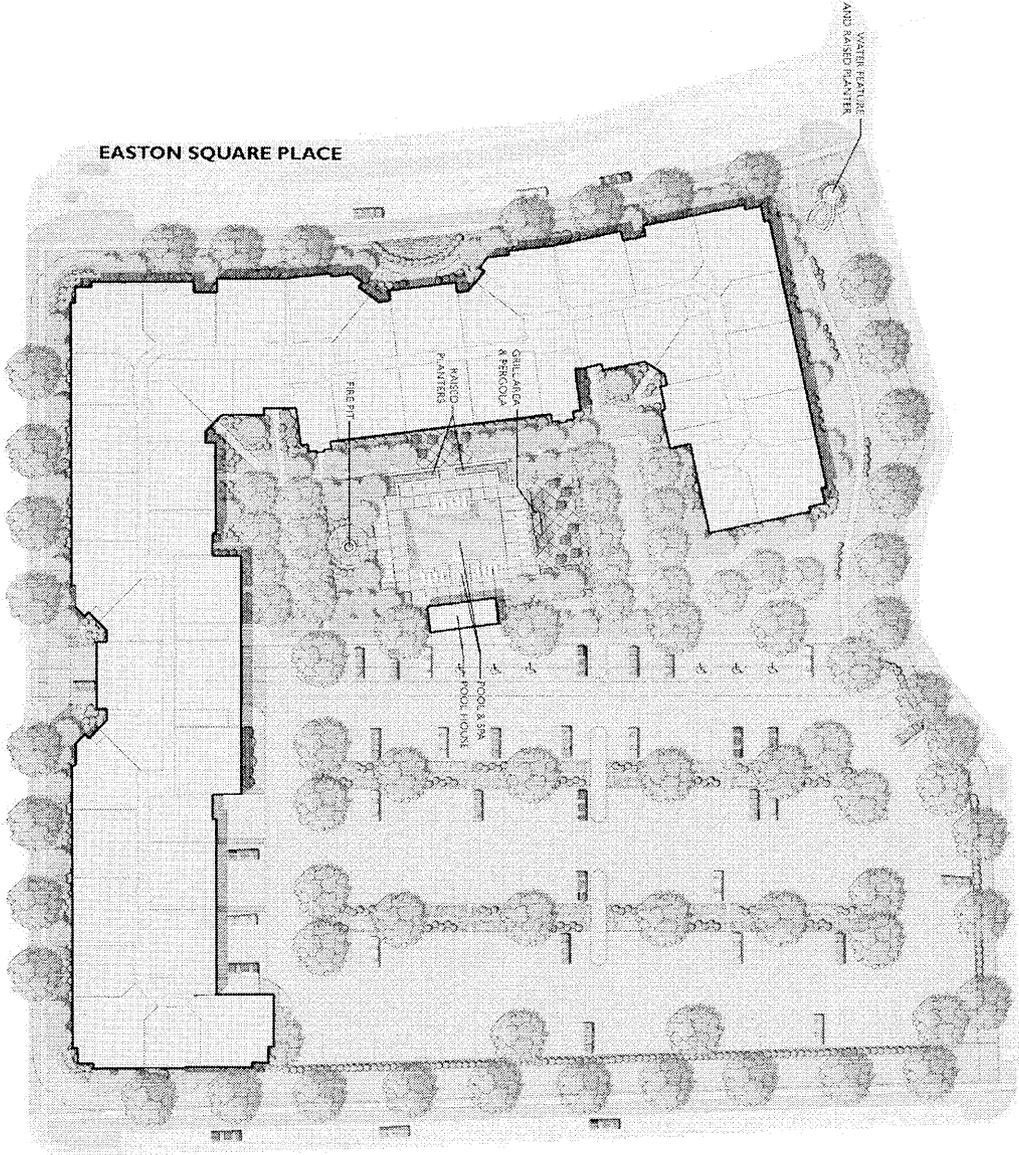
Scale: 1" = 1'



EASTON COMMONS

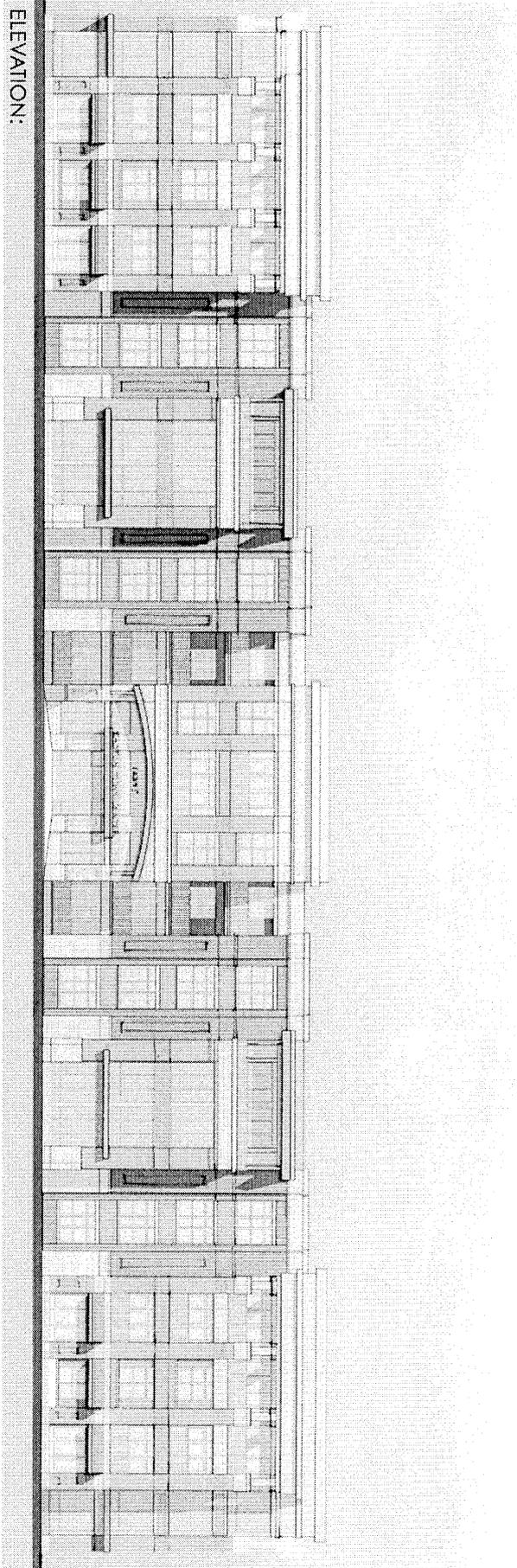
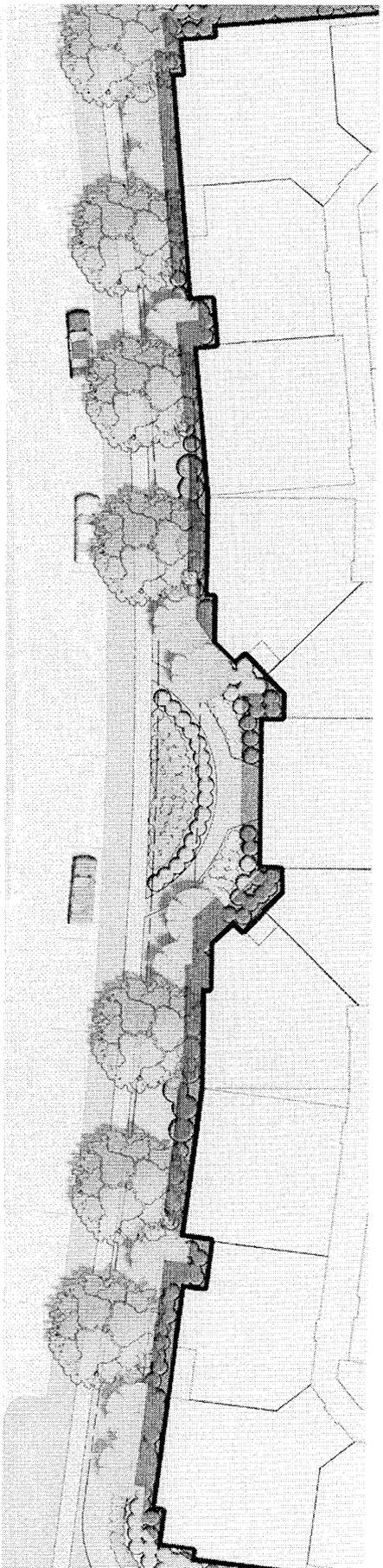
The Lofts at Easton Town Center

Columbus, Ohio



JANUARY 2010
SCALE: 1"=20'





Anderson Design Group

The Lofts at Easton Town Center
Columbus, Ohio





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:

Please see attached statement.

Signature of Applicant _____ Date _____

Statement of Hardship

4148 Easton Commons

The applicant is requesting a Council Variance to permit development of this property in a manner consistent with the properties located adjacent to the north. Pursuant to the zoning on this property, Zoning Case No. Z97 – 083A and Columbus Ordinance 1721 – 1999, this property is to develop with uses permitted in the C-4 Commercial classification, subject to listed exceptions, and “[r]esidential units including first floor residential units if approved by City Council.”

Columbus City Code Section 3356.03 does not permit first floor residential units. The variance requested therefore is to permit first floor residential units, where this section of the Columbus City Code does not permit them.

Columbus City Code Section 3342.28 requires that two parking spaces be provided for each dwelling unit, where the applicant is requesting a variance to provide one per dwelling unit.

The grant of these requested variances will permit this property to development in a manner consistent with the development of adjacent properties. It 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.

The applicant respectfully requests the grant of the requested variance.

Signature of Applicant: David Hodge, attorney for applicant

Date: 3 / 2 / 2010



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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV10-005

Being first duly cautioned and sworn (NAME) David Hodge
of (COMPLETE ADDRESS) 37 W. Broad St., Suite 725, 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 of individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

Morso Holding Co. 3 Limited Pkwy. Columbus, OH 43230 John Kranyak 415-8397	

If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

David Hodge

Subscribed to me in my presence and before me this 2nd day of March, in the year 2010

SIGNATURE OF NOTARY PUBLIC

Natalie C. Patrick

My Commission Expires:

9/4/2010

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

Notary Seal Here



NATALIE C. PATRICK
Notary Public, State of Ohio
My Commission Expires 09-04-10

5.028 ACRES

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being part of the tract conveyed as Parcel 6 to Morso Holding Co. by deeds of record in Official Records 30846G11 and 31131D10, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Easton Commons with Easton Square Place, of record in Plat Book 93, Page 3;

Thence North $04^{\circ} 04' 40''$ East, with the centerline of said Easton Square Place, a distance of 70.00 feet to a point;

Thence South $85^{\circ} 55' 20''$ East, across the right-of-way of said Easton Square Place, a distance of 37.50 feet to an iron pin set at a point of curvature in the easterly right-of-way line thereof, the TRUE POINT OF BEGINNING;

Thence North $04^{\circ} 04' 40''$ East, with said easterly right-of-way line, a distance of 66.67 feet to an iron pin set at a point of curvature;

Thence with said westerly right-of-way line, with said curve to the left, having a central angle of $17^{\circ} 51' 14''$, a radius of 1067.50 feet, an arc length of 332.95 feet and a chord which bears North $04^{\circ} 51' 27''$ West, a chord distance of 331.61 feet to an iron pin set at the southwesterly corner of the 3.105 acre tract conveyed to Easton Communities, LLC by deed of record in Instrument Number 200304290123730;

Thence with the southerly line of said 3.105 acre tract, the following courses and distances:

North $77^{\circ} 15' 20''$ East, a distance of 153.21 feet to an iron pin set at a point of curvature;

With said curve to the right, having a central angle of $48^{\circ} 53' 55''$, a radius of 24.00 feet, an arc length of 20.48 feet and a chord which bears South $78^{\circ} 17' 41''$ East, a chord distance of 19.87 feet to an iron pin set at a point of reverse curvature;

With said curve to the left, having a central angle of $07^{\circ} 48' 56''$, a radius of 50.00 feet, an arc length of 6.82 feet and a chord which bears South $57^{\circ} 45' 12''$ East, a chord distance of 6.82 feet to an iron pin set at a point of compound curvature;

With said curve to the left, having a central angle of $67^{\circ} 06' 53''$, a radius of 128.00 feet, an arc length of 149.94 feet and a chord which bears North $84^{\circ} 46' 54''$ East, a chord distance of 141.51 feet to an iron pin set at a point of compound curvature;

With said curve to the left, having a central angle of $07^{\circ} 48' 56''$, a radius of 50.00 feet, an arc length of 6.82 feet and a chord which bears North $47^{\circ} 19' 00''$ East, a chord distance of 6.82 feet to an iron pin set at a point of reverse curvature;

With said curve to the right, having a central angle of $48^{\circ} 53' 55''$, a radius of 24.00 feet, an arc length of 20.48 feet and a chord bearing North $67^{\circ} 51' 30''$ East, a chord distance of 19.87 feet to an iron pin set at the southwesterly corner of the 2.644 acre tract conveyed to Easton Communities II, LLC by deed of record in Instrument Number 200304290123724;

Thence South $87^{\circ} 41' 33''$ East, with the southerly line of said 2.644 acre tract, a distance of 157.47 feet to an iron pin set in the westerly right-of-way line of Chagrin Drive, of record in Plat Book 93, Page 3;

Thence South $02^{\circ} 18' 27''$ West, with said westerly right-of-way line, a distance of 473.50 feet to an iron pin set at a point of curvature;

5.028 ACRES

-2-

Thence with said westerly right-of-way line, with said curve to the right, having a central angle of 91° 46' 13", a radius of 30.00 feet, an arc length of 48.05 feet and a chord which bears South 48° 11' 34" West, a chord distance of 43.08 feet to an iron pin set in the northerly right-of-way line of said Easton Commons;

Thence North 85° 55' 20" West, with said northerly right-of-way line, a distance of 395.02 feet to an iron pin set at a point of curvature;

Thence with said northerly right-of-way line, with said curve to the right, having a central angle of 90° 00' 00", a radius of 30.00 feet, an arc length of 47.12 feet and a chord bearing North 40° 55' 20" West, a chord distance of 42.43 feet to the TRUE POINT OF BEGINNING, containing 5.028 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the centerline of Morse Crossing being South 02° 18' 27" West as shown on the plat entitled "Morse Crossing Dedication and Easements" of record in Plat Book 86, Page 56, Recorder's Office, Franklin County, Ohio.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Registered Surveyor No. 8307

10/16/09
Date

HLK/16Oct09
5.028 ac 91321BV

O-56-C
split 5.028 ac
out of (010)
233785

LOT SPLIT APPROVED
CITY OF COLUMBUS
DEPARTMENT OF DEVELOPMENT
BY: Andrew S. Beal
DATE: 10/26/09
CONDITIONS: _____

09330-00300

DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: DCR
DATE: 10/20/09

4.649 ACRES

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being part of the tract conveyed as Parcel 6 to Morso Holding Co. by deeds of record in Official Records 30846G11 and 31131D10, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Easton Commons with Easton Square Place, of record in Plat Book 93, Page 3;

Thence North $04^{\circ} 04' 40''$ East, with the centerline of said Easton Square Place, a distance of 70.00 feet to a point;

Thence North $85^{\circ} 55' 20''$ West, across the right-of-way of said Easton Square Place, a distance of 37.50 feet to an iron pin set at a point of curvature in the westerly right-of-way line thereof, the TRUE POINT OF BEGINNING;

Thence with the northerly right-of-way line of said Easton Commons, the following courses and distances:

With said curve to the right, having a central angle of $90^{\circ} 00' 00''$, a radius of 30.00 feet, an arc length of 47.12 feet, and a chord which bears South $49^{\circ} 04' 40''$ West, a chord distance of 42.43 feet to an iron pin set at a point of tangency;

North $85^{\circ} 55' 20''$ West, a distance of 582.20 feet to an iron pin set at a point of curvature;

With said curve to the right, having a central angle of $88^{\circ} 13' 47''$, a radius of 30.00 feet, an arc length of 46.20 feet, and a chord which bears North $41^{\circ} 48' 26''$ West, a chord distance of 41.77 feet, to an iron pin set at a point of tangency, being in the easterly right-of-way line of Easton Loop West, of record in Plat Book 93, Page 3;

Thence North $02^{\circ} 18' 27''$ East, with said easterly right-of-way line, a distance of 274.93 feet to an iron set at the southwesterly corner of the 4.743 acre tract conveyed to Easton Communities II, LLC by deed of record in Instrument Number 200304290123727;

Thence with the southerly line of said 4.743 acre tract, the following courses and distances:

South $87^{\circ} 41' 33''$ East, a distance of 198.41 feet to an iron pin set at a point of curvature;

With said curve to the right, having a central angle of $68^{\circ} 02' 34''$, a radius of 24.00 feet, an arc length of 28.50 feet, and a chord which bears South $53^{\circ} 40' 16''$ East, a chord distance of 26.86 feet, to an iron pin set at a point of reverse curvature;

With said curve to the left, having a central angle of $151^{\circ} 08' 15''$, a radius of 91.00 feet, an arc length of 240.04 feet, and a chord which bears North $84^{\circ} 46' 54''$ East, a chord distance of 176.26 feet to an iron pin set at a point of reverse curvature;

With said curve to the right, having a central angle of $68^{\circ} 02' 34''$, a radius of 24.00 feet, an arc length of 28.50 feet, and a chord which bears North $43^{\circ} 14' 03''$ East, a chord distance of 26.86 feet to an iron pin set at the southwesterly corner of the 3.461 acre tract conveyed to Easton Communities, LLC by deed of record in Instrument Number 200304290123732;

Thence North $77^{\circ} 15' 20''$ East, with the southerly line of said 3.461 acre tract, a distance of 198.96 feet to an iron pin set on a curve in the westerly right-of-way line of said Easton Square Place;

4.649 ACRES

-2-

Thence with westerly right-of-way line, with said curve to the right, having a central angle of 17° 56' 59", a radius of 992.50 feet, an arc length of 310.94 feet, and a chord which bears South 04° 53' 50" East, a chord distance of 309.66 feet, to an iron pin set at a point of tangency;

Thence South 04° 04' 40" West, with said westerly right-of-way line, a distance of 66.67 feet to the TRUE POINT OF BEGINNING, containing 4.649 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMINC.

Bearings are based on the centerline of Morse Crossing being South 02° 18' 27" West as shown on the plat entitled "Morse Crossing Dedication and Easements" of record in Plat Book 86, Page 56, Recorder's Office, Franklin County, Ohio.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Heather L. King
Heather L. King
Registered Surveyor No. 8307

10/16/09
Date

HLK/16Oct09
4.649 ac 91321BV

O-056-C
SPLIT 4.649 ac.
OUT OF (010)
233785

LOT SPLIT APPROVED
CITY OF COLUMBUS
DEPARTMENT OF DEVELOPMENT
BY: <i>Andrew S Beard</i>
DATE: 10/26/09
CONDITIONS: _____

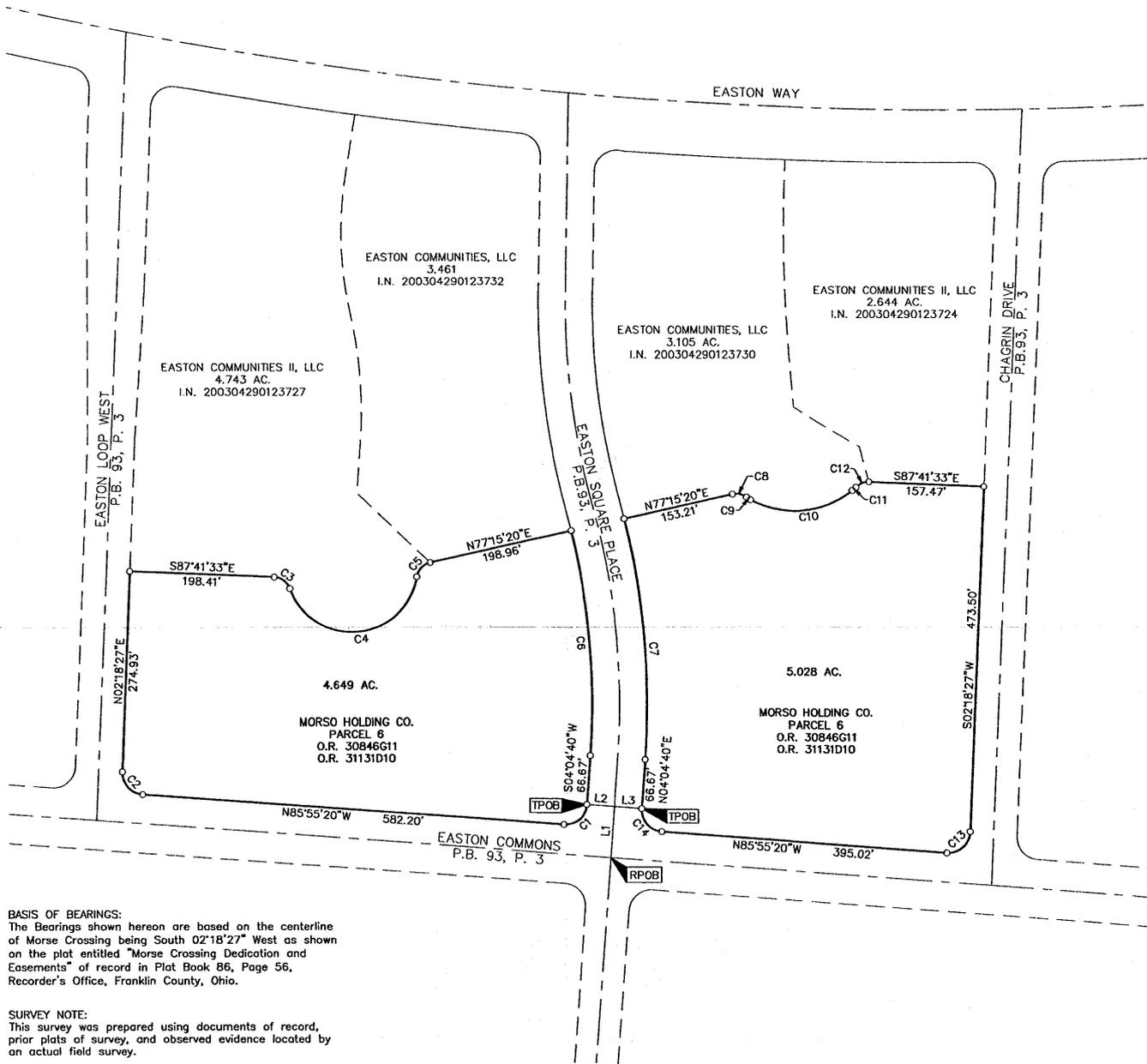
09330-00300

DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: <i>DR</i>
DATE: 10/20/09



SURVEY OF ACREAGE PARCEL

QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 17
 UNITED STATES MILITARY LANDS
 CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO



BASIS OF BEARINGS:
 The Bearings shown hereon are based on the centerline of Morse Crossing being South 02°18'27" West as shown on the plat entitled "Morse Crossing Dedication and Easements" of record in Plat Book 86, Page 56, Recorder's Office, Franklin County, Ohio.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

FEMA NOTE:
 According to the Federal Emergency Management Agency's Flood Insurance Map (dated June 17, 2008), the subject tract shown hereon lies within Zone X (areas determined to be outside the 0.2% annual chance floodplain), Community Panel No. 39049C0191K.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N04°04'40"E	70.00
L2	N85°55'20"W	37.50
L3	S85°55'20"E	37.50

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH BRG	CH
C1	90°00'00"	30.00'	47.12'	S49°04'40"W	42.43'
C2	88°13'47"	30.00'	46.20'	N41°48'26"W	41.77'
C3	68°02'34"	24.00'	28.50'	S53°40'16"E	26.86'
C4	151°08'15"	91.00'	240.04'	N84°46'54"E	176.26'
C5	68°02'34"	24.00'	28.50'	N43°14'03"E	26.86'
C6	17°56'59"	992.50'	310.94'	S04°53'50"E	309.66'
C7	17°52'14"	1067.50'	332.95'	N04°51'27"W	331.61'
C8	48°53'55"	24.00'	20.48'	S78°17'41"E	19.87'
C9	07°48'56"	50.00'	6.82'	S57°45'12"E	6.82'
C10	67°06'53"	128.00'	149.94'	N84°46'54"E	141.51'
C11	07°48'56"	50.00'	6.82'	N47°19'00"E	6.82'
C12	48°53'55"	24.00'	20.48'	N67°51'30"E	19.87'
C13	91°46'13"	30.00'	48.05'	S48°11'34"W	43.08'
C14	90°00'00"	30.00'	47.12'	N40°55'20"W	42.43'

- = STONE FND.
 - = MON. FND.
 - = I.P. FND.
 - = I.P. SET
 - = MAG. NAIL FND.
 - = MAG. NAIL SET
 - △ = R.R. SPK. FND.
 - △ = R.R. SPK. SET
 - ▲ = P.K. NAIL FND.
 - ▲ = P.K. NAIL SET
- I.P. Set are 13/16" I.D. iron pipe with cap inscribed EMHT INC



Heather L. King
 Professional Surveyor No. 8307
 Date: 10/16/09

<p>Evans, Mechwart, Hamilton & Tilton, Inc. Engineers - Surveyors - Planners - Scientists 5500 New Albany Road, Columbus, OH 43254 Phone: 614.775.4500 Toll Free: 888.775.3448 emht.com</p>	Date: October 16, 2009															
	Scale: 1" = 100'															
	Job No: 2009-1321															
	Sheet: 1 of 1															
REVISIONS <table border="1"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		MARK	DATE	DESCRIPTION												
MARK	DATE	DESCRIPTION														

J:\2009\1321\2009\1321\DWG\91321B.dwg plotted by KING, HEATHER on 10/16/2009 12:04:38 PM
 PLOT: 8887753448