



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 15-060
 Date Received: 5/5/15
 Commission/Group: Hilltop
 Existing Zoning: M Application Accepted by: W. Reiss Fee: BUILDING & ZONING SERVICES \$1,900
 Comments: 7/28/15

RECEIVED
MAY 04 2015

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.
Please see attached Exhibit A, Item 1.

LOCATION

I. Certified Address Number and Street Name 2555 HARRISON RD
 City COLUMBUS State OHIO Zip 43204
 Parcel Number (only one required) 010-146277-00

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Same as Owner
 Address _____ City/State _____ Zip _____
 Phone # _____ Fax # _____ Email _____

PROPERTY OWNER(S):

Name Jigsaw Development, LLC, c/o Eric Bean, President
 Address 3090 Woodbine Place City/State Columbus, Ohio Zip 43202
 Phone # 614-264-0642 Fax # _____ Email _____
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

Attorney Agent

Name Acacia M. Perko, Esq., Reminger Co., LPA
 Address 65 E State Street Fourth Floor City/State Columbus, Ohio 43215 Zip _____
 Phone # 614-232-2628 Fax # _____ Email: aperko@reminger.com

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

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

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
 For all questions regarding this form and fees please call: 614-645-4522
 Please make all checks payable to the Columbus City Treasurer



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AFFIDAVIT

BZA15-060
2555 Harrison Rd.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Acacia M. Perko
of (1) MAILING ADDRESS 65 East State Street Fourth Floor, Columbus, Ohio 43215
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
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 (4) Jigsaw Development, LLC
AND MAILING ADDRESS 3090 Woodbine Place
Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE # (Eric Bean, President, 614-264-0642)
(same as listed on front of application)

AREA COMMISSION OR CIVIC GROUP (5) Greater Hilltop Area Commission
AREA COMMISSION ZONING CHAIR OR c/o Greg Large, Vice-Chair
CONTACT PERSON AND ADDRESS P.O. Box 28052, Columbus, Ohio 43228

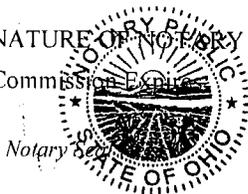
and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the 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
Please See Exhibit A, Item 3.

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

SIGNATURE OF AFFIANT (8) Acacia Perko
Subscribed to me in my presence and before me this 4th day of May, in the year 2015

SIGNATURE OF NOTARY PUBLIC (8) Melani M. Waite
My Commission Expires _____



PLEASE NOTE: incomplete information will result in the rejection of this submittal.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer

3. The following is a list of surrounding property owners within 125 feet of the Property, as taken from the Franklin County Auditor's records and Exhibit B:

Owner	Address	Parcel Number
MICO Properties, LLC	2583 Harrison Road Columbus, Ohio 43204	010-103117
Elderberry Investment Ltd.	650 Harrison Road Columbus, Ohio 43204	010-147628
Pineknot Associates, LLC	2500 Harrison Road Columbus, Ohio 43204	010-147629
Barbara R & Jerry T. Henry	2407-467 Scioto Harper Dr, Columbus, Ohio 43204	010-158444
Edward F. JR & Marcia K. Seidel	2475 Scioto Harper Dr., Columbus, Ohio 43204	010-158445
Double Z Construction Company, LLC	2550 Harrison Road Columbus, Ohio 43204	010-183820
Bill Warner Properties, LLC	02535 Harrison Road, Columbus, Ohio 43204	010-214255
5 th Avenue Provisions Inc.	2495 Harrison Road Columbus, Ohio 43204	010-241131
Pennsylvania Lines LLC	<i>Mail To: Norfolk Southern Railway Tax Department 110 Franklin Rd, SE Roanoke, VA 24042</i>	140-000096
Donnie L. Burchett	2480 Dibblee Ave., Columbus, Ohio 43204	144-000017
Anna Edmister	2460 Dibblee Ave., Columbus, Ohio 43204	144-000019
Anthony A. Glass	2466 Dibblee Ave., Columbus, Ohio 43204	144-000021
Benjamin S. Burden	2474 Dibblee Ave., Columbus, Ohio 43204	144-000024
Patrick J. Lorms	2006 Kenton Street Columbus, Ohio 43205	144-00312
Amanda K. McGilvray	486 N Warren Ave Columbus, OH 43204-3471	144-00311

4. 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 address:

M Jigsaw Development, LLC
c/o Eric Bean, President
3090 Woodbine Place
Columbus, Ohio 43202

District Brewing Company, Inc.
c/o Eric Bean, President
2555 Harrison Road
Columbus, Ohio 43204

MAILING LABEL SET

APPLICANT

Jigsaw Development, LLC
c/o Eric Bean, President
3090 Woodbine Place
Columbus, Ohio 43202

PROPERTY OWNER

Jigsaw Development, LLC
c/o Eric Bean, President
3090 Woodbine Place
Columbus, Ohio 43202

ATTORNEY

Acacia M. Perko
Reminger Co., L.P.A.
65 East State Street
4th Floor
Columbus, Ohio 43215

AREA COMMISSION OR
NEIGHBORHOOD GROUP

Greater Hilltop Area Commission
c/o Greg Large, Vice-Chair
P.O. Box 28052
Columbus, Ohio 43228

PERSONS, CORPORATIONS
HAVING A 5% OR MORE INTEREST
IN THE PROJECT

District Brewing Company, Inc.
c/o Eric Bean, President
2555 Harrison Road
Columbus, Ohio 43204

Jigsaw Development, LLC
c/o Eric Bean, President
3090 Woodbine Place
Columbus, Ohio 43202

SURROUNDING PROPERTY OWNERS

MICO Properties, LLC
2583 Harrison Road
Columbus, Ohio 43204

Pineknott Associates, LLC
2500 Harrison Road
Columbus, Ohio 43204

Bill Warner Properties, LLC
2535 Harrison Road
Columbus, Ohio 43204

Elderberry Investment Ltd.
650 Harrison Road
Columbus, Ohio 43204

Double Z Construction Company,
LLC
2550 Harrison Road
Columbus, Ohio 43204

5th Avenue Provisions Inc.
2495 Harrison Road
Columbus, Ohio 43204

Barbara R. & Jerry T. Henry
2407-467 Scioto Harper Dr.
Columbus, Ohio 43204

Pennsylvania Lines LLC
c/o Norfolk Southern Railway
Tax Department
110 Franklin Rd, SE
Roanoke, VA 24042

Anna Edmister
2460 Dibblee Ave.
Columbus, Ohio 43204

Edward F. JR & Marcia K. Seidel
2475 Scioto Harper Dr.
Columbus, Ohio 43204

Donnie L. Burchett
2480 Dibblee Ave.
Columbus, Ohio 43204

Anthony A. Glass
2466 Dibblee Ave.
Columbus, Ohio 43204

Benjamin S. Burden
2474 Dibblee Ave.
Columbus, Ohio 43204

Amanda K. McGilvray
486 N Warren Ave
Columbus, Ohio 43204-3471

Patrick J. Lorms
2006 Kenton Street
Columbus, Ohio 43205

BZA15-060
2555 Harrison Rd.



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

BZA15-060
2555 Harrison Rd.

One Stop Shop Zoning Report Date: Wed May 6 2015

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 2555 HARRISON RD COLUMBUS, OH
Mailing Address: 3090 WOODBINE PL
COLUMBUS OH 43202

Owner: JIGSAW DEVELOPMENT LLC
Parcel Number: 010146277

ZONING INFORMATION

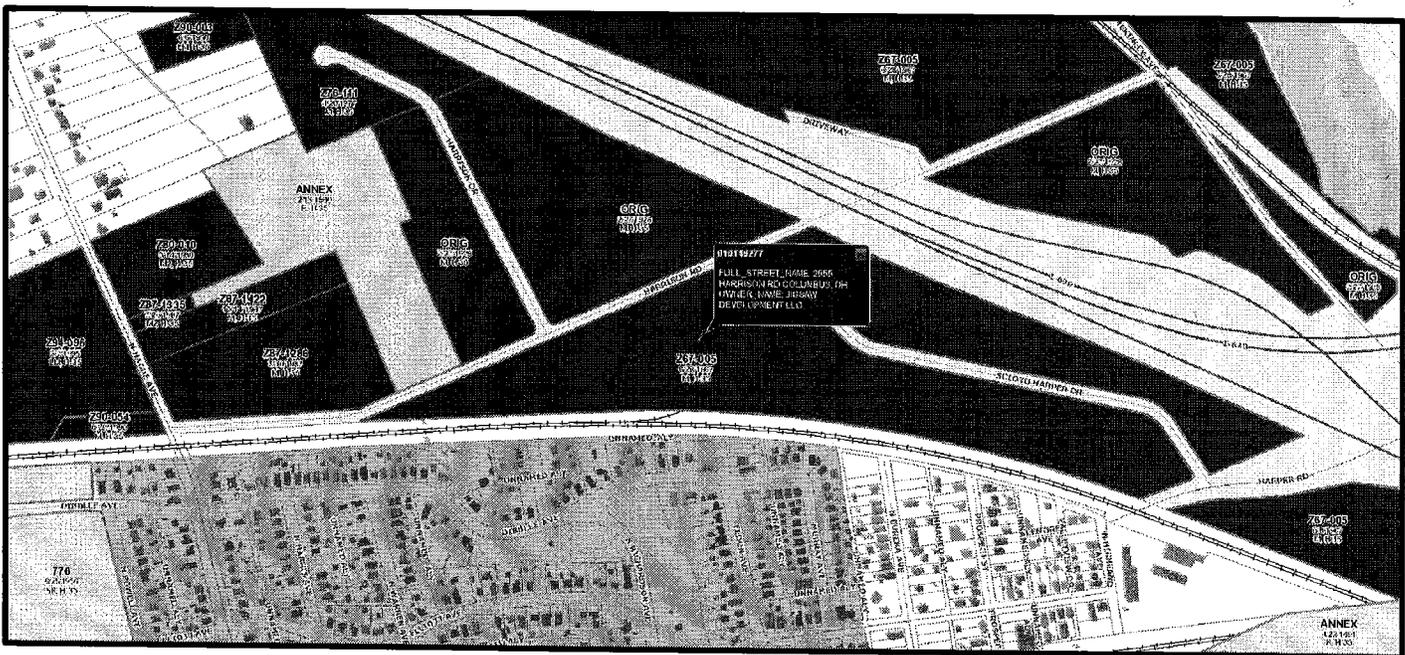
Zoning: Z67-005, Manufacturing, M
effective 6/28/1967, Height District H-35
Board of Zoning Adjustment (BZA): N/A
Commercial Overlay: N/A
Graphic Commission: N/A
Area Commission: Greater Hilltop Area Commission
Planning Overlay: N/A

Historic District: N/A
Historic Site: No
Council Variance: N/A
Flood Zone: OUT
Airport Overlay Environs: N/A

PENDING ZONING ACTION

Zoning: N/A
Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A
Graphic Commission: N/A



Board of Zoning Adjustment Application
Property location: 2555 Harrison Road Columbus, Ohio 43204
Exhibit A

1. Applicant Jigsaw Development, LLC (“Jigsaw”) seeks to vary the separation distance requirement from a residential district (600 feet) for the proposed brewery as indicated on the Site Plan submitted herewith. The use is covered by Columbus City Code §3363.14 as More Objectionable and the Performance Standard is covered by Columbus City Code §3363.19(C). The Requirements for use permit is covered by Columbus City Code §3311.28(b).

2. Statement of Hardship:

Jigsaw owns the property located at 2555 Harrison Road, Columbus, Ohio 43204, Parcel No. 010-146277-00 (the “Property”). The Property is located in a manufacturing zoning district within Columbus corporate limits. It abuts a railroad track within Franklin Township that then abuts the corporate limits of the village of Valleyview, a village within Franklin County, Ohio, but a separate and distinct entity from Franklin Township, that is outside the jurisdiction of Franklin Township.

Jigsaw’s initial application for its proposed site plan for the brewery for District Brewing Company, Inc., dba Columbus Brewing Company (“Columbus Brewing Co.”), was denied by the City of Columbus, on the reason that “research on parcel shows that the new use of brewery is within 600 feet of residentially zoned property in Franklin Township. Either a Council Variance or Rezoning is required.” (See Exhibit A.)

(a) No Variance is Required Because the Property is Not Within 600 Feet of Any Residential and/or Apartment Residential Districts Under Sections 3363.19(C) and 3311.28(b).

Initially, the denial by the City of Columbus of Jigsaw’s proposed site plan was improper because Jigsaw’s property is not within 600 feet of any residential and/or apartment residential districts under Columbus City Code Sections 3363.19(C) and 3311.28(b). Columbus City Code Chapter 33 contemplates residential districts and other districts, including but not limited to manufacturing, commercial, and multiple use, as those districts *within* Columbus corporate limits. See generally, CC. §3303. The Columbus City Code definitions do not by their own terms encompass districts *outside* Columbus corporate limits. CC. §3301.01. Thus, the limitations of Sections 3363.19(C) and 3311.28(b), which prohibit more objectionable uses within 600 feet of any residential and/or apartment residential district, do not extend to properties outside Columbus corporate limits. See CC. §§3301.01, 3311.28(b), 3363.19(C).

Further, there is no “residentially zoned property within Franklin Township” within 600 feet of the Property. As evidenced by the attached Map of the Franklin County

Auditor, the Property abuts the Columbus corporate limits and the railway owned by Pennsylvania Lines, LLC, which then abuts the corporate limits of the village of Valleyview, a village within Franklin County, Ohio, but a separate and distinct entity outside the jurisdiction of Franklin Township. (Exhibit B.) Because the village of Valleyview is outside the jurisdiction of Franklin County and Franklin Township, the village of Valleyview cannot serve as the basis for the denial of Jigsaw's site plan.

There is no parcel within 600 feet of the Property that is zoned "residential" within Franklin Township. Parcel Number 141-000407, with an address of 519 Eureka Avenue, is within 600 feet of the Property and is within Franklin Township. However, 519 Eureka Avenue is zoned "suburban office, institutional" by the Franklin County Zoning map. Parcel Number 141-000121, with an address of "N. Eureka Avenue" is within approximately 805 feet of the Property and is zoned "suburban apartment residential" by the Franklin County Zoning map. However, Parcel Number 141-000121 is outside the 600 feet limitation of Sections 3363.19(C) and 3311.28(b). Therefore, neither Parcel 141-000407 nor Parcel 141-000121 can serve as the basis for the denial of Jigsaw's site plan.

The limits of Sections 3363.19(C) and 3311.28(b) do not reach the properties of the village of Valleyview, Parcel Number 141-000407, zoned "suburban office, institutional" and within 600 feet of the Property, or Parcel Number 141-000121, zoned "suburban apartment residential" and within approximately 805 feet of the Property. As such, the Property is not "less than 600 feet from the boundaries of any residential or apartment residential district" as defined by Columbus City Code Section 3363.19(C) and Section 3311.28(b). For this reason alone, the denial of the proposed site plan for the more objectionable use of a brewery under Columbus City Code Sections 3363.14, 3363.19(C), and 3311.28(b) was improper and should be granted without delay.

(b) Even if a Variance is Required, Jigsaw Satisfies the Four Criteria under Columbus City Code Section 3307.09.

Even assuming *arguendo* that the Property is within 600 feet of any residential and/or apartment residential districts under Columbus City Code Sections 3363.19(C) and 3311.28(b), which Jigsaw does not concede, Jigsaw contends that it should nevertheless be granted the variance for the proposed more objectionable use under Columbus City Code Section 3307.09 as the four criteria thereunder are satisfied. For purposes of this discussion, the village of Valleyview is used as the residential district within 600 feet of the Property under Columbus City Code Sections 3396.19(C) and 3311.28(b). In so arguing, Jigsaw does not concede that the village of Valleyview is reached by the Columbus City Code, but rather uses it as an example by which Jigsaw may show that the criteria of Columbus City Code Section 3307.09 are met.

(1) Circumstances or Conditions Apply to the Subject Property That do not Apply Generally to Other Properties in the Same Zoning District.

With respect to the first criteria, the properties located across Harrison Road to the north of the Property, namely, Parcel No. 010-183820 (owed by Double Z Construction Company, LLC), Parcel No. 010-147629 (owed by Pineknot Associates LLC), and Parcel No. 010-147628 (owed by Elderberry Investment LTD), are all in excess of 600 feet from the residential neighborhood of the village of Valleyview, and in excess of 600 feet from the properties located southeast of the Property on Eureka Avenue, zoned "suburban apartment residential," by the Franklin County zoning map. Thus, any of these three properties would not be precluded from operating a more objectionable use on their properties because they are in excess of the 600 feet limitation imposed by Columbus City Code Chapter 3363.19(C).

(2) The Special Circumstances or Conditions are Not The Result of The Actions of the Property Owner or Applicant.

The special circumstances identified in section (1) above are not the result of Jigsaw, as the Property is simply located on the south side of Harrison Road and therefore by geographic reason, the Property abuts the railroad track located within Franklin Township, which then abuts the village of Valleyview.

(3) The Special Circumstances or Conditions Make it Necessary That a Variance be Granted to Preserve a Substantial Property Right of the Applicant Which is Possessed by Owners of Other Property in the Same Zoning District.

In order for property owners located on the south side of Harrison Road, like Jigsaw, to enjoy the substantial property right of operating a more objectionable use on their property, it is necessary that a variance be granted to preserve this substantial right which is currently possessed by owners of other properties in the same zoning district that are not within 600 feet of any residential and/or apartment residential districts under Columbus City Code Sections 3363.19(C) and 3311.28(b).

(4) The Grant of a Variance Will Not be Injurious to Neighboring Properties and Will Not be Contrary to the Public Interest or the Intent and Purpose of this Zoning Code.

Notwithstanding the fact that Jigsaw believes that the variance is not necessary as the Property is not less than 600 feet from the boundaries of any residential or apartment residential district as that term is defined in Columbus City Code Sections 3363.19(C) and 3311.28(b), the grant of a variance will not be injurious to any neighboring properties and will not be contrary to the public interest or intent and purpose of the Zoning Code.

The Zoning Code already contemplates the proposed use under more objectionable uses under Columbus City Code Section 3363.14. Moreover, the Property abuts a railway that is within Franklin Township, which is flanked by natural woodlands, and separates the Columbus corporate limit from the Village of Valleyview. Further, Jigsaw has already taken steps to ensure

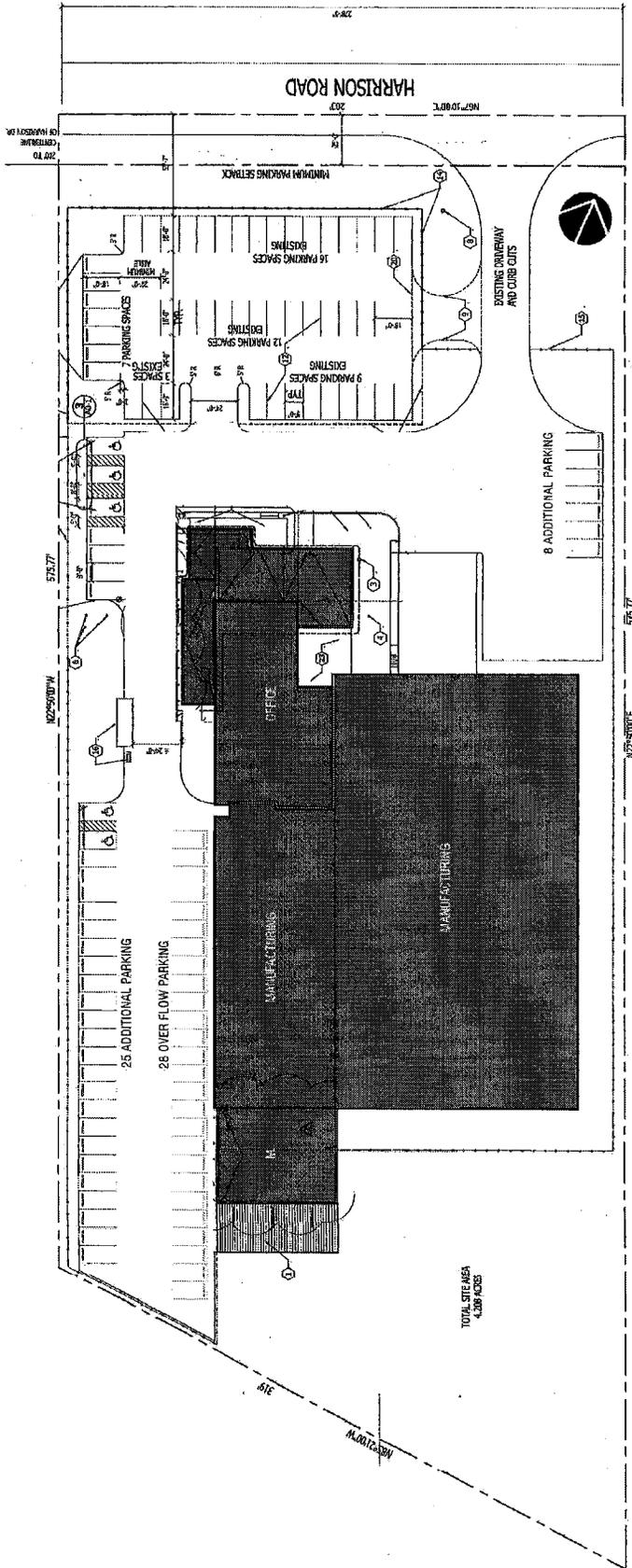
BZA15-060
2555 Harrison Rd.

that noise from the bottling line is kept at a minimum and has taken steps to mitigate the smell from the brewery. In particular, the brewery site plan has an optional economizer that will emit little to no odor and the bottling line will have minimal noise for a manufacturing area. Further, the proposed brewery for Columbus Brewing Co. brings numerous jobs to the City of Columbus and allows for growth for Columbus' largest craft brewer.

In essence, the proposed brewery is more akin to those less objectionable uses as identified by Columbus City Code Section 3363.07, food and beverage products, which are not subject to the same minimum 600 feet boundary under Columbus City Code Sections 3363.19(C) and 3311.28(b), but are only subject to a minimum boundary of 25 feet under Columbus City Code Section 3311.28(a). Thus, the grant of a variance for the Property will not be contrary to the purpose and intent of the Zoning Code.

(c) Conclusion.

For the reasons stated herein, the four criteria of Columbus City Code Section 3307.09 are satisfied, and Jigsaw should be granted a Variance thereunder in order to preserve its substantial right currently possessed by owners of other properties in the same zoning district. The granting of this variance will not be contrary to the purpose and intent of the Zoning Code and will not be injurious to neighboring properties.



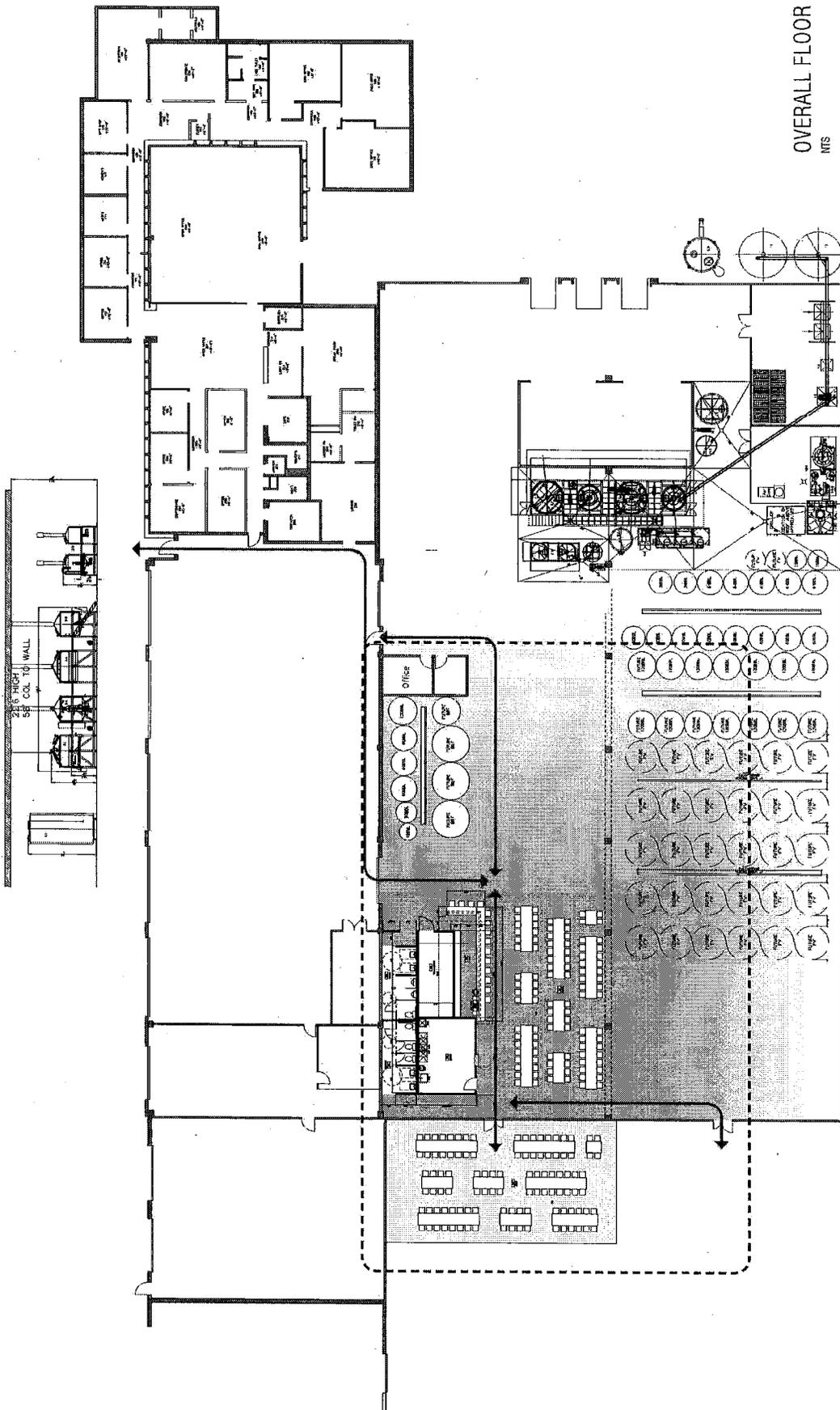
SITE PLAN
N/S

USES	AREA	RATIO	SPACES
MANUFACTURING	41600	20000	750
OFFICE	8640	1500	14.4
		450	19.2
TOTAL REQUIRED PARKING			60.2
TOTAL CURRENT PARKING			54.0
TOTAL ADDITIONAL			32.2
ADA PARKING			4.3

COLUMBUS BREWING COMPANY | FEASIBILITY | 11/17/14 | P1
© Tim Lei Architect

BZA15-060
2555 Harrison Rd.



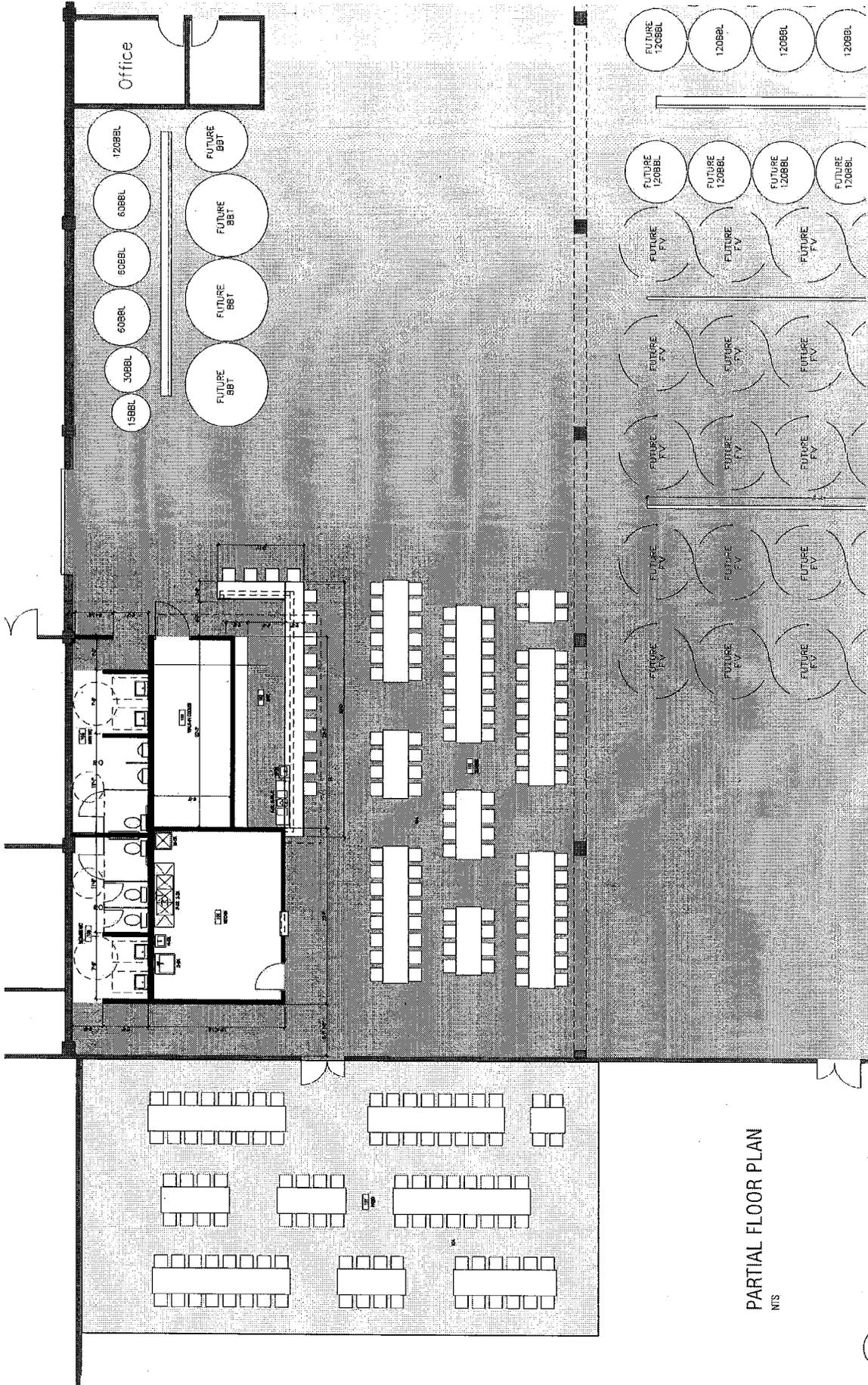


OVERALL FLOOR PLAN
NTS

COLUMBUS BREWING COMPANY | FEASIBILITY | 11/17/14 | P2
© Tim Lai Architect

BZA15-060
2555 Harrison Rd.





PARTIAL FLOOR PLAN
N15



COLUMBUS BREWING COMPANY | FEASIBILITY | 11/17/14 | P3
© Tim Lai Architect

BZA15-060
2555 Harrison Rd.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: KS

DATE: 4/23/15



Disclaimer

Scale = 150



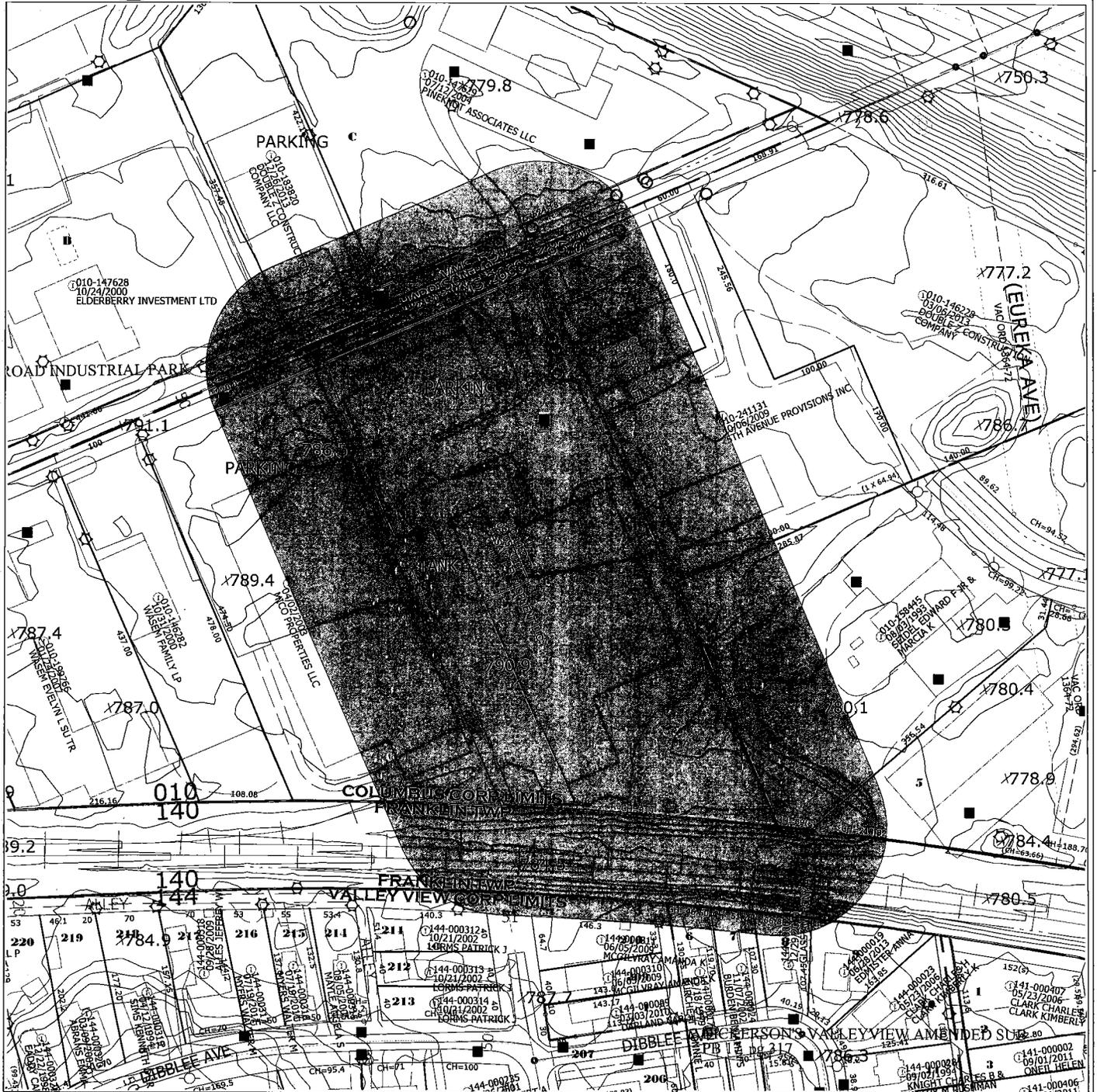
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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.

Real Estate / GIS Department



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: KS DATE: 4/23/15



Disclaimer

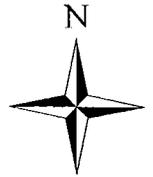
Scale = 170'
Grid North

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Real Estate / GIS Department



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: 010146277

Zoning Number: 2555

Street Name: HARRISON RD

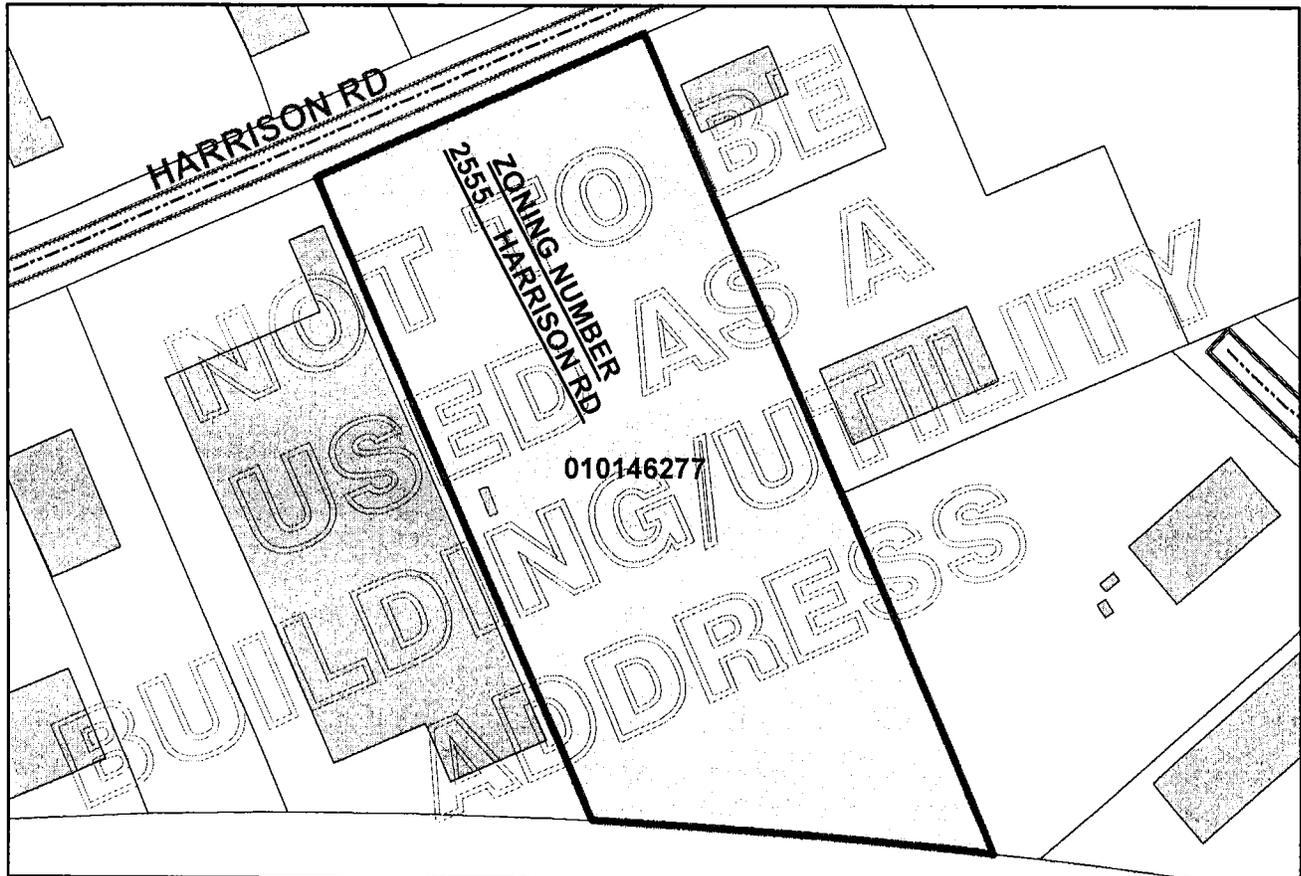
Lot Number : N/A

Subdivision: N/A

Requested By: REMINER CO., LPA (ACACIA PERKO, ESQ.)

Issued By: *Edyona Whisman*

Date: 4/30/2015



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

SCALE: 1 inch = 150 feet

GIS FILE NUMBER: 32944

EXHIBIT A

From: Richards, Trena S. [<mailto:TSRichards@Columbus.gov>]

Sent: Friday, April 17, 2015 3:02 PM

To: SAUER INCORPORATED (midwest@sauer-inc.com)

Subject: 15345-147 2555 Harrison Rd.

The following comments have been received on this site plan. Please direct your questions/comments to the contact person listed below.

Zoning **Chris Mokris** **645-8629** **cmmokris@columbus.gov**

Research on parcel shows that the new use of brewery is within 600 feet of residentially zoned property in Franklin Township. Either a Council Variance or Rezoning is required. Contact Rezoning Staff at 645-4522.

Trena S Richards
Office Assistant III
City of Columbus
Dept. of Building & Zoning Services
757 Carolyn Ave.
Columbus, OH 43224
614-645-6175

BZA15-060
2555 Harrison Rd.

