



BOARD OF ZONING ADJUSTMENT APPLICATION

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

OFFICE USE ONLY

Application Number: 11311-0-00209
Date Received: 4/18/11
Commission/Group: Northland
Existing Zoning: _____ Application Accepted by: R. Reiss Fee: \$1,900⁰⁰
Comments: Hearing date: 6/28/11

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

Variance Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.
Special Permit to permit the longstanding, existing, and current use of portable buildings per Sections 3307.06 and 3389.12, as noted on Statement of Hardship (Exhibit ~~B~~ A)

LOCATION

1. Certified Address Number and Street Name 2380 Morse Road
City Columbus State Ohio Zip 43229
Parcel Number (only one required) 010-104713; 600-146417

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Miracle Realty Limited, LLC c/o Steve Cuckler, Rinehart & Rishel, Ltd
Address 300 E Broad Street, Suite 190 City/State Columbus, Ohio Zip 43215
Phone # 614-221-0717 Fax # 614-221-1278 Email scuckler@rrgovlaw.com

PROPERTY OWNER(S):

Name Miracle Realty Limited, LLC c/o Steve Cuckler, Rinehart & Rishel, Ltd
Address 300 E. Broad Street, Suite 190 City/State Columbus, Ohio Zip 43215
Phone # 614-221-0717 Fax # 614-221-1278 Email scuckler@rrgovlaw.com
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Steve Cuckler, Rinehart & Rishel, Ltd
Address 300 E. Broad Street, Suite 190 City/State Columbus, Ohio Zip 43215
Phone # 614-221-0717 Fax # 614-221-1278 Email: scuckler@rrgovlaw.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature] Counsel FOR MIRACLE REALTY LIMITED, LLC
PROPERTY OWNER SIGNATURE [Signature] Counsel FOR MIRACLE REALTY LIMITED, LLC
ATTORNEY / AGENT SIGNATURE [Signature] COUNSEL FOR MIRACLE REALTY LIMITED, LLC

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer

One Stop Shop Zoning Report

Building Services Division
Department of Development
 Report date: 4/21/2011 10:34:41 AM

Parcel Report

Parcel ID	Owner	Address
010104713	MIRACLE REALTY LIMITED LLC	2380 MORSE RD COLUMBUS OH 43229

Base Zoning Report

Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
Z68-069	C4	H-35	12	Commercial	(View Document)

Zoning Overlay District

Overlay Name	District Name	Planning Overlay
MORSE ROAD RCO	COMMERCIAL OVERLAY	P
N/A	PLANNING OVERLAY	MR
N/A	PLANNING OVERLAY	MR

Flood Zone

Firm Panel	Flood Zone	SFHA	Panel Type	FZONE
TBD	X	OUT	CURRENT	X



This map is intended to locate the property in question, and provide information about the land use categories governing the use of this parcel. Please consult with zoning staff before making binding decisions based on this information. The property address is not a certified address for building purposes. No warranty is expressed or implied.

11311-00209
2380 Morse Rd.

EXHIBIT A

Request for Special Permit and Statement of Hardship

2380 Morse Road, Columbus, Ohio 43229

BZA: V11/SP11_____

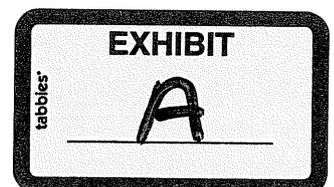
The property located at 2380 Morse Road, Columbus, Ohio 43229 is a .897 acre site on the north side of Morse Road near the intersection of Morse Road and Cleveland Avenue. The site is zoned C-4 (Commercial District). The surrounding properties are zoned C-4 to the West, C-5 to the East, and LC-4 to the North. Morse Road is situated to the South.

This site has two (2) manufactured office buildings that have been present on the site since approximately 1980 when operations began for used cars by Key Oldsmobile. Miracle Motor Mart has been doing business there since 1989. These buildings act as sales and business offices.

By this application, applicant request a Special Permit (3389.02, Special Permit Required) to permit a Portable Building, as required by Section 3389.12, Portable Building, to permit the continued and permanent use of two (2) Portable Buildings as sales and business offices. Manufactured Office Building #1 is 1,360 square feet and Building #2 is 709 Square feet. The BZA has the authority to grant a Special Permit upon finding that the proposed Special Permit,

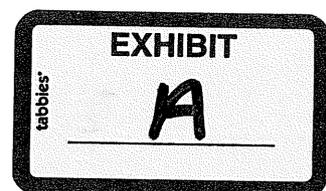
"...can be granted without substantial detriment to the public good, without substantial impairment of the general purpose and intent of the zoning district in which the use is proposed to be located, and without significant incompatibility with the general character of the neighborhood." Section 3307.06 (A), Special Permits.

The Special Permit requests meets the criteria of Section 3307.06(A), in that the proposed Portable Buildings will not be detrimental to the public good, will not be detrimental to the general purpose and intent of the zoning district (C-4, Commercial) and is not incompatible with the general character of the neighborhood. The applicant's property has had an on ongoing and continuous use at this location since the 1960s. Presently, the site is part of the current general character of the neighborhood, reflects the commercial intent and purpose of the zoning, and it is a small business that has been the cornerstone of commerce in this area of Columbus supporting the public good for decades.



Moreover, it would impose an undue and overly burdensome hardship on them to remove the manufactured office buildings and build permanent structures. The applicant has already seen a 50% decrease in sales over the last several years due the economy, a change in traffic patterns on Morse Road that prohibits East Bound traffic from turning into their business, and the closing of several high volume businesses in the same vicinity. The financial hardship of this alone due to costs, coupled with the interference of sales and business that the removal, demolition, and reconstruction would create is so severe has to create a hardship that necessitates the allowance of these Portable Buildings to remain there permanently.

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2380 Morse Rd.





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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Steve Cuckler
of (1) MAILING ADDRESS 300 E. Broad Street, Suite 190, Columbus, Ohio 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 2380 MORSE RD

(2) per ADDRESS CARD FOR PROPERTY

for which the 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

(4) Miracle Realty Limited, LLC

AND MAILING ADDRESS

c/o Rinehart & Rishel, Ltd.

300 E. Broad Street, Suite 190

Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #

Miracle Realty Limited, LLC c/o Steve Cuckler

(same as listed on front of application)

Rinehart & Rishel, Ltd, 614-221-0717

AREA COMMISSION OR CIVIC GROUP

(5) Northland Community Council

AREA COMMISSION ZONING CHAIR OR

Dave Paul

CONTACT PERSON AND ADDRESS

PO Box 297836, Columbus, OH 43229

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
See Auditor's Current Tax List Attached

(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8) Steve A. Cuckler *conced*

Subscribed to me in my presence and before me this 18th day of April, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) James Robert Rishel

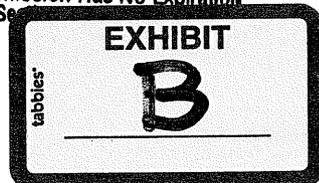
My Commission Expires:

Notary Seal Here

JAMES ROBERT RISHEL
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

JAMES ROBERT RISHEL
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration

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Charles M. Savko
29336 Chapel Park Drive
Wesley Chapel, FL 33543

2350 Morse LLC
2250 E. Devon Ave, Ste 215
Des Plaines, IL 60018

Columbia Gas of Ohio Inc.
200 Civic Center Dr/Taxes
P. O. Box 117
Columbus, OH 43216

Northland Community Council
Dave Paul, President
PO Box 297836
Columbus, Ohio 43229

Miracle Realty Ltd, LLC
9564 Camelot St.
Pickerington, OH 43147

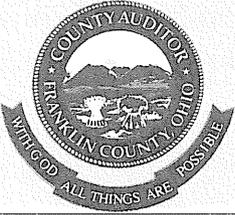
Columbus Cellular Telephone Co.
c/o Verizon Wireless
Network Real Estate Dept
180 Washington Valley Rd.
Bedminster, NJ 07921

Miracle Realty Limited, LLC
c/o Steve Cuckler
300 East Broad Street, Ste 190
Columbus, OH 43215

Morse & Cleveland Enterprises LLC
4431 Cleveland Avenue
Columbus, OH 43231

KRA Investments LLC
4299 Shire Landing Road
Hilliard, OH 43026

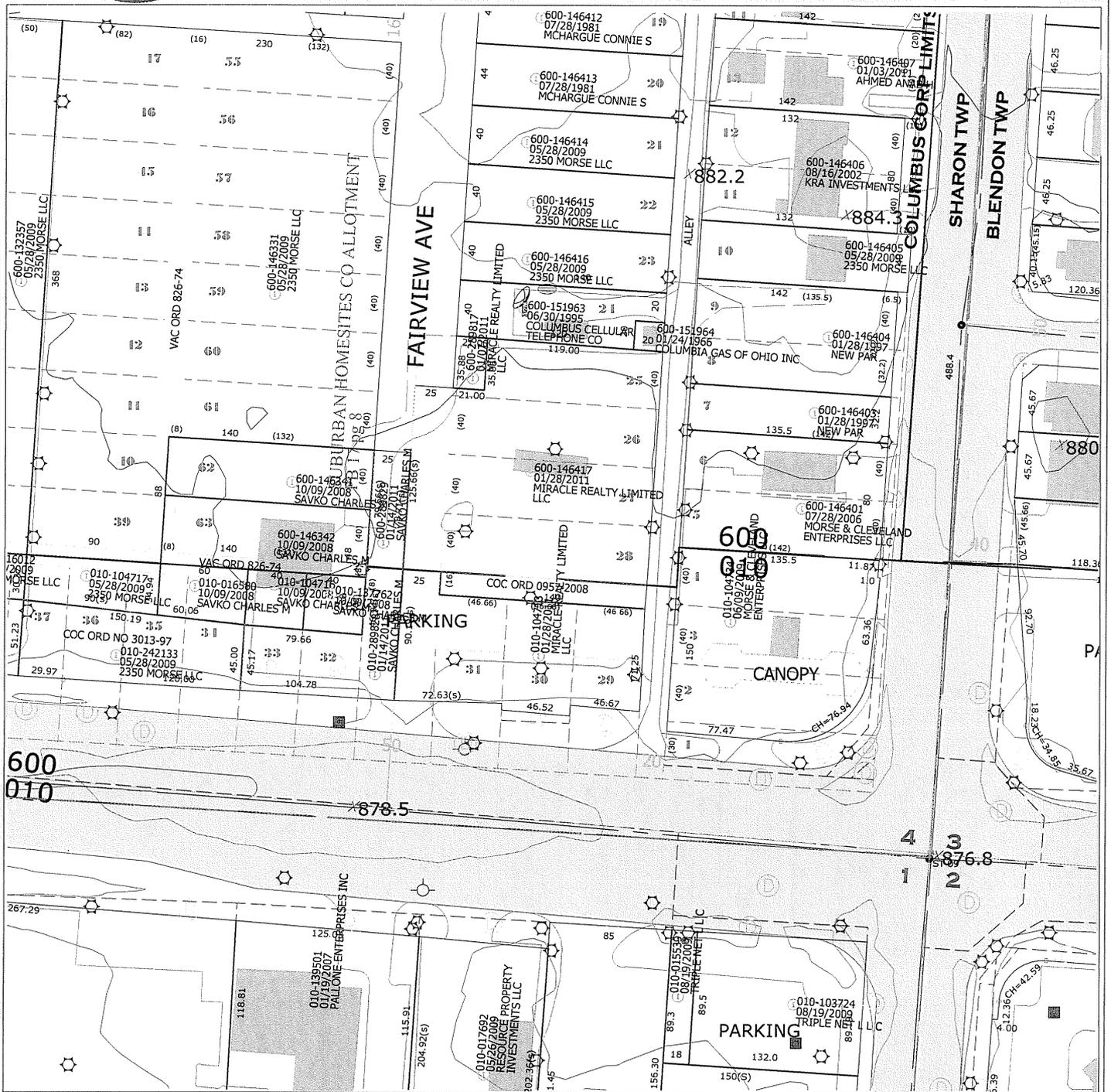
New Par
c/o Verizon Wireless
Network Real Estate Dept.
180 Washington Valley Road
Bedminster, NJ 07921



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 4/7/11



Disclaimer

Scale = 100

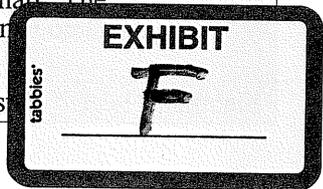


This map is prepared for the real property inventory survey plats, and other public records and data. Information sources should be consulted for verification and the mapping companies assume no liability. Please notify the Franklin County GIS Division

11311-00209
2380 Morse Rd.

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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 # 11311-00209
2380 Morse Rd.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Steve Cuckler, Rinehart & Rishel, Ltd.
of (COMPLETE ADDRESS) 300 E. Broad Street, Suite 190, Columbus, Ohio 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 and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
Miracle Realty Limited, LLC	9564 Camelot St., Pickerington, Ohio 43147

SIGNATURE OF AFFIANT *Steve N. Cuckler* *Counsel* Miracle Realty
FOR LIMITED, LLC

Subscribed to me in my presence and before me this 18th day of Apr. 1, in the year 2011

SIGNATURE OF NOTARY PUBLIC *James Robert Rishel*

My Commission Expires: _____

Notary Seal Here

JAMES ROBERT RISHEL
ATTORNEY AT LAW
Notary Public, State of Ohio
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