



Legislation Text

File #: 2836-2016, **Version:** 2

Council Variance Application: CV16-052

APPLICANT: Eric D. Martineau, Atty.; 3006 North High Street, Suite 1A; Columbus, OH 43202.

PROPOSED USE: Craft brewery and bar.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance No. 2835-2016; Z16-061) to the C-4, Commercial District to allow the expansion of an existing craft brewery and bar. The request will permit a brewery with off-site distribution in the C-4 Commercial District. Variances are included to reduce distance separation for an industrial use from residentially zoned property, a 57 space parking reduction and no loading space, increased building setbacks to conform the existing structure, and decreased parking setback with parking and circulation to remain in front of the existing building. These reduced development standards are supportable because they account for existing conditions and allow for better site design, traffic circulation, and expansion on this commercial urban-infill site.

To grant a Variance from the provisions of Sections 3356.03, C-4, Commercial uses; 3312.49, Minimum number of required parking spaces; 3312.53, Minimum number of loading spaces required; 3363.19(C), Location requirements; 3372.604(A)(B), Setback requirements; and 3372.609(A), Parking and circulation, of the Columbus City Codes; for the property located at **1101 NORTH FOURTH STREET (43201)**, to permit the expansion of a brewery and bar with reduced development standards in the C-4, Commercial District (Council Variance # CV16-052) **and to declare an emergency.**

WHEREAS, by application No. CV16-052, the owner of property at **1101 NORTH FOURTH STREET (43201)**, is requesting a Council variance to permit the expansion of a brewery and bar with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4, Commercial district, permits a brewery for on-site consumption and/or a bar, while the applicant proposes a brewery and bar with off-site distribution which the Zoning Code categorizes as a *more objectionable* manufacturing use; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires 57 parking spaces for the brewery/bar expansion, while the applicant proposes zero parking spaces for the expansion, but will maintain the existing 17 parking spaces on site; and

WHEREAS, Section 3312.53, Minimum number of loading spaces required, requires a minimum of one loading space, while the applicant proposes zero loading spaces; and

WHEREAS, Section 3363.19(C), Location requirements, requires *more objectionable* uses to be located a minimum of 600 feet from any residential or apartment residential district, while the applicant proposes a brewery and bar with off-site

distribution on a lot that abuts residentially-zoned property; and

WHEREAS, Section 3372.604(A), Setback requirements, sets a maximum building setback of 10 feet in the Urban Commercial Overlay, while the applicant proposes to maintain setbacks of 41.3 feet along North Fourth Street and 30+/- feet along East Fourth Avenue; and

WHEREAS, Section 3372.604(B), Setback requirements, requires a parking setback of no less than five feet in the Urban Commercial Overlay, while the applicant proposes to maintain a 0 foot setback along both North Fourth Street and East Fourth Avenue; and

WHEREAS, Section 3372.609 (A), Parking and circulation, prohibits parking, stacking and circulation aisles between a public street right-of-way line and a principal building for properties within the Urban Commercial Overlay, while applicant proposes to maintain a parking lot between the building and it's public street frontages; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance allows the expansion of an existing brewery and bar use that is compatible with the surrounding uses and neighborhood. These reduced development standards are supportable because they account for existing conditions and allow for better site design, traffic circulation, and expansion on this urban-infill site; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **1101 NORTH FOURTH STREET (43201)**, in using said property as desired:

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That variances from the provisions of Sections 3356.03, C-4, Commercial uses; 3312.49, Minimum number of required parking spaces; 3312.53, Minimum number of loading spaces required; 3363.19(C), Location requirements; 3372.604(A)(B), Setback requirements; and 3372.609(A), Parking and circulation, of the Columbus City Codes, are hereby granted for the property located at **1101 NORTH FOURTH STREET (43201)**, insofar as said sections prohibit a brewery including distribution in the C-4, Commercial District; with a parking space reduction from 57 additional spaces to 0 spaces with 17 existing parking spaces being maintained; a loading space reduction from one to zero; a reduction in the required distance separation of a brewery including distribution from residentially-zoned property from 600 feet to 0 feet; increased building setbacks from 10 feet to 41.3 feet and 30+/- feet along North Fourth Street and East Fourth Ave respectively; a reduced parking setback line from 5 feet to 0 feet along North Fourth Street and East Fourth Ave; and a parking lot between the building and the street; said property being more particularly described as follows:

1101 NORTH FOURTH STREET (43201), being 0.7± acres located at the southwest corner of North Fourth Street and East Fourth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

TRACT ONE:

Being one hundred and forty-five (145) feet off of the north end of Lot Number Eighteen (18) in William G. Deshler's Amended Addition to William Phelan's Mt. Pleasant Addition to said City, as the same is numbered and delineated on the recorded plat thereof, of record in Plat Book No. 1, page 302, Recorder's Office, Franklin County, Ohio, being one hundred and three (103) feet front on the south side of Fourth Avenue by a depth of one hundred and forty-five (145) feet on North Fourth Street, excepting therefrom, however, the following part thereof, to wit, beginning at a point, intersection of the south line of Fourth Avenue with the west line of Fourth Street; thence westwardly on the south line of Fourth Avenue three and eight-tenths feet to a point; thence southwardly by a straight line to a point in the north line of the alley south of Fourth Avenue (the north line of said alley being one hundred and forty-five and twenty-five one hundredths feet south of the south line of Fourth Avenue, measured on the west line of Fourth Street) four and fifty-three one hundredths feet west of the west line of Fourth Street; thence eastwardly on the last mentioned line four and fifty-three one hundredths feet to the west line of Fourth Street; thence northwardly on the west line of Fourth Street for a distance of one hundred and forty-five and twenty-five one hundredths feet to the south line of Fourth Avenue and place of beginning, which said part was duly appropriated on or about the 28th day of October 1910 by the City of Columbus, Ohio, for the purpose of widening Fourth Street in a certain proceeding then pending in the Probate Court of Franklin County, Ohio, entitled The City of Columbus, Ohio, vs. Mary Fox et al., being case No. 24,924 on the docket of said Court to which proceeding and the record thereof reference is hereby made for greater certainty.

TRACT TWO:

Being Lot Number Five (5) of Catherine White's Subdivision of Lots Nos. Sixteen (16) and Seventeen (17) of Deshler's Addition to Phelan's Mt. Pleasant Addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 246, Recorder's Office, Franklin County, Ohio.

TRACT THREE (Formerly separate parcels known as 183-185 E. Fourth Ave., parcel # 010-039709-00, and; 189-191 E. Fourth Ave., parcel # 010-054953-00)

Situated in the County of Franklin in the State of Ohio and in the City of Columbus and bounded and described as follows:

Being all of Lot number Four (4) and part of Lot Number Three (3) of CATHERINE WHITE'S SUBDIVISION of Lots Nos. 16 and 17 of Deshler's Addition to Phelan's Mt. Pleasant Addition to said City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 246, Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at a point in the northwest corner of said lot; thence eastwardly along the north line of said lot to the northeast corner thereof; thence southerly along the east line of said lot to a point in the southeast corner thereof; thence westwardly along the south line of said lot twenty-seven (27) feet to a point; thence northwardly to the place of beginning.

Legal descriptions for tracks comprising 1101 N. 4th St., Columbus, OH 43201

Parcel # 010-013783-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a brewery and bar with distribution, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan and elevations titled, "**ADDITION TO: SEVENTH SON BREWING; A0.01**," drawn by Urbanorder Architecture, dated October 25, 2016, and signed by Steven Hurtt, Architect for the Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the

appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**