

Bexley Board of Zoning and Planning

Planning Staff Report – January 23, 2025



Conditional Use Permit, Variance, and Certificate of Appropriateness:

420 Cassady Avenue

Application #: BZAP-24-50

Location: 420 N. Cassady Avenue

Zoning: Mixed Use Commercial (MUC)

Request:

Conditional Use Permit:

- The applicant is seeking a conditional use permit per Bexley code section 1254.09 to permit first floor residential use within a new multi-family building in a Mixed Use Commercial District.

Variance:

- The applicant is seeking a variance from section 1254.17 to allow an accessory structure (pergola) in the side yard.
- The applicant is seeking a variance to waive the fence requirement per Bexley Code section 1264.05.

Certificate of Appropriateness:

- The applicant is seeking site plan and architectural review and approval to allow a 3-story structure with a commercial use on the 1st floor, and residential on the 1st, 2nd and 3rd floors.
- The applicant is seeking approval to allow demolition approval for the existing structure.

Applicant: Bill Downing

Owner: Bexley Apartments LLC

A. STAFF RECOMMENDATION

Staff recommends approval a conditional use permit as per the review criteria (1226.12), to allow first floor residential in a MUC District (1254.11). The majority of the first floor remains in commercial use with two units located at the rear of the building.

Staff supports the Architectural Review Board, which recommended a certificate of appropriateness with the conditions of the applicant returning to that board for final architectural review and recommendations., as per the design standards in a MUC District.

The BZAP will review the variance request based on the review criteria (1226.11(c)) cited below in this report.

Should the BZAP choose to act on the Conditional Use Permit, Variance and/or Certificate of Appropriateness request, staff recommends conditions of approval as listed at the conclusion of this report.

B. BACKGROUND



The site is located on the southeast corner of Cassady Avenue and Columbus Avenue.

Zoning: The project is located in the Mixed Use Commercial District (MUC) (1254.03).

C. CONSIDERATIONS

Plan Conformance

The City of Bexley adopted a Diversity Equity & Inclusion Strategy on August 11, 2020, as an amendment to the Bexley Strategic Plan. One of the primary goals of the plan is:

Goal #3: Create an Inclusive Greater Bexley Community

Form an open and welcoming Bexley. Work to combat racism and discrimination in the City. Engage people and circumstances with fairness, justice, impartiality, honesty, balance, compassion, decency, reasonableness, and an open mind.

Each goal includes specific action items, and the one most directly related to this application is:

Goal Three Action Items

2. Continue to encourage the CIC in their efforts to identify affordable housing opportunities for people with low incomes as part of new development (including but not limited to rezoning and rehabbing current and future building and projects) as well as on its own.

Site Impacts

The site design is appropriate for a mixed-use corridor, with the building sited adjacent to the roadway and parking located to the rear. The Mixed Use Commercial (MUC) District site development regulations and design standards have largely been met.

Mixed Use Commercial (MUC) District Site Development Regulations

The MUC district regulations (1154.10) are as follows:

Lot Requirements

- This district has no minimum lot requirements.

Setbacks

- The front setback is 0 feet, within the required range of 0-15 feet: standard is met.
- The rear setback is over 50 feet, in excess of the minimum requirement of 15 feet: standard is met.
- There is no side yard setback requirement in this district. For the information of the BZAP, the side yard setback to the south is approximately 10 feet, with the northern lot line abutting the right-of-way due to the position as a corner site.

Height

- The proposed structure is 3 stories and 39' 10" in height. The code allows 3 stories: standard is met.

Mixed Use District (MUC) District Design Standards

The proposed development meets the standards of applicability for review under this section (1254.11(a) through (e)). The application has been evaluated with regard to the applicable design standards as follows:

MUC District Design Standards		Met / Not Met
	(f) A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel.	Met
	(g) The width of a principal building along a primary building frontage shall be a minimum of sixty (80) percent of the lot width.	Met
	(h) A primary building frontage shall incorporate a primary entrance door	Met
	(i) A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage	Met
	(j) For a primary building frontage of a commercial use, a minimum of 60 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten feet.	Met
	(k) For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass.	Met
	(l) At least 25% of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained.	Met
	(m) All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.	To be determined
	(n) Backlit awnings are not permitted.	Met

	(o) The front yard shall be planted with live vegetation and a shade tree(s) (in addition to any street tree requirements), except for paved areas expressly designed for vehicular and pedestrian use. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.	Generally met – further review needed by T+PG
	(p) At the time of planting a new shade tree shall have a minimum two-inch caliper trunk and new shrubs for screening shall have a minimum height of 24-inches, and be maintained at that height or greater.	To be determined – further review needed by T+PG
	(q) For all street tree planting beds, a minimum exposed space of 60 square feet shall be provided and edged in granite curbing.	n/a – tree lawn condition here
	(r) All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to City Staff approval. The installation and operation of an irrigation system may be required for any planting area. In such cases, the irrigation system must remain operable.	To be determined – further review needed by T+PG
	(s) The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Main Street Design Guidelines.	To be determined – further review needed by T+PG
	(t) A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section 1264.05 .	Variance Requested
	(u) A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a minimum 4-foot solid masonry or stone wall; or a minimum 4-foot decorative metal tube or solid metal bar fence (excluding chain link, wire mesh or other similar material), with a minimum 3-foot wide landscaped area along the parking lot side of the fence.	Generally met – further review needed by T+PG
	(v) Landscaping is needed for surface parking lots in order to further screen parking from the view of public rights-of-way, provide mitigation for stormwater through reducing, slowing and cooling runoff, and to create visual relief from large pavement areas. This landscaping might be in well-designed border plantings that frame the lot or within landscape beds large enough to sustain plant growth.	Generally met – further review needed by T+PG
	(w) Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster.	Met – enclosure details needed
	(x) Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view to the height of the equipment	To be determined
	(y) The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.	No pole lighting in parking area indicated – to be clarified by applicant
	(z) When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.	No pole lighting in parking area indicated – to be clarified by applicant
	(aa) All lighting must use cut-off type fixtures, to limit glare, and avoid directing light onto neighboring property, streets, or toward the night	To be determined

	sky.	
	(bb) Parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more gross floor area.	Met
	(cc) Additional curb cuts are not permitted	Met

Parking

In the Mixed Use Commercial (MUC) District, the parking requirements are determined per code sections (1262.02), (1262.03 (c)). Calculations provided below:

Parking standards	Required for 420 Cassady proposal
Residential: 1 per unit	16 spaces
Retail sales, service or office uses: 1 per 300 s.f.	10 spaces
Reduction of up to 25% for on-street parking	- 6 spaces
TOTAL REQUIRED:	20 spaces
ON-SITE PROVIDED:	24 spaces

The applicant has provided 24 off-street parking spaces, including two handicap accessible spaces. This meets the code parking requirement for the site. There are also 7 designated on-street spaces immediately adjacent to this site as well as additional on-street parking nearby.

A significant positive aspect of the site plan is the removal of two existing curb cuts (one on Cassady and one on Columbus). With regard to parking, this provides a greater opportunity for on-street parking adjacent to the site. The applicant has also proposed using permanent bump-outs to protect the parking on Cassady, contributing to overall safety improvements and the long-term development and infrastructure planning for the corridor.

Conditional Use Criteria

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

From (1226.12(b): The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves all the following factors are met:

Conditional Use Criteria
(a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley,

	including, but not limited to, the Main Street Guidelines.
(b)	The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
(c)	The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
(d)	The property, and any proposed modifications, meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.
(e)	The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
(f)	The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
(g)	The use is in character and keeping and compatible with the adjacent structures and uses.
(h)	Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Staff recommends that the criteria have been met for conditional use allowing residential on the first story of the proposed 3-story building according to the following:

- (a) Cassady Avenue is a mix of fully residential, fully commercial and mixed use throughout the corridor, including multi-family first-floor residential uses.
- (b) This mixed-use project will be harmonious with the neighboring land uses.
- (c) This use will not be hazardous. Impacts should be equal or less intense than the current site design.
- (d) The proposed site design is in considerable conformance with the code and the applicant is requesting minor variances.
- (e) The use does not create an undue burden on public facilities.
- (f) The use is consistent with the City's economic goals and will not decrease property values. This multi-story new construction will be a significant investment in the site.
- (g) The use is compatible with adjacent structures and uses. Three story buildings are permitted on this site.
- (h) No natural, scenic or historic features exist on the site.

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

The applicant will provide a narrative describing how they believe the proposed project meets this set of criteria for the Board to use in considering the request for the two variances requested.

- The applicant is seeking a variance from section 1254.17 to allow an accessory structure (pergola) in the side yard.
 - *1254.17 ACCESSORY USES AND STRUCTURES IN COMMERCIAL AND INSTITUTIONAL DISTRICTS: (c) Accessory structures and uses shall be permitted only in the rear yard and shall be at least three feet from all property and right-of-way lines, provided that ample yard space is left open for the entrance and use of fire protection equipment.*
- The applicant is seeking a variance to waive the fence requirement per Bexley Code section 1264.05.
 - *1264.05 REQUIRED COMMERCIAL FENCES ADJACENT TO RESIDENTIAL DISTRICTS: For commercial uses abutting a residential zoning district, a fence, wall or combination thereof shall be installed along the lot line of adjacency except as otherwise determined for adjacent uses contained in the same Planned Unit Development District. Commercial uses with residential zoning districts located directly across a public alley must also meet this requirement along the interior alley line, subject to sight triangle requirements required by the City Building Department. (a) The height shall be ninety-six inches, as measured from the average grade of that portion of the lot.*

D. ADDITIONAL COMMENTS

Architectural Review Board Recommendation

The ARB reviewed the application at their January 9, 2025, meeting. The ARB Decision and Record of Action regarding this application states:

- *That the Architectural Review Board recommends this application to the Board of Zoning and Planning with the condition that the applicant return to the Architectural Review Board for final design approval and a Certificate of Appropriateness.*

E. RECOMMENDED CONDITIONS

Should the Board of Zoning and Planning choose to act on the certificate of appropriateness

request, staff recommends the following conditions:

1. The applicant returns to the ARB to receive design approval and a Certificate of Appropriateness, including review of architecture, mechanicals screening, exterior lighting, fence and enclosure details.
2. That the application be reviewed by the Bexley Tree and Public Gardens Commission.
3. That the site modifications, design and materials will be in substantial conformance with the renderings and plans submitted at the January 23, 2025, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff.