

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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

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.

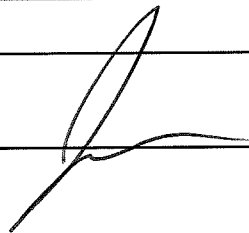
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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:

See attached.

Signature of Applicant



Date

10/4/2016

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

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

Please make checks payable to the Columbus City Treasurer

Statement of Hardship

5055 Dierker

The Applicant seeks Council Variances to allow property owner Stevenson Family Ventures LTD. (and future owner John Chess) to allow a Micro Brew Pub & Brewery to be constructed alongside the current property with two access points to original building.

The definition of a micro pub is difficult. It is a set of ethics rather than a set of rules: A micro pub according to the Micro Pub Association is defined as follows: "A micro pub is a small free house which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks".

There may be differences between the pubs; they may or may not have a bar, they might serve beer straight from the cask or through hand pumps. But they are united in one philosophy. A simple pub with the focus on cask beer and conversation for entertainment. The basic premise is KIS, KIS – Keep It Small, Keep It Simple. A brewpub is a pub that brews its own beer for sale on the premises. A microbrewery "may" have additional capacity that allows for off premise wholesale distribution.

The current zoning for office is being changed to a new CPD, Commercial Planned Development District to permit the proposed eating and drinking establishment. This property's "Best Use" would be one that allows the general public, special groups, nonprofit charities and educational groups to be able to visit and learn about the history of early Columbus settlers. By allowing these variances a retail location with the above reference use would allow for a profitable business with a unique story that is open to the public. If granted our commitment would be to allow easy access to the property for special events and groups. This use will allow for the easiest access and economic means to keep and restore this treasure of history.

Introduction to the Henderson Farm



Paying Homage to the Past While Moving Into the Future

This property is one of if not the oldest still standing properties in the NW segment of Columbus. The goal is to preserve the historical elements (Farm House, Smoke House and Barn) and to change the usage to allow the greatest use and maximize the access to this historical property to the local community as well as all Ohio residents and all people that are enthusiast of history.

Land Grants and Sales

Ohio lands were surveyed and sold by the federal government, private individuals, and by the states of Virginia and Connecticut. Since parts of the state were surveyed at different times, Ohio was divided into areas called survey "districts" or "land grants."

Virginia Military District

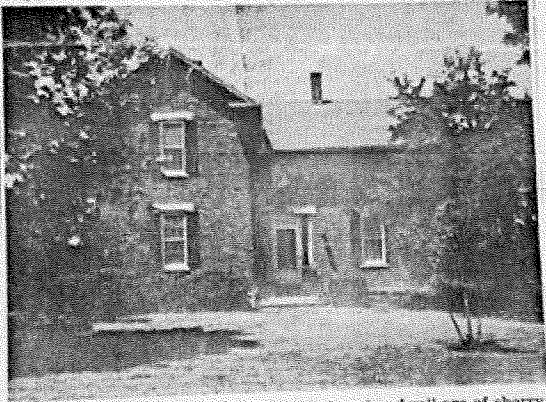
In 1770, Virginia had claimed part of the area that became Ohio. Virginia established the Military Reserve between the Scioto and Little Miami Rivers. These lands were available to veterans of the Virginia and Maryland Militias who had served during the American Revolution.

The lands were divided using the older survey procedures of colonial Virginia, and they were not always completely precise. Because of this, many new landowners learned that they were sometimes not the only ones who owned their land. Other veterans "owned" some or all of the same piece of land, and landowners were forced to go to court to have a judge decide the true owner. After Virginia gave out the land that its veterans wanted, it released the unclaimed lands to the United States government. In 1852 and 1871, these lands were turned over to the State of Ohio.

Henderson Farm

The land was originally allocated in the early 1800's as payment for military service in the Revolutionary War to Joseph Henderson. Originally over 500 acres and used as a cattle farm. The land was located between Bethel and Henderson Rd west to Sawmill and east to Kenney. The original owner was Joseph Henderson (see picture), his wife and ten children. The original house was built around 1859 and is dated by the dual fireplaces and architectural designs. The home was on the BIA Parade of Homes on June 23, 1966 (see attached article on next page.)

June 23 1966 **Dierker Home on Tour of Homes**



On land originally allocated in 1800 as payment for military service rendered, was built the home of Mr. and Mrs. A. H. Dierker, 6055 Dierker Road. This home will be on the Historical Society's Tour of Homes, July 31.

The age of the home was determined from a double fireplace between the library and dining room which was dated 1848.

Constructed of brick, hand made on the premises, the home has 8 rooms and 4 fireplaces. The entire house was put together with square cut nails of wrought iron. All lumber used in the home was obtained from trees in the woods surrounding the property.

Perhaps the most unique feature in the house is the curved stairway and wall with a small window set in the curve. The newel post and rail are of cherry, the spindles are oak. As was customary in those days, the carpenter who built the stairway lived with the family the entire winter while completing the work. All the baseboards are original as are the floors of wide random planked white ash.

The window glass, is for the most part, original as are the outside shutters. Transomed doors and casement windows with unusual grooved trim are other interesting features.

A storage building to the back of the house still carries its original wood shingled roof which is topped with an old bell used to summon the farm hands from the fields.

Also on the property is the original log smoke house. The Dierker home is a charming, nostalgic treat for tour goers.

This property will be zoned for office and eating and drinking establishment uses. The city approved changing this parcel from residential to CPD in 1983 (see attached article below.) We are seeking a change to this CPD to allow a micro pub and brewery along with this we would showcase the smoke house and history of the original farm house.

THE NEWS
northwest columbus

Wednesday, March 9, 1983
Volume 7, No. 52
Columbus, Ohio
25 cents

SNP

Farmhouse-to-Office Conversion Receives NWCA Board's Blessing

By Cynthia Crane

"Probably the best proposal that's going to come along" is now members of the Northwest Civic Association (NWCA) Board of Directors described plans to convert an historic northwest Columbus residence into an office building.

The plan, submitted as a commercial planned development (CPD) by realtor David Young, received the blessing of the civic association board at its March 2 meeting. The Columbus Development Commission is scheduled to rule on the plan Tuesday. Final approval must come from Columbus City Council.

The spacious two-story farmhouse, 5625 Dierker Rd., was erected in 1848 by Joseph Hendrick, a member of the Central Ohio landowning family which gave its name to Hendrick Road. In 1900, the house was purchased and occupied by members of the Dierker family, according to information supplied by Young.

Young is attempting to buy the house and surrounding 1.5-acre tract. The Dierker estate was passed down to one of the house's last owners, but the house has been used as a residence for several years.

Both Ohio and Franklin County historical societies are interested in listing the house on their registries of historic properties, he said.

Young's proposal includes converting the property from its current single-family residential zoning to a CPD limited to office use. If he wins the CPD zoning, Young will be required to develop according to the site plan approved by council.

The site plan submitted to the civic association would allow Young eventually to build an addition on to the original house. Young said the board any addition would be compatible with existing architecture.

A barn, also on the property would be converted to offices, and a modern smoke house would remain as an ornamental structure. A parking lot would be added but most existing landscaping, including mature trees, would be preserved, Young said.

"The residential life of that building has been lived," Young told board members. Another developer interested in the property had wanted to turn the house for commercial use, but that plan had been abandoned.

In other business, board members declined to express their disapproval to Young's plan, which is scheduled for a hearing before the Columbus Development Commission on Tuesday.



Historic farmhouse at 5625 Dierker Rd.

Bout with the Flu Nears an End

Our plans call for adding a new structure that houses the brewery equipment, ADA compliance bathrooms and a small sitting area. The new structure will have two access points to the original home, either revitalize the smoke house or showcase it and utilize the some of the rooms as a museum of that era's pictures and artifacts.

The plans call for using the new structure as a micro brew pub, with restrooms, and sitting area. Tying into the original attached garage/barn area, as a cold room and small kitchen and using the basement for storage. The second entry point into the original farm house will be to have sitting rooms on the first floor and office space on the second floors. This will allow us to keep the rooms intact and minimize any changes to the structure.

Using the existing rooms as sitting rooms, would allow us to decorate and have themes for the eras that these properties were built. We could have a Henderson room, Dierker Room, Revolutionary War Room and early Columbus Rooms. These sitting rooms would allow for small groups to gather. Utilizing the second floors as offices eliminates the need for any renovations.

There are plans as I understand, for sidewalks that are wide enough for bike paths and as walking paths planned for along the west side of Dierker Rd. in front of this property. Our new use would also fit into this theme of making the area more accessible and pedestrian friendly. The planned bike racks will compliment this concept and allow easy access via bicycle and by foot.

Summary

This property has only had three owners in over 160 or so years. The Henderson Family, then Borrer Family, The Stevenson Family and now hopefully to the Chess and Dailey (still to be finalized) families. The evolution from cattle farm, to residence, to historic office and now to a Historic Brew Pub will complete its transformation from a private property to the "best use" property which will showcase and allow the public to experience and learn the history of the early settlers of Columbus. If granted this requested variance will maintain the historical importance and make it very accessible to the general public. As currently zoned there is limited access to the general public and has no way to showcase it as a community asset. I/We as the new owner or owners will take it upon ourselves to be the "keepers" of this property and make it a treasure for generations of Columbus residents to enjoy.

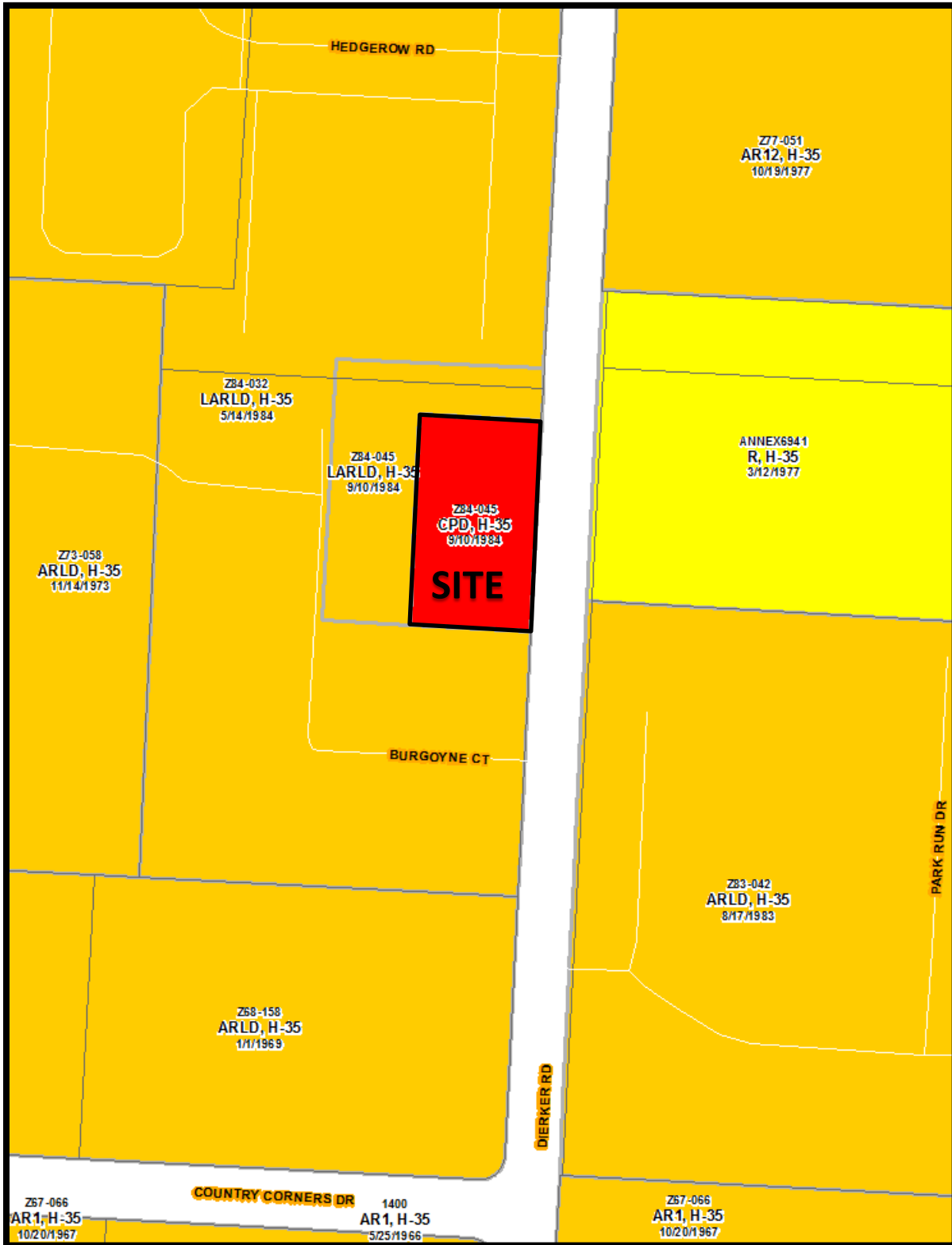
Zoning variances for this project include the following:

3361.02 – Permitted uses. To allow a brewery with off-site distribution in the CPD district.

3363.19 - Location requirements. To allow a business manufacturing alcoholic beverages to be located within less than 600 feet from the boundaries of a residential or apartment residential district.

Signature: _____

Date: _____ 10/4/2016



CV16-065
5055 Dierker Road
Approximately 0.61 acres



CV16-065
5055 Dierker Road
Approximately 0.61 acres

Department of Building & Zoning Services

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

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number Z16-065 CV16-065

Address 5055 Dierker Rd. (43016)

Group Name NORTHWEST CIVIC ASSOCIATION

Meeting Date _____

- Specify Case Type**
- BZA Variance / Special Permit
 - Council Variance
 - Rezoning
 - Graphics Variance / Plan / Special Permit

- Recommendation**
(Check only one)
- Approval
 - Disapproval

NOTES:

 Approval vote is conditional

 Conditions: Good Neighbor Agreement (stating hours of operations
no outdoor music) Copy of Good Neighbor Agreement included

 Parking Lease agreement

Vote 10 yes - 0 no APPROVAL

Signature of Authorized Representative *Rosemarie Lisko*

Recommending Group Title Zoning Chair Northwest Civic Association

Daytime Phone Number 614- 985-1150

Please e-mail this form to the assigned planner within forty-eight (48) hours of your meeting day; or FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.

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"Invest in Real Estate, Customers for Life"

**Good Neighbor Agreement
5055 Dierker Rd**

The following constitutes an agreement between Realty Invest Co and the Northwest Civic Association for the property located at 5055 Dierker Rd. Columbus, Ohio.

1. Hours of operation, (no outdoor seating after 10pm any day of the week)

Monday – Thursday	12:00 – 10:00 p.m.
Friday & Saturday	12:00 – 11:00 p.m.
Sunday	12:00 – 10:00 p.m.

2. No outdoor music

3. After the hours of 10pm no emission of noise (that includes outdoor patio and any noise emitting from the establishment)

4. Parking lease agreement with church across from the establishment located on Dierker Rd. which will become effective the day the establishment is open.

The above conditions shall constitute the agreement between the parties and said contract may not be altered except in writing signed by the two parties and shall be binding on the two parties during their occupation and use of the premises by Realty Invest Co.

This agreement signed on 11th day of November 2016

By _____ 11/11/2016
John Chess - President

*Josephine Lisko 11/11/2016
Zoning Chair
Northwest Civic Assoc.*

Steven R. Schoeny
Director

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
DEVELOPMENT

HISTORIC DISTRICT COMMISSION RECOMMENDATION

HISTORIC RESOURCES 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: 5055 Dierker Road
APPLICANT'S NAME: John Chess (Applicant)

Columbus Register Individual Listing #20
Stevenson Family Ventures (Owner)

APPLICATION NO.: 16-11-23

COMMISSION HEARING DATE: November 17, 2016

The Historic Resources 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

- Rezoning
- Parking Variance
- Change of Use
- Lot Split

- Special permit
- Setbacks
- Location Requirements

TYPE(S) OF ACTION(S) REQUESTED:

Recommend approval Application #16-11-23 for the requested variances for the Columbus Register listed (CR #20) property located at 5055 Dierker Road, as indicated.

Variance Recommendation Requests

- CC3361.02: Permitted Uses – To allow a brewery with off-site distribution in the CPD District.
- CC3363.19: Location Requirements – To allow a business manufacturing alcoholic beverages to be located within less than 600 feet from the boundaries of a residential or apartment residential district.
- CC3312.03: Off Street Parking—To reduce required parking calculation total from 45 to 16 spaces. Easement provided that allows use of 11 parking spaces on adjacent lot for grand total of 27 available parking spaces.
- 3361.02: Planned Commercial Development—To permit M-1 Manufacturing Use within CPD District.
- 3361.04: PCD Performance Criteria—To reduce side and rear yard setback requirements from 25' to 0'.
- 3363.19: Location Requirements—To allow brewer to be located within 600 feet of a residential district.

Rezoning Recommendation Requests

- Change of zoning from CPD – Commercial Planned Development District to CPD – Commercial Planned Development District.
- The current CPD (Z84-045) only permits general office uses. The proposed CPD will permit an eating and drinking establishment (microbrewery) and general office uses.

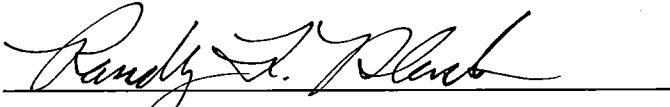
MOTION: Morgan/Henry (6-0-0) RECOMMEND APPROVAL



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.



Randy F. Black
Historic Preservation Officer

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 # CV16-065

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) John Chess
of (COMPLETE ADDRESS) 4263 Gavin Lane Columbus, OH 43220

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 format:

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

1. John Chess 4263 Gavin Lane Columbus, OH 43220 614.402.0526	2. Keith Dailey 2108 Castlebrook Dr. Powell, OH 43065 (614) 592-7148
3.	4.

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

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 9th day of February, in the year 2017

SIGNATURE OF NOTARY PUBLIC [Signature] 3/27/2021 Notary Seal Here
My Commission Expires



NUSRAT AKBAR
Notary Public, State of Ohio
My Comm. Expires 03/27/2021
Recorded in Franklin County

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