

Exhibit B
834 North High Street
CV12-023

Statement of Hardship

The development site consists of two (2) parcels. One (1) parcel is located at the northeast corner of North High Street and East Hubbard Avenue (PID: 010-032241) and the second parcel (010-002013) is located to the east of the first parcel, on the east side of North Pearl Street (30') and the north side of East Hubbard Avenue. Both parcels are zoned C-4, Commercial and are undeveloped.

By Ordinance 0186-2012, passed February 27, 2012 (CV11-039), variances were granted to permit a five (5) story building at High and Hubbard with ground level commercial (retail and/or restaurant) space (17,750 +/- sq. ft.) and four (4) stories of apartments totaling 68 dwelling units. On the Hubbard Avenue parcel, applicant proposes a five (5) story parking garage with 322 parking spaces. The Hubbard Avenue side of the parking garage will have four (4) townhouse-style dwelling units to provide residential use and appearance along the Hubbard Avenue frontage. Applicant proposes to connect both buildings with an elevated walkway (skywalk). a substantially larger mixed use commercial/residential/parking garage development on this property in the C-4, Commercial District. Building height was set at sixty (60) feet.

By this application, applicant proposes two minor changes to the development permitted by Ordinance 0186-2012/CV11-039, as follows:

- 1) A building height of sixty-five (65) feet rather than sixty (60) feet for the building at the northeast corner of North High Street and East Hubbard Avenue (Parcel 1 in the legal description). Applicant has determined a height of sixty-five (65) feet will be required due to grade issues with the site and floor to floor height requirements for mechanical systems. The building at the northeast corner of East Hubbard Avenue and North Pearl Street will remain at the permitted height (CV11-039/Ord.0186-2012) of 60 feet.
- 2) A 100 square foot increase in permitted restaurant square footage from 17,750 to 17,850 square feet. The additional 100 sq. ft. of restaurant area increases the total parking variance by one (1) space.

This application is submitted to request the same variances as permitted by Ordinance 0186-2012, other than as noted above. All other variances remain the same.

Applicant requests the following variances:

- 1) 3356.03, C-4, Permitted Uses, which Section does not permit ground floor residential use, while applicant proposes four (4) dwelling units, including ground floor residential use, on the south side of the parking structure, along the East Hubbard Avenue frontage.
- 2) 3356.11, C-4 District Setback Lines, which Section requires a building setback of one-half the designated width of the fronting Columbus Thoroughfare Plan street (North High Street) unless

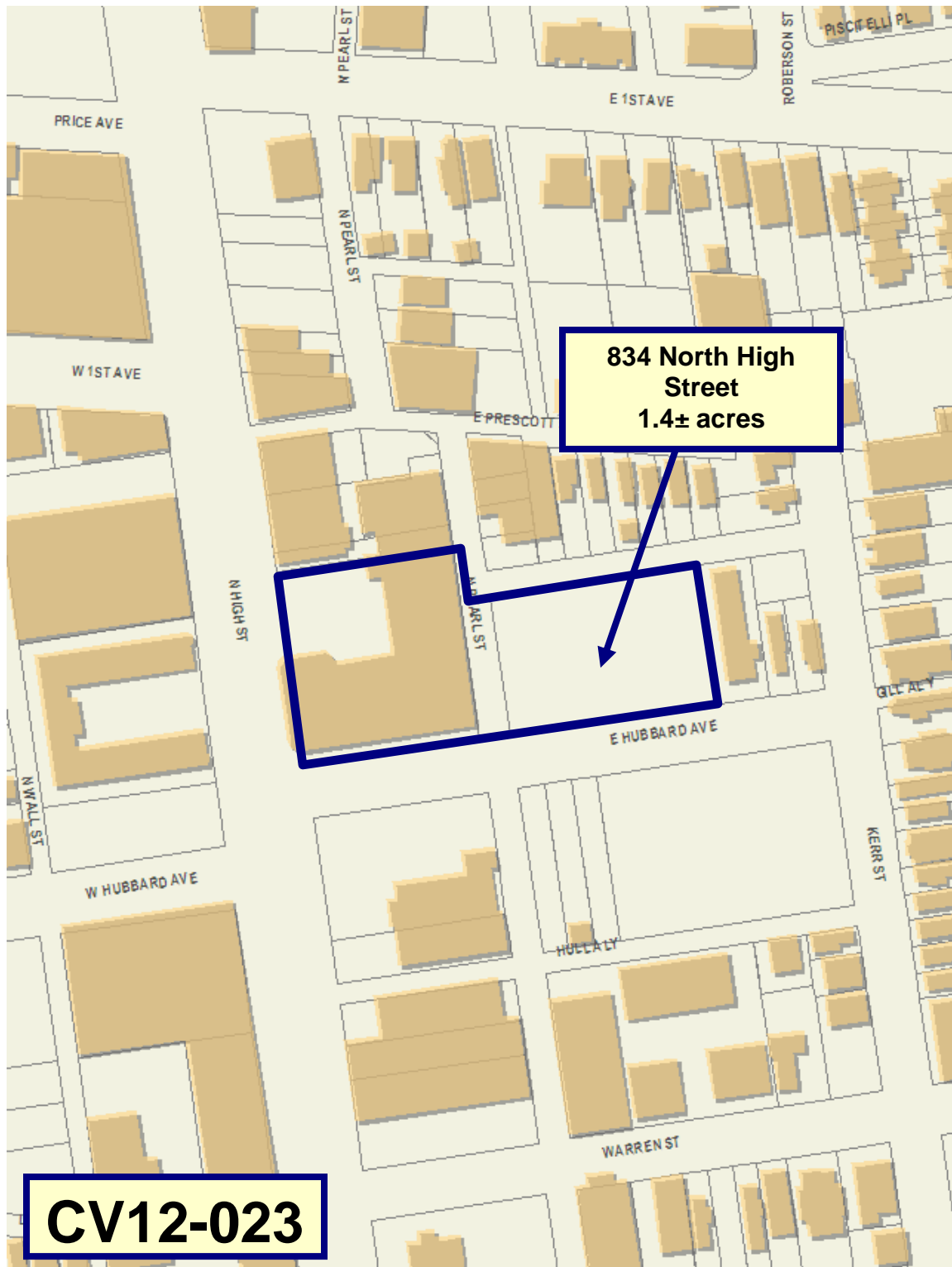
buildings on both adjacent parcels are located at less than 25 feet setback and a twenty-five (25) foot setback on East Hubbard Avenue, while neither the North High Street nor East Hubbard Avenue frontages meet the requirements for reduced setback and applicant proposes a zero (0) building setback on both streets.

- 3) 3309.14, Height District, which Section limits the height of buildings in the H-35 District to 35 feet, as defined, while applicant proposes a sixty-five (65) foot building height, as defined (3303.08, Letter H), for the building at the northeast corner of North High Street and East Hubbard Avenue and the building at the northeast corner of East Hubbard Avenue and North Pearl Street remains at sixty (60) feet, as presently permitted.
- 4) 3312.03(D), Administrative Requirements, which Section requires parking spaces to be on the same lot as the use they are intended to serve, while applicant proposes development of a parking structure that is off-site, separated by North Pearl Street (30'), of the 68 dwelling units on the west side of North Pearl Street (30') for which reserved parking will be provided in the parking structure on the east side of North Pearl Street (30').
- 5) 3312.49(C), Minimum Numbers of Parking Spaces Required, which Section requires 108 parking spaces for 72 dwelling units at 1.5 spaces/unit and 238 parking spaces for up to 17,850 square feet of restaurant use at 1 space/75 gross square feet, while applicant proposes to provide 72 parking spaces for 72 dwelling units at the rate of 1 space/dwelling unit, with all 72 spaces being reserved in the parking structure and to reduce required parking to zero (0) for up to 17,850 square feet of restaurant area.
- 6) 3312.53, Minimum Number of Loading Spaces Required, which Section requires one (1) loading space for aggregate commercial use area between 10,000 and 75,000 square feet, while applicant proposes zero (0) loading spaces.
- 7) 3321.01, Dumpster Area, which Section requires loading and maneuvering area for a dumpster to be located on-site, while applicant proposes to provide on-site refuse storage for private hauler access/maneuvering from Pearl Street (30') .
- 8) 3321.05(B),(1), Vision Clearance, which Section requires a ten (10) foot clear vision triangle at the northwest and northeast corners of East Hubbard Avenue and North Pearl Street (30'), while applicant proposes a zero (0) foot building setback on both East Hubbard Avenue and North Pearl Street (30').

A hardship exists in that there is no district to which the property could be rezoned to permit commercial uses and ground level residential use.

Pearl Street (30'), while applicant proposes a zero (0) foot building setback on both East Hubbard Avenue and North Pearl Street (30').

A hardship exists in that there is no district to which the property could be rezoned to permit commercial uses and ground level residential use.





City of Columbus
Mayor Michael B. Coleman

Department of Development

Boyce Safford III, Director



HISTORIC DISTRICT COMMISSION RECOMMENDATION

ITALIAN VILLAGE COMMISSION

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 757 Carolyn Avenue) and following all other applicable codes and ordinances of the City of Columbus.

PROPERTY ADDRESS: 834 North High Street

APPLICANT'S NAME: E. W. High Street, LLC (Applicant) Apex Realty Enterprises, LLC (Owner)

APPLICATION NO.: 11-9-17c(3)

COMMISSION HEARING DATE: 6-19-2012

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3117 and the architectural guidelines:

Variance or Zoning Change Request

- | | |
|--|---|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special permit |
| <input checked="" type="checkbox"/> Parking Variance | <input type="checkbox"/> Setbacks |
| <input type="checkbox"/> Change of Use | <input type="checkbox"/> Other |
| <input type="checkbox"/> Lot Split | |

TYPE(S) OF ACTION(S) REQUESTED:

Recommend approval of Application #11-9-17c(3), 834 North High Street, as submitted, with all clarifications as indicated:

Recommendation for Modification to Parking Variance

- Requesting a modification to the previously recommended variance to reduce required parking to zero (0) for up to 17,850 square feet of restaurant space.
- Request based on a 100 sq. ft. increase in first floor commercial square footage for new building at North High Street and East Hubbard Avenue from 17,750 sq. ft. to 17,850 sq. ft. Increase of 100 square feet changes required parking by one (1) space (from 237 to 238).
- 3312.49(C), Minimum Numbers of Parking Spaces Required, which Section requires 108 parking spaces for 72 dwelling units at 1.5 spaces/unit and 238 parking spaces for up to 17,850 square feet of restaurant use at 1 space/75 gross square feet, while applicant proposes to provide 72 parking spaces for 72 dwelling units at the rate of 1 space/dwelling unit, with all 72 spaces being reserved in the parking structure and to reduce required parking to zero (0) for up to 17,850 square feet of restaurant area.

Reasons for Recommendation:

- Referring back to the Commission's reasons for approval of the original variance request (December 20, 2011), generally, the IVC has advocated for at least one (1) parking space per dwelling unit, but has recommended approval of zero (0) spaces for restaurants based on the benefits a restaurant offers the neighborhood. In this case, an additional parking facility is provided, which should ease any additional parking burden generated by the restaurant use. The current request for a modification to the original variance is not substantially different from the original request, but is a slight modification to the evolving building footprint

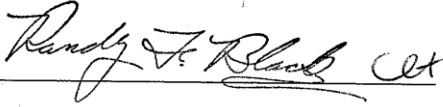
Note: This recommendation addresses number five (5) only of the eight (8) variances recommended by the Italian Village Commission in Certificate of Appropriateness # 11-9-17c, issued December 20, 2011.

MOTION: Sudy/Cooke (6-0-0) RECOMMENDED

RECOMMENDATION:

RECOMMEND APPROVAL RECOMMEND DENIAL NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.

A handwritten signature in cursive script that reads "Randy F. Black" followed by a stylized flourish.

Randy F. Black
Historic Preservation Officer



COUNCIL VARIANCE APPLICATION

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

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 # CV12-023

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Jeffrey E. Meacham

Of [COMPLETE ADDRESS] E.W. High Street, LLC, 1220 Dublin Road, Columbus, OH 43215-1008 deposes and states that [he/she] is the APPLICANT AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following formats

- Name of business or individual
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

<p>1. E.W. High Street, LLC 1220 Dublin Road Columbus, OH 43215-1008 # of Columbus Based Employees: 0 Contact: Jeffrey E. Meacham, (614) 488-4000</p>	<p>2. Apex Realty Enterprises, LLC c/o Myron N. Terlecky, Attorney Strip, Hoppers, Lohhart, McGrath & Terlecky Co. 575 South Third Street Columbus, OH 43215 # of Columbus Based Employees: 0 Contact: Myron Terlecky, (614) 228-6345</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT _____
 Subscribed to me in my presence and before me this 7th day of April, in the year 2012
 SIGNATURE OF NOTARY PUBLIC Marianne E. Collins
 My Commission Expires: January 15, 2016

Notary Seal



MARIANNE E. COLLINS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JANUARY 15, 2016

This Project Disclosure expires six months after date of notarization.

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