



## Legislation Text

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**File #:** 0752-2017, **Version:** 1

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### **Council Variance Application: CV16-065**

**APPLICANT:** John Chess; 4263 Gavin Lane; Columbus, OH 43220.

**PROPOSED USE:** Microbrewery with off-site distribution.

**HISTORIC RESOURCES 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 # 0751-2017-2016; Z16-065) to the CPD, Commercial Planned Development District to allow an eating and drinking establishment (microbrewery) and general office uses. This request will permit a microbrewery with off-site distribution in the CPD, Commercial Planned Development District. A 2,265± square foot building addition and 1,373± square feet of outdoor dining area are proposed for the microbrewery. The variance is necessary because breweries that distribute product off-site are listed as a more objectionable manufacturing use that must be located in the M, or M-1, Manufacturing district at least 600 feet from residentially-zoned land. A variance to reduce the distance separation requirement is included in the request as there are existing residential uses adjacent to the site. The proposed brewery will be a small-scale operation within a 1,117± square-foot building addition for production of product to be predominantly consumed and purchased on-site, with off-site distribution being ancillary to the on-site commercial uses. The nearest residential building is at least 90 feet from the microbrewery location, and similar variances have been approved for microbreweries in close proximity to residential uses.

To grant a Variance from the provisions of Sections 3361.02, Permitted uses; 3311.28(b), Requirements; and 3363.19(C), Location requirements, of the Columbus City Codes; for the property located at **5055 DIERKER ROAD (43220)**, to permit a microbrewery with reduced distance separation in the CPD, Commercial Planned Development District (Council Variance # CV16-065).

**WHEREAS**, by application No. CV16-065, the owner of property at **5055 DIERKER ROAD (43220)**, is requesting a Council variance to permit a microbrewery with reduced distance separation in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3361.02, Permitted uses, permits a microbrewery for on-site consumption, while the applicant proposes a microbrewery with off-site distribution which the Zoning Code categorizes as a *more objectionable* manufacturing use; and

**WHEREAS**, Section 3311.28(b), Requirements, requires that more objectionable uses are to be conducted within the M or M-1, Manufacturing districts, and within not less than 600 feet from any residential districts, while the applicant proposes a microbrewery with off-site distribution in the CPD, Commercial Planned Development District on a lot that abuts residentially-zoned property; 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 microbrewery with off-site distribution on a lot that abuts residentially-zoned property; and

**WHEREAS**, the Historic Resources Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposed microbrewery will be a small-scale operation for production of product to be predominantly consumed and purchased on-site, with off-site distribution being ancillary to the on-site commercial uses. The nearest residential building is at least 90 feet from the microbrewery location, and similar variances have been approved for microbreweries in close proximity to residential uses; 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 **5055 DIERKER ROAD (43220)**, in using said property as desired:

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

**SECTION 1.** That variances from the provisions of Sections 3361.02, Permitted uses; 3311.28(b), Requirements; and 3363.19(C), Location requirements; of the Columbus City Codes, are hereby granted for the property located at **5055 DIERKER ROAD (43220)**, insofar as said sections prohibit a microbrewery including distribution in the CPD, Commercial Planned Development District; with a reduction in the required distance separation of a brewery including distribution from residentially-zoned property from 600 feet to 0 feet; said property being more particularly described as follows:

**5055 DIERKER ROAD (43220)**, being 0.61± acres located on the west side of Dierker Road, 560± feet north of County Corners Drive, and being more particularly described as follows:

Being in Section 1, Township 1, Range 19, United States Military Lands and being a part of Lot Number 1 of Joseph Henderson's Heirs Farm Petition of record in Plat Book 4, Page 382. and being part of the 1.277 acre tract conveyed to Dierker Builders, Inc. by deed of record in O.R. 3982C16, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for reference at an iron pin in the westerly line of Dierker Road, 30.00 feet (as measured at right angles) westerly of the centerline, said iron pin also being in the northeasterly corner of said 1.277 acre tract and the northwesterly corner of a 30.00 feet strip of land conveyed to the City of Columbus;

Thence S 3° 34' 33" W and parallel with the centerline of Dierker Road, a distance of 50.00 feet, along the westerly line of Dierker Road and the easterly line of said 1.277 acre tract to an iron pin, said iron pin being the point of true beginning for the herein described tract;

Thence S 3° 34' 33" W and parallel with the centerline of Dierker Road, a distance of 216.00 feet, continuing along the westerly line of Dierker Road and the easterly line of said 1.277 acre tract to an iron pin at the southeasterly corner of

said 1.277 acre tract;

Thence N 86° 25' 27" W, a distance of 122.00 feet, along the southerly line of said 1.277 acre tract to an iron pin; Thence N 3° 34' 33" E, a distance of 216.00 feet, across said 1.277 acre tract to an iron pin;  
Thence S 86° 25' 27" E, a distance of 122.00 feet, continuing across the said 1.277 acre tract to the point of true beginning **containing 0.605** acres, more or less, and being subject to all easements and restrictions of record.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a microbrewery in conjunction with an eating and drinking establishment, as permitted in the underlying CPD, Commercial Planned Development District specified in Ordinance # 0751-2017 (Z16-065).

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

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.