

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

STATEMENT OF HARDSHIP

Application #: CV18-103

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

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

Brothers Drake has been a part of the community for several years now and has continued to grow as a destination. The use of the space has evolved to include live music on occasion and were notified of the non-conforming use. The hours of operation for the tasting room is Wednesday through Saturday from 5:00pm to midnight or 1:00am. Music is routinely scheduled from 8:00pm -11:00pm on Wednesday and every other Thursday and from 10:00pm to 1:00am on Friday and Saturday. The production of mead takes place during the week. The live music has become integral to the use of the space and we are requesting a use variance from Section 3355.03, C-3 Permitted Uses and 3312.49 Minimum Numbers of Parking Spaces Required to permit a nightclub use for this parcel. The parcel was previously granted a variance to permit a tasting room and meadery use and leniency on parking requirements. The meadery continues to operate as a noiseless and odorless operation and the addition of live music does not unreasonably effect the neighborhood. As noted on the Life Safety Plan, an additional means of egress from the Assembly area is required and will be provided through the production area.

See attached addendum.

Signature of Applicant

Sam Barry

Date

11.27.18

26 East 5th Avenue; Columbus, OH 43201Current Zoning District: C-3, Commercial DistrictProposed Use: Continue meadery and off-site distribution uses; add new use of night club for frequent live entertainment events.Proposed Variances:

3355.03, C-3 permitted uses: Permit continued use as meadery with off-site distribution and new use of a night club in conjunction with the meadery tasting room.

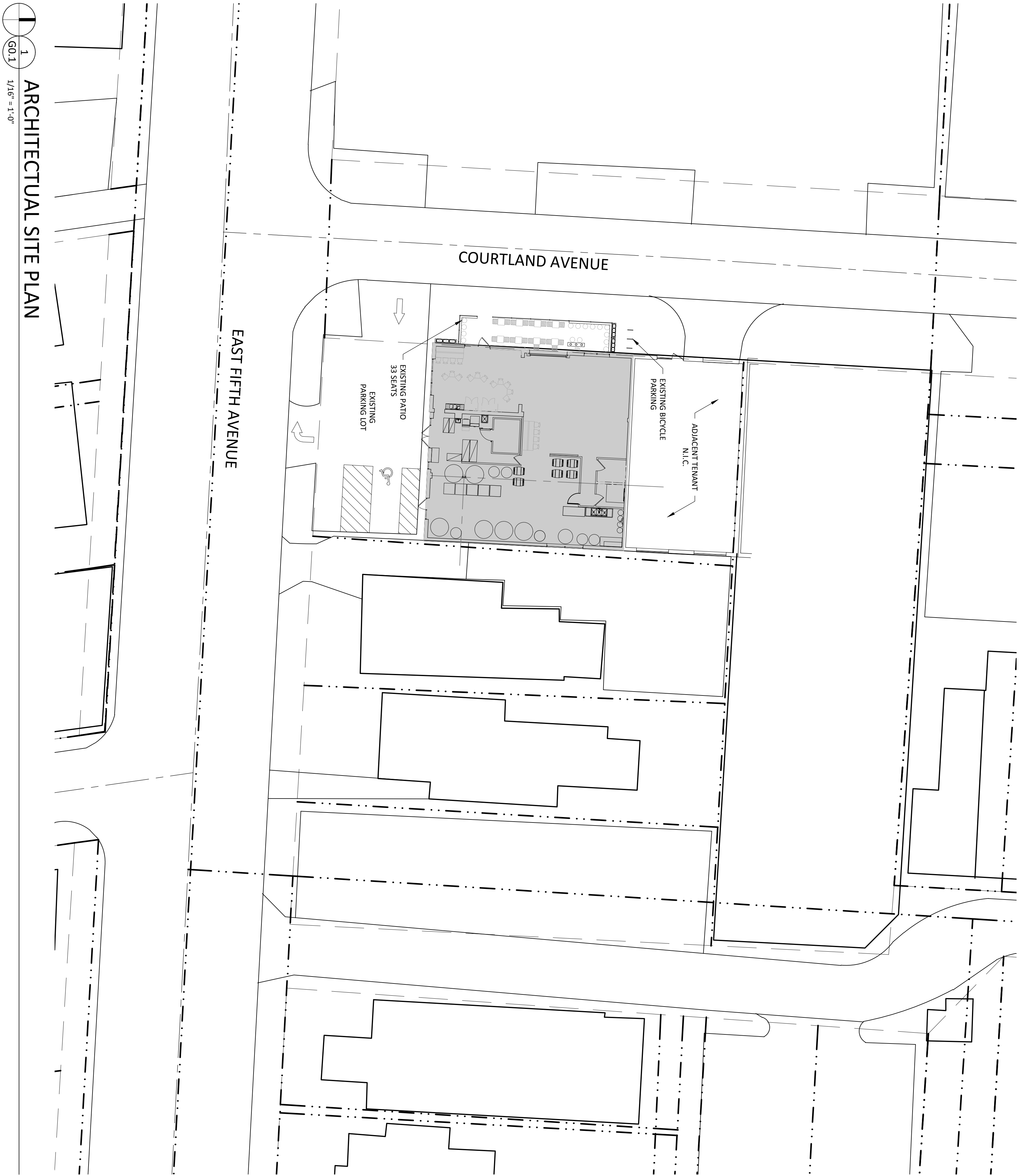
3311.28(b), Requirements: Permit continued use as meadery with off-site distribution in a C-3, Commercial District as opposed to an M, Manufacturing District within 105+/- feet from residentially-zoned property.

3312.49, Minimum numbers of parking spaces required: 11 spaces required, 1 ADA space provided; a reduction of 10 spaces. Note: Previous parking variances granted for restaurant, tasting room, and patio under CV10-037, BZA16-006, and BZA09310-00200 allowed 0-2 parking spaces.

Parking Breakdown for Parcel 010-049712:

Meadery:	1,925 SF	1 space/750 SF	2.57 spaces
Night club / event space:	1,155 SF	1 space/75 SF	15.4 spaces
Adjacent fitness facility	1,659 SF	1 space per 250 SF	3.3 spaces
Total required parking:			21.27 (22) spaces
50% Neighborhood Commercial Subarea reduction:			11 parking spaces required 1 ADA parking space provided

Site / Layout Plan Provided for Informational Purposes Only



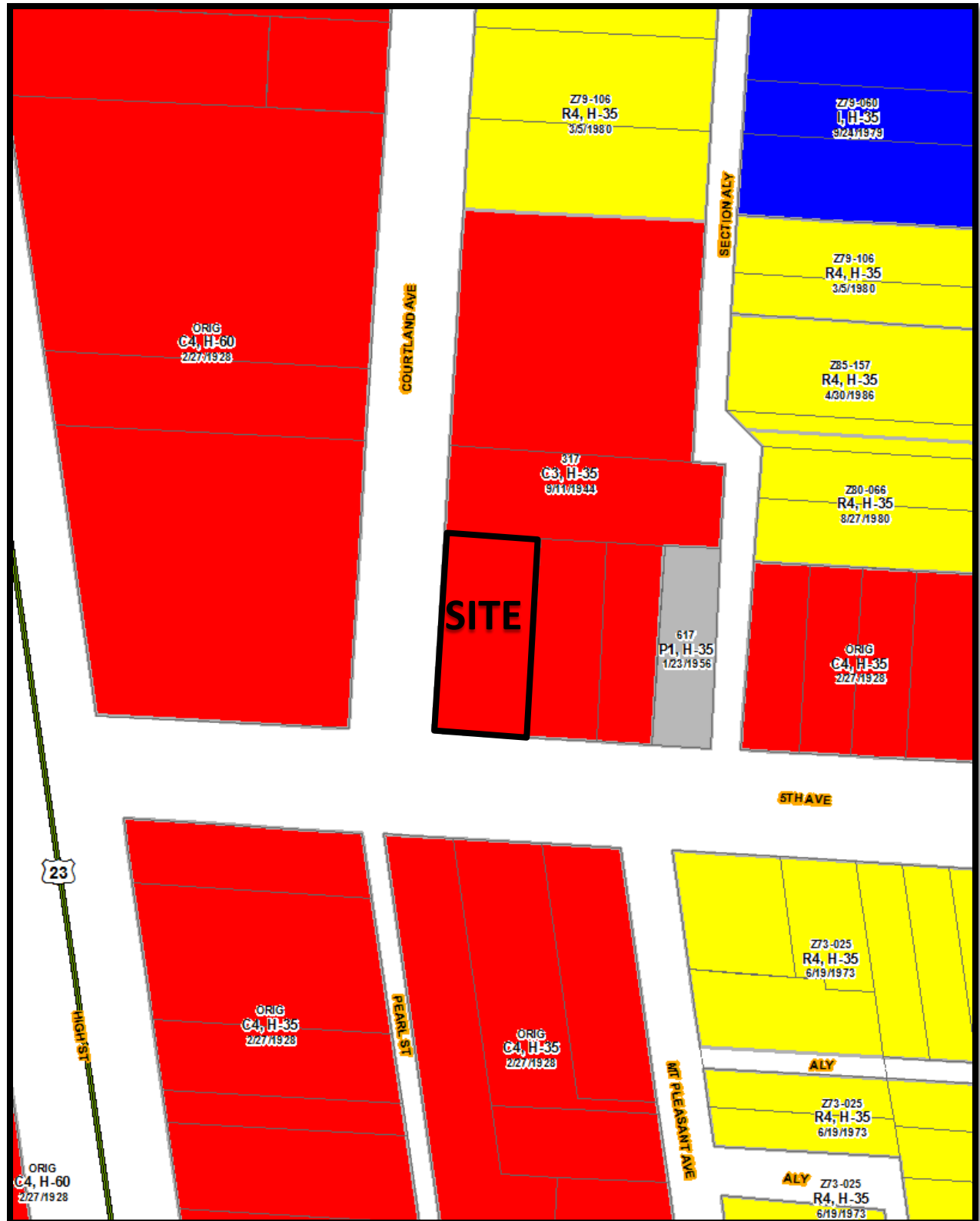
LIFE SAFETY GENERAL NOTES

- A. 44 INCHES REQUIRED EGRESS CORRIDOR WIDTH FOR OCCUPANCIES OF 50 AND OVER, 42 INCHES REQUIRED EGRESS AISLE WIDTH FOR OCCUPANCIES OF 50 AND OVER, 36 INCHES REQUIRED EGRESS WIDTH FOR OCCUPANCIES UNDER 50. OBC TABLE 1020.1.2
- B. NO DEAD END CORRIDORS OVER 20'-0" IN LENGTH. OBC SEC. 1020.4
- C. MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE TO AN EXIT IS 75'-0" MEASURED AT THE MOST REMOTE POINT ALONG THE NATURAL PATH OF EGRESS. DISTANCE OF HORIZONTAL AND VERTICAL TRAVEL TO THE EXIT. OBC TABLE 1020.3.
- D. DISTANCE BETWEEN TWO POINTS OF EGRESS (MEASURED IN A STRAIGHT LINE BETWEEN THE TWO) SHALL NOT BE LESS THAN 1/3 DIAGONAL DISTANCE OF THE SPACE BEING SERVED BY EGRESS PATH. OBC SEC. 1007.1.1
- E. MAXIMUM EXIT ACCESS TRAVEL DISTANCE 200'-0" WITH SPRINKLERS. OBC TABLE 1017.2
- F. SPACE BETWEEN TWO DOORS IN A SERIES SHALL BE 48 INCHES MIN PLUS WIDTH OF A DOOR SWINGING INTO THE SPACE.
- G. DOORS, WHEN FULLY OPENED, SHALL NOT REDUCE THE REQUIRED MEANS OF EGRESS WIDTH BY MORE THAN 7 INCHES. DOORS IN ANY POSITION SHALL NOT REDUCE THE REQUIRED WIDTH BY MORE THAN ONE HALF. OBC SEC. 1005.7.1
- H. PROVIDE FIRE EXTINGUISHERS AS REQUIRED PER APPLICABLE CODES AND COORDINATE EXACT QUANTITY AND LOCATION WITH FIRE MARSHAL.
- I. PROVIDE AND INSTALL OCCUPANCY SIGN IN A CONSPICUOUS LOCATION IN ACCORDANCE WITH STATE & LOCAL CODES.
- J. ALL LIGHT SWITCHES, THERMOSTATS, SECURITY ALARMS, ELECTRICAL OUTLETS, ETC. MUST BE MOUNTED TO MEET ALL GOVERNING ACCESSIBILITY REQUIREMENTS FOR FLOOR & HEIGHT CLEARANCES AND ONE HAND GRASPING OPERATION.
- K. ALL MEANS OF EGRESS DOOR OPENING HARDWARE SHALL BE OPERATED BY A SINGLE HAND WITHOUT MEANS OF TIGHT GRASPING, PINCHING OR TWISTING OF THE WRIST TO OPERATE. ALL DOORS EQUIPPED WITH PANIC HARDWARE MUST MAINTAIN A 32" CLEAR WIDTH. MAXIMUM EFFORT TO OPERATE DOORS SHALL NOT EXCEED:
 - K.A. 8.5 L.B.F. (37.7N) FOR EXTERIOR DOORS
 - K.B. 5.0 L.B.F. (22.2N) FOR INTERIOR DOORS
- L. NFPA INSPECTION TAGS SHALL BE ATTACHED TO ALL FIRE EXTINGUISHERS.

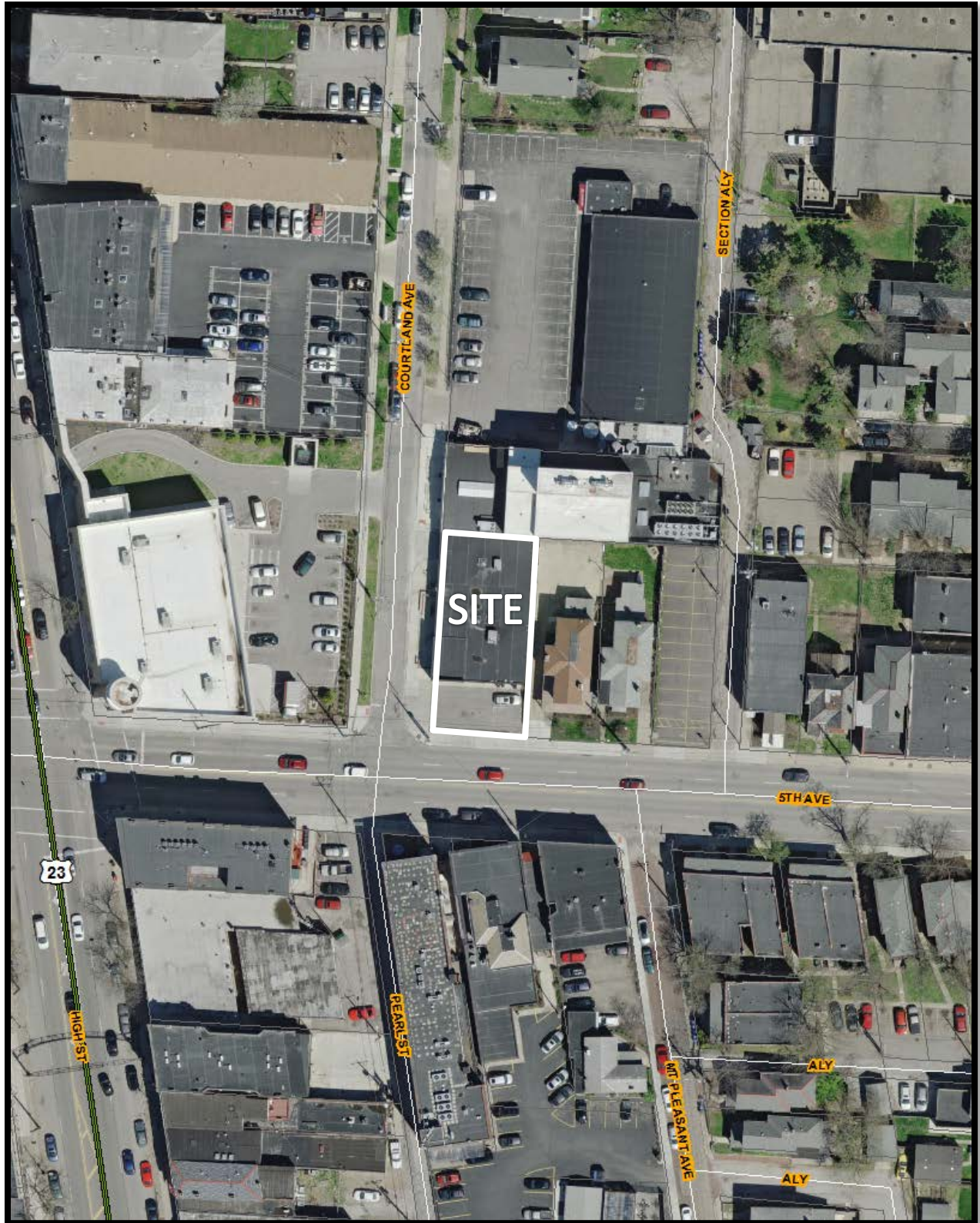
CODED NOTES

- 1. NEW EXIT SIGN.
- 2. NEW DOOR IN EXISTING WALL.
- 3. PROVIDE 44" CLEAR WIDTH AISLE BETWEEN DOORS. PAINT AISLE ON FLOOR SLAB.
- 4. PROVIDE TACTILE EXIT SIGN.
- 5. POST SIGNAGE LISTING THE ASSEMBLY OCCUPANT LOAD IN A CONSPICUOUS PLACE NEAR THE MAIN EXIT DOOR FROM THE SPACE
- 6. POST THE BUILDING ADDRESS WITH A MINIMUM OF 4" NUMBERS ON A CONTRASTING BACKGROUND THAT IS VISIBLE FROM THE STREET TO START OF CONSTRUCTION.

PROJECT NUMBER: BDM001	
ISSUE DATE	NOV 21, 2018
PRELIMINARY	
PERMIT	
BID	
REVISION	

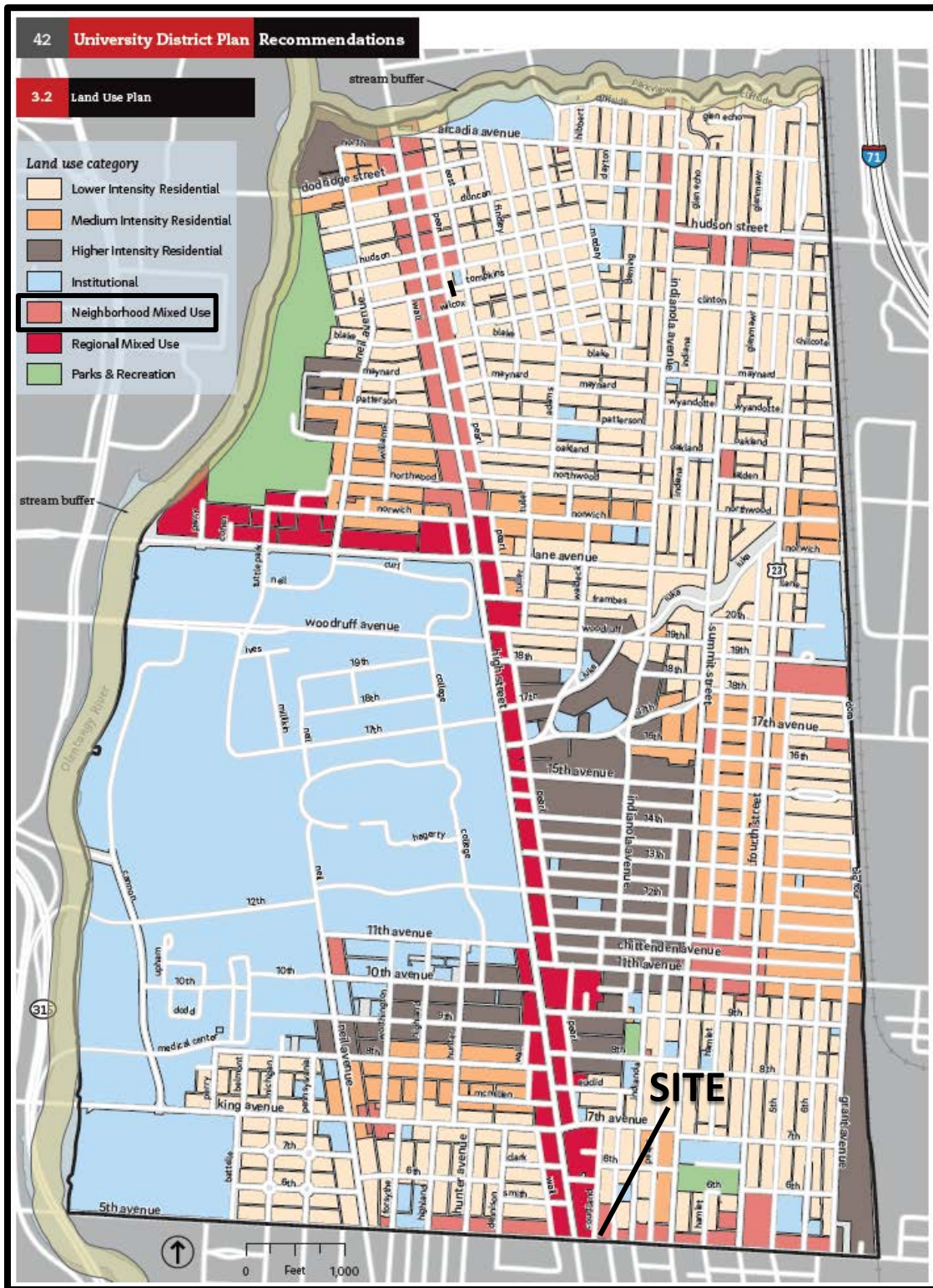


CV18-103
26 East Fifth Avenue
Approximately 0.15 acres



CV18-103
26 East Fifth Avenue
Approximately 0.15 acres

University Area Plan (2015)



CV18-103
26 East Fifth Avenue
Approximately 0.15 acres



City of Columbus
Mayor Andrew J. Ginther

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University Area Commission

Northwood High Building
2231 North High Street
Columbus, Ohio 43201
(614) 441-8174
www.universityareacommission.org

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TO: Shannon Pine
111 N. Front Street
Columbus, OH 43215
Ph: 614-645-2208
spine@columbus.gov

January 16, 2019

RE: 26 E. 5th Avenue:
CV18-103 – Brothers Drake

Shannon:

This letter is to inform you that on January 16, 2019, the University Area Commission voted to approve the council variance for the project located at 36 E. 5th Avenue. The proposed change of use permits the current 'night club' use to be a permitted use in a C-3 zone. The following variances being requested are needed to maintain the current use:

1. Sec. 3355.03, C-3 permitted uses: To permit continued use as meadery with off-site distribution and a new use of a night club in conjunction with the meadery tasting room.
2. Sec. 3311.28(b), Requirements: To permit continued use as a meadery with off-site distribution in a C-3 Commercial District as opposed to an M, Manufacturing District within 105+/- feet from residentially zoned property.
3. Sec. 3312.49, Minimum numbers of parking spaces required: 22 spaces required, 1 ADA space provided: 50% reduction = a reduction of 11 spaces.

The applicant would like to continue its current use since it is a significant part of its business model. The commission understood this but had concerns about limited parking and a potentially negative impact to the surrounding neighborhood from noise from music acts. In 2016 the applicant received a variance for a parking reduction to operate a meadery and a tasting room. The applicant has been operating as a live music venue for 8 years, with only one complaint stating that the Brothers Drake did not have a permit to feature live music. The Commission recognized that a variance remains with the property but also recognized that the Brothers Drake has been a responsible business that is an asset to the neighborhood. Area residents spoke in support of the variance request.

The Commission appreciated that the applicant met with and had secured the support of the Weinland Park Housing Committee, and is in the process of securing a parking lease with the adjacent property owner. To address the noise concerns, the applicant has agreed to the condition that there be **no outdoor amplification**. The UAC is in support of this council variance with the request that this condition be made a part of the council variance for this property.

The vote to approve the above council variance with the condition that there is no outdoor amplification was: For – 12; Against – 0; Abstentions – 1.

Respectfully Submitted,
Susan LM Keeny

Susan Keeny
UAC Zoning Committee Chair
C: 937-479-0201

Council Variance Application

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PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CV18-103

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) SARAH BENARY
of (COMPLETE ADDRESS) 257 Crestview Columbus OH 43202
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. BROTHERS DRAKE LTD. 26 E. 5TH AVE COLUMBUS OH 43201 9 Columbus based employees SARAH BENARY 415.894.944	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Sarah Benary

Subscribed to me in my presence and before me this 27th day of November, in the year 2018

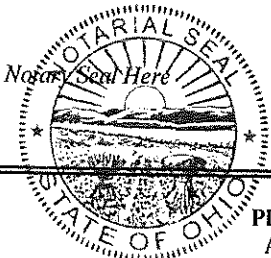
SIGNATURE OF NOTARY PUBLIC

Christine Gillespie

My Commission Expires:

03/16/19

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



Christine Gillespie
Notary Public, State of Ohio
My Commission Expires 03-16-19

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 all checks payable to the Columbus City Treasurer