

**Exhibit B**  
**834 North High Street**  
**CV11- 039**

**Statement of Hardship**

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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 0882-2007, passed July 11, 2007 (CV06-066) variances were granted to permit a substantially larger mixed use commercial/residential/parking garage development on this property in the C-4, Commercial District.

Applicant proposes a five (5) story building at High and Hubbard with ground level commercial space (17,500 +/- 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).

On Zoning Code compliance issues, the proposed development is similar to the development permitted by Ord. 0882-2007, but reduced in scope from an eleven (11) story building with 166 dwelling units with a multi-story parking garage to a five (5) story building on the High and Hubbard parcel and a five (5) story parking garage on the parcel east of North Pearl Street (30'). Ord. 0882-2007 also established certain conditions, such as, 1) conditioning development on below grade parking deck layouts that depict underground vehicular circulation under North Pearl Street (30'), 2) the site plan dated March 7, 2007, and 3) limits of 8,000 gross square feet of restaurant space and 13,712 square feet of retail space. The cost of providing underground parking levels and vehicular connection to the parking levels under North Pearl Street (30') is very high and not needed with the proposed project and applicant's site layout is slightly different with a different orientation of the courtyard. The current ordinance permits a total of 21,712 square feet of commercial use (restaurant and retail) while applicant proposes less total commercial area with 17,750 +/- square feet of commercial area, all permitted to be used for restaurant and/or retail uses. A total of 72 dwelling units vs. 166 presently permitted, are proposed. All 72 dwelling units will have one (1) reserved parking space in the parking garage, for a total of 72 of the 322 spaces, and the remaining 250 parking spaces won't be designated, but will be open fee based parking for hourly or daily use or leased by the month.

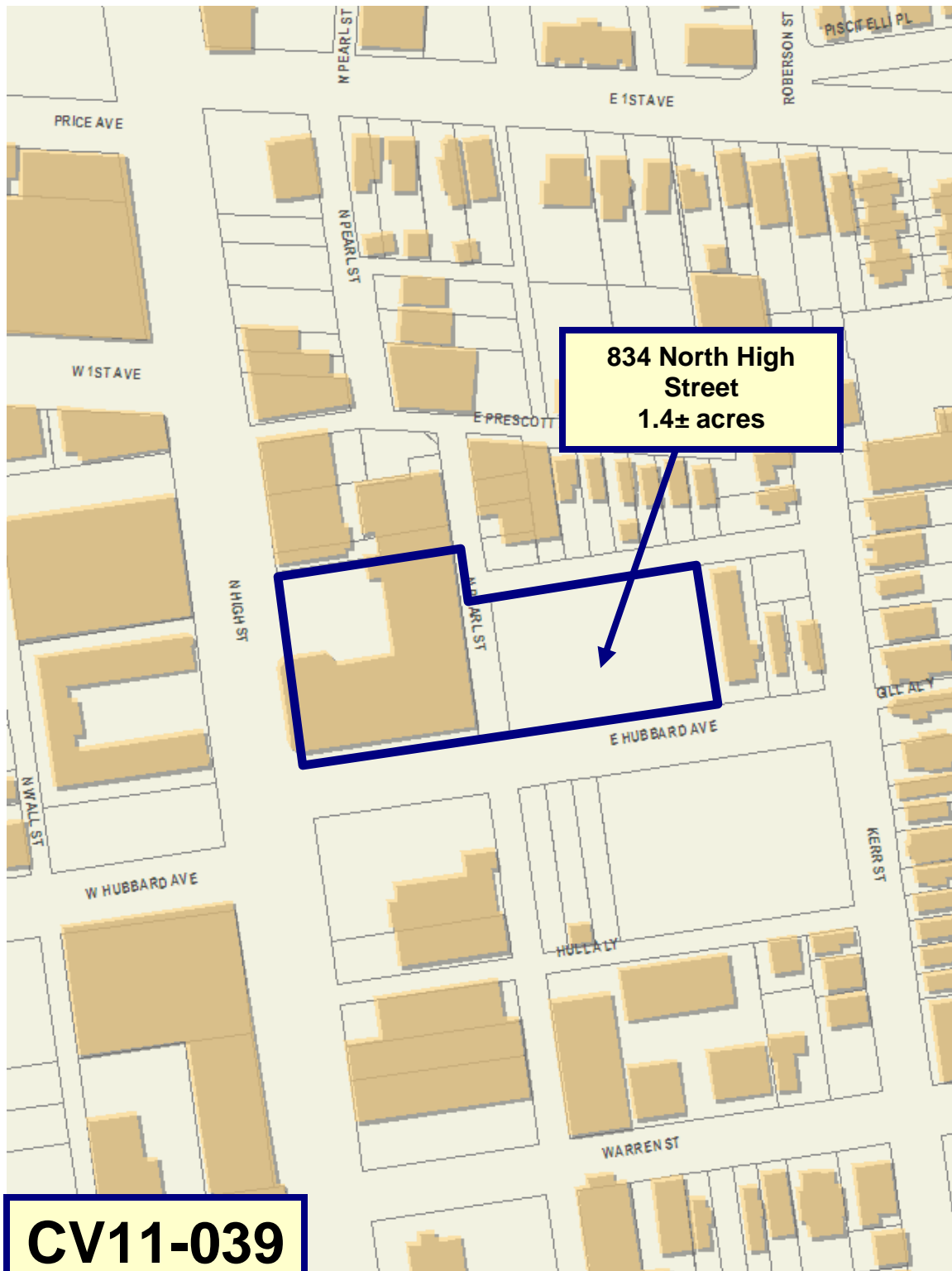
Applicant requests the following variances:

- 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 (60) foot height, as defined (3303.08, Letter H).
- 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 237 parking spaces for up to 17,750 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 17,750 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 an 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.





**834 North High Street  
1.4± acres**

**CV11-039**



City of Columbus  
Mayor Michael B. Coleman

**Department of Development**  
Boyce Safford III, Director

**Certificate of Appropriateness**  
**ITALIAN VILLAGE COMMISSION**



*This Certificate of Appropriateness 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      **HEARING DATE:** 12-20-2011      **EXPIRATION:** 12-20-2012

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Certificate of Appropriateness 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:

- Approved:** Exterior alterations per APPROVED SPECIFICATIONS
- Recommendation for Approval:** Requested re-zoning/special permit/variance per APPROVED SPECIFICATIONS


**APPROVED SPECIFICATIONS:**

- Request for recommendation for eight (8) variances related to the construct new five (5) story commercial/residential building and four (4) story parking garage.  
Commission Comments:
  - 1) 3356.03, C-4, Permitted Uses
    - From the onset of this project, the Italian Village Commission (IVC) has advocated the residential townhomes along Hubbard Avenue to screen the parking garage.
  - 2) 3356.11, C-4, District Setback Lines
    - The proposed zero (0) setbacks on North High Street and East Hubbard Street conform to the Short North Design Guidelines for building setbacks (3.12).
  - 3) 3309.14, Height District
    - The proposed sixty (60) foot height conforms to the Short North Design Guidelines for building height and massing (3.22).
  - 4) 3312.03(D), Administrative Requirements
    - This is a very specific case in which the IVC wants to see a separate functioning parking structure that will provide additional parking service beyond this development to the neighborhood.
  - 5) 3312.49(C), Minimum Parking Spaces Required
    - 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.
  - 6) 3312.53, Minimum Loading Spaces Required
    - The proposed zero (0) loading spaces conforms to the Short North Design Guidelines for parking (3.30).
  - 7) 3321.01, Dumpster Area
    - The IVC has no objection to the on-site refuse storage.
  - 8) 3321.05(B)(1), Vision Clearance – Zero setback on East Hubbard Avenue and North Pearl Street
    - The IVC has strongly encouraged the screening of the proposed parking garage by the proposed townhomes on Hubbard Avenue. The specific intent of the townhomes is to screen the parking garage from the park, and the IVC believes that it contributes to the balance between urban and residential. The zero (0) setbacks provide for the desired functioning parking garage and provide for the townhomes to screen the garage.
    - The Applicant is to return to a future IVC hearing for final review and approval of all design details and finishes for the proposed project.

MOTION: Sudy/Cooke (4-0-0) RECOMMENDED

**Drawings Required**

This Certificate of Appropriateness is only valid for work performed in accordance with the motion so passed and approved by the Commission, and shall accompany plans submitted for zoning clearance and/or building permits.

  
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](http://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 # CV11-039

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.</p> <p>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.</p> <p>Apex Realty Enterprises, LLC c/o Myron N. Terlecky, Attorney Simp, Hoppers, Lelthart, McGrath &amp; 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>-----</p>	<p>4.</p> <p>-----</p>

Check here if listing additional parties on a separate page.

#### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 28<sup>th</sup> day of NOVEMBER, in the year 2011

#### SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Marianne E. Collins  
1-15-16

Notary Seal Here



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

This Project Disclosure Statement is valid for \_\_\_\_\_ 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