



Board of Zoning and Planning

Staff Report

January 25, 2024

Kathy Rose, Zoning Officer

Old Business:

NEW BUSINESS:

1) Application Number: BZAP-23-35

Address: **524 N. Cassady**

Applicant: Marianela Portal – Spanish for Ninos

Owner: Applebaum

Request: The applicant is seeking a **Conditional Use** approval in accordance with Bexley Code Section **1254.09**, to allow a Quasi-Public Use (teaching Spanish to children) at this location; which is a MUC Zoning District. The applicant is also seeking approval to allow small parties/event gatherings on Saturdays. If the Conditional Use is approved, the applicant is also seeking approval for the **signage** in accordance with Bexley Code Section 1260 and the Main Street Guidelines, to allow the current signage on the existing awnings.



The MUC Zoning District will only allow a Quasi-Public Use if the Board of Zoning and Planning approves it as a Conditional Use.

The tenant occupied the space without nothing more than the owner's approval to lease the space.

The City's Code Enforcement Officer contacted the tenant to inquire about the use. The use was placed on hold and we have been working with Ms. Portal to provide the necessary information to understand how the use will fit the space.

I have determined that the size of the building and the number of parking spaces would meet code for this type of use, based on the number of students proposed.

If the Board finds any concerns with the use, there can be conditions placed to set any necessary parameters. If approved, an occupancy limit would be posted.



Photo of previous tenant



Exiting signage



Signage removed from side awning

There is not a specific standard sign package for this plaza; however, the other attached business has all white lettering on the black awning, as well as the previous

The signage for the new business “Spanish for Ninos” was already added to the awning prior to any contact with the City and is multi-color. The signage initially wrapped all the way around the corner and along the south side awning. It exceeded the size allowed and contained phone numbers and information outside the standards allowed by our sign code. The applicant has since removed the signage from the south side awning and is looking for approval of the signage existing on the awning on the front (west) façade.

This was on the January 11th, 2024 ARB Agenda, for a recommendation on the sign. The applicant was not aware of the meeting time and did not make that meeting.

If a sign meets code, it can be Staff approved. I am sharing the sign with the Board to confirm if the color and location of the signage is appropriate on the front awning.

The linear width of the business frontage is 17’ – code allows a minimum of 25 square feet regardless for a wall sign. They do not have a wall sign.

*An awning sign is limited to 25% of the awning. The front awning is black in color and approximately 17’ wide x 4’ high, which allows 17 square feet of signage - the proposed sign size meets code, being it is 14 square feet.

Staff is deferring the aesthetics of the awning sign to the Board, being there is not a known sign package and it is inconsistent with the portion of the awning that is in front of the attached business to the north that has white letters on the black awning.

*There are existing window signs in each window along the front façade. Window signs should not exceed 25% of the window area and in no case should the total of all window signs exceed 8 square feet. There are 4 existing window signs, each sign is 4 sq’ for a total of 16sq’. Only one window sign per tenant is allowed. Staff would recommend that the Board consider if only one of those signs should remain, from a pedestrian point of view.

*The back of the building also has a small awning – over a rear entrance. It also has a 14 square foot sign. The Code on rear wall signs allows a sign to be no larger than 25% of the allowable size of the main sign. In this case a 6.25 sq’ would be the limit. The sign on the rear awning would require a variance. That sign is setback more than 25’ from the alley that borders the residential district.

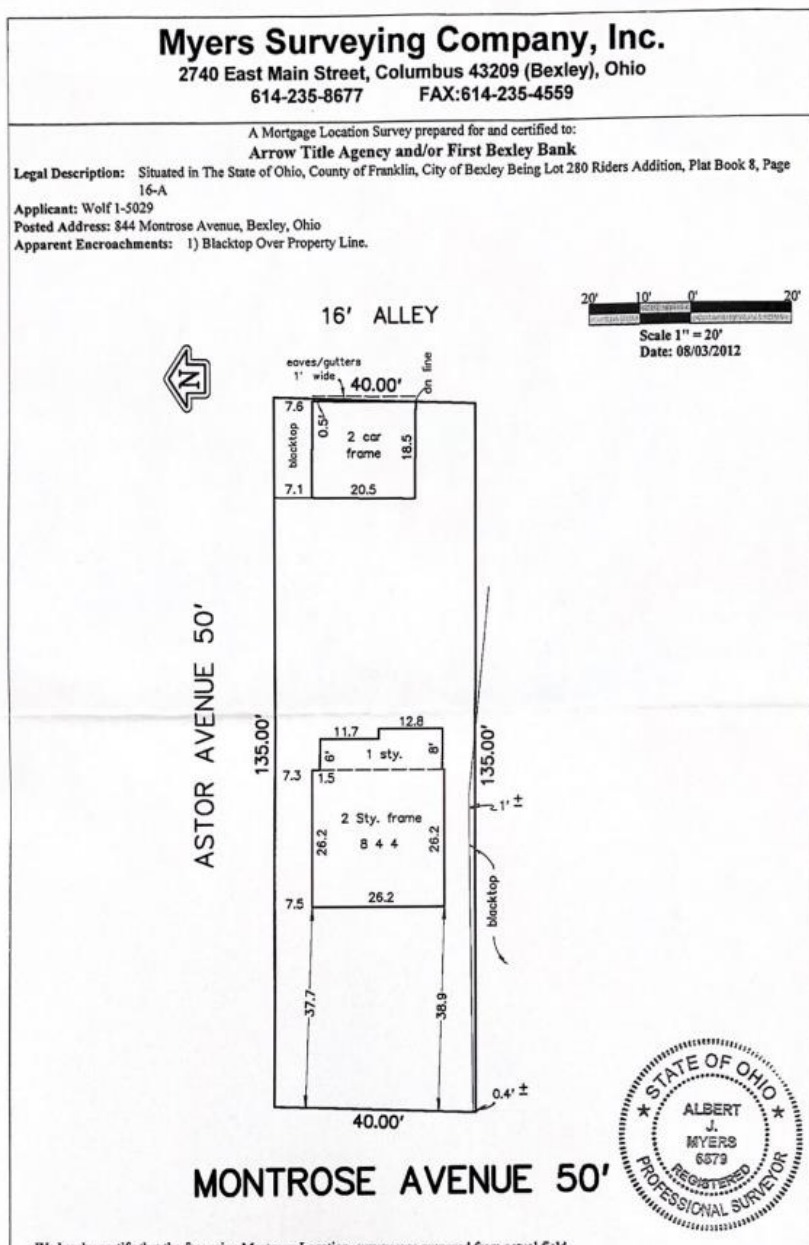
2) Application Number: BZAP-23-36

Location: 844 Montrose

Applicant: Jan Wolf

Owner: Jan Wolf

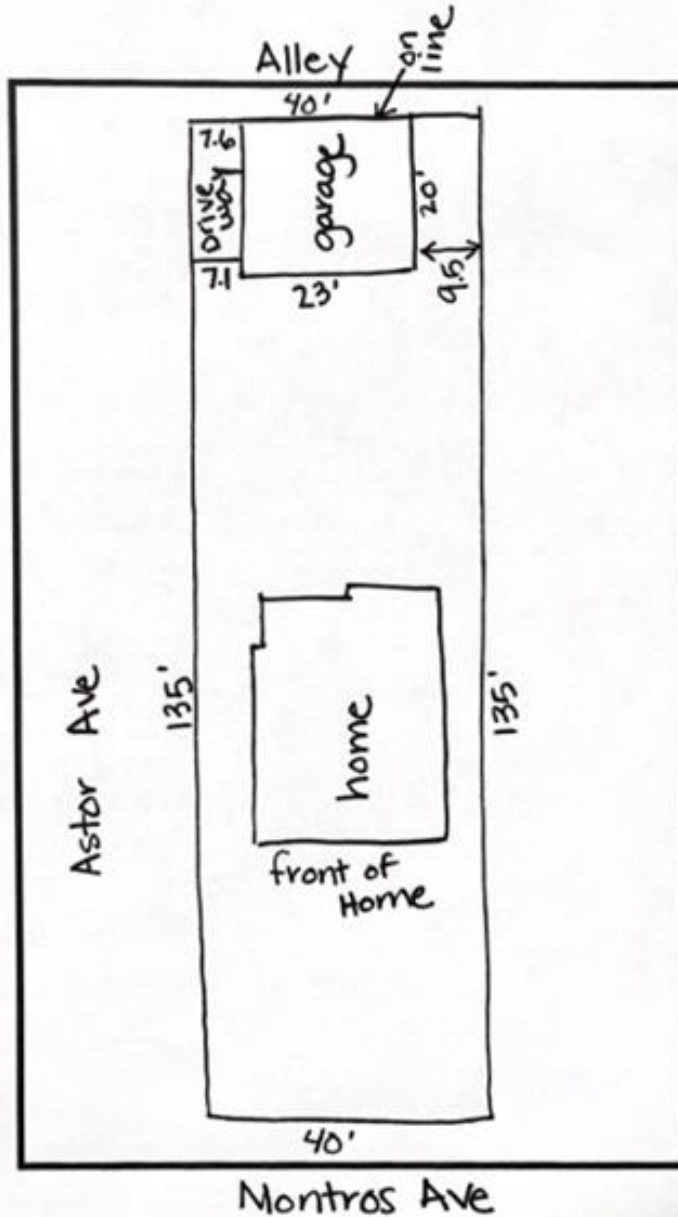
REQUEST: The applicant is seeking a 3' variance from Bexley Code Section 1252.15(g)(a), which requires a 3' setback from the rear property line, to allow a 2-car garage that is 20.5' x 18.5' to be replaced with a 20' x 23' garage in the same approximate location; which is on the rear ((east) property line alongside the alley. The applicant is also seeking a certificate of appropriateness.



proposed work.

- The proposed work and the setback distances to the proposed work.

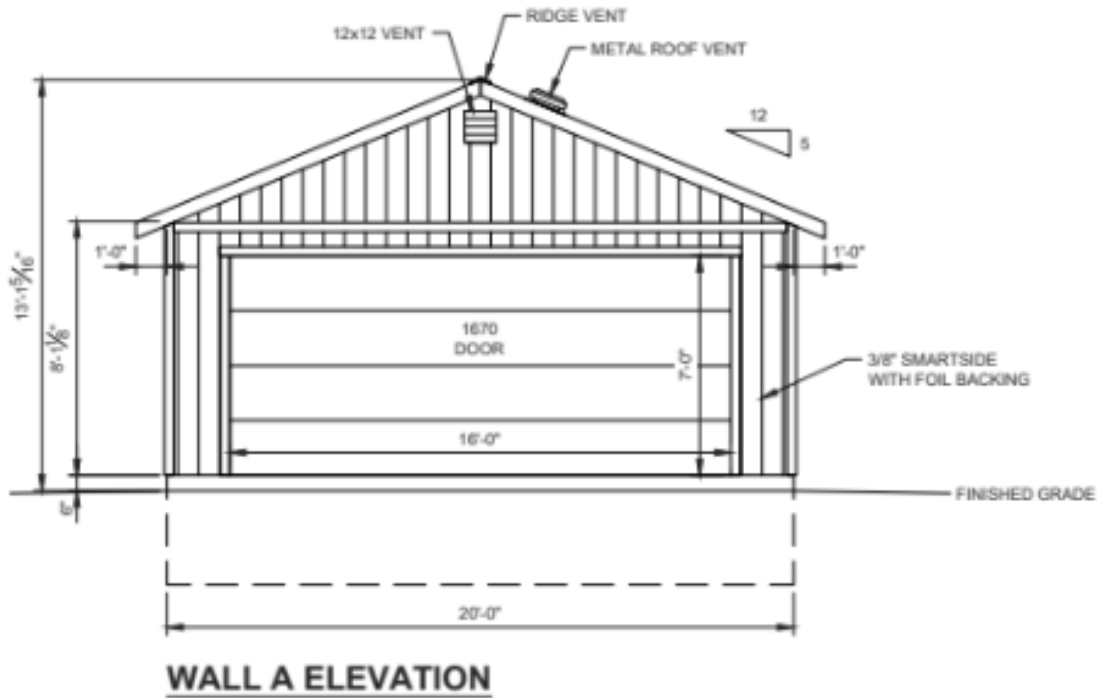
Front Set Back _____ Left Set Back _____
Rear Set Back _____ Right Set Back _____



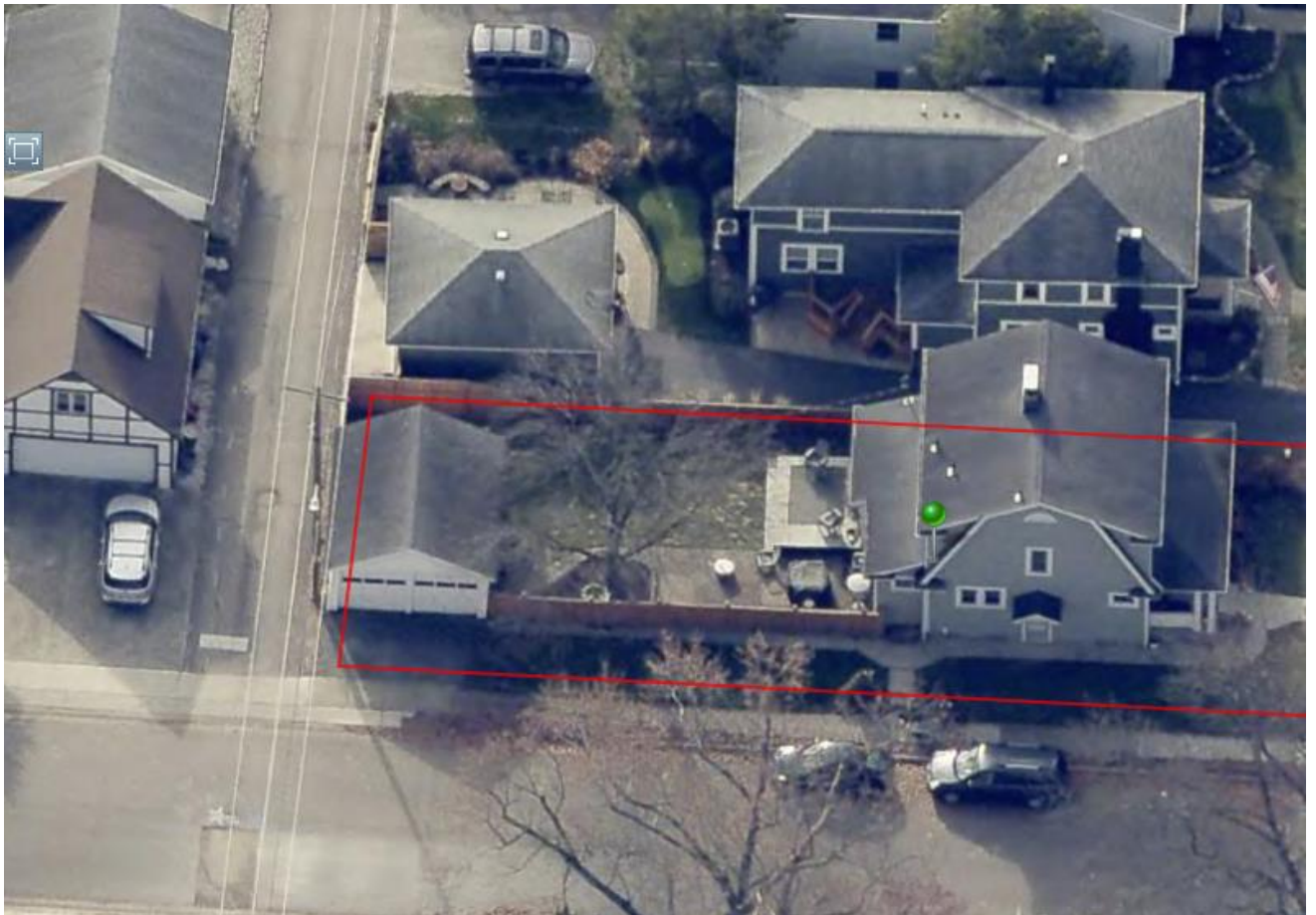
Tuff Shed, Inc. assumes no responsibility and makes no representations or warranties of any kind, express or implied about the completeness, accuracy, reliability or related drawings contained in this Plot Plan. This Plot Plan was produced and supplied by Owner named above.

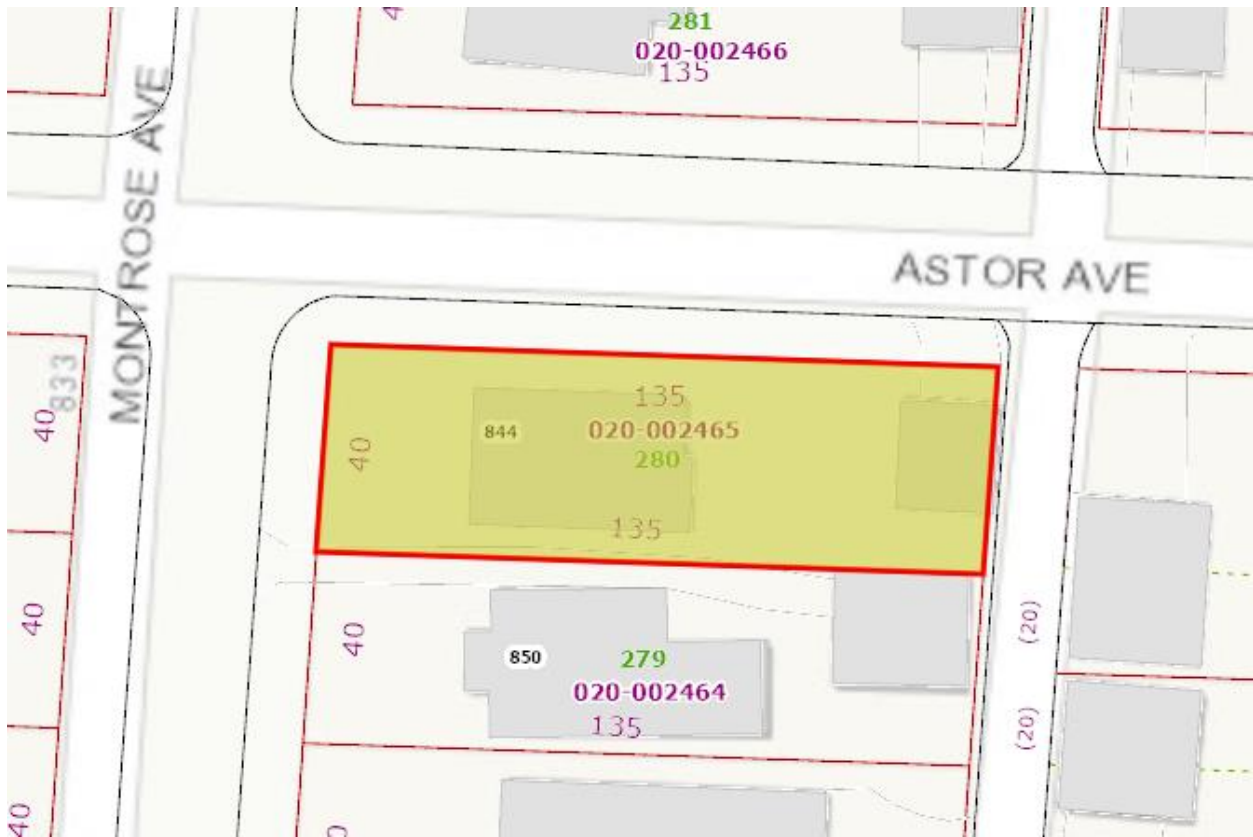
The existing garage is currently located on the east (rear) property line and the eaves actually overhang into the alley. This might be a good time to make appropriate adjustments to at least pull the garage far enough away from the property line to prevent the eaves from overhanging into the alley. Typically, a property line is approximately 6" off of the alley pavement. The

survey submitted for the existing garage shows it to be 1' over the line; which places it 6" into the alley. It only makes sense to correct the location at this point, as the proposed eaves are 1' and would place it 6" into the alley.



The fact that the garage is not at the corner of the property and there is a utility pole on that side of the alley, may be the only factor that prevented any damage to the structure. My only concern is that if the garage is moved away from the alley that it not be enough to impact the existing tree in the rear yard.





Site plan

3) Application Number BZAP-23-37

Address: 141 S. Drexel

Applicant: Pat Ryan – Ryan Brothers’ Landscaping

Owner: Joy Soll

Request: The applicant is seeking approval of a **Special Permit** in accordance with Bexley Code Section **1264.02(b)** which restricts decorative landscaping walls and fences in the front yard to twenty-four inches in height above ground level, but not more than forty-two inches above ground level, to allow two 48” high columns in the front yard, just behind the City sidewalk.

Application info:

E.1 Variance Worksheet

Edit

Variance requests will be heard by the Bexley Board of Zoning and Planning. Variances are based upon a legal determination of whether the request meets the criteria specified by Bexley City Code.

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

The address is not clearly visible and no good way of making it visible to keep in character with the house and the period the house was built. They have a narrow driveway and the corners keep getting ruined by delivery vehicles. We propose installing two limestone columns that will match the existing that will clearly identify the address, and be used as guide markers for vehicles.

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. The position of the columns will serve dual purposes and will blend with the surrounds.

2. Is the variance substantial? Please describe.

We do not think so. We will happily sign a hold harmless agreement, it will coincide with materials already used on original house construction, be landscaped, and will have landscape lighting highlighting the columns to add to the character of the house.

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.

We also do not think so. It is our belief that by installing the columns we are not only solving a problem but adding to the site and surrounding landscapes appeal.

E.2 Variance Worksheet

Edit

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

No. Hold Harmless would be signed

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.

There are always the rubbed oil bronze address markers although we have tried it in various locations throughout the front and none did the trick. The house sits up from the street and is largely blocked by a mature maple tree.

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

Yes. It is our belief that it will enhance the property, the surrounding properties and add to the Bexley charm.

F.1 Fence Variance Worksheet

Background & Requirements

This worksheet is required to be reviewed and completed by property owners wishing to apply for a variance from the City's fence regulations. Fence regulations are outlined in the summary below. Please check next to the regulation you are seeking a variance from.

1. **Special Permits for Taller Fencing:** Fencing or walls exceeding forty-eight inches in height, as measured from the average grade, may be allowed with a special permit from the Board of Zoning and Planning. The Board shall consider the following criteria in reviewing such applications.

Lot Type

Interior (non-corner) lot

Narrative description of how you plan to meet the pertinent outlined variance criteria

Columns will be 2x2x4

Describe how the landscape plan addresses these items.

We will soften the columns with plantings and seasonal plantings in front of the columns

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.

only 2x2'. Clear and open sight lines on both sides of driveway

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.

Fon Du Lac Limestone

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.

It will be the same on 4 sides with the exception of the address stone on the street facing side.

Background

The Columns are proposed along Drexel at each end of the front yard where it meets the driveway entrance on this circular drive. Staff can approve a fence or column that is 24" or less, as part of an overall landscape plan; however, these columns are proposed at 48" in height and in the City right-of-way; therefore, requiring a Special permit in accordance with Bexley Code Section [1264.02\(b\)](#).

1264.02 FRONT YARD RESTRICTIONS.

No person shall erect any fence or wall in any residential zoning district, between the front yard setback line and the street. Except with the following exceptions:

(a) Fences or walls which do not comply with this section may be allowed if approved as part of a detailed development plan for a Planned Unit Development District;

(b) Decorative landscaping walls and fences which do not exceed twenty-four inches in height above ground level may be allowed after review in accordance with subsections (c)(1) through (c)(5) hereof, and issuance of a permit by the Building Department; and

(c) Decorative landscaping walls and fences which exceed twenty-four inches in height above ground level but not more than forty-two inches above ground level may be allowed with a special permit from the Board of Zoning and Planning. The Board of Zoning and Planning shall consider the following criteria in reviewing such applications:

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

(2) 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.

(3) Posts, columns and finials may extend up to 6" above the maximum allowed height of the fence panels.

(4) 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.

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

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

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

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

(Ord. 29-16. Passed 11-15-16; Ord. 08-20. Passed 7-14- 20.)

Consideration:

The applicant has provided information to support the criteria established for a Special Permit. If the Board finds it appropriate to grant a Special Permit The property line is approximately 8' behind the sidewalk, which will require review of

the landscape plan by the Bexley Tree & Public Garden Commission due to being within the City right-of-way. Staff finds these types of columns are common on this street; however, the proximity to the sidewalk and driveway might need to be setback to allow for additional landscape and continuity with similar columns in the neighborhood. (for example, we do not allow retaining walls against the City sidewalk). A Hold Harmless Agreement would also need to be signed by the owners

4) Application Number: BZAP-23-38

Address: 919 Euclaire

Applicant: Brenda Parker

Owner: Stephen Giebelhaus & Brittany Wirthman

Request: The applicant is seeking Architectural Review and approval of a Certificate of Appropriateness for an addition to the front of the house. The applicant is also seeking a 3' 4" variance from Bexley Code Section 1252.10(a), which requires a 10' setback from the street side property line for a 40' wide corner lot, to allow the foyer addition to be 6'8" from the south side property line.



Background R-6 Zoning District – standard lot size for corners is 70'x 120'

This lot is located at the northwest corner of Euclaire and Charles. The plan has a note asking if Charles is considered an alley. Charles is a street, and this is where it dead-ends into the Euclaire/Francis alley.

This is a 50' right-of-way. The width of the street pavement is 20' wide, there is approximately 10' of right-of-way that is green space located on the south side of the street, and 20' of green space on north side of the street; which borders 919 Euclaire and further makes the lot look much wider (60') than its actual 40' width.

The house at 919 Euclaire has an open front stoop and entrance that leads directly into the dining room. They would like to remove the stoop and add a new foyer, covered entrance and a screened porch. The variance is not due to adding to the front of the house, as this house sits back 30' – 40' more than many of the neighboring homes, except the home immediately north of this home; which was

built at the same time. The applicant will share some interesting history about the sisters who had these two homes built and the unusual location of the front entrances.

The lot coverage, with the proposed additions will meet code.

This application was before the ARB, who provided recommendations on the design with conditions. The applicant had implemented the recommended changes from the ARB into the latest plans for the Board to compare and consider. Karen can provide the discussion and recommendation from the ARB.

The existing stoop on the front of the house has had the guardrail and handrail removed at some point in time since 2017 – the building code requires these items for stoops that are over 30” from grade. Should the floor of the new front entrance exceed the 30”, the guardrail will need to be addressed.



020-000756 02/17/2017



020-000756 07/21/2022

Staff supports the addition to the front based on the unusual circumstance of the existing design of this house. The considerable setback from Charles Street provides a nice buffer.

If the Board of Zoning finds it appropriate to grant a variance, the recommendation included a remand back to the ARB for final design review and approval.

5) Application Number: BZAP-23-39

Address: 126 S. Parkview

Applicant: Jim Sorrell

Owner: James and Kristy Clear

Request: The applicant is seeking architectural review and approval of a certificate of appropriateness, to allow additions to the rear of the house, an attached covered walkway to connect a new garage to the principal structure. The applicant is also seeking a 194sq' variance from Bexley Code Section 1252.15, which limits accessory

structures to 936 square feet for lots over 24,000 sq', to allow the proposed attached garage to be 1130 square feet.



Existing site in the R-3 Zoning District



VICINITY MAP



General Notes:

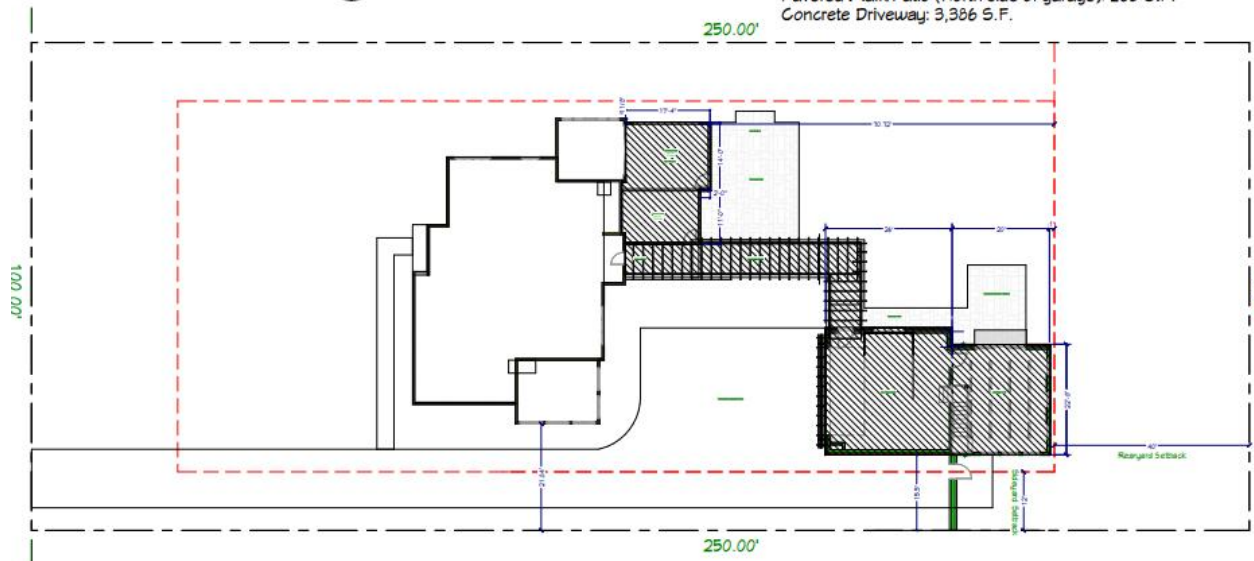
Zoning: R-3

Lot Size: 25,000 S.F.

Total Lot Coverage: 8,391 S.F./25,000 S.F. = 33.5%
Allowable Lot Coverage: 50%

Building Lot Coverage: 4,104 S.F./25,000 S.F. = 16.4%
Allowable Building Lot Coverage: 25%

Existing Residence: 2,150 S.F.
Screen Porch Addition: 440 S.F.
Paved Patio at Screen Porch: 451 S.F.
Garage Addition: 676 S.F.
Covered Connector Addition from House to Garage: 384 S.F.
Workout Area Addition: 454 S.F.
Front Walk: 165 S.F.
Paved Walk/Patio (North side of garage): 285 S.F.
Concrete Driveway: 3,386 S.F.



SITE PLAN 1" = 20'-0"



The proposed garage is being called "attached" and submitted for design review as an addition to the principal structure.

The new garage would be attached to the principal structure by a new covered trellis.

By calling the garage an "addition", it can exceed the size limit for accessory structure (which it does) and simply meet the 25% building lot coverage limit and setback requirements for the R-3 Zoning District.

In accordance Bexley Code Section 1230.02, which defines "accessory use or structure", it would require a variance to exceed the 936sq' and exceed 35% of the principal structure, based on the fact that parking structures are accessory structures or uses or where they are the principal structure or use or where they are an "integral" part of the principal structure or use.

Staff would define the garage as an "accessory structure"; being it is separate from the massing of the principal structure, making it less of an integral part of the principal structure.

The covered open trellis to provide protection from the elements when walking from the garage to the house.

The location of the structures do meet all of the required setback and lot coverage limits.

If the Board finds it appropriate to grant the 194sq'variance, the Architectural Review Board had a lengthy discussion about the design aspects of the way the structures connect, conditions they thought the Board would consider, along with a remand back to ARB for final design review. I will allow Karen to elaborate on the design discussion.