



Board of Zoning and Planning Meeting Minutes
July 25, 2024
6:00 PM

1) Call to Order

The meeting was Called to Order by acting Chairperson Marsh.

2) Roll Call of Members

Ms. Letostak, Mr. Turner, Mr. Rosenthal, Mr. King, Mr. Marsh

3) Approval of Minutes

Motion to approve Minutes from the June meeting by Mr. King, second by Mr. Turner; all in favor.

4) Public Comments

There were no Public Comments.

5) Old Business

There was no Old Business.

6) New Business

Acting Chairperson Marsh thanked Ms. Rose for her dedication over the years and welcomed Mr. Klingler. He also welcomed Mr. Andrew Rosenthal and Ms. Tiasha Letostak to the Board.

1) Application Number:

BZAP-24- 16

Address: 123 S Cassady

Applicant: Taylor Patterson

Owner: Alexa Lowe

Request: The applicant is seeking a variance from Bexley Code Section 1252.10(a) (2) In residential districts, accessory uses and detached structures shall be located a minimum of five feet farther back from the side street property line than the principal structure is allowed, in order to construct 8' tall decorative arched trellis over the gate of the 48" high fence along the eastern side of the property.

Mr. Patterson was sworn in.

Ms. Rose gave a Staff Report which explained setback requirements for accessory structures and gave background information about the proposed arch, which would require a variance. It was confirmed that the arch would be 8'. Ms. Rose gave recommendations and explained the fence does not need a variance.

The customer will paint the custom built wood fence at a later date.

The Findings of Fact and Decision of the Board for Application Number BZAP-24-16 for property located at 123 S. Cassady: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds that a variance should be granted from Bexley Code section 1252.10(a)(2), to allow an 8 ft tall decorative arched trellis to be built in the side yard as submitted.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. King, second by Mr. Rosenthal; roll call: Letostak–Yes, Turner–Yes, Rosenthal–Yes, King–Yes, Marsh–Yes.

2) Application Number: BZAP-24- 9

Address: 129 S Cassingham

Applicant: Brenda Parker

Owner: John & Stacey Barnard

Request: The applicant is seeking approval of a Certificate of Appropriateness to allow second & third floor additions as well as single-story addition at the south. The applicant is also seeking 2 variances from Bexley Code Section 1252.09 (R-6 Zoning). The first is a 1'8" variance to allow an addition to the house to encroach into the required 8' setback from the side yard property line. The second variance is from the required 60% overall lot coverage limit, to allow for the additions which will take the overall lot coverage to 61%.

Ms. Parker was sworn in.

Ms. Rose gave a Staff Report detailing the proposed addition, variances, and history before the ARB.

Ms. Bokor discussed revisions that had been made to the design and shared the ARB's support of this project.

Ms. Parker explained the proposed additions.

The Board will be voting on variations pertaining to lot coverage and encroachment.

The Findings of Fact and Decision of the Board for Application Number BZAP-24-9 for property located at 129 S Cassingham: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds that the applicant has proven the criteria to grant an area variance in Bexley Code 1226.11(c) have been met and a 1'8" variance to the required side yard setback and a 1% variance to the overall coverage in accordance with 1252.09 (R-6 Zoning) should be granted to allow additions to the principal structure as proposed.

The Board of Zoning and Planning further motions that a Certificate of Appropriateness should be granted as recommended by the Architectural Review Board.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Turner, second by Mr. Rosenthal; roll call: Turner–Yes, Rosenthal–Yes, Letostack–Yes, King–Yes, Marsh–Yes.

3) Application Number: BZAP-24- 20

Address: 2505 E Main (2511 E Main)

Applicant: Matthew Eshelbrenner

Owner: Matthew Eshelbrenner

Request: The applicant is requesting approval for a food truck to be regularly located at the rear of the building.

Mike Davis was sworn in.

Mr. Sudy gave a Staff Report regarding the proposed Special Permit, explained the code provision which dictates a mobile but not permanent food cart, shared the proposed conditions, and discussed parking.

The duration of the Special Permit was mentioned, as were the operational times and proximity to other structures.

The business model will be restaurant-type with wait staff taking orders and bringing food to customers. The food truck will be dedicated to the bar; the truck will act as a mobile kitchen and will be attached to the building through utility lines.

Requirements and restrictions for the liquor license were discussed, as were other potential options.

The applicant stated their intent to be a good neighbor and mentioned the conversations had with neighbors.

Utility hook ups were mentioned.

It was explained that there will be rotating food trucks at the location; the current plan is to rotate trucks every 3 months, with the truck parked on site for the three month duration.

It was explained that all food ordered from the truck will be consumed inside the establishment.

Ms. Rose explained that notices were sent to everyone within 300 feet of the proposed projec and the City had not heard any hesitation from neighbors.

Operational hours were discussed and noise concerns were mentioned, with the potential for a revisit.

The tavern's requirement for a food truck was detailed.

Ms. Cunningham explained that from this Board's perspective, this is about the use and in compliance with other Code provisions, and the potential to review the case in the future. She did not recommend the Special Permit be time specific.

Ms. Rose stated many of the noise concerns should be alleviated due to the utility hook ups.

Ms. Cunningham explained that a solution regarding time sensitivity issues may be a legislative solution with the adoption of an ordinance.

The use of Code Enforcement was discussed.

Mr. Davis discussed the possibility of landscaping and stated neighbors mentioned this truck would not be louder than an already existing business.

There was discussion amongst Board members about various aspects of this proposal.

The Findings and decisions of the Board for Application Number BZAP-24- 20 for the property located at 2511 E Main: the Board of Zoning and Planning finds that, upon consideration of the application, proposed special permit and evidence and testimony before it, the Board finds: the Applicant has proven that the criteria to grant a Special Permit in Bexley Code Sections 832.04 and 820.07 have been met and a Special Permit to allow a permanent location for the use of rotating food trucks at the rear portion of the site as a component of a new tavern use in an existing building shall be granted with the following conditions:

1. The food truck will be in the location shown in exhibits submitted for the July 25, 2024, BZAP meeting;
2. The applicant will install and maintain, in good operating order, electric/water/gas hook-ups as needed for food truck operation. No external generators or other devices that create noise or engine emissions are permitted;
3. There will be no direct sales to the public from the food truck;
4. Only one food truck is allowed on the premises at any given time, unless additional temporary permitting is received from the city;
5. The applicant will provide screening at the rear (south) end of the food truck, to the satisfaction of staff review and approval.

The applicant understood the Findings of Fact.

**Motion to approve the Findings of Fact by Mr. Rosenthal, second by Mr. Turner; roll call:
Rosenthal–Yes, King–Yes, Letostak–Yes, Turner–Yes, Marsh–Yes.**

4) Application Number: BZAP-24- 21

Address: 114 N Merkle

Applicant: Rianne Gebhardt

Owner: Rianne Gebhardt

Request: The applicant is requesting a Special Permit in accordance with Bexley Code Section 1264.03(b) which limits a fence or wall in the side yard setback area as it faces a street to 48", to allow a 6' fence along the south side yard property line along Denver Avenue.

Ms. Gebhardt was sworn in.

Ms. Rose gave a Staff Report, giving background on this case and discussing the existing fence in the City's right of way. Ms. Rose said the plan is an improvement over the present fence.

Ms. Gebhardt discussed the history of the current fence. She said she hopes the Board will approve a similar fence situated on the property line and also explained the fences at nearby properties.

The removal of City trees was discussed and it was confirmed that a sidewalk would be installed.

The Findings of Fact and Decisions of the Board for Application Number BZAP-24-21 for the property located at 114 N Merkle: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds that the applicant has proven the criteria to grant an area variance in Bexley Code 1226.11(c) have been met and a special permit in accordance with Bexley Code Section 1265.03(b) to allow a 6' fence on the south side property line be granted with the following condition: landscape plan is subject to Staff review.

The applicant understood the Findings of Fact.

Motion to Approve the Findings of Fact by Mr. Turner, second by Mr. King; roll call: Letostak–Yes, King–Yes, Turner–Yes, Rosenthal–Yes, Marsh–Yes.

5) Application Number: BZAP-24- 22

Address: 2474 Brentwood

Applicant: Amy Lauerhass

Owner: Rob & Michele Santini

Request: The applicant is seeking a Certificate of Appropriateness for a screened porch addition to the rear (north) side of the house and meets code. The applicant is also seeking a variance from Bexley Code Section 1252.15(a), which limits detached garages to 18' in height, to allow a proposed new detached garage with a ridge height of 19', to match the existing home.

Ms. Lauerhass was sworn in.

Ms. Rose gave a Staff Report which described the project and the variance request.

Ms. Bokor explained the architecture and the history of this application before the ARB.

Ms. Lauerhass explained the slopes of the garage and house as well as the usage of space above the garage.

Board members share their thoughts about the design.

The Findings of Fact and Decisions of the Board for Application Number BZAP-24-22 for the property located at 2474 Brentwood: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds that the applicant has proven the criteria to grant an area variance in Bexley Code section 1226.11(c) have been met and a 1 foot variance from Bexley Code section 1252.15(a) to allow the attached garage to be 19 feet and also a 67 square foot variance from Bexley Code section 1252.15(a) to allow the garage to be 691 square feet be granted as submitted and as further recommended by the Architecture Review Board for a Certificate of Appropriateness.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Turner, second by Mr. Rosenthal; roll call: King–Yes, Letostak–Yes, Turner–Yes, Rosenthal–Yes, Marsh–Yes.

6) Application Number: BZAP-24-23

Address: 2557 E Broad

Applicant: Stephanie Hayward

Owner: Kelly Gebert

Request: The applicant is requesting approval to add an exterior cellar door with new exterior stairs to the basement. The Applicant is also seeking a variance from Bexley Code Section 1252.09 (R-6 Zoning) which requires an 8' side yard setback for principal structures, to allow a Cellar door in the east side yard to encroach 5' 1.5" required side yard setback.

Ms. Hayward was sworn in.

Ms. Rose gave a Staff Report which described the project and setback requirements, including the reasoning for this project and planned landscaping, as well as the history of this application before the ARB.

Ms. Bokor shared anecdotes.

Ms. Hayward stated the sun room addition had already been before the ARB. She explained the reasoning for this proposal and for placing the door in the proposed location.

The Findings of Fact and Decisions of the Board for application number BZAP-24-23 for the property located at 2557 E Broad: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds that the applicant has proven the criteria to grant an area variance from Bexley Code 1226.11(c) have been met and a 5' 1.5" variance from Bexley Code section 1252.09 (R-6

Zoning) be granted to allow a basement cellar access door to be added on the east side of the principal structure subject to further review and approval by the Design Consultant for the door and landscaping.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. King second by Mr. Rosenthal; roll call: Rosenthal–Yes, Turner–Yes, Letostak–Yes, King–Yes, Marsh–Yes.

7) Application Number: BZAP-23-19

Address: 733 Vernon

Applicant: K Bryon Wernicke

Owner: Barbara Wernicke Trustee

Request: The applicant is seeking a variance from Bexley Code Section 1252.10(2), which requires accessory uses and detached structures shall be located a minimum of five feet farther back from the side street property line than the principal structure, to allow a 6' high screened garden structure to be located 1.2' from the north side property line along E. Mound Street.

The applicant was not present.

Motion to Table this application to the August 22, 2024 BZAP Meeting by Mr. Rosenthal, second by Mr. King; roll call: Rosenthal–Yes, Turner–Yes, Letostak–Yes, King–Yes, Marsh–Yes.

8) Application Number: BZAP-24-14

Address: 236 N Columbia

Applicant: John Behal

Owner: Yoaz Saar

Request: The applicant is appealing to the Board of Zoning and Planning the decision of the Architectural Review Board from the May 9, 2024 ARB hearing.

Ms. Rose gave a Staff Report which explained that the applicant is requesting the demolition of an existing home to allow construction of a new home, which was not approved by the ARB for recommendation. She explained the application has filed an appeal and that it is the job of the BZAP to review the case.

Ms. Cunningham explained the process by which an appeal would go to the BZAP and stated that the ARB has the authority to approve or deny a demolition application. She then explained the history of the application before the Board and the procedure for this hearing, including potential next steps, accepting new evidence, and that this is a quasi judicial hearing. She explained that there is a court reporter present and answered the Board member's questions.

Members from the audience were sworn in.

Joe Miller was sworn in and explained that with him were John Behal, Yoaz Saar, Liz Alexander, Rob Livesey, Sam Koon, John and Lisa Warner, and Bernard Coey.

Mr. Miller detailed a presentation which gave an overview of the site and orientation, explained the applicant's request, and displayed and described photos of the home's exterior and interior. He then showed renderings of the proposed home and detailed the portions of Bexley Code which determine whether or not a demolition permit can be issued. He explained the applicant's belief that a demolition permit is justified.

Liz Alexander introduced Rob Livesey who stated his background and answered Ms. Alexander's questions. Mr. Livesey confirmed that he signed an affidavit and shared that he had visited the home. Mr. Livesey stated his opinion of the structure's current condition specifically mentioning the driveway, ceiling height, the home's gracefulness or lack thereof, the small restrooms, and the kitchen. Mr. Livesey mentioned that the aforementioned cannot be remedied through architectural design. He pointed out the driveway and entrance to the house, and spoke to other examples of Noverre Musson's architecture and their character. Mr. Livesey stated he does not believe 236 N Columbia is one of Musson's better works and explained why he finds it less desirable. Mr. Livesey shared his beliefs about the current house in relation to the character and quality of the neighborhood, mentioning this home does not have a presence and participate in the neighborhood. Mr. Livesey reasoned why the proposed home is a better fit for the character of the neighborhood. He gave his opinion about the significance of the design and stated he does not believe it is worthy of preservation.

Ceiling height was discussed as was square footage, options for the home to have a better street presence, expectations for homes in this neighborhood, and the eclectic nature of residential homes. Mr. Livesey shared his opinion that stylistically speaking, other similar-styled homes are better presented. He said he thinks the proposed home is more typical of Bexley.

Mr. Livesey did not know why the home was built as is by the Lazarus family and a prominent architect. He stated the Miller house has much more character and presence and speculated the home was built as such for the purpose of value engineering. Mr. Livesey said his opinion is not based on the fact that the home was not well-kept. He further discussed the ceiling height.

Mr. Miller detailed the letter Joseph Kuspan submitted to the ARB and this was discussed with Board members and Mr. Miller. Mr. Miller also presented other homes owned by the Lazarus family and stated the home in question should not be considered a "historic Lazarus home." A home belonging to the Huntington family was also mentioned.

Mr. Miller discussed the home's property value and highlighted the economic hardship conditions.

Bernard Coey explained his background as a structural engineer. He confirmed that he had written an affidavit which was shared with Board members. Mr. Coey mentioned his initial observations about the structure, including lack of gutters, discoloration around the brick, and the grade. He said the most significant damage in the structure is water damage, which is substantial and prevalent throughout the entire structure. He stated his recommendations of raising the structure, which would be risky and may adversely impact the structure, or lowering the grade, which may compromise the vegetation on site. He

also stated issues could be patched but would not recommend it. He recommended removing the building and construct a code-complaint structure without the grade issue.

Mr. Coey said he has not seen that the home be unsafe for occupancy, but there would need to be remediation to make it safe for years to come. Additionally, Mr. Coey stated he has worked with about 10-20 homes with some similarities to the current home. Mr. Coey shared that his findings in this home were surprising. Mr. Coey acknowledged he did not know the intricacies of changing the grade. He also discussed the moisture level and staining, as well as the potential of compromised wood.

Summaries of what it would take to lift the structure and lower the grade were discussed, and estimated total costs were given.

Ms. Alexander explained that the expert's reports were the same reports shared with the ARB.

Mr. Livesey explained how he was asked to come before the Board.

John Behal described his professional background and experience, as well as his relationship to 236 N Columbia. He acknowledged the submitted affidavit and answered questions about it regarding the estimated total costs and logistics to lift the home and lower the grade. He stated his belief that the best method to remediate the existing structure's damage would be through demolition. He gave a high level overview of the proposed home including height, materials, and design concept and stated this opinion that the proposed home is superior to the current home. It is approximately 6600 square feet, but also has a very tall basement. The home will cost approximately \$450-\$500 per square foot for a total cost of approximately \$3-4 million. Mr. Behal explained the numbers previously shared for remediation do not include interior remodeling.

Mr. Miller discussed the substantial reduction in the economic value of the property.

Sam Koon explained his profession in the real estate and appraisal businesses and he confirmed his affidavit. He described the area where this home is located as one of the finest in Columbus and gave his opinion of the home in relation to other homes in the neighborhood. He said he does not believe he has ever seen a property that would cost seven figures to just rehabilitate. He discussed the market and gave his opinion that the highest and best use for the property would be demolition and rebuilding. He said he thinks the new home would increase the tax base, that the new home is superior to what is existing on site, and that the proposed structure will increase the value of the property and have a positive impact on the surrounding properties and the entire city. He said he does not feel the connection to the Lazaus family should be a reason for historic preservation and that a reasonable market buyer would want to buy the property and build a new home. Potential buyers and the housing market were discussed.

Mr. Miller discussed unusual and compelling circumstances which the Bexley Code stipulates as required for demolition. He stated that the neighbors are in support of the proposed home and described compatibility as well as material adverse effect and mentioned Ohio law disfavoring government intervention into the free use of property.

It was noted that the home had been vacant for about a year and a part of the consideration was restated.

The process for public comment for neighbors with standing was explained.

Holly Kastan, 225 N Columbia, shared her background living in the City of Bexley and said she has spoken with all adjacent neighbors. She explained they are all aware of the project, in favor of a demolition, and supportive of the new build. She also said she would appreciate a new home that fits in with the character of the neighborhood.

The public meeting ended for the purpose of deliberation.

The Board decided to issue a meeting at the August 22, 2024 BZAP meeting.

Ms. Cunningham explained that the hearing had concluded.

Motion to Table this application to the August 22, 2024 BZAP meeting by Mr. King, second by Mr. Turner; roll call: Rosenthal–Yes, Turner–Yes, Letostak–Yes, King–Yes, Marsh–Yes.

7) Other Business

Bexley Commercial Rehabilitation Grant Program Application, Megan Meyer

Mayor Kessler welcomed the Board's new members and Mr. Klingler.

He explained the Commercial Rehabilitation Grant program and described the application for 2741 E Main. He said there are no other current applications.

Motion to approve support of the grant by Mr. King, second by Mr. Rosenthal; all in favor.

Mayor Kessler then gave a history of Ms. Rose's time with the City of Bexley Building Department, highlighting her street smarts, big heart, and work ethic.

Ms. Rose stated it has been a pleasure serving.

8) Adjourn

The meeting was adjourned.