



## **Board of Zoning and Planning Meeting Minutes**

Thursday, June 24, 2021

6:00 PM

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**1) Call to Order**

The meeting was Called to Order at 6:05 pm.

**2) Roll Call of Members**

Roll Call: Sean Turner, Brian Marsh, Alissha Mitchell, Rick Levine, Ryan Schick, Bob Behal

**3) Public Comments**

There were no public comments.

**4) Approval of Minutes**

Motion to Approve the Minutes from the May 27th, 2021 meeting: Alissha Mitchell, seconded by Sean Turner

Vote: Sean Turner, Alissha Mitchell, Rick Levine, Brian Marsh, Bob Behal

Abstain: Ryan Schick

**5) Staff Report**

A) Staff Report

**6) Old Business**

A) Application Number: BZAP-21-7

Address: 2534 Brentwood

Applicant: Valerie Kieffer

Owner: Valerie Kieffer and Hoover Myles

Request: The applicant is requesting a variance to allow a swim spain the rear yard less than 8' from the rear property line and a variance to allow a 6' fence in the east side yard.

Bob Behal recused himself from the discussion and vote for this application. Alissha Mitchell recused herself from the discussion and vote for this application.

Brian Marsh is acting Chair for this application.

Rick Levine returned to the meeting.

Rose reviewed staff comments with the Board for this application. This is for a proposed swim

spa to be located less than 8' from the property line. This was before the Board prior and was previously Tabled. The swim spa was relocated on the property and is proposed to be 5' further back from the side property line. It would be placed 9'6" from the east side of the property line which meets Code's 8' setback. A fence would be in the side yard setback and is proposed to be taller than 4' in height. The applicants are seeking a Special Permit to allow a taller fence not to exceed 72" in height. Transparency would be included in the upper 12" to 18" of the fence. A landscape plan from the fence Permit would be designed to mitigate the look of a solid fence or wall-effect. The material for the proposed fence is wood and not chain link.

Valerie Kieffer and Myles Hoover were sworn in. Mrs. Kieffer reviewed information for this application with the Board. The proposed fence would be two feet from the sidewalk, and would include landscaping. There would be a gate at the side entrance and towards the alley there would be more vegetation for screening. Mr. Hoover said they received good feedback from their neighbors, and they came up with a different approach that could work for everyone. They want to make this consistent with their surroundings. They live in a busy residential area and would do this in an attractive way.

Michael Dion was sworn in, and lives across the street from this location. From where this property is located, they could feel impacted by this project and appreciates the thoughtfulness in planning and working with a landscaper to create a lovely corner, and thinks it will soften the fences and supports this proposal.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-7 for the property located at 2534 Brentwood Rd: Upon consideration of the application, proposed variances, and evidence and testimony before it, the Board finds the applicant has proven the criteria to grant an area variance from Bexley Code Section 1226.11(c) have been and met, and a variance from Bexley Code Section 1252.102 and 1264.03(b) to allow a swim spa in the east side yard and a 6' fence along the east property line, shall be approved in accordance with the plan noted as Exhibit A, dated June 21<sup>st</sup> 2021, subject to the proposed landscape plan.

The applicant understood the Findings of Fact.

Motion to Approve the Findings of Fact: Ryan Shick, seconded by Sean Turner

Vote: Ryan Schick, Sean Turner, Rick Levine, Bob Marsh

Recused: Alissha Mitchell, Bob Behal

B)      Application Number: BZAP-21-19  
         Address: 2455 E. Main Street  
         Applicant: Chris Vallette  
         Owner: Mattlin Holdings LLC  
         Request: The work is to add a 1,300 sq. ft. manufactured awning over and existing 1,516 sq. ft. restaurant outdoor patio area.

Bob Behal and Alissha Mitchell returned to the meeting.

Chris Vallette, applicant, and Secil, manager of Café Istanbul, were sworn in.

Jason Sudy provided background information to the Board for this application. An update has been made but does not change the Zoning issue. The update is more about the architectural

details of the structure. Two things were looked at last month for having an accessory use structure in this district. Considerations for this included a variance for the structure to be in front of the building as well as its overall square footage. This is an unusual case. What exists is a large-scale patio and the owners are trying to cover it with a physically separate accessory structure. This provides a good opportunity to remedy other issues on the site that are not in conformance with the Main Street Guidelines, which includes the legacy lighting from its previous use and screening. If this Board thinks it is appropriate from a Zoning perspective that the project makes sense, there is not a danger of setting a precedent because not many places on Main Street have large outdoor patios like this.

Bokor said it is rare that cases go to BZAP before going to the Architectural Review Board. In this case the ARB agreed conceptually this proposal is great but their decision on its design was not unanimous. The members made a blanket statement that it is not contributing that much to Main Street and the inside space is not benefitting from the exterior lighting, and they wanted to find a way to preserve the existing sign. There were concerns about where the structure connected to the signage, and this version shown at this meeting addressed those issues as well as incorporated existing landscaping and keeps the sign visible. The ARB suggested to cut down the size of the enclosure and asked to review the new design to ensure it is moving in the right direction.

Chris Vallette reviewed the updated proposal with the members of the Board. The interior space of the structure has been reduced. It was originally proposed to be 1300sq' and is now 952sq'. As proposed, it was blocking the exterior sign. There was talk about bringing it to a monument sign in the grassy area, but the problem was not being able to see it as well from the street. They decided to leave it on the building and reduce the size of the covered structure. They incorporated some landscaping on the structure itself. The awning is motorized and retractable.

Schick asked if there is any way to expedite the request or request a special hearing for this proposal. Bokor said they can apply for a Building Permit and get the construction documents ready but need to give the ARB some comfort and legitimacy in the feedback. Turner asked if they are no longer proposing to move the structure from the Dublin location. Mr. Vallette said this one is different.

Mitchell asked what sort of drainage there would be off of the existing patio. The applicant said the water goes through the columns of the structure and drains out that way. There is a gutter system already in the structure. Rose said if approved, it would have to follow the city's drainage code. Mitchell asked if that requires accommodation for somewhere for the water to go. Rose said it does and there might be an existing storm line and may be able to connect the structure gutter system to drain into what is existing.

Secil, Manager of café Istanbul, said that in nice weather she has better business and would like for the people to continue to come to the space. She would like to know if there is a way to speed up the process for approval.

There were no public comments.

The Findings of Fact and Decision of the Board for Application No. BZAP-21-19 for the property located at 2455 East Main Street: Upon consideration of the application, proposed variance, and

evidence and testimony before it, the Board finds that the applicant has proven the criteria for an area variance from Bexley Code Section 1226.11(c) have been met, and a variance from Bexley Code Section 1254.13 to allow 952sq' awning at the front of building be granted in substantial conformance with the plans submitted to the Board, and further subject review to the landscape.

Motion to Approve the Findings of Fact for the proposed variances: Sean Turner, seconded by Rick Levine

Vote: Sean Turner, Alissha Mitchell, Ryan Schick, Rick Levine, Bryan Marsh, Bob Behal

The Findings of Fact and Decision of the Board for Application No. BZAP-21-19 for the property located at 2455 East Main Street: The Board finds after review of the plans, consideration of the application, evidence and testimony given, that the plan should be approved subject to final design review by the Architectural Review Board on July 8<sup>th</sup>, 2021.

Motion to Approve the Findings of Fact to approve the updated design and return to ARB for final design review: Sean Turner, seconded by Alissha Mitchell

Vote: Alissha Mitchell, Ryan Schick, Sean Turner, Rick Levine, Brian Marsh, Bob Behal

## **7) New Business**

- A)     Application Number: BZAP-21-20  
         Address: 2753 Sherwood Road  
         Applicant: Jarrett Fuller  
         Owner: Matthew and Kathleen Borges  
         Request: Porch addition to garage.

The applicant was not present at this meeting. The Board voted at the end of the meeting to Table the application until the July 22nd, 2021 Board of Zoning and Planning meeting.

Behal said they have a rule if no one is present for an application that it would be wise to Table the application to the July 22<sup>nd</sup>, 2021 Board of Zoning and Planning meeting.

Schick said the drawings were not sufficient. Rose said they submitted clear renderings in color. Bokor said the ARB sent this to BZAP with a request it return to the ARB for more design review.

Motion to Table Application No. BZAP-21-20 for the property located at 2753 Sherwood until the July 22<sup>nd</sup>, 2021 Board of Zoning and Planning meeting: Brian Marsh, seconded by Alissha Mitchell  
Vote: Ryan Schick, Alissha Mitchell, Sean Turner, Rick Levine, Brian Marsh, Bob Behal

- B)     Application Number: BZAP-21-24  
         Address: 2115 Clifton  
         Applicant: Meryl Neiman  
         Owner: Meryl Neiman  
         Request: Lot coverage variance to replace & expand deck.

Rose reviewed background information for this application with the Board. This application is for a rear deck, hardscape, and landscape project. The existing is currently nonconforming and is 381sq' over lot coverage. This project is for a 132sq' extension to the rear deck. It is near other properties with greater lot coverages and is not out of character for its location.

Meryl Nieman and David Axelson were sworn in. The house is on a lot that was subject to a previous lot split. The house and deck as they sit right now are beyond the lot coverage limit for the resized lot. They would like to do an overall plan to replace the rear deck and bump that out an additional 3'. They would like to add additional decking to the side and screen that in so they can use the space. The project would not change the character of the home or infringe on the neighbors. Marsh asked if it would all be under the current roof overhang or extend beyond that. The applicants said they would like to replace the main deck and it would extend out 3' beyond what is currently there.

There were no public comments.

The Findings of Fact and Decision of the Board for Application No. BZAP-21-24 for the property located at 2115 Clifton: Upon consideration of the application, proposed variance, and evidence and testimony before it, the Board finds the applicants have proven the criteria to grant an area variance from Bexley Code Section 1226.11(c) have been met, and a variance from Bexley Code Section 1252.09 R-3 Zoning to allow a deck expansion as part of an overall hardscape and landscape improvement plan for this property.

The applicants understood the Findings of Fact.

Motion to Approve the Findings of Fact: Alissha Mitchell, seconded by Sean Turner

Vote: Ryan Schick, Rick Levine, Alissha Mitchell, Sean Turner, Brian Marsh, Bob Behal

- C)      Application Number: BZAP-21-27  
            Address: 2713 Bryden Road  
            Applicant: Amy Lauerhass  
            Owner: Steven and Danielle Dankof  
            Request: The applicant is requesting a 1' variance to allow a new 2-1/2 car detached garage 9' from the principal structure.

Amy Lauerhass was sworn in.

Rick Levine recused himself from the discussion and vote for this application.

Rose reviewed staff comments with the Board. This application is for a 1' variance for a proposed detached garage. Bexley Code Section 1252.15 which states that a detached garage not be located less than 10' from the principal structure. This application was previously approved on April 8<sup>th</sup>, 2021 as Application No. ARB-21-29 but later it was determined there was a city easement at the rear of the property, and to get the detached garage out of the easement the location on the property would move it closer to the principal structure. That is why it is before this Board.

Amy Lauerhass reviewed information with the Board for this application. Originally the garage was proposed 3' from the property line but once the easement was determined, the location was moved on the property and pushed it closer to the home. The garage was made shallower to minimize the distance from the existing house. The garage is 10'4" from the back of the house but one corner would be 9' from the corner of the existing home. Rose said there is a sanitary line in the easement so any maintenance would be an issue for the garage to be any closer to the home.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-27 for the property located at 2713 Bryden Road: Upon consideration of the application, proposed variance, and evidence and testimony before it, the Board finds that the applicant has proven that the criteria to grant an area variance to Bexley Code Section 1226.11(c) have been met and a variance from Bexley Code Section 1252.15 should be granted to allow a detached garage to be located 9' from the principal structure as submitted.

The applicant understood the Findings of Fact.

Motion to Approve the Findings of Fact: Brian Marsh, seconded by Ryan Schick

Vote: Ryan Schick, Alissha Mitchell, Sean Turner, Brian Marsh, Bob Behal

Recused: Rick Levine

**8) Other Business**

Bokor said the Board will be live next month. She also said that an agenda is published once but new material is added as it is received. Mitchell asked if there was a process for posting a packet. Bokor said it was corollary with the agenda. Mitchell asked if updates were posted if the public had access to it. Bokor said they do. Mitchell asked if there was a deadline to submit changes or updates. Bokor said updates that do come in are beneficial for the Board to see. Mitchell said if she is not aware changes happened it does not give time for her and other members to prepare for the meeting. Bokor said there are not a lot of updates and might be one or two elevations.

Rose said she was contacted by a contractor regarding 2691 East Main Street. There is an iron sculpture proposed to be removed and instead of replacing the hardscape it might be better off trading it for greenspace and landscaping. If that were to happen that would be shared with the Tree and Public Garden Commission to work on the design.

**9) Adjourn**

Motion made to Adjourn: Ryan Schick, seconded by Alissha Mitchell

The meeting adjourned at 7:25 pm