



Board of Zoning and Planning

October 26, 2023

Staff Report

Kathy Rose, Zoning Officer

Old Business:

- 1) Application Number: BZAP-23-19 - **Tabled until Nov. 30, 2023**

Address: **733 Vernon**

Applicant: K Bryon Wernicke

Owner: Barbara Wernicke Trustee

Request: The applicant is seeking a variance from Bexley Code Section 1252.10(a)(2) which requires an accessory structure use 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; to allow a Garden Screen to remain 1.2' off of the south side property line (along Mound Street).

- 2) Application Number: BZAP-23-23 **Tabled until Nov. 30, 2023**

Address: **2200 E. Main** (previously 2160, 2186 & 2188 E. Main Trinity Lutheran)

Applicant: Ryan Pearson

Owner: Continental Real Estate Cos.

Request: The applicant is seeking Preliminary review to allow demo and redevelopment of the vacant Trinity Lutheran apartment structures. Located on Parcel No. 020-000836, 020-000217 & 020-000350. The applicant is also seeking a Special Permit and Conditional Use for a new 5-story building with housing alternatives and variance for a new 6-story missed use building to provide additional housing, restaurant, retail and office space and parking.

New Business:

1) Application Number: BZAP-23-33

Address: **131 S. Roosevelt**

Applicant: Brian Marzich

Owner: Ray Delevie

Request: The applicant is seeking approval of a Certificate of Appropriateness for a proposed porch enclosure and one-story addition at the rear of the principal structure. The applicant is also seeking a 1'6" variance from Bexley Code Section 1252.09 (R-6 Zoning District) which requires a principal structure to be set back 8' from the side yard property line, to allow an existing porch to be enclosed and extended.



Site plan



SOUTHWEST PORCH TO BE
ENCLOSED

Background R-6 Zoning District_ Standard lot size is 50' x 120'

This lot is 50' x 131.08'. The existing principal structure is located 9' 6" from the south side property, except for an existing open porch, which is 7'6" from the south side property line. The lot coverage for structures is limited to 35% and with the proposed addition, the building footprint coverage would be 29.8%

The proposed addition to the rear of the principal structure would include the existing footprint of the porch, and extends 18' into the rear yard at the same setback as the porch. The addition will provide a 1st floor bedroom and bath. The design also includes a new 7.5' x 12' open porch on the north end of the addition. The property has an existing A/C condenser unit located at the rear of the principal structure, towards the north end of the house. The applicant may be working around the existing mechanical equipment and why the addition is more to one end of the house, and also tying the addition into the existing roofline of the porch.

There would be an overall distance of 15' between the addition and the neighboring house to the south.

Variance criteria from the application:

E.1 Variance Worksheet (from the application)

Description of the Proposed Variance. Please provide a thorough description of the variance being sought and the reason why.

An existing covered porch on the south west corner of the residence is encroaching into the side setback. The plan is to capture this as interior space and build off the rear of this porch. This footprint is approximately 1'-10" into the side yard setback.

1. Does the property in question require a variance in order to yield a reasonable return? Can there be any beneficial use of the property without the variance? Please describe.

Yes

2. Is the variance substantial? Please describe.

No, the intent is to match the existing structures encroachment.

3. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance? Please describe.

No, the effects of the variance are virtually unnoticeable from the public street and alley.

E.2 Variance Worksheet

Edit

4. Would the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)? Please describe.

no

5. Did the property owner purchase the property with the knowledge of zoning restriction? Please describe.

no

6. Can the property owner's predicament feasibly be obviated through some method other than a variance? Please describe.

No, this is the most efficient use of the space to preserve the most use out of the rear yard

7. Is the spirit and intent behind the zoning requirement observed and is substantial justice done by granting the variance? Please describe.

Yes, this is the most efficient use of the space to preserve the most use out of the rear yard

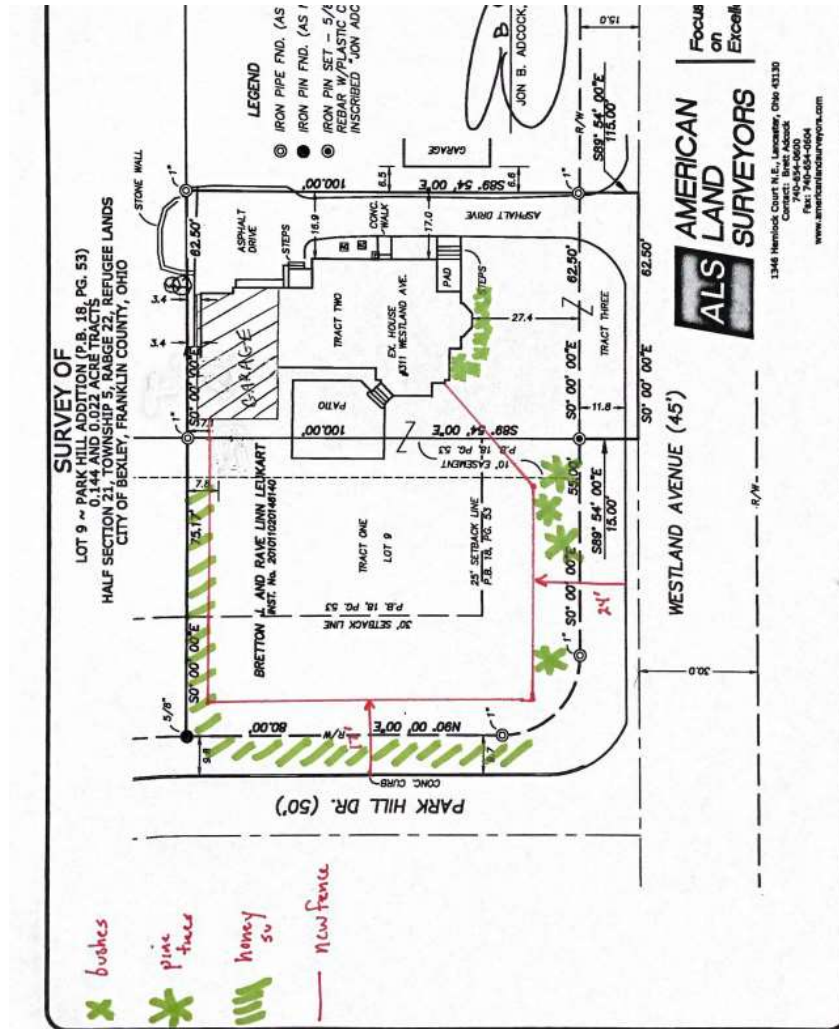
2) Application Number: BZAP-23-34

Address: **311 Westland**

Applicant: Brett Leukart

Owner: Brett Leukart

Request: The applicant is seeking a variance from Bexley Code Section 1264.02 which limits a front yard fence to 42" (with a Special Permit) in height, to allow a 5' high black aluminum fence in the front yard (Westland Ave), behind the existing landscape. The applicant is also seeking a Special Permit in accordance with Bexley Code Section 1264.03, which limits fences in a side yard setback area as it faces a public or private street to 48" in height, to allow the 5' black aluminum fence to be installed inside the existing landscape along Park Hill Dr.



Background: R-3 Zoning Lot size standard corner 120' x160'

This corner lot is of an irregular shape and roughly 137' x 115' located in the R-3 Zoning district.

The property is made up of 2 combined lots that are of different sizes. This property, from what I have found in the property file, is platted to Westland Avenue as the front yard in accordance with the last known interpretation verified in the property file.

The south yard is used as a rear yard, being the house and driveway take up the northwest corner of the property.



The applicant would like to fence in the south yard area and a portion of the front (east) yard with a 5' high black aluminum fence. Typically, there are landscape plans that are required with a special permit or variance for front and side yard fences; however, the majority of the fence will be located behind an existing tree line that wraps around the corner of Westland and Park Hill Drive. It may not be as dense at the north end of the east tree line, but should provide adequate screening.

F.1-F.2 Fence Variance Worksheet: Side and Rear Yard Restrictions for Corner Lots (from the application – applicant’s response in blue

Edit

1. Compatibility: Describe how the proposed side yard fence or wall exceeding forty-eight inches in height and on the street side of a corner lot compatible with other properties in the neighborhood?

[Other neighbors have same fence](#)

2. Height: Please verify that the maximum height of such fence or wall shall not exceed seventy-two inches as measured from the average grade, as defined in Section 1230.06. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included within the seventy-two inch maximum height.

[5'](#)

3. Transparency: Fences exceeding forty-eight inches in height should include transparency in the upper 12” to 18” of the fence through the use of latticework, pickets, or other appropriate design elements. Describe how you have satisfied this requirement.

[Black aluminum fence](#)

4. Screening: A landscaping plan must be filed with the application for a special permit, indicating how such fencing or wall is to be screened from the street side elevation. The landscape plan should be designed in such a way as to mitigate the impact of a solid fence or wall as it relates to the street and other properties. Describe how the landscape plan addresses these items.

[Existing trees, bushes, landscaping](#)

5. Visibility and Safety: The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement. Please describe any visibility/safety concerns with your design.

[The setback is behind trees, bushes, landscape and in yard](#)

6. Material Compatibility: No chain link, wire mesh or other similar material shall be installed on lot lines adjacent to public rights-of-way. Please verify that your design complies with this requirement.

[Aluminum Regis 3230, 3 rail flat top](#)

7. Finished Side: Any fence or wall erected on a lot located at the intersection of two or more streets must have the finished and not the structural side facing the adjacent property, alley or street. Please verify that your design complies with this requirement.

[Complies](#)

F.3 Fence Variance Worksheet: Front Yard Restrictions

Edit

The proposed decorative landscape wall or fence is compatible with other properties in the neighborhood.

[Yes](#)

The height of the fence or wall does not exceed the size permitted as above when measured from the average grade of the yard where the fence or wall is to be installed.

Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included in the maximum height.

Yes

Posts, columns and finials may extend up to 6" above the maximum allowed height of the fence panels. CHAPTER 1264. FENCES AND WALLS City of Bexley Zoning Ordinance

No

A landscaping plan shall be filed with the application indicating how such fencing and/ or wall is to be integrated with existing front yard landscaping.

No

The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.

No

No chain link, wire mesh, concrete block or other similar type material shall be installed as a decorative landscape wall or fence.

No

The fence and/or wall shall have a minimum of 50% transparency.

Yes

That the lot exhibits unique characteristics that support the increase in fence height.

Yes

Consideration:

If the Board finds it appropriate to grant a variance to allow a 5' high black aluminum fence as proposed, it should require that the existing landscape be maintained to provide adequate screening, and any additional landscaping (which would be located on private property), Staff would recommend that the Landscape consultant work with the applicant on any additional planting that may be necessary.

Kathy Rose

Zoning Officer