



# Board of Zoning and Planning Meeting Agenda

## Staff Report

### Variance Criteria

Under the code, the following establishes the framework for consideration of variance requests:

From (1226.11(b): On a particular property extraordinary circumstances may exist, making a strict enforcement of the applicable requirements of this Code unreasonable, and therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the BZAP or City Council shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

From (1226.11(c): BZAP and City Council shall only approve a request for an area (non-use) variance in cases where the evidence demonstrates that the literal enforcement of this Code will result in practical difficulty and the granting of a variance complies with the purpose and intent of this Code. The following factors shall be considered and weighed by the Board when making a determination upon any (non-use) variance by a preponderance of the evidence:

Area (Non Use) Variance Criteria	
1)	Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2)	Whether the variance is substantial.
3)	Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4)	Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5)	Whether the property owner purchased the property with knowledge of the zoning restriction
6)	Whether the property owner's predicament feasibly can be obviated through some method other than a variance
7)	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

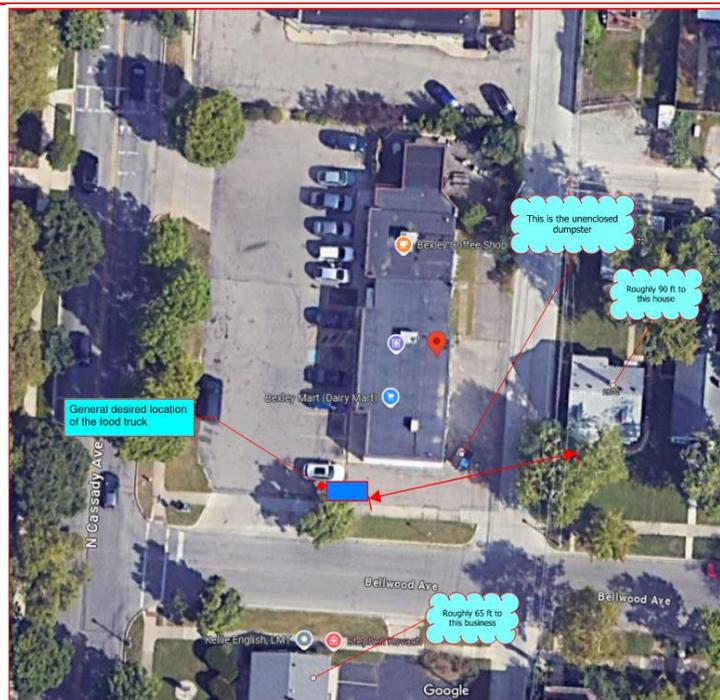
App No: BZAP-24-28 (also filed under BZAP-24-31)  
Address: 490-492 N Cassady Rd  
Applicant: Jawad Khan  
Owner: Bob Marshall

**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 as a well as a special permit to allow a food truck to be permanently located in the side yard of the site.



Staff Comments:

- This applicant has come before the board the prior 2 meetings.
- Some discussion points from the prior two meetings
  - Distance from homes/ businesses
  - How much of the property needs to be brought up to the standard of MUC code?
  - Could dumpster be put in the rear of the building and still meet code?
  - Would the applicant consider not making it permanent?
  - Applicant has committed to permanent utility hookups and to comply with other food truck regulations.
- See Jason Sudy's staff consultant report for more detailed code analysis and information



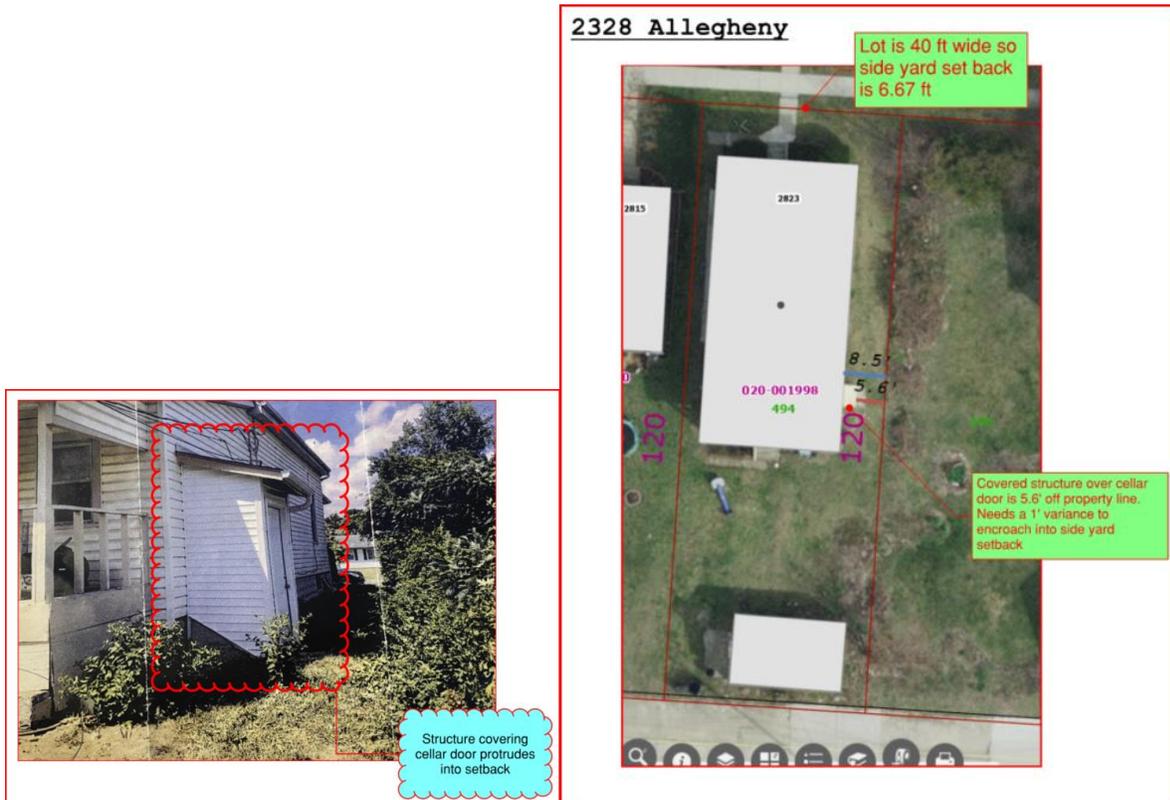


App. No: BZAP-24-33  
Address: 2823 Allegheny  
Applicant: Arabella Ohnson  
Owner: fb9, LLC

**Request:** The applicant is seeking a certificate of appropriateness for a covered structure over a cellar door as well as a 1 ft 1" area variance from Bexley code section 1252.09 to encroach into side yard setback.

Staff Comments:

- R-6 zoning
- The new door/ structure was put on top of the cellar door to keep animals and groundhogs out of the basement.
- The main structure sits 8'-4" off property line
- Side yard setback is 1/6 of lot width which 40 ft so 6 ft 8 inches is the setback
- Cellar door structure sit 5'-7" off property line.
- Needs a 1'-1" area variance to encroach into side yard.
- Staff sees no issue with this variance.



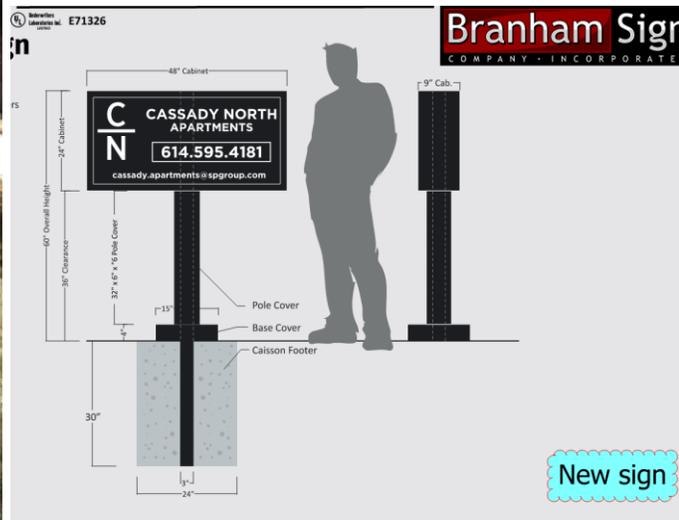


App. No: BZAP-24-34  
Address: 509 N Cassady  
Applicant: Tom Branham Jr./ Stephen Butsko, Branham Sign Co.  
Owner: Cassady North, LLC

**Request:** The applicant is seeking approval for sign replacement in a PUD district per Bexley Code Section 1260.05 (c)

Staff Comments:

- Property is zoned as a Planned Unit Development.
- Per Bexley Code Section 1260.05 (c) Planned Unit Development District: **No signage shall be erected or modified for existing PUD developments without first being approved by the Board of Zoning and Planning.** Approval of signage in these Districts shall be granted only after it has been found that:
  - (1) The proposed signage is appropriate for the site and is warranted by the design and other amenities incorporated in the sign plan.
  - (2) The proposed signage will not be detrimental to other residents of the City and surrounding areas, or to the public facilities and services in the City and surrounding areas.
- Staff sees no issue with the new sign



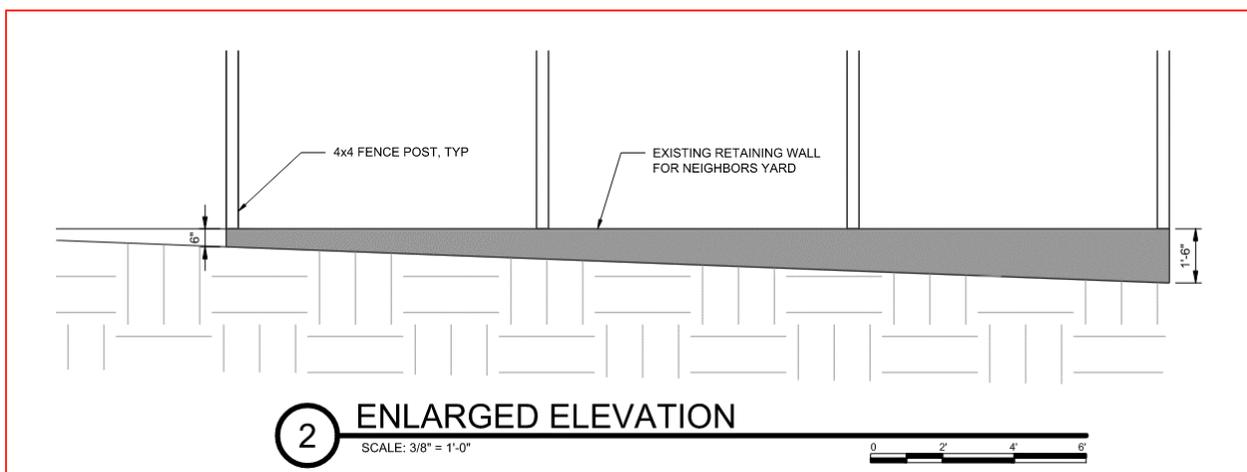


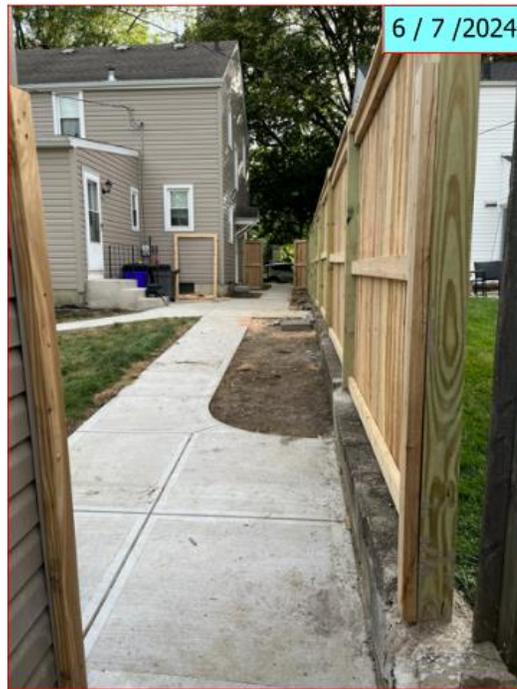
App No: BZAP-24-36  
Address: 830 Grandon  
Applicant: Natasha Kelley  
Owner: Natasha Kelley

**Request:** The applicant is seeking a variance from Bexley code section 1264.03 to allow a side yard fence to exceed 72 inches in height. Height varies with grade.

Staff Comments:

- Interior property on Grandon, R-6 zoning
- This is an interior fence that varies in height.
- This was spotted by our code enforcement officer on a routine drive by after the fence was installed.
- No permit was filed to replace this fence, or else the Board would have seen this sooner.
- Homeowner/ Applicant had the existing fence replaced as it was in disrepair, and replaced it like for like. She had no idea of the fence code requirement that a fence cannot be taller than 72" without a variance.
- Neighbors yard elevation is higher than hers thus a retaining wall was installed quite some time ago (unclear when).
- Fence was built on the retaining wall, and steps down as it progresses to the rear of the property.
- Seeing as there is an existing grade change between the two properties, and from the neighbor's side of the fence the fence is closer to 6 ft in height as opposed to Ms. Kelley's side of the fence...
- Staff takes no issue with this fence installation or variance.





App. No: BZAP-24-38  
Address: 2610 Bryden  
Applicant: Bryce Jacob  
Owner: Geoffrey Bass

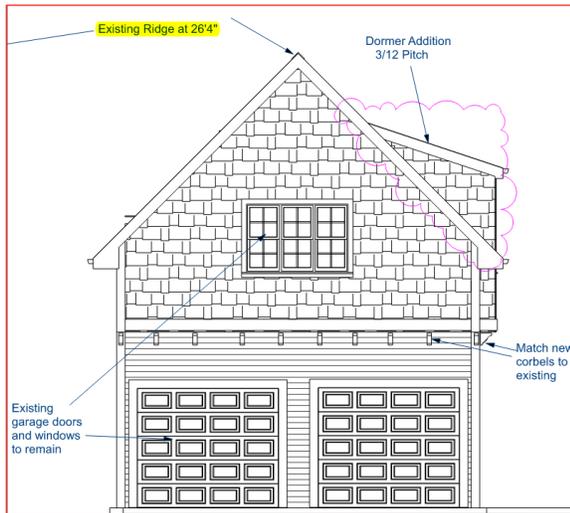
**Request:** The applicant is seeking approval to install a dormer on a pre-existing non-conforming accessory structure (detached garage).

Staff Comments

- R-6 zoning
- Existing non-conformities:
  - Accessory structure allowable height is 18 ft
  - Pre-existing nonconforming garage height is 26' 4"
  - For this lot the corner lot accessory structure side yard setback is 20 ft
  - The existing garage is setback 19.7 ft.
  - The existing garage footprint is 516
  - The existing garage 2<sup>nd</sup> floor is 431.92 sq ft and will be 461 sq ft in the new
    - 258 .25 sq ft is allowable by current code
- Existing variances are the following:
  - 8' 4" for accessory structure ridge height
  - 0.3 ft setback for corner lot accessory structure



- Existing 2<sup>nd</sup> floor sq footage is 173.67 sq ft over allowable
- New sq. footage will be 202.75 sq ft over allowable.
- In 2008 - 2009, the existing garage was built and did receive variances.
- Staff sees no issue with this variance.



### Tabled Applications

App No.: BZAP-24-30  
Address: 249 S Cassingham  
Applicant: Brenda Parker  
Owner: Steve Lieb



**Request:** The applicant is seeking the following three variances from Bexley code section 1252.15:

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

As well as 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.

- 8) Other Business
- 9) Adjourn