



## Legislation Details (With Text)

**File #:** 1536-2015      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 6/3/2015      **In control:** Zoning Committee

**On agenda:** 6/22/2015      **Final action:** 6/24/2015

**Title:** To grant a Variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; and 3363.19 (C), Location requirements, of the Columbus City Codes; for the property located at 662 NORTH HAGUE AVENUE (43204), to permit a brewery with accessory tasting room and retail sales with reduced distance separation in the M-2, Manufacturing District and to declare an emergency (Council Variance # CV15-031).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1536-2015Attachments, 2. Notice Of Public Hearing - Council Mtg20150622

Date	Ver.	Action By	Action	Result
6/24/2015	2	CITY CLERK	Attest	
6/24/2015	2	MAYOR	Signed	
6/22/2015	2	COUNCIL PRESIDENT	Signed	
6/22/2015	1	Zoning Committee	Approved as Amended	Pass
6/22/2015	1	Zoning Committee	Amended to Emergency	Pass
6/15/2015	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV15-031**

**APPLICANT:** Four String Brewery Co.; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Brewery with accessory tasting room and retail sales.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with two industrial buildings in the M-2, Manufacturing District. The requested Council variance will allow one of the buildings to be converted to a brewery with accessory tasting room and retail sales uses. The variance is necessary because breweries are listed as a *more objectionable* manufacturing use that must be located at least 600 feet from residentially-zoned land, and the M-2 district does not allow *more objectionable* or retail uses. A variance to reduce the 600-foot distance separation requirement is included in the request as there are existing residential uses adjacent to the site. The site is located within the planning area of *The Greater Hilltop Plan Amendment* (2010), which recommends light industrial uses for this location. The proposed brewery is a small-scale operation within an existing 20,000± square-foot building that is located approximately 150 feet from the dwelling to the north, and 400 feet from the nearest dwelling to the east. The retail use will be for product manufactured on site and is ancillary to the primary use. For these reasons, Staff supports the distance separation reduction, and finds that the request is consistent with the Plan's land use recommendation for light industrial uses. Approval of this request will not add an incompatible use to the area.



To grant a Variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; and 3363.19(C), Location requirements, of the Columbus City Codes; for the property located at **662 NORTH HAGUE AVENUE (43204)**, to permit a brewery with accessory tasting room and retail sales with reduced distance separation in the M-2, Manufacturing District **and to declare an emergency** (Council Variance # CV15-031).

**WHEREAS**, by application No. CV15-031, the owner of property at **662 NORTH HAGUE AVENUE (43204)**, is requesting a Council Variance to permit a brewery with accessory tasting room and retail sales with reduced distance separation in the M-2, Manufacturing District; and

**WHEREAS**, Section 3367.01, M-2, Manufacturing district, permits only *less objectionable* manufacturing uses, while the applicant proposes a brewery (a *more objectionable* manufacturing use) with accessory tasting room and retail sales; and

**WHEREAS**, Section 3363.19(C), Location requirements, requires *more objectionable* uses to be located a minimum of six-hundred (600) feet from any residential or apartment residential district, while the applicant proposes a brewery on a lot that directly abuts residentially-zoned property; and

**WHEREAS**, the Greater Hilltop Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposed brewery is a small-scale operation within an existing 20,000± square-foot building that is located approximately 150 feet from the dwelling to the north, and 400 feet from the nearest dwelling to the east. The retail use will be for product manufactured on site and is ancillary to the primary use. For these reasons, Staff supports the distance separation reduction, and finds that the request is consistent with the Plan's land use recommendation for light industrial uses. Approval of this request will not add an incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits 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 owner of the property located at **662 NORTH HAGUE AVENUE (43204)**, in using said property as desired; and

**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 a variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; and 3363.19(C), Location requirements, of the Columbus City Codes; is hereby granted for the property located at **662 NORTH HAGUE AVENUE (43204)**, insofar as said sections prohibit a brewery with accessory tasting room and retail sales with a reduction in the required distance separation from residentially-zoned property from six hundred (600) feet to zero (0) feet; said property being more particularly described as follows:



**662 NORTH HAGUE AVENUE (43204)**, being 4.6± acres located on the east side of North Hague Avenue, 460± feet north of Harrison Road, and being more particularly described as follows:

Real property in the City of Columbus, County of Franklin, State of Ohio, described as follows:

**Parcel One**

Being situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Virginia Military Survey No. 530, and being a part of Lot 8 of the Amicable Partition among the heirs of Mary J. Harrison, deceased, as shown of record in Plat Book 2, Page 81, Engineer's Office, Franklin County, Ohio Courthouse, said Lot 8 being a part of a 102.75 acre tract deeded to M.J. Harrison, as shown in Deed Book 139, Page 117, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a nail in the centerline of Hague Avenue and in the west line of said V.M.S. No. 530, and in the west line of said Lot 8, and in the west line of said 102.75 acre tract, said nail also represents the northwest corner of C.H. Hamilton 7.46 acre tract (D.B. 2151, Page 461), said nail being north 23 deg. 41' 30" West, along the said centerline of Hague Avenue, and along the west line of said V.M.S. No. 530, a distance of 505.78 feet from the intersection of said centerline of Hague Avenue and the west line of said V.M.S. No. 530, with the northerly right-of-way line of the P.C.C. and St. L.R.R.;

Thence North 67 deg. 03' 30" East, along the north line of said 7.46 acre tract, a distance of 631.16 feet to an iron pin in the west line of said 7.46 acre tract, passing an iron pin on line at 25.10 feet;

Thence North 32 deg. 27' West, along the west line of said 7.46 acre tract, a distance of 259.58 feet to an iron pin at the southeast corner of the Columbus and Southern Electric Co. 1.32 acre tract (D.B. 1948, Page 75), said iron pin being 100.00 feet southerly of and at right angles to the north line of said Lot 8;

Thence South 67 deg. 08' 30" West, along the south line of said 1.32 acre tract, said line being 100.00 feet southerly at and parallel to the north line of said Lot 8, a distance of 591.64 feet to a nail in the west line of said Lot 8 and in the west line of said V.M.S. No. 530 and in the centerline of said Hague Avenue and in the west line of said 102.75 acre tract, passing an iron pin on line at 566.64 feet;

Thence South 23 deg. 41' 30" East, along the centerline of Hague Avenue and along the west line of said V.M.S. No. 530 and along the west line of said Lot 8 and along the west line of said 102.75 acre tract, a distance of 256.90 feet to the place of beginning, containing 3.599 acres.

**Parcel Two**

Beginning at a point in the centerline of Hague Road, at the southeast corner of a 2.478 acre tract conveyed to the Columbus and Southern Ohio Electric Company by Charles R. Tom, Howard Tom and Clyde F. Tom in deeds dated September 13, and 16, 1955, and recorded as pages 491 and 487, respectively, of Deed Book 1956 in the Office of the County Recorder, Franklin County, Ohio; thence North 72 deg. 22' East, a distance of 591.52 feet to a point; thence North 27 deg. 09' West, a distance of 101.40 feet to a point; thence South 72 deg. 22' West, a distance of 576.30 feet to a point in the centerline of Hague Avenue; thence South 18 deg. 31' East, with the centerline of Hague Avenue, a distance of 100 feet to the place of beginning, containing 1.34 acres of land, more or less.

EXCEPTING THEREFROM THE FOLLOWING PARCEL:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey No. 530 and being a part of the 3.599 acre tract of land, (Parcel One) and a part of a 1.34 acre tract of land (Parcel Two), conveyed to Fiber Materials, Inc. by deed recorded in Book 3723, Page 510, of Franklin County Records, and being more particularly described as follows:



Beginning at a P.K. Nail in the centerline of North Hague Avenue (60 feet wide), at the Northwest corner of said 1.34 acre tract and at the southwest corner of an original 2 acre tract of land conveyed to Helen M. Graves by deed recorded in Book 1489, Page 173 of Franklin County Records, said P.K. Nail being South 23 deg. 47' 30" East a distance of approximately 1,394 feet from the centerline intersection of North Hague Avenue with Fisher Road;

Thence North 67 deg. 08' 30" East along a portion of the north line of said 1.34 acre tract and along a portion of the south line of said original 2 acre tract a distance of 40.01 feet to a point (passing a solid iron pin found in the existing east right of way line of North Hague Avenue at 30.00 feet);

Thence South 23 deg. 47' 30" East crossing said 1.34 acre tract, crossing said 3.599 acre tract and 40 feet easterly of as measured at right angles and parallel with the centerline of North Hague Avenue a distance of 356.00 feet to a point in the south line of said 3.599 acre tract and the north line of a 0.489 acre tract of land conveyed to Ricardo G. Chapa by deed recorded in Book 3690, Page 443 of Franklin County Records;

Thence South 67 deg. 08' 30" West along a portion of the south line of said 3.599 acre tract and along a portion of the north line of said 0.489 acre tract a distance of 40.01 feet to a P.K. Nail set in the centerline of said North Hague Avenue, at the southwest corner of said 3.599 acre tract and at the northwest corner of said 0.489 acre tract (passing an iron pin set in concrete in the existing east right of way line of North Hague Avenue at 10.01 feet);

Thence North 23 deg. 47' 30" West along the centerline of North Hague Avenue, along the west line of said 3.599 acre tract and along the west line of said 1.34 acre tract a distance of 356.00 feet to the point of beginning;

containing 0.327 acres of land, more or less, (0.235 acre in Parcel One and 0.092 acre in Parcel Two).

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4721, of C.F. Bird & R.J. Bull, Ltd., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual survey performed in the field in June, 1979.

Being known as 662 North Hague Avenue, Columbus, Ohio  
Parcel Nos. 570-184657 and 570-184658

**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 with accessory tasting room and retail sales, or those uses permitted in the M-2, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 4.** That this ordinance is further conditioned on the applicant combining Parcel Nos. 570-184657 and 570-184658 into one parcel.

**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.**