



**Board of Zoning and Planning Meeting Minutes
January 23, 2025
6:00 PM**

1) Call to Order

The meeting was Called to Order by Acting Chairperson Marsh.

2) Roll Call of Members

Members present: Mr. Schick, Ms. Dorn, Mr. Turner, Mr. Rosenthal, Ms. Letostak, Mr. Levine, Acting Chairperson Marsh.

3) Approval of Minutes

Motion to approve the December 5, 2024 Meeting Minutes by Ms. Dorn, seconded by Mr. Schick; all in favor with Levine abstaining. MOTION PASSED.

4) Public Comments

There were no Public Comments.

5) Old Business

There was no Old Business.

6) New Business

1) App No: BZAP 24-39

Address: 819 S Cassingham

Applicant: Amy Music

Owner: Nathan Daynes & Amy Music

Request: Applicant is seeking a variance from Bexley Code Section 1252.15 (g) (1) to allow an accessory structure to be installed within 3 ft of the south property line.

Ms. Music and Mr. Daynes were sworn in.

Mr. Klingler gave a Staff Report regarding the playhouse which is currently too close to the property line.

Mr. Daynes explained the reason they are requesting a variance is to keep the structure in its current location. He alluded to photos of structures in similar locations.

The applicants discussed the challenges associated with moving the structure as well as additional reasons for the desire to keep the structure where it is.

There was no communication from the nearby neighbor to the Board regarding this structure.

The structure was discussed, including massing.

The applicant mentioned it would be a challenge to fix the roofline.

It was noted that the structure is otherwise in compliance other than its location.

The applicant expressed their desires.

Mr. Klingler stated this structure does not need to go before the Architectural Review Board but it would require a variance because of its location.

Mr. Turner explained his approach and how this case is similar to another case that had previously been before the Board.

Mr. Rosenthal stated this structure is fairly visible.

Ms. Music indicated there are letters in support of this project from neighbors and explained the importance of outdoor accessibility, as well as the thought that went into this project.

Other aspects of this case were discussed, including other possible locations for the structure.

Ms. Music stated that there are other nearby treehouses on the fence line that are not as well maintained as this is.

Mr. Klingler and Board members discussed this case in comparison to the similar recent case.

Mr. Daynes explained how he helps maintain the adjacent fence.

The Findings of Fact and Decision of the Board for Application Number BZAP 24-39 for property located at 819 S Cassingham: Based on the testimony presented, the Board finds it appropriate to grant a variance Bexley Code Section 1252.15 (g) (1) to allow an accessory structure playhouse to be installed within 3 ft of the south property line.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Schick, seconded by Ms. Dorn; roll call: Letostak–Yes, Schick–Yes, Turner–No due to the denial of previous, similar

application, Levine–No due to the denial of a previous, similar application, Dorn–Yes, Rosenthal–No due to the precedence; Marsh–Yes. MOTION PASSED.

2) App No: BZAP 24-46

Address: 251 Stanbery

Applicant: Letha Imler

Owner: Toby & Jennifer Tomlin

Request: The applicant is requesting an area variance to place a hot tub within the required property line setback.

Luke Gherkin was sworn in on behalf of the applicant.

Mr. Klingler gave a Staff Report, indicating that a “hot tub” is not specified in the Code, and gave further supporting information.

Mr. Gherkin explained the project.

Measurements and specifications were discussed, including fencing.

There was an explanation for the desired location, including food traffic and patio access.

The Findings of Fact and Decisions of the Board for application number BZAP 24-46 for property located at 251 Stanbery: Based upon the testimony presented, the Board of Zoning and Planning finds it appropriate to grant a 4 foot 3 inch area variance from Bexley Code Section 1464.02 to allow a hot tub to located within 3 foot 9 inches of the property line.

The applicant understood the Findings of FACT.

Motion to approve the Findings of Fact by Mr. Turner, seconded by Mr. Rosenthal; roll call: Dorn–Yes, Turner–No due to the ability to find an alternate location, Letostak–Yes, Schick–Yes, Levine–Yes, Rosenthal–No due to lack of hardship, Marsh–Yes. MOTION PASSED.

3) App No: BZAP 24-47

Address: 2143 E Main

Applicant: Ann Taylor

Owner: Bexley Gateway Plaza

Request: Applicant is seeking an extension of the 2007 conditional use/ temporary variance granted to allow the commercial parking lot to remain a conditional use per Bexley code section 1254.09.

Jeff Reynolds and Ann Taylor were sworn in.

Mr. Klingler explained the history of this project and explained the ways City staff works with the applicant.

Mr. Reynolds discussed the property ownership and the potential for developing this property, as well as the current working relationship with the City.

Mr. Klingler explained the City's involvement in an upcoming landscape plan.

There was discussion about repairs.

The Findings of Fact and Decisions of the Board for application number BZAP 24-47 for property located at 2093 and 2099 E Main: Based on the testimony presented, the Board of Zoning and Planning finds it appropriate to grant a conditional use permit per Bexley Code section 1254.09 to allow the parking lot to remain and to waive the stone wall/fence requirement with the following conditions:

- The City work with the applicant on the design and installation of a rejuvenated landscape buffer and waive the stone wall/fence requirement.
- The conditional use is extended 2 years, and then, if necessary, re-applied for.
- The property owner agrees to continue to make the parking lot available for general public use throughout the term of the conditional use.
- The applicant applies for a sign permit and update the current signage.
- The asphalt areas be re-stripped and potholes repaired.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Schick; seconded by Mr. Rosenthal: roll call: Levine–Yes, Letostak–Yes, Turner–Yes, Rosenthal–Yes, Schick–Yes, Dorn–Yes, Marsh–Yes. MOTION PASSED.

4) App No: BZAP 24-48

Address: 218 N Parkview

Applicant: Will Lehnert

Owner: Jonathan & Lori Feibel

Request: The applicant is seeking an area variance from Bexley code section 1252.15.g.1 to allow an accessory use, swimming pool, in the front yard and a height variance to allow a 48" tall black metal pool front yard fence to meet pool enclosure requirements.

Mr. Klingler described the location of the home on this lot.

Mr. Lehnert explained the reasoning for placing this pool in the proposed location.

Mr. Klingler indicated that this would be in compliance if the home was platted to Parkview.

The applicant explained the retaining wall.

Mr. Klingler and Board members discussed similar cases at nearby homes.

Various scenarios were discussed.

Mr. Klingler explained an upcoming project going before the ARB.

Ms. Cunningham discussed height and opacity; these were discussed among Board members.

The Findings of Fact and decisions of the Board for application number BZAP 24-48 for property located at 218 N Parkview: Based on the testimony presented, the Board of Zoning and Planning finds it appropriate to grant an area variance from Bexley code section 1252.15.g.1 to allow an accessory use, swimming pool, in the front yard and a 6" height variance to allow a 48" tall black metal front yard fence to meet the pool enclosure requirements with the following conditions:

- Landscape screening along the Commonwealth Park side be maintained at least 3 feet in height with 75% opacity.

The applicant understood the Findings of Fact.

**Motion to approve Findings of Fact by Mr. Schick, seconded by Mr. Turner; roll call:
Letostak-Yes, Turner-Yes, Rosenthal-Yes, Dorn-Yes, Schick-Yes, Levine-Yes, Marsh-Yes.
MOTION PASSED.**

5) App No: BZAP 24-49

Address: 2300 E Livingston

Applicant: Bill Downing

Owner: Bexley Apartments LLC

Request: 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 as well as a variance from section 1264.05.a to allow the required property fence to step down in height as it approaches Francis Ave.

Ron Tannenbaum, George Tabit, Sarah Gold, and Bill Downing were sworn in.

Mr. Klingler introduced Jason Sudy, who gave a Staff Report which described the zoning district, BZAP responsibilities regarding the Conditional Use permit and fence requirement, urban design, and staff support of the ARB and demolition.

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

Ms. Cunningham clarified options and processes regarding remands and final approval.

Mr. Sudy discussed permitted uses, affordable housing, the Joint Livingston Avenue Plan, design standards and landscape plan, parking, alignment to City Plans, and desired conditions.

The building ownership and financing mechanism were explained.

Ms. Gold explained the CIC's involvement in this proposal and Mr. Tabit gave histories of The Community Builders and this project, as well as an overview of the Housing Tax Credit Program and upcoming changes as a result of the Joint Livingston Avenue Plan. He spoke about changes from the previous application and forthcoming updates to the building design.

David Hodge, attorney for the applicant, spoke to the project fulfilling the conditional use criteria and noted that this application refers to the residential units on the first floor. He stated his position that all criteria are met.

Other possibilities for developing the property were discussed, as were the building footprint, building ownership, terminology, area median income, price point tiers, parking, and the connection between the proposals at 2300 E Livingston and 420 N Cassady.

This project's integrity as the entry into Bexley was mentioned and the review process and criteria were explained.

The fence was detailed and discussed as it was a result of addressing concerns with the neighbor.

Safety was discussed by the applicant, Board members, and staff.

Mr. Klingler clarified the lot size and other dimensions.

Processes regarding standing were clarified.

Residents with standing were sworn in.

Larry Christopherson, 885 Francis Ave., shared his views of safety for children and parking, as well as traffic concerns in the area and the architecture.

Jenny Schmitz, 930 Francis Ave., stated her concern about this being approved without a thorough understanding of plans for Livingston Ave. and a lack of reasons for walking on Livingston Ave.

Tim Madison, 956 Pleasant Ridge, discussed the number of bedrooms on the property, the number of children, and safety concerns.

Sharon Nickel, 993 Euclaire, shared her thoughts on the safety of Livingston and questioned why the first floor of the development will be residential, as well as the accidents she has experienced and seen.

Leah Turner, 993 Francis, discussed children's play habits, safety, the shared property line, and other ideas.

Jake Turner, 767 Montrose, indicated that he fully supports this project and stated concerns about children without housing.

Lisa Rovner, 978 Montrose, explained she is in support of this development and mentioned safety of children living in the vicinity.

Ellen Evans, 965 Francis, discussed density and stated her belief that this project is too dense for this location.

Molly Turner, 767 Montrose, shared her experience in feeling safe while on Livingston and stated her support for this project, and embracing compassion.

Bill Farrell, 972 Euclaire, mentioned his belief that this is not a good location and spoke to his belief of the City's obligation to safety.

Laure Scoblionko Katz, 299 South Roosevelt, said she hopes people making decisions have an understanding of the vocabulary used as it relates to this and she shared concerns about these decisions being made by people unaware. She also spoke to having a plan B and supporting nearby residents.

Conditions regarding turn lanes were discussed, as were other traffic calming measures.

The Findings of Fact and decisions of the Board for application number BZAP 24-49 for property located at 2300 E Livingston: Based on the testimony presented, the Board of Zoning and Planning finds it appropriate to grant an 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 with the following condition:

- The streetscape frontage will be to the satisfaction of staff with the intent to be in conformance with the selected design for the Livingston Avenue streetscape project.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Rosenthal, seconded by Ms. Letostak; roll call: Schick–Yes, Levine–Yes, Turner–No, Dorn–Yes, Letostak–Yes, Rosenthal–Yes, Marsh–Yes. MOTION PASSED.

The Findings of Fact and decisions of the Board for application number BZAP 24-49 for property located at 2300 E Livingston: Based on the testimony presented, the Board of Zoning and Planning finds it appropriate to grant a height variance from Bexley Code Section 1264.05 to allow the required property fence to step down in height as it approaches Francis Ave. with the following conditions:

- The applicant returns to the ARB to receive design approval of the fence details.
- 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.

The applicant understood the findings and decision of the Board.

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

The Findings of Fact and decisions of the Board for application number BZAP 24-49 for property located at 2300 E Livingston: Based on the testimony presented, the Board of Zoning and Planning is remanding this application back to the Architecture Review Board for a design recommendation with the condition that after receiving the design recommendation, this application returns to the Board of Zoning and Planning in order to approve the Certificate of Appropriateness.

The applicant understood the findings and decision of the Board.

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

6) BZAP 24-50

420 N Cassady

Bill Downing

Bexley Apartments LLC

Request: 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 MixedUse Commercial District; a variance from section 1254.17 to allow an accessory structure (pergola) in the side yard; a variance to waive the fence requirement per Bexley Code section 1264.05

Mr. Sudy explained this conditional use permit is similar to the one requested for Livingston, but differs in that it is only being requested for a portion of the first floor. Additionally, the applicant is seeking a variance for a side-yard accessory structure and a request to waive the fence requirement. Mr. Sudy shared additional information about the project as part of his Staff Report.

Ms. Bokor stated the ARB was pleased with the plans for this site and would like a remand back.

Parking was discussed, and an explanation about the space to be delegated for the Senior Center. Ms. Schweitzer stated that the seniors are thrilled with this proposal and acknowledged there may be upcoming growing pains.

Mr. Hodge discussed code requirements pertaining to a fence and explained the desire for a pergola. He briefly stated that the proposal meets Bexley Code section 1254.03 and therefore the conditional use permit should be granted.

Carl Holman, 2729 Columbus Ave., spoke in support of this project.

The configuration of the proposed parking lot was discussed, and it was mentioned that the first floor will be a condominium interest.

The Findings of Fact and decisions of the Board for application number BZAP 24-50 for property located at 420 North Cassady: Based upon the testimony presented, the Board of Zoning and Planning finds it appropriate to grant 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.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Turner; seconded by Mr. Schick; roll call: Letostak–Yes, Schick–Yes, Turner–Yes, Levine–Yes, Dorn–Yes, Rosenthal–Yes, Marsh–Yes. MOTION PASSED.

The Findings of Fact and decisions of the Board for application number BZAP 24-50 for property located at 420 North Cassady: Based upon the testimony presented, the Board of Zoning and Planning finds it appropriate to grant a variance from Bexley Code section 1254.17 to allow an accessory structure (pergola) in the side yard.

The applicant understood the Findings of Fact.

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

The Findings of Fact and decisions of the Board for application number BZAP 24-50 for property located at 420 North Cassady: Based upon the testimony presented, the Board of Zoning and Planning finds it appropriate to grant a variance to waive the fence requirement per Bexley Code section 1264.05 with the following conditions:

- City Staff approve the final design details of the parking lot/alley transition.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Rosenthal; seconded by Mr. Turner; roll call: Letostak–Yes, Schick–Yes, Turner–Yes, Levine–Yes, Dorn–Yes, Rosenthal–Yes, Marsh–Yes. MOTION PASSED.

The Findings of Fact and decisions of the Board for application number BZAP 24-50 for property located at 420 North Cassady: Based upon the testimony presented, the Board of Zoning and planning is remanding this application back to the Architecture Review Board for final design recommendation with the condition that after receiving the design recommendation, this application returns to the Board of Zoning and Planning in order to approve the Certificate of Appropriateness.

Motion to approve the Findings of Fact by Mr. Schick; seconded by Ms. Letostakr roll call: Schick–Yes, Turner–Yes, Letostak–Yes, Dorn–Yes, Levine–Yes, Rosenthal–Yes, Marsh–Yes. MOTION PASSED.

Tabled Applications

1) App No: BZAP-24-28

Address: 490-492 N Cassady

Applicant: Jawad Khan

Owner: Bexley Mart

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.

2) App No: BZAP 24-30

Address: 249 S Cassingham

Applicant: Brenda Parker

Owner: Stephen & Lindsay 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 2nd 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.

Mr. Klingler indicated that the applicant has withdrawn this application.

7) Other Business

8) Adjourn

The meeting was adjourned.