



Board of Zoning and Planning Meeting Minutes
September 28, 2023
6:00 PM

1) Call to Order

The meeting was Called to Order by Chairperson Behal.

2) Roll Call of Members

Members present: Mr. Turner, Mr. Schick, Mr. Levine, Mr. Marsh, Chairperson Behal

3) Approval of Minutes

Minutes from the August, 2023 meeting will be reviewed and approved at the next meeting.

4) Public Comments

There were no Public Comments.

5) Old Business

1) TABLED TO THE OCTOBER 26, 2023 BZAP MEETING

Application Number: BZAP - 23-23

Address: 2200 E Main

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 at 2160, 2188, & 2186 E Main Street (Parcel No.: 020-000836, 020-000217 & 020-000350), Also a Special Permit and Conditional Use for new 5-story building with housing alternatives and variance for a new 6-story mixed use building to provide additional housing, restaurant, retail and offices.

6) New Business

2) Application Number: BZAP - 23- 18

Address: 2524 Bexley Park

Applicant: Ryan Brothers' Landscaping- Pat Ryan

Owner: David Kaplansky & Monique Kademian

Request: The applicant is seeking approval for of a Special Permit to allow a 6' fence along the side property line. This application was tabled at the August 24, 2023 BZAP meeting.

Mr. Schick recused himself.

Mr. Ryan was sworn in.

Ms. Rose gave a Staff Report and indicated the applicant had provided information to support the criteria established for a special permit. She discussed proximity and the City right of way as well as the setback and the specifics of this particular fence.

Mr. Ryan apologized for this project not being included in the previous permit. He discussed that the fence is too high and will be cut down. Mr. Ryan clarified that there will be plantings between the fence and sidewalk so that watering is not a concern.

Chairperson Behal discussed a prior case and indicated the need for a vision triangle at the corner of the driveway.

Landscape and corner angle was discussed.

Ms. Rose explained that the permitted height is 6 feet with the upper 12-18 inches being an open style and a special permit can be considered for that design with a maximum height of 6 feet. The height at the angle was discussed.

23:25

Findings of Fact and Decision of the Board for Application number BZAP-23-18 for property located at 2524 Bexley Park: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds the applicant has proven the criteria for an area variance from Bexley Code ____ have been met and a special permit in accordance with Bexley Code Section 1264.03(b) to allow a 6' fence along the east side property line should be granted with the following conditions: that a landscape plan be reviewed and approved by the landscape consultant and ____ Tree and Public Gardens Commission ____ to provide a 45 degree angle for the safety reasons subject to Staff Review and Approval where the driveway intersects____.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Marsh, second by Mr. Turner; roll call: Marsh–Yes, Turner–Yes, Levine–Yes, Behal–abstain.

3) Application Number: BZAP - 23-19

Address: 733 Vernon

Applicant: K Bryon Wernicke

Owner: Barbara Wernicke

Request: The applicant is seeking approval from BZAP for a variance to allow a screened garden house 1.5' from the north property line. If approved, the ARB requests that this application be

remanded back to ARB for design review and approval. This application was moved to BZAP for review by the ARB without recommendation.

Mr. Wernicke was sworn in.

Ms. Rose gave a Staff Review discussing the lot size and setback requirements in this zoning district. She stated that the project was installed without review or a permit, and that it is questionable as to how it should be classified. She gave dimensions of the project and distance from the property line and stated this is attached to the new fence. Ms. Rose also gave a history of this case before the ARB and various concerns and questions.

Mr. Wernicke stated poles were installed at the same time as the new fence; this project is an attempt to keep out squirrels.

Ms. Rose explained that this is considered an accessory structure.

Mr. Wernicke explained that his original thought was to use chicken wire and that the project is already constructed. He explained that he has not heard a bad comment about this project.

Chairperson Behal explained setting a precedent.

The height of the structure was discussed.

Anna Wernicke was sworn in. She stated the project could have been shorter but she felt the aesthetics would not have been pleasing and she said she doesn't feel it looks as large in person.

The project is within the property and the distance from the property line as well as setback requirements were discussed.

Mr. Wernicke constructed the project; this has not been approved by an engineer although he is a mechanical engineer by trade. Approval and next steps were discussed as well as review by the ARB.

The similarity to this project and a pergola were discussed.

Grade was mentioned and Ms. Rose explained Code requirements with height prohibitions for safety measures.

Chairperson Behal explained the Board's ability to grant variances.

Mr. Marsh explained his thoughts that this project is too large and will set a precedent.

Mr. Wernicke stated the Code is to provide rules and asked if this project is much different than a garage.

A neighbor's similar project was described. Ms. Wernicke stated her belief that this project is held to a higher standard because it is a corner lot.

Structure permanence was discussed, as was the potential altered landscape if more homes had this type of structure. Ms. Wernicke stated the project somewhat fits the aesthetic of her home and mentioned that there was no one to speak against the case.

Mr. Turner mentioned his concerns with the structure.

Reorientation and other modifications were discussed, as well as next steps.

Motion to Table this application to the October 25, 2023 meeting by Mr. Turner, second by Mr. Schick; roll call Marsh–Yes, Schick–Yes, Levine–Yes, Turner–Yes, Behal–Yes.

4) Application Number: BZAP - 23- 28

Address: 79 S Remington

Applicant: William Murray

Owner: William Murray

Request: The applicant is seeking approval of a variance to allow a 7'+ fence along the rear and side property lines.

Mr. Murray was sworn in.

Ms. Rose explained the fence has already been built but was done so taller than what Code allows. She stated she is not in support of this fence request.

Mr. Murray stated he started replacing the fence and then realized that a permit needed to be filed. The design and fence is custom. Up to the lattice, the fence height is about 5.5'. Mr. Murray stated he consulted with his neighbor on design and height throughout the construction project and he is in support of this project, as is evident through a letter.

Chairperson Behal discussed precedence and next steps.

FOF 1:13:24

Motion to approve the Findings of Fact by Mr. Turner, second Mr. Marsh; roll call: Turner-No, Marsh–No, Schick–No, Levine–No, Behal–No.

Motion to disapprove of the application because it did not meet the variance criteria by Mr. Schick, second by Mr. Marsh; roll call: Marsh–Yes, because it does not meet the variance

criteria, Schick–Yes because of the notice of the permit and excessive size, Turner–Yes because it was approved as a 6’ fence, Levine–Yes, because it is not the permit that was granted, Behal–Yes, it does not meet the criteria for a variance and sets a dangerous precedent for Bexley in general.

The criteria for an acceptable variance will be sent to the applicant.

5) Application Number: BZAP - 23- 29

Address: 2434 Bryden

Applicant: Bryan Savage

Owner: Khaled & Shahinaz Ballouz

Request: The applicant is seeking approval of a Special Permit to allow a solid 6’ high fence in the side yard of a corner lot.

Mr. Savage and Mr. Ballouz were sworn in.

Ms. Rose gave a Staff Report which included dimensions and special considerations based on the street on which this plot is located, and screening.

Mr. Ballouz explained the family would like to utilize the backyard, including an existing hot tub, and wants a solid fence for privacy and safety. A landscape plan exists for the front-facing fence.

Ms. Rose indicated the property line is 14.5’ off of the sidewalk. The fence will be in front of the existing tree line; Ms. Rose stated there are other nearby properties with similar fence locations. For this project, the landscaping will be between the street and the fence.

The alley was discussed, as was the desire for more privacy.

Ms. Rose stated the fence requirements for typical cases and nearby homes with 6’ fences were mentioned. Various fence designs were discussed.

The landscaping will secure any gaps in the fence; the trees will stay but will go away the following winter.

Ms. Rose read the code description regarding fence provisions.

Mr. Savage discussed the possibility of creating a fence with a lattice feature and various options to proceed were also discussed.

1:40

The Findings of Fact and decision of the Board for application number BZAP-23-29 for property located at 2434 Bryden Road: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds the applicant has proven the criteria for an area

variance from Bexley Code Section 1206.11(c) have been met and a special permit in accordance with Bexley Code Section 1264.03(b) to allow a 6' fence along the east side property line with the following conditions:

- 1) A lattice design be provided in the upper 8' of the fence panel subject to review by the Design Consultant, and
- 2) A landscape plan screen for the front and side fence is subject to review and approval by the Landscape Consultant if on private property.

Motion to approve the Findings of Fact by Mr. Schick, second by Mr. Turner; roll call: Levine–Yes, Marsh–Yes, Schick–Yes, Turner–Yes, Behal–Yes.

6) Application Number: BZAP - 23-30

Address: 202 S Columbia

Applicant: Nathan Sampson

Owner: Bexley Next LLC

Request: The applicant is seeking approval by BZAP for Architectural review, a Certificate of Appropriateness and a variance for a closed courtyard and a therapeutic bath inside the courtyard.

Chairperson Behal recused himself.

Ms. Rose gave a Staff Report and she discussed lot size and the location of the proposed project. Ms. Rose stated she finds this to be acceptable because it is proposed within an enclosed space that is inside the building setback lines on what was originally an open terrace and 12' from the north side property line. This has received conceptual approval from the ARB subject to Zoning approval. Ms. Rose wanted the Board to approve her findings.

Mr. Sampson explained that the issue may be regarding not having a roof and discussed the space, which is adjacent and solely to the purpose of an extension of the master bath and stated where the location sits on the lot; the plants will provide additional screening.

The bath will likely be full at all times.

Erica McIntyre was sworn in. She lives to the north of this property and asked for clarification about what this property is and discussed other machinery and the noise that would be created.

Ms. Rose discussed that some portions of the application were approved by Staff and mechanical equipment will be screened and discussed the setback.

A history of the lot was given, including previous variances.

Ms. Rose discussed the noise ordinance and stated Ms. McIntyre could call the police if the noise from the television was too loud.

The Findings of Fact and decision of the Board for application number BZAP-23-30 for property located at 202 S. Columbia: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds the applicant has proven the criteria for an area variance from Bexley Code Section 1226.11(c) have been met and a special permit in accordance with Bexley Code Section 1252.15(g) to allow a therapeutic bath within the general side courtyard of the principal structure shall be granted as submitted.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Tuner, second by Mr. Levine; roll call: Turner–Yes, Levine–Yes, Schick–Yes, Marsh–Yes.

7) Application Number: BZAP - 23-31

Address: 869 Grandon

Applicant: Taylor Patterson

Owner: Jennifer Williamson

Request: The applicant is seeking approval of a Special Permit to allow a fence to replace the existing 4' fence.

Ms. Rose stated that she has found a variance and the applicant has agreed to Ms. Rose's suggestion for landscaping approval; this case will not be heard.

8) Application Number: BZAP - 23-32

Address: 222 N Remington

Applicant: Daniel Hurley

Owner: Daniel Hurley

Request: The applicant is seeking approval of a non-conforming driveway replacement.

Mr. Hurley and Rafiel Pariser were sworn in.

Ms. Rose stated a site development application was submitted and the applicant is seeking to replace an existing driveway that does not lead to off street parking at an approved location, and gave additional history. Ms. Rose also explained the effects of city trees.

Mr. Hurley stated that the driveway is beyond repair and they would like to replace it with asphalt; there is a garage off of the alley.

Mr. Hurley mentioned there is always at least one car parked there. He also indicated that there are many cars parked on this street.

There was discussion about public safety vehicles navigating this stretch of Remington.

Ms. Rose said the driveway shouldn't be wider than where the approach meets the sidewalk.

Overnight parking was discussed.

The state of the driveway was discussed as was parking on Remington. Mr. Hurley mentioned his belief that this would not be the worst precedent to set. Ms. Rose referenced the pertinent code section.

Materials were discussed.

Ms. Bokor indicated this type of problem has gone back for 25 years and has been considered a hardship.

2:23:42

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by [REDACTED], second by Mr. Schick; roll call: Levine–Yes, Marsh–Yes, Tuner–Yes, Schick–Yes, Behal–Yes.

7) Other Businesses

8) Adjourn

The meeting was adjourned.