

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV16-065 Date Received: 10/4/16

Application Accepted by: Rev SP & MM Fee: \$800

Comments: Assigned to Shannon Pine; spine @columbus.gov; 614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 5055 Dierker Rd. Columbus, Zip: 43220

Is this application being annexed into the City of Columbus? Select one: ☒ YES ☐ NO

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-201454-00

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): CPP

Area Commission or Civic Association: North west civic Association

Proposed Use or reason for Council Variance request:

See attached

Acreage: .605

APPLICANT:

Name: John Chess Phone Number: 614.402.0526 Ext.: 0

Address: 4263 Gavin Lane City/State: Columbus OH Zip: 43220

Email Address: jchess@invest-in-realty.com Fax Number: 614-452-2163

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: Stevenson Family Ventures Phone Number: _____ Ext.: _____

Address: 5055 Dierker Rd. City/State: Columbus OH Zip: 43220

Email Address: _____ Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): ☐ Attorney ☐ Agent

Name: Same as applicant Phone Number: _____ Ext.: _____

Address: _____ City/State: _____ Zip: _____

Email Address: _____ Fax Number: _____

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE: _____ 10/4/2016

PROPERTY OWNER SIGNATURE: [Signature] Authorized Sign for Stevenson Family Ventures, LTD.
JAMES SCOTT STEVENSON

ATTORNEY / AGENT SIGNATURE: _____

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

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 checks payable to the Columbus City Treasurer

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STATEMENT OF HARDSHIP

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.

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 requested as detailed below:

See attached.

Signature of Applicant

Date

10/4/2016

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Statement of Hardship

5055 Dierker

The Applicant seeks Council Variances to allow property owner Stevenson Family Ventures LTD. (and future owner John Chess) to allow a Micro Brew Pub & Brewery to be constructed alongside the current property with two access points to original building.

The definition of a micro pub is difficult. It is a set of ethics rather than a set of rules: A micro pub according to the Micro Pub Association is defined as follows: "A micro pub is a small free house which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks".

There may be differences between the pubs; they may or may not have a bar, they might serve beer straight from the cask or through hand pumps. But they are united in one philosophy. A simple pub with the focus on cask beer and conversation for entertainment. The basic premise is KIS, KIS – Keep It Small, Keep It Simple. A brewpub is a pub that brews its own beer for sale on the premises. A microbrewery "may" have additional capacity that allows for off premise wholesale distribution.

The current zoning for office is being changed to a new CPD, Commercial Planned Development District to permit the proposed eating and drinking establishment. This property's "Best Use" would be one that allows the general public, special groups, nonprofit charities and educational groups to be able to visit and learn about the history of early Columbus settlers. By allowing these variances a retail location with the above reference use would allow for a profitable business with a unique story that is open to the public. If granted our commitment would be to allow easy access to the property for special events and groups. This use will allow for the easiest access and economic means to keep and restore this treasure of history.

Introduction to the Henderson Farm



Paying Homage to the Past While Moving Into the Future

This property is one of if not the oldest still standing properties in the NW segment of Columbus. The goal is to preserve the historical elements (Farm House, Smoke House and Barn) and to change the usage to allow the greatest use and maximize the access to this historical property to the local community as well as all Ohio residents and all people that are enthusiast of history.

Land Grants and Sales

Ohio lands were surveyed and sold by the federal government, private individuals, and by the states of Virginia and Connecticut. Since parts of the state were surveyed at different times, Ohio was divided into areas called survey "districts" or "land grants."

Virginia Military District

In 1770, Virginia had claimed part of the area that became Ohio. Virginia established the Military Reserve between the Scioto and Little Miami Rivers. These lands were available to veterans of the Virginia and Maryland Militias who had served during the American Revolution.

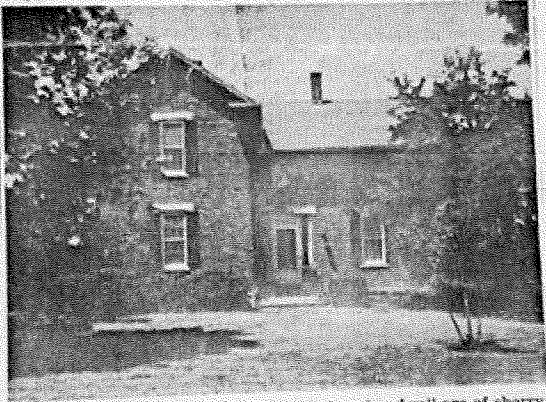
The lands were divided using the older survey procedures of colonial Virginia, and they were not always completely precise. Because of this, many new landowners learned that they were sometimes not the only ones who owned their land. Other veterans "owned" some or all of the same piece of land, and landowners were forced to go to court to have a judge decide the true owner. After Virginia gave out the land that its veterans wanted, it released the unclaimed lands to the United States government. In 1852 and 1871, these lands were turned over to the State of Ohio.

Henderson Farm

The land was originally allocated in the early 1800's as payment for military service in the Revolutionary War to Joseph Henderson. Originally over 500 acres and used as a cattle farm. The land was located between Bethel and Henderson Rd west to Sawmill and east to Kenney. The original owner was Joseph Henderson (see picture), his wife and ten children. The original house was built around 1859 and is dated by the dual fireplaces and architectural designs. The home was on the BIA Parade of Homes on June 23, 1966 (see attached article on next page.)

June 23, 1966

Dierker Home on Tour of Homes



On land originally allocated in 1800 as payment for military service rendered, was built the home of Mr. and Mrs. A. H. Dierker, 5055 Dierker Road. This home will be on the Historical Society's Tour of Homes, July 31.

The age of the home was determined from a double fireplace between the library and dining room which was dated 1848.

Constructed of brick, hand made on the premises, the home has 8 rooms and 4 fireplaces. The entire house was put together with square cut nails of wrought iron. All lumber used in the home was obtained from trees in the woods surrounding the property.

Perhaps the most unique feature in the house is the curved stairway and wall with a small window set in the curve. The newel post and rail are of cherry, the spindles are oak. As was customary in those days, the carpenter who built the stairway lived with the family the entire winter while completing the work. All the baseboards are original as are the floors of wide random planked white ash.

The window glass, is for the most part, original as are the outside shutters. Transomed doors and casement windows with unusual grooved trim are other interesting features.

A storage building to the back of the house still carries its original wood shingled roof which is topped with an old bell used to summon the farm hands from the fields.

Also on the property is the original log smoke house. The Dierker home is a charming, nostalgic treat for tour goers.

This property will be zoned for office and eating and drinking establishment uses. The city approved changing this parcel from residential to CPD in 1983 (see attached article below.) We are seeking a change to this CPD to allow a micro pub and brewery along with this we would showcase the smoke house and history of the original farm house.

Wednesday, March 9, 1983
Volume 7, No. 52
Columbus, Ohio
25 cents

THE NEWS

northwest columbus

SNP

Farmhouse-to-Office Conversion Receives NWCA Board's Blessing

By Cynthia Crane

"Probably the best proposal that's going to come along" is now members of the Northwest Civic Association (NWCA) Board of Directors described plans to convert an historic northwest Columbus residence into an office building.

The plan, submitted as a commercial plan development (CPD) by realtor David Young, received the blessing of the civic association board at its March 2 meeting. The Columbus Development Commission is scheduled to rule on the plan Tuesday. Final approval must come from Columbus City Council.

The spacious two-story farmhouse, 5055 Dierker Rd., was erected in 1848 by Joseph Henderson, a member of the Central Ohio landowning family which gave its name to Henderson Road. In 1930, the house was purchased and occupied by members of the Dierker family, according to information supplied by Young.

Young is attempting to buy the house and surrounding 1.5-acre tract, the Dierker estate, and plans to move his own

Both Ohio and Franklin County historical societies are interested in listing the house on their registers of historic properties, he said.

Young's proposal includes converting the property from its current single-family residential zoning to a CPD limited to office use. If the way the CPD zoning, Young will be required to develop according to the site plan approved by council.

The site plan submitted to the civic association would allow Young eventually to build an addition on to the original house. Young said the board any addition would be compatible with existing architecture.

A barn, also on the property would be converted to offices, and a wooden smoke house would remain as an ornamental structure. A parking lot would be added but most existing landscaping, including mature trees, would be preserved, Young said.

"The residential life of that building has been dead," Young told board members. Another developer interested in the property had wanted to raze the house for condominiums, he pointed out.

of the house, was absent from the meeting because of illness. Board President Scott Armstrong told members Henderson had indicated he was "open" to sell the house if

In other business, board members declined to express their disapproval to Henderson, which, according to the Columbus Dispatch, was "a large setback" to the Dierker estate.



Historic farmhouse at 5055 Dierker Rd.

Bout with the Flu Nears an End

Our plans call for adding a new structure that houses the brewery equipment, ADA compliance bathrooms and a small sitting area. The new structure will have two access points to the original home, either revitalize the smoke house or showcase it and utilize the some of the rooms as a museum of that era's pictures and artifacts.

The plans call for using the new structure as a micro brew pub, with restrooms, and sitting area. Tying into the original attached garage/barn area, as a cold room and small kitchen and using the basement for storage. The second entry point into the original farm house will be to have sitting rooms on the first floor and office space on the second floors. This will allow us to keep the rooms intact and minimize any changes to the structure.

Using the existing rooms as sitting rooms, would allow us to decorate and have themes for the eras that these properties were built. We could have a Henderson room, Dierker Room, Revolutionary War Room and early Columbus Rooms. These sitting rooms would allow for small groups to gather. Utilizing the second floors as offices eliminates the need for any renovations.

There are plans as I understand, for sidewalks that are wide enough for bike paths and as walking paths planned for along the west side of Dierker Rd. in front of this property. Our new use would also fit into this theme of making the area more accessible and pedestrian friendly. The planned bike racks will compliment this concept and allow easy access via bicycle and by foot.

Summary

This property has only had three owners in over 160 or so years. The Henderson Family, then Borrer Family, The Stevenson Family and now hopefully to the Chess and Dailey (still to be finalized) families. The evolution from cattle farm, to residence, to historic office and now to a Historic Brew Pub will complete its transformation from a private property to the "best use" property which will showcase and allow the public to experience and learn the history of the early settlers of Columbus. If granted this requested variance will maintain the historical importance and make it very accessible to the general public. As currently zoned there is limited access to the general public and has no way to showcase it as a community asset. I/We as the new owner or owners will take it upon ourselves to be the "keepers" of this property and make it a treasure for generations of Columbus residents to enjoy.

Zoning variances for this project include the following:

3361.02 – Permitted uses. To allow a brewery with off-site distribution in the CPD district.

3363.19 - Location requirements. To allow a business manufacturing alcoholic beverages to be located within less than 600 feet from the boundaries of a residential or apartment residential district.

Signature: _____

Date: _____

10/4/2010

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: CV 16-0165

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME John Chess

of (1) MAILING ADDRESS 4263 Gavin Lane Columbus, OH 43220

deposes 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 5055 Diarker Rd. Columbus, OH 43220

for which 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) Stevenson Family Ventures LTA
5055 Diarker Rd
Columbus, OH 43220

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

John Chess

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) Northwest Civic Association
Rosemaria Liske
1035 Stony Creek Rd.
Columbus, OH 43235

and that the attached document (6) 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 (7)

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

(8) SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 4th day of October, in the year 2016

Rev

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



SHANNON D. CARIFA

My Commission Expires six (6) months after the date of notarization.

NOTARY PUBLIC, STATE OF OHIO

MY COMMISSION EXPIRES

AUGUST 31, 2021

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 checks payable to the Columbus City Treasurer

Applicant

North West Civic Association

Owner

John Chess
4263 Gavin Lane
Columbus, OH 43220

Rosemarie Lisko
1035 Stoney Creek Rd.
Columbus, OH 43235

STEVENSON FAMILY VENTURES
5055 DIERKER RD
COLUMBUS, OH 43220

Surrounding Property Owners

SLATE RUN II LLC
6960 ORCHARD LAKE RD
W BLOOMFIELD, MI 48332

ALMEDIA, JULIET
2159 HEDGEROW RD
COLUMBUS, OH 43220

COVENANT BAPTIST CHURCH
5100 DIERKER RD
COLUMBUS, OH 43220

JEFFCOTT, DAVID R
PO BOX 779
POWELL, OH 43065

REIBER, MICHAEL A
2159 HEDGEROW RD B
COLUMBUS, OH 43220

RASHIDI, HAMID &
GHOORKHANIAN, FIROOZEH
7443 WYNDLE CT
DUBLIN, OH 43017

TROUTE, MICHAEL A
2082 PARK RUN DR UNIT A
COLUMBUS, OH 43220

CV 16-065

THE CITY OF
COLUMBUS

ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

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 # CV16-065

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) John Chess
of (COMPLETE ADDRESS) 4263 Gavin Lane Columbus, OH 43220

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. <u>John Chess</u> <u>4263 Gavin Lane</u> <u>Columbus OH 43220</u>	2. <u>Stevenson Family Ventures LTD</u> <u>5055 Dieter Rd</u> <u>Columbus, OH 43220</u>
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 4th day of October, in the year 2016

Shannon D. Carifa
SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires



SHANNON D. CARIFA
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES
AUGUST 31, 2021

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5055 Dierker Legal Description

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

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 foot 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.

TOGETHER WITH the following described exclusive easement as reserved by the grantor in the Deed to Slate Run Investors II, Ltd. Of record in OR Vol. 5833, Page HOS, and Recorder's Office Franklin County, Ohio:

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

Being in Section 1, Township 1, Range 19, United States Military Lands and being part of Lot No. I 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 foot 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 17.61 feet, along the westerly line of Dierker Road and the easterly line of said 1.277 acre tract to an iron pin at 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 32.39 feet, continuing along the westerly line of Dierker Road and the easterly line of said 1.277 acre tract to an iron pin;

Thence the following two (2) courses and distances across the said 1.277 acre tract;

1. Thence N 86° 25' 27" W, a distance of 122.00 feet, to an iron pin;

CX16-065

2. Thence S 3° 34' 33" W, a distance of 216.00 feet to an iron pin in the southerly line of the said 1.277 acre tract;

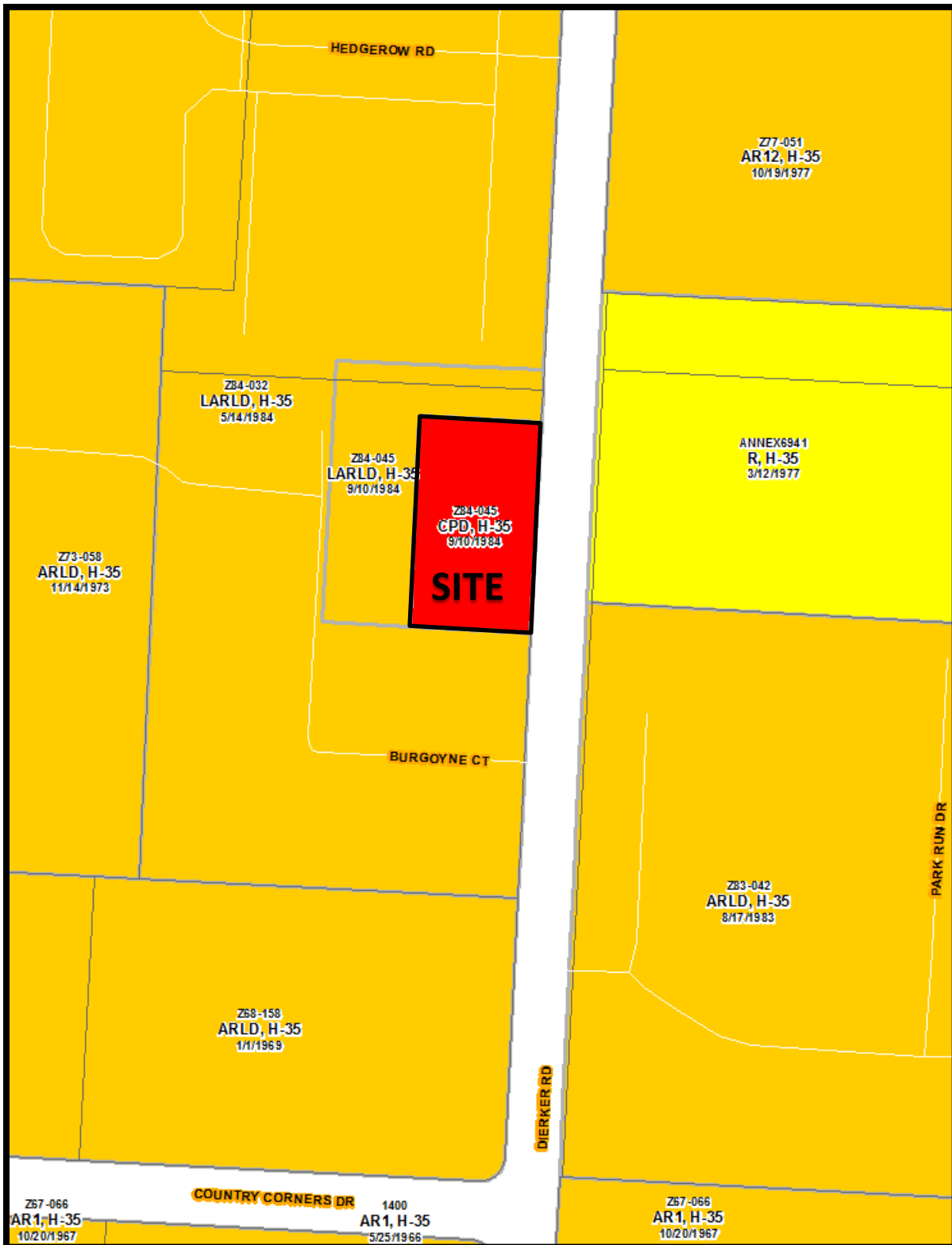
Thence N 86° 25' 27" W, a distance of 87.30 feet, to an iron pin in the southwesterly corner of said 1.277 acre tract;

Thence N 3° 34' 33" E, a distance of 248.39 feet, along the westerly line of said 1.277 acre tract to a point;

Thence S 86° 25' 27" E, a distance of 209.30 feet to the point of beginning containing 0.589 acres, more or less, and being subject to all easements and restrictions of record.

C816-065





CV16-065
5055 Dierker Road
Approximately .61 acres



CV16-065
5055 Dierker Road
Approximately .61 acres