



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: BZA 15-006
Date Received: 1/12/16
Commission/Group: University
Existing Zoning: C-3 Application Accepted by: D. Reiss Fee: \$1,900⁰⁰
Comments: 3/22/16

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

Variance Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

3312.49C To reduce the required number of off-street parking spaces from 6 to 0.

LOCATION

1. Certified Address Number and Street Name 26 E. 5th Avenue
City Columbus State OH Zip 43201
Parcel Number (only one required) 010-049712

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Brothers Drake c/o Thomas Sampson (Behal Sampson Dietz, Inc.)
Address 990 W. 3rd Avenue City/State Columbus, OH Zip 43212
Phone # 614-464-1933 Fax # 614-298-2149 Email kwitt@bsdarchitects.com

PROPERTY OWNER(S):

Name Fifth Real Estate LLC c/o Peter Avradopoulos
Address 760 N. Wall Street City/State Columbus, OH Zip 43215
Phone # 614-306-8741 Fax # _____ Email shortnorthapts@yahoo.com

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

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

Attorney Agent

Name Thomas Sampson (Behal Sampson Dietz, Inc.)
Address 990 W. 3rd Avenue City/State Columbus, OH Zip 43212
Phone # 614-464-1933 Fax # 614-298-2149 Email: kwitt@bsdarchitects.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]
PROPERTY OWNER SIGNATURE _____
ATTORNEY / AGENT SIGNATURE [Signature]

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



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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Thomas Sampson (Behal Sampson Dietz, Inc.)
of (1) MAILING ADDRESS 990 W. 3rd Avenue / Columbus, OH 43212
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at
(2) per ADDRESS CARD FOR PROPERTY 26 E. 5th Avenue, Columbus, OH 43201
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) Fifth Real Estate LLC c/o Peter Avradopoulos
760 N. Wall Street, Columbus, OH 43215

APPLICANT'S NAME AND PHONE # (same as listed on front of application) Brothers Drake c/o Thomas Sampson (Behal Sampson Dietz, Inc.)
614-464-1933

AREA COMMISSION OR CIVIC GROUP (5) University Area Commission
AREA COMMISSION ZONING CHAIR OR Susan Keeny
CONTACT PERSON AND ADDRESS 358 King Ave, Columbus, OH 43201

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
See Exhibit B

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

SIGNATURE OF AFFIANT (8) [Signature]
Subscribed to me in my presence and before me this 12th day of January, in the year 2016

SIGNATURE OF NOTARY PUBLIC (8) [Signature]
My Commission Expires: 01-01-20

Notary Seal Here

CHRISTINA L. HUNTLEY
Notary Public, State of Ohio
My Commission Expires 01-01-2020

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EXHIBIT B

CHN UNIVERSITY DISTRICT
HOLDING LLC
1680 WATERMARK DR
COLUMBUS OH 43215-1034

DAY COMPANIES
RICHARD T DAY
22 E GAY ST STE 800
COLUMBUS OH 43215-3107

NWP III LLC
2362 N HIGH ST
COLUMBUS OH 43202-2999

TRUSTEES OF THE PILGRIM
5TH AVE WESLEYAN CHURCH
46 E 5TH AVE
COLUMBUS OH 43201-2810

VELIKO VENTURES LLC
25 E 5TH AVE
COLUMBUS OH 43201-2810

FIFTH REAL ESTATE LLC
PETER AVRADOPOULOS
760 N WALL ST
COLUMBUS OH 43215-1887

AIDS HEALTHCARE
FOUNDATION
6255 W SUNSET BLVD FL 21
LOS ANGELES CA 90028-7422

FIFTH AVENUE
WESLEYAN CHURCH
46 E 5TH AVE
COLUMBUS OH 43201-2810

GEORGE STEFANIDIS
40 E FIFTH AVE
COLUMBUS OH 43201-2810

BROTHERS DRAKE MEADERY
ORON BENARY
26 E. 5TH AVE
COLUMBUS OH 43201

UNIVERSITY AREA
COMMISSION
SUSAN KEENY
358 KING AVE
COLUMBUS OH 43201

BEHAL SAMPSON DIETZ
TOM SAMPSON
990 W. 3RD AVE
COLUMBUS OH 43212

FIFTH REAL ESTATE LLC
PETER AVRADOPOULOS
760 N. WALL STREET
COLUMBUS, OH 43215

EXHIBIT A

Statement of Hardship

26 E. 5th Street, Columbus, OH 43201

The project site is located at the northeast corner of E. 5th Avenue and Courtland Avenue at the southern edge of the University District. Brothers Drake has been operating at this location for the past 5 years.

Brothers Drake proposes to reallocate 160 sq.ft. of space from the meadery to the bar area, therefore reducing the meadery area from 2,385 sq.ft. to 2,225 sq.ft. and subsequently increasing the bar area from 439 sq.ft. to 599 sq.ft. There are no proposed changes to the existing outdoor seating area within the right-of-way and leased from the City of Columbus.

Brothers Drake is requesting a variance from the provisions of section 3312.49c, Minimum number of parking spaces, insofar as said section requires (3) parking spaces for a bar where (0) parking space is provided and requires (3) parking spaces for a "meadery" where (0) parking space is provided for a total of (6) parking spaces required where (0) space is provided. There are two (2) off-street parking spaces on this site, located immediately adjacent to Brothers Drake, which are available on a first-come, first-served basis for the patrons of the tenants in the building. There are no vehicles used in the operation of this business.

The proposed uses are consistent and compatible with uses in the area. The University Urban Commercial Overlay (UCO) permits a 25% reduction in required parking, applicable to the bar use only, and is included in the required parking noted above. Many buildings in this area containing similar uses provide few or no off-street parking spaces and have received variances from the zoning code provisions for off-street parking.

This business is located in a pedestrian-accommodating area containing on-street metered parking spaces, bicycle parking and several bus lines. Bicycle parking is also provided on this property. It is common for visitors to the area to use public transit and on-street parking as a home base and walk to multiple amenities in the area. At the same time, many Short North residents may simply walk to their destinations.

The applicant proposes to acquire and maintain a lease for six (6) off-street parking spaces within 750 feet of the parcel on which their business is located. A parking lease agreement will be provided as a record of said lease.

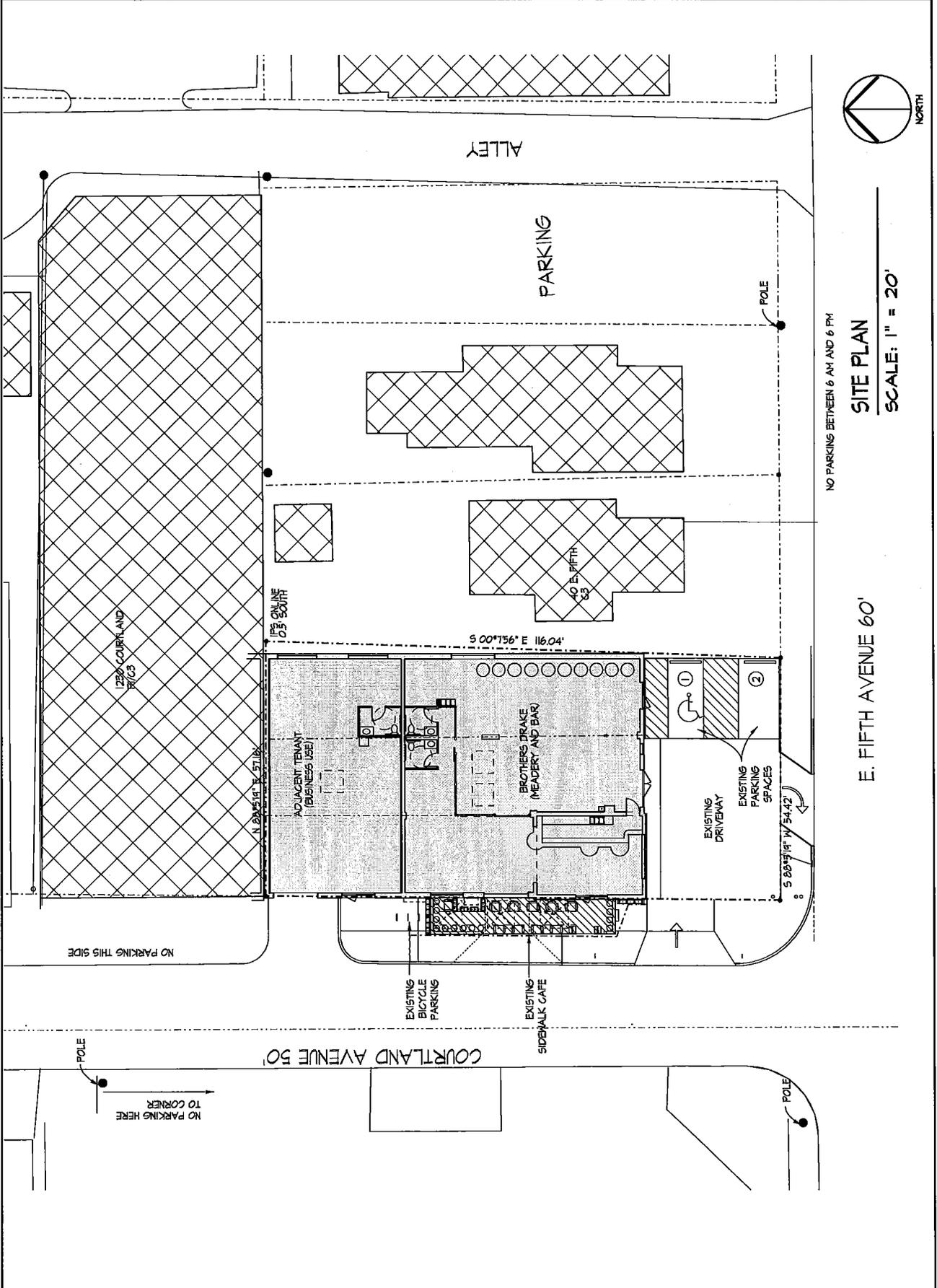
Council variance #CV10-037 was granted in 2010 for the property located at 26-30 East Fifth Avenue (43201) to allow variances from the provisions of sections 3355.03, C-3 Permitted uses and 3312.49c, Minimum numbers of parking spaces required of Columbus City Codes, insofar as said sections prohibit a "meadery" (production of honey wine) with zero (0) parking space where five (5) parking spaces would be required, and require two (2) parking spaces for an art gallery while zero (0) parking space is provided. As noted in the Legislation Report (file #1741-2010), "this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a meadery and associated operations, or those uses permitted in the C-3, Commercial District.



B. HAMPTON DIETZ
ARCHITECTURE & CONSTRUCTION
301 MARKET STREET, SUITE 400
PHILADELPHIA, PA 19106
TEL: 215-592-1234
WWW.BHAMPTONDIETZ.COM

BROTHERS DRAKE
26 E. 5TH AVENUE

DESCRIPTION	DATE
DATE-	1/11/16
SHEET	
SD.1	



NO PARKING BETWEEN 6 AM AND 6 PM

SITE PLAN

SCALE: 1" = 20'

E. FIFTH AVENUE 60'

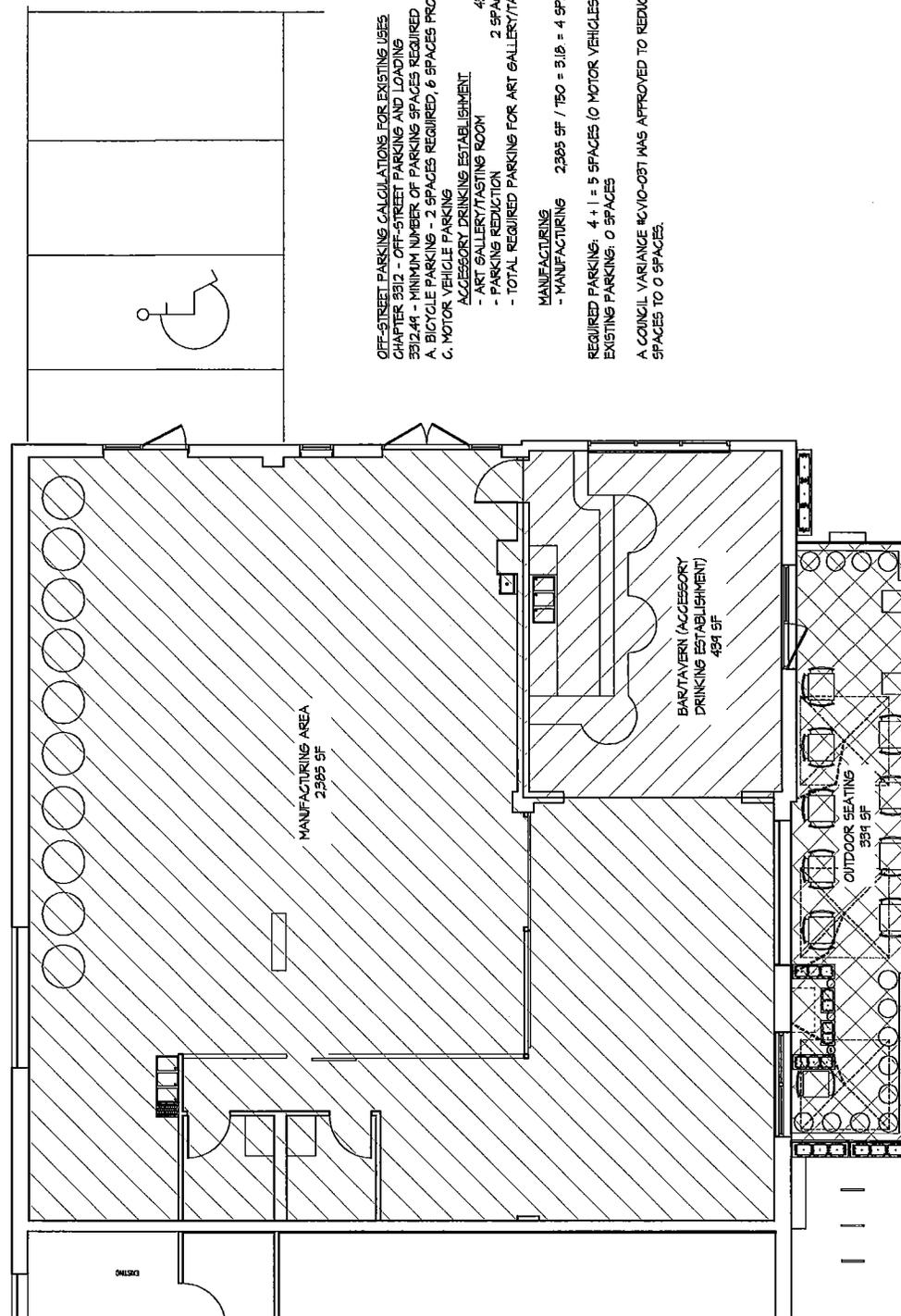
NO PARKING THIS SIDE

POLE
NO PARKING HERE
TO CORNER

BEHAL SAMPSON DIETZ
490 WEST THIRD AVE
COLUMBUS, OHIO 43212

BROTHERS DRAKE

26 E. 5TH AVENUE
COLUMBUS, OHIO 43201
1/11/2016



OFF-STREET PARKING CALCULATIONS FOR EXISTING USES
 CHAPTER 3312 - OFF-STREET PARKING AND LOADING
 3312.41 - MINIMUM NUMBER OF PARKING SPACES REQUIRED
 A. BICYCLE PARKING = 2 SPACES REQUIRED, 0 SPACES PROVIDED
 C. MOTOR VEHICLE PARKING
 ACCESSORY DRINKING ESTABLISHMENT:
 - ART GALLERY/TASTING ROOM 494 SF / 400 = 1.01 = 2 SPACES
 - PARKING REDUCTION 2 SPACES X 0.25 = 0.50 = 1 SPACE
 - TOTAL REQUIRED PARKING FOR ART GALLERY/TASTING ROOM = 1 SPACE
 MANUFACTURING 2385 SF / 750 = 3.18 = 4 SPACES
 REQUIRED PARKING: 4 + 1 = 5 SPACES (0 MOTOR VEHICLES ARE USED IN THE BUSINESS)
 EXISTING PARKING: 0 SPACES
 A COUNCIL VARIANCE #CV10-081 WAS APPROVED TO REDUCE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FROM 5 SPACES TO 0 SPACES.



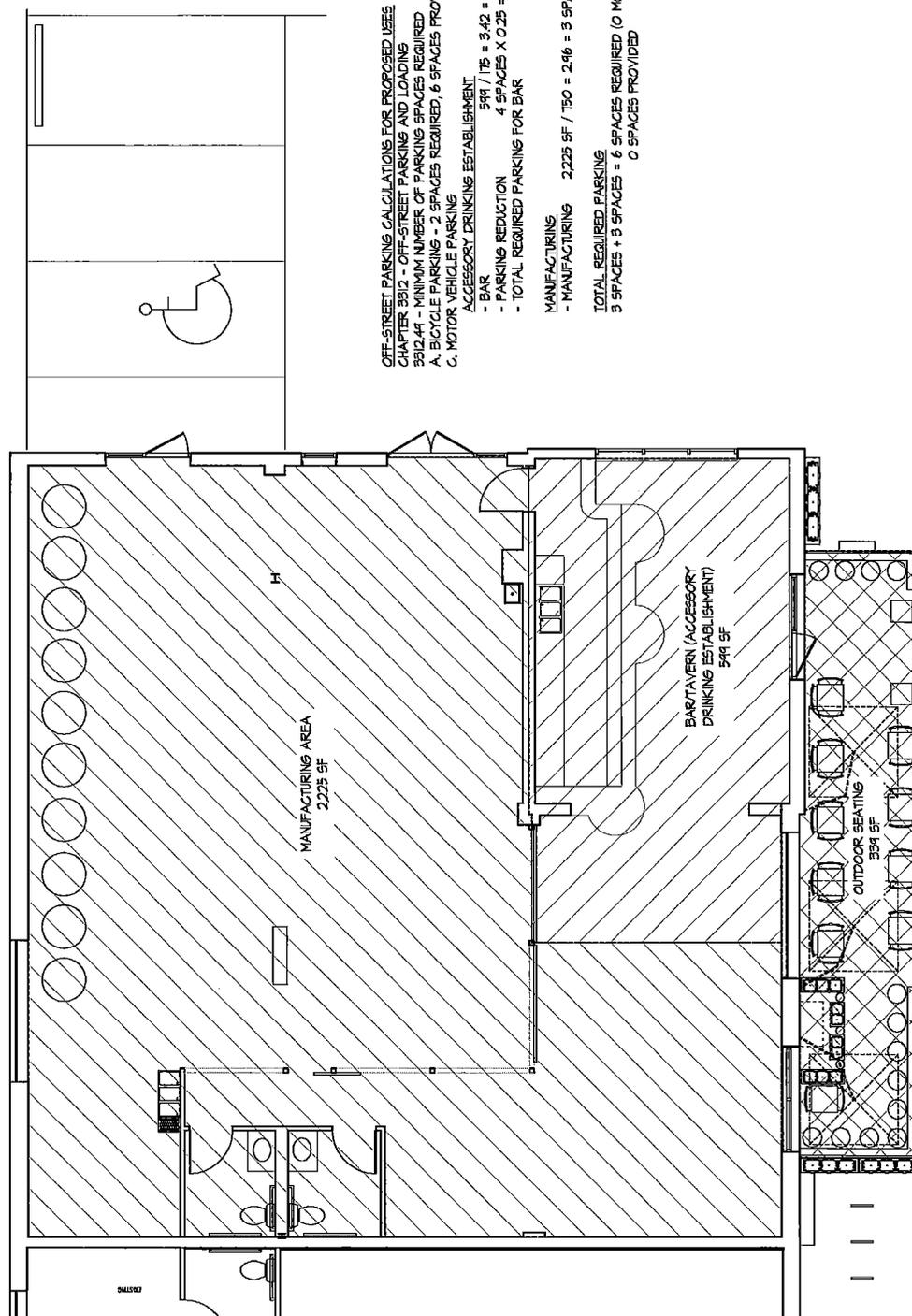
EXISTING FLOOR PLAN
 SCALE: 1/8" = 1'-0"

BEHAL SAMPSON DIETZ
490 WEST THIRD AVE.
COLUMBUS, OHIO 43212

BROTHERS DRAKE

26 E. 5TH AVENUE
COLUMBUS, OH 43201

1/11/2016



OFF-STREET PARKING CALCULATIONS FOR PROPOSED USES
 CHAPTER 3912 - OFF-STREET PARKING AND LOADING
 3912.41 - MINIMUM NUMBER OF PARKING SPACES REQUIRED
 A. BICYCLE PARKING - 2 SPACES REQUIRED, 6 SPACES PROVIDED
 C. MOTOR VEHICLE PARKING
 ACCESSORY DRINKING ESTABLISHMENT
 - BAR 599 / 175 = 3.42 = 4 SPACES
 - PARKING REDUCTION 4 SPACES X 0.25 = 1 SPACE
 - TOTAL REQUIRED PARKING FOR BAR 3 SPACES
 MANUFACTURING
 - MANUFACTURING 2,225 SF / 750 = 2.96 = 3 SPACES
 TOTAL REQUIRED PARKING
 3 SPACES + 3 SPACES = 6 SPACES REQUIRED (0 MOTOR VEHICLES ARE USED IN THE BUSINESS),
 0 SPACES PROVIDED



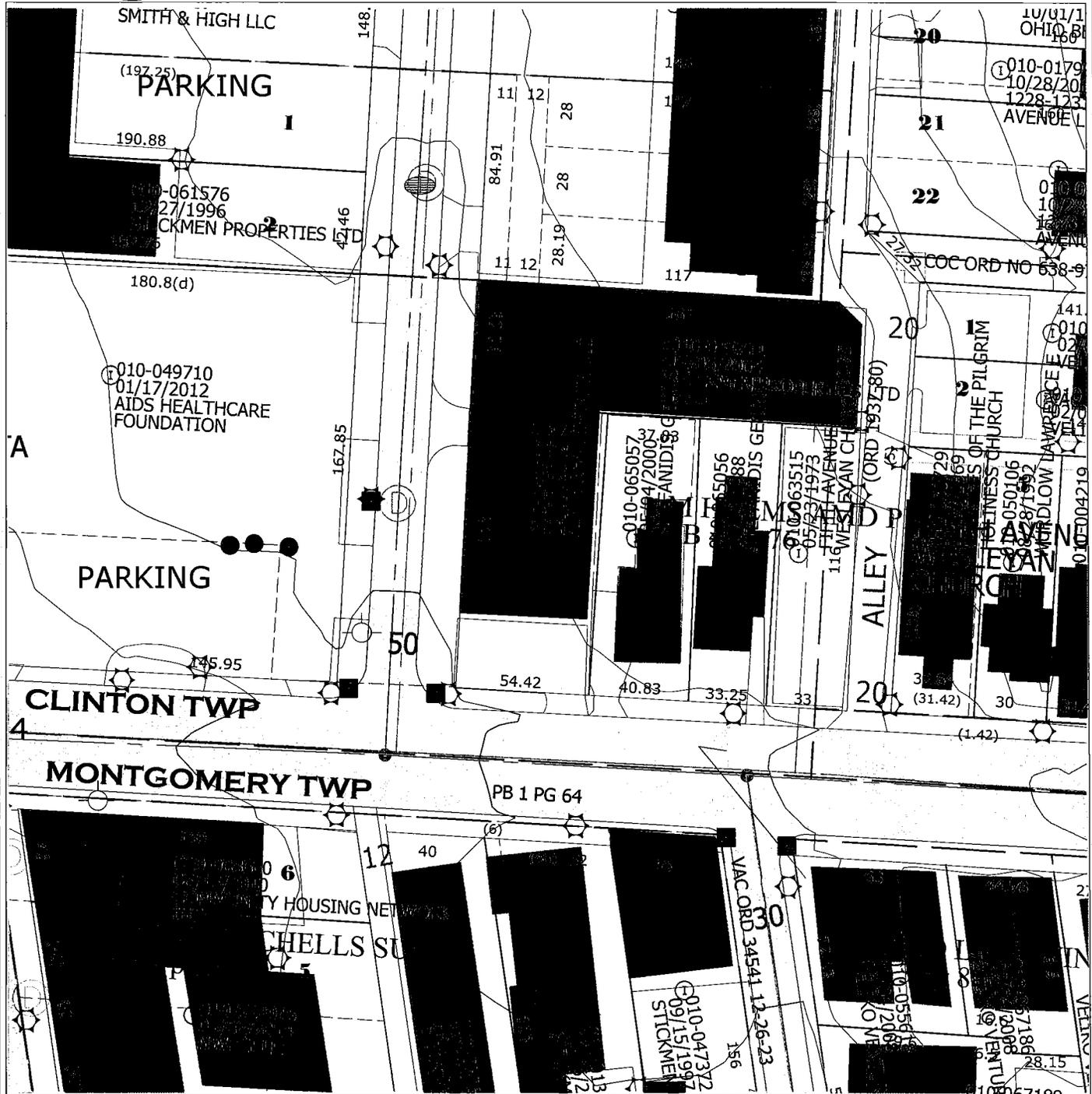
PROPOSED FLOOR PLAN
 SCALE: 1/8" = 1'-0"



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 12/28/15

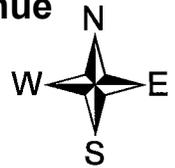


Disclaimer

Scale = 60



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.



City of Columbus Zoning Plat

ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010049712

Zoning Number: 26

Street Name: E 5TH AVE

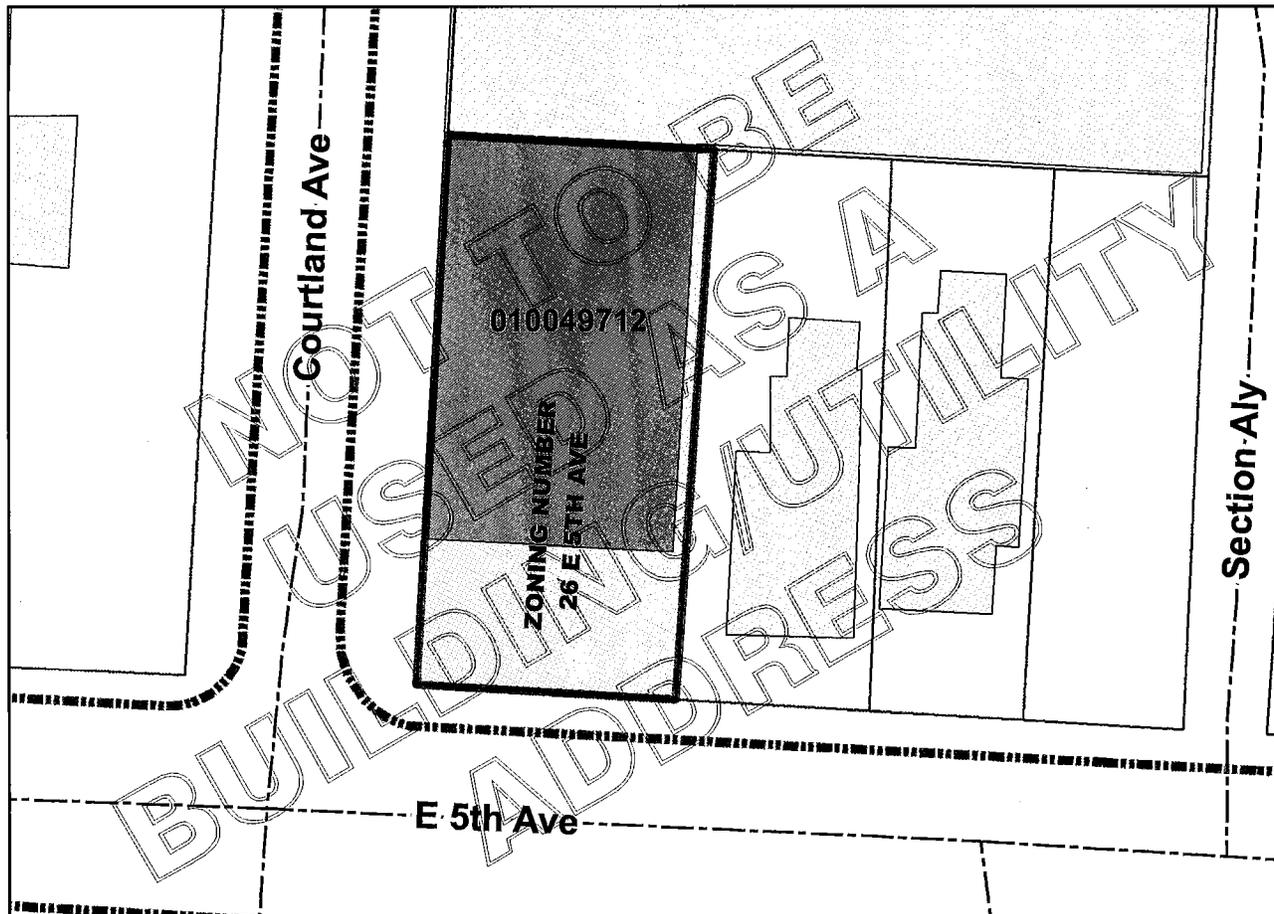
Lot Number: N/A

Subdivision: N/A

Requested By: BEHAL SAMPSON DIETZ (CRAIG SOMMER)

Issued By: *Adyana Amarion*

Date: 12/29/2015



JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 53238



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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.

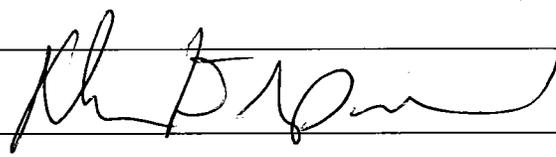
APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Tom Sampson (Behal Sampson Dietz, Inc.)
of (COMPLETE ADDRESS) 990 W. 3rd Avenue / Columbus, Ohio 43212

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 and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
Brothers Drake Meadery,	26 E. 5th Ave, Columbus, OH 43201
Fifth Real Estate LLC,	760 N. Wall Street, Columbus, OH 43215

SIGNATURE OF AFFIANT 

Subscribed to me in my presence and before me this 12th day of January, in the year 2016

SIGNATURE OF NOTARY PUBLIC 

My Commission Expires: 01-01-20

Notary Seal Here

CHRISTINA L HUNTLEY
Notary Public, State of Ohio
My Commission Expires 01-01-2020