



Board of Zoning and Planning Meeting Minutes
September 26, 2024
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. Rosenthal, Mr. Levine, Mr. Marsh, Ms. Dorn, Mr. Schick, Chairperson Behal

3) Approval of Minutes

Motion to approve Minutes from the August meeting by Mr. Marsh, second by Mr. Turner; all in favor excluding Mr. Levine, who abstained.

4) Public Comments

There were no Public Comments.

5) Old Business

1) Application Number: BZAP-24-28 (also filed under BZAP-24-31)

Address: 490-492 N Cassady Rd

Applicant: Jawad Khan

Owner: Bob Marshall

Request: The applicant is seeking a special permit and a variance from Bexley code section 1254.17 to allow a food trailer/ cart (accessory use/ structure) to be permanently installed in the side yard of 490 N Cassady.

Mr. Klingler explained that the applicant's father would be speaking on behalf of the application.

The applicant's father was sworn in.

Mr. Klingler stated he and Mr. Sudy have met with the applicant and staff is still actively working with the applicant.

Mr. Sudy gave a Staff Report which gave information about this application.

Chairperson Behal asked whether or not the truck could be on site regularly should they not receive approval; Mr. Klingler indicated that Code allows a mobile food cart to apply for a permit to be on site at specified dates and times. Mr. Klingler, Mr. Sudy, and Board members discussed various options for this.

Questions about screening heights, specifications, utilities, notice, parking, open hours, building code, aesthetics, and comparison to a mobile office space were answered.

Carl Holman was sworn in and spoke in favor of this project.

A statement from Jawad Khan was shared, and there was discussion about a time stipulation.

Chairperson Behal shared his opinion and there were discussions about the neighbors as well as screening.

Motion to Table by Mr. Schick, second by Mr. Marsh; roll call: Rosenthal–Yes, Marsh–Yes, Dorn–Yes, Levine–Yes, Turner–Yes, Shick–Yes, Behal–Yes, and requesting this case be put last on the agenda at the next meeting.

6) New Business

2) Application Number: BZAP-24-19

Address: 261 N Stanwood

Applicant: Brenda Parker

Owner: Kelly and Christopher Rupp

Request: The applicant is seeking a certificate of appropriateness for a partial first floor addition & second floor addition above existing breezeway & attached garage an addition onto an existing 1st floor addition and to add a 2nd story onto the existing attached garage. Applicant is seeking an area variance from Bexley Code Section 1252.11 (e) to encroach 11 inches into the required 15 ft side yard setback for the addition.

Christopher Rupp was sworn in.

Mr. Klingler gave a Staff Report which explained encroachment standards and the orientation of the home on the lot.

Ms. Bokor discussed the history of this application before the ARB.

Mr. Rupp explained the reason behind the proposed addition.

There was discussion about what the 11 inches entails and the intention of the Code.

The findings and decisions of the Board: The Board of Zoning and Planning finds that upon consideration of the application, evidence and testimony before it, that an 11" north side yard setback area variance from Bexley Code Section 1252.11 (e) be granted and approves the Certificate of Appropriateness with the conditions as required by the Architectural Review Board.

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

3) Application Number: BZAP-24-26

Address: 662 Vernon

Applicant: Ryan Brothers' Landscaping -Pat Ryan

Owner: Dale Rucker

Request: The applicant is seeking approval from the Board of Zoning and Planning for a Certificate of Appropriateness as well as 3 variances:

- A 29% area variance from Bexley Code section 1252.15.b.1 which states that the width of an accessory structure may not exceed 60% of the lot width in the instance of attached garages. The Lot is 45'-8" and the new width of detached garage would be 40' – 8" (89% of the lot width) • A variance from Bexley code section 1252.15.g.1 which states "Accessory structures and uses shall be permitted only in the rear yard and shall be at least 3 feet from all property and right of way lines...". Designed building will be 11" off the rear property line and 11" off south side property line.
- A variance from Bexley code section 1252.15.a. which states the Maximum building footprint is to be 624 square feet. Existing building as shown on the drawing is 692 square feet which is nonconforming. The new addition would add 260 square feet bringing the total to 952 square feet. A 328 sq ft difference.

Mr. Schick abstained from this hearing.

Dale Rucker and Michael Brenda were sworn in.

Ms. Bokor gave a Staff Report and said the ARB sent this application to the Board without a recommendation because the variance is substantial and the site is unique. She asked that if the variances are accepted, that the application be sent back to ARB.

Mr. Klingler gave an explanation of this site and an overview of the reasoning for this application.

The applicant discussed the application and explained the rationale for the design.

Ms. Bokor gave an overview of the history of the application before the ARB and the design changes.

Board members shared their opinions and asked hypothetical questions about other options.

Sharon Stanley, 690 Vernon, was sworn in and stated she believes this is a great project.

Board members shared their opinions and people shared their stories of having cars hit due to one-street parking.

Chairperson Behal discussed that many residents would want larger garage space.

The findings and decisions of the Board: the Board of Zoning and Planning finds that upon consideration of the application, evidence and testimony and benefit before it, the Board finds that the applicant has proven the criteria to grant the three following variances:

- A 29% area variance from Bexley Code section 1252.15.b.1 to allow a 40'-8" wide accessory structure on a 45'-8" wide lot which would cover 89% of the read lot width.
- A 2'1" variance from Bexley code section 1252.15.g.1 to allow the accessory structure to be built with 11" from the south property line.
- A 328 square foot variance from Bexley code section 1252.15.a to allow a carport to be installed on the south side the existing detached garage.

With the condition that the application be remanded back to the Architectural Review Board for final design approval if approved. ARB has final authority to grant the Certificate of Appropriateness.

Motion to approve the Findings of Fact by Mr. Turner, second by Ms. Dorn; roll call: Levine–Yes, Marsh–Yes, Turner–Yes, Dorn–Yes, Schick–abstained, Rosenthal–Yes, Behal–No.

4) Application Number: BZAP-24- 29

Address: 2501-2511 E Main Street

Applicant: Christine Farley

Owner: CRV Main Cassingham LLC

Request: The applicant is seeking approval from the Board of Zoning and Planning for a Certificate of Appropriateness for changes to the exterior of the front of the building.

Christine Farley was sworn in. Ms. Farley's architect was also sworn in.

Mr. Klingler discussed the Mixed Use Commercial Zoning District and that the ARB would ask that, if approved, this be remanded back to the ARB.

Ms. Bokor explained that this application had been brought before the ARB and she reiterated the ARB's comments.

Christine Farley explained that she is the property manager for the strip and spoke to the proposed project, including the most recent color options.

Ms. Bokor and Mr. Klinger discussed the history of this case in front of the ARB.

Ms. Farley answered Board members' questions.

The findings and decisions of the Board: The Board of Zoning and Planning finds that upon consideration of the application, evidence and testimony before it, The Board find that the applicant has proven the criteria to grant a certificate of appropriateness for changes to the front of the building in accordance with Bexley code section 1220.07 (a) have been met with the condition that it be remanded back to the Architectural Review Board for final approval.

The applicant agreed to the Findings of Fact.

Motion to approve by Mr. Rosenthal, second by Mr. Schick; roll call: Turner–Yes, Dorn–Yes, Marsh–Yes, Rosenthal–Yes, Levine–Yes, Schick–Yes, Behal–Yes.

5) Applicant has asked to application on hold Application Number: BZAP-24- 30

Address: 249 S Cassingham

Applicant: Brenda Parker

Owner: Steve Lieb

Request: The applicant is seeking an approval from the Board of Zoning and Planning for a Certificate of Appropriateness for a new 2-car detached garage w/ second floor space to replace existing detached garage and three variances from Bexley code section 1252.15:

- A 4' – 3" ridge height variance to allow a 22'-3" tall ridge.
- A 114 square foot variance to allow the 2nd floor to be 400 square feet.
- A 1 ft eave height variance to allow a 10 ft eave height.

Motion to Table this matter to the December meeting by Mr. Schick, second by Mr. Rosenthal; all in favor.

6) Application Number: BZAP-24- 32

Address: 2460 Seneca Park Place

Applicant: Aron Rogers

Owner: Aron Rogers

Request: The applicant is seeking a variance from Bexley code section 1252.15 (g) (1) to build an accessory structure up to the rear and east property lines as well as an approval from the Board of Zoning and Planning for a Certificate of Appropriateness for a tree house in the rear yard.

Mr. Rogers was sworn in.

Mr. Klingler gave a Staff Report, explained the project, stated this would be an accessory structure, and discussed the location of this proposed project in relation to the property line.

Mr. Rogers spoke to the property line and indicated that a 7 inch variance from the north is requested, and an approximately 15 inch variance on the east side.

Mr. Klingler indicated he has received comments of support for this project.

Ben Bass, 2467 Powell Ave., was sworn in and stated his belief that this structure is ugly.

Mr. Klingler discussed what constitutes an accessory structure and explained how they are reviewed.

The 4 x 4s in the photos were discussed.

Board members, the applicant, and Staff discussed the project, including the height of the structure above the fence, and the opportunity to reorient the structure.

Ms. Bokor described opportunities to help the structure minimize the appearance of its size and Mr. Rogers spoke to this.

Staff, Mr. Rogers, and Mr. Bass answered Board member's questions.

Ms. Bokor stated the next steps should she work with the applicant on the project going forward.

Chairperson Behal discussed what the Board should be considering.

Board members shared thoughts, and accessory structures were discussed.

Findings of Fact: The Board of Zoning and Planning finds that upon consideration of the application, evidence and testimony before it, The board finds that the applicant has proven the criteria variance to grant a 7"-9" variance from the North property line and a 15"-18" variance from the East property line to allow a treehouse structure as submitted with the condition that the applicant submits design photos and works with the design consultant to finish the design of the structure.

The applicant agreed to the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Tuner, second by Mr. Marsh; roll call: Rosenthal–No because this could have been avoided and easily remedied, Schick–No due to technical issues, Turner–Yes, Dorn–Yes, Marsh–Yes, Levine–No due to technical violations, Behal–No due to technical violations and the genesis of the issue and precedence.

7) Application Number: 19305 Address: 2468 – 2474 E Main St

Applicant: Kelly Muir

Owner: East Main Property Management LLC

Request: Per 1220.07 (a) Main Street Design Guidelines and Campus Planning District Review, the applicant is seeking approval from the Board of Zoning and Planning to paint a mural on the side of the building.

Mr. Klingler discussed the Board's jurisdiction in this case and gave Staff's thoughts.

Ellen Nolls, the mural's designer, was sworn in and spoke to the design.

The belt and colors were discussed.

The Board of Zoning and Planning finds that upon consideration of the application, evidence and testimony before it, The Board finds that the applicant has proven the criteria to grant a certificate of appropriateness in accordance with Bexley code section 1220.07 (a) have been met to allow the karate

mural with the condition that the City's staff design consultant review and approve the final design rendering.

The applicant agreed to the Findings of Fact.

Motion to approve by Mr. Marsh, second by Mr. Schick; roll call: Dorn–Yes, Tuner–Yes, Marsh–Yes, Rosenthal–Schick, Levine–Yes, Behal–Yes.

7) Other Business

Bexley Commercial Rehabilitation Grant Program Application: 2468-2474 E Main Street / DBA Excel Karate

This was heard at the beginning of the meeting.

Mayor Kessler explained the Facade Grant and stated this is a modest application for a proposed new mural and signage replacement. He mentioned the costs associated with this proposal.

Kelly Muir was sworn in and explained the relocation and details of her business, including the proposed mural.

Motion to approve Facade Grant funds for the stated purpose by Mr. Marsh, second by Mr. Turner; all in favor.

8) Adjourn

The meeting was adjourned.