



## **Board of Zoning and Planning Meeting Minutes**

Thursday, March 25, 2021

6:00 PM

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**1) Call to Order**

The meeting started at 6:02 pm. The meeting was recorded live on the City's YouTube channel. Here is the link to access the video

recording: [https://www.youtube.com/watch?v=W\\_HG2NF2Iq0](https://www.youtube.com/watch?v=W_HG2NF2Iq0)

**2) Roll Call of Members**

Roll Call: Ryan Schick, Alissha Mitchell, Sean Turner, Jason Fout, Brian Marsh, Rick Levine, Bob Behal

**3) Public Comments**

There were no public comments.

**4) Approval of Minutes**

A) from the January 28, 2021 and February 25, 2021 Board of Zoning and Planning meeting

Motion to Approve January 28<sup>th</sup>, 2021 Minutes: Alissha Mitchell, seconded by Sean Turner

Vote: Alissha Mitchell, Ryan Schick, Sean Turner, Rick Levine, Brian Marsh, Jason Fout, Bob Behal

Motion to Approve February 25<sup>th</sup>, 2021 Minutes: Ryan Shick, seconded by Alissha Mitchell

Vote: Ryan Schick, Alissha Mitchell, Sean Turner, Jason Fout, Brian Marsh, Rick Levine, Bob Behal

**5) Other Business**

A) Staff Report

Rose wanted to state that BZAP-21-6 for the property located at 12 Sessions Village will not be heard this evening.

Garage zoning update

Bob Behal said that a member cannot request a reconsideration of the matter, but a Board member can.

Application No. BZAP-20-46 2404 Fair Avenue, Linda Parker, applicant, and Tyler Chamblin,

owner. This case was heard at the end of the February 25<sup>th</sup>, 2021 BZAP meeting. Behal is willing to entertain to reconsider this case. The proposal is for an addition to the rear which hooked on to the garage and was two stories in size. Rose said if the Board wanted to reconsider this application it would require a two-week notice to be sent out, but the application would not be heard at this meeting. Fout said it seemed to be a reasonable request. Behal said it is fair to say the Board and the public had been waiting for hours to discuss that case and asked if there was a Motion from the Board to reconsider it. Turner said if it is under Old Business in the next meeting, then have it listed first on the agenda.

Motion to reconsider this application: Ryan Schick, seconded by Alissha Mitchell

Vote: Ryan Schick, Alissha Mitchell, Sean Turner, Jason Fout, Brian Marsh, Rick Levine, Bob Behal

## 6) New Business

### A) BZAP-21-21 for **471 N. Parkview**

Applicant: Jim Furrow Owner: Jay Schottenstein

**Request:** The applicant is seeking a variance from Bexley Code Section 1264.03(a) which limits a fence, wall or combination thereof shall not exceed seventy-two inches in height, to allow to allow an 8' high (green) vinyl coated fence along the west and North property lines. The applicant is seeking approval to place a portion of the fence in the riparian setback along Alum Creek.

James Burkart was sworn in.

Rose reviewed staff comments with the Board for this application. The property owner owns the lot to the south, which currently has an 8' chain link fence and is asking to install a portion of the fence into the riparian along Alum Creek. It is allowed to go into the floodway as long as it does not get in the way of the flow, and breakaway construction can be used to allow flow and debris to move unimpeded. Staff finds this proposal in favor of the variance if it is conditioned that the bottom of the fence allows flow for debris, as well as a condition to seek approval on whatever plantings go back in the area that would be removed to allow for installation of the fence.

The applicant reviewed background information for this application with the Board. The concern for the family is security. They have had people on the property before, and the only problem they have with the proposed condition would be to have the fence where the fence is above the floodway or have a fence that rotates. Currently the site is not a pretty site, it is full of vines and over-vegetation, and they are trying to clean it up and put it back to a lawn with some native plants.

Rose asked if they would consider stopping the breakaway point and cutting the fence out of the floodway. The applicant asked if the 100-year flood is the boundary. Rose said it was the advice given from the Franklin County Soil and Water department under their fence ordinance. Behal asked if this is a situation where it could be moved to the east by ten or fifteen feet and out of the flood plane. Rose said she would have to verify that because in its current state, anything put in its way could impede that and move the flow. She said that whatever is taken out has to be replaced with something where it was removed from. The applicant said that there was no problem with erosion on the bank to the west. Rose said in a similar case, there was a 4' fence installed north of Main Street that was raised from grade to not impeded the flow. She said it

would still provide security.

Dan Sharpe, resident at 481 N. Parkview, was sworn in. Mr. Sharpe has concerns for this proposal. One is the height request variance, and the details around the riparian. He feels there is a lack of clarity on that. There was an expectation what constitutes the site plan and what was submitted only meets two of the eleven requirements. He thinks more work should be done through the Franklin County Soil and Water department to meet the riparian sensitivity. He said the existing fence is sufficient and that this proposal is elective. He said that Commonwealth Park South and Drexel has different fencing materials and landscaping and referenced the letter he submitted to the city which includes an image from his back yard. His concern is that the fence would be 1' from his outdoor living space and that it gives an industrial feel and is an imposition to his outdoor living environment.

Rose said the application was not on the website. Behal said there seemed to be quite a few issues. Rose said she emailed the County and they sent riparian setback requirements. Mr. Sharpe asked if any of the documents she received were from October 2020. Rose said yes. Behal said that the Board needs more information to make a decision in this case, and needs to have the city attorney talk about code sections. He said that if the County thinks it infringes into a 100-year waterway they would have a better idea how this is going to look. He asked the applicant if his client was willing to Table the application so more information can be gathered. Mr. Burkart said they understand the concerns of the neighbor and can make a commitment to look into moving the fence back 6' from the upper eastern edge of the property and plant materials there that makes the neighbor happy. Rose said there were concerns so Mr. Sharpe might need to work with them on spacing and species. Mr. Sharpe said he would defer to the applicant and recommended they align with the city's Arboretum status.

Motion to Table: Brian Marsh, seconded by Alissha Mitchell

Vote: Ryan Schick, Alissha Mitchell, Sean Turner, Jason Fout, Brian Marsh, Rick Levine, Bob Behal

B) BZAP-21-7 for **2534 Brentwood**

Applicant: Valerie Kieffer Owner: Valerie Kieffer & Myles Hoover

**Request:** The applicant is seeking a variance from Bexley Code Section 1252.15 (g)

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, to allow a swim spa in the west side yard.

Bob Behal recused himself for the discussion and vote for this application. Brian Marsh stepped in as Vice-Chair.

Rose wanted to mention that the neighbor to the immediate west of this property informed her he did not receive a notice and wanted to check to see if anyone else did receive a notice for this application.

Myles Hoover said that he heard the neighbors did not receive a notice and wanted to consider that and be able to review the plans in detail. He would like to Table to application.

Motion to Table: Alissha Mitchell, seconded by Jason Fout

Vote: Ryan Schick, Alissha Mitchell, Rick Levine, Sean Turner, Jason Fout, Brian Marsh

Recused: Bob Behal

C) BZAP-21-8 for **489 Northview**

Applicant: Josh Predovich

Owner: Amy Wanzo and Chris Bell

**Request:** The applicant is seeking a 2' variance from Bexley Code Section 1252.10 (a) (1) which, In residential districts, the side yard setback requirement from the property line along the side street of a corner lot that is over 40 to 50 feet in width, it shall be 15 feet, to allow a 1-story addition to the rear of the principal structure. The applicant is also seeking approval of a certificate of appropriateness.

Bob Behal returned to the meeting.

Joshua Predovich, Amee Bell-Wanzo, and Chris Wanzo were sworn in.

Rose reviewed background information with the Board. This is a 50'-wide corner lot and 15' from property side they are looking to add a 10'4" addition to the rear of the house. It would stay in line with the existing structure. This is proposed on the south half to the west façade and the brick patio would be located to the north of the addition. Code requires a 15' setback. Staff does not find this as excessive for a lot on the corner. The structure appears more to the north side of the lot, and if appropriate, the entrance on the north side would have a set of stairs and staff wondered if the applicant would consider adding a stoop, subject to final review by the Design Consultant.

Bokor said that the application was approved as a Consent Agenda item in ARB, and there was no discussion on this application. She talked to the applicant about the addition of a stoop and explained while it is not required by Code, it is difficult to enter and exit without a stoop. ARB recommends this application to the Board of Zoning and Planning for a Certificate of Appropriateness.

Behal said this does not look like it is extended further into the side yard than it already is and thinks it is a sensible addition. He is okay with the stoop. The applicant said they are looking to extend the patio larger, wrapping it around to the west. They might want to amend the plan to include additional hardscape. Behal asked if the applicant was okay with that being subject to approval by the Design Consultant. The applicant said he was.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-8 for the property located at 489 Northview: The Board finds upon consideration of the application, proposed variance, and evidence and testimony before it, the Board makes the following Findings of Fact and Conclusions of Law: The applicant has proven that the criteria to grant an area variance from Bexley Code Section 1226.11(c) has been met, and a variance from Bexley Code Section 1252.10(a)(1) to allow a 2' variance to allow a one-story addition, with the condition that a stoop be added as the top step from the north exit of the addition.

The applicants understood the Findings of Fact.

Motion to Approve the variances: Ryan Schick, seconded by Sean Turner

Vote: Ryan Schick, Alissha Mitchell, Jason Fout, Sean Turner, Rick Levine, Brian Marsh, Bob Behal

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-8 for the property located at 489 Northview: The Board finds that after the review of the plans and consideration of the application, evidence and testimony given, and recommendation from the Architectural Review Board, the Board finds that a Certificate of Appropriateness should be issued noting that the addition is compatible with the existing structure, subject to the conditions and minor modifications, further subject to final review and approval by the Design Consultant.

The applicants understood the Findings of Fact.

Motion to Approve the Certificate of Appropriateness: Brian Marsh, seconded by Sean Turner

Vote: Ryan Schick, Alissha Mitchell, Jason Fout, Brian Marsh, Sean Turner, Rick Levine, Bob Behal

D) BZAP-21-10 for **887 College Avenue**

Applicant: Tom Beardsley Owner: Erica R. Flinn

**Request:** The applicant is seeking a 19' variance from Bexley Code Section 1252.10(a)(1) the side yard setback requirement from the property line along a side street for corner lots over 50 to 100 feet it shall be 20', to allow an existing screened porch on the south side of the principal structure (along Charles Street) that is 1' the south property line to be replaced with a new screened porch at the same setback, and extended 5' east and even with the front (east) façade of the house. the applicant is also seeking architectural design review and approval.

Keith Moeller was sworn in.

Rose reviewed staff comments with the Board. This application is for a property located on a corner lot with the platting to College Avenue. There is an existing porch along Charles Street that is 1.3' from the south property line and is 18.7' into the side yard setback. The enclosed space is 4.4' from the south property line and encroaches 15.6' into the side yard setback. The existing porch is 18 x 9. The applicant is proposing to replace it and expand it 4'9.5" to be flush with the front façade. The stairs encroach 1' into the City's right-of-way. If the Board approves to grant the variance, it would allow the screen porch to be replaced with what is proposed in this application.

Bokor reviewed design comments with the Board. This application passed as a recommendation for a Certificate of Appropriateness as a Consent Agenda item by the Architectural Review Board. They had no issues with the architecture.

The applicant said that they are trying to update the existing porch and extending it to the corner to give the owners more room.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-10 for the property located at 887 College Avenue: Upon consideration of the application, proposed variances, and evidence and testimony before it, the Board makes the following Findings of Fact and Conclusions of Law: The applicant has proven the criteria to meet an area variance from Bexley

Code Section 1226.11(c) have been met, and a variance from Bexley Code Section 1252.10(a)(1), to allow an 18.7' variance to allow a screened porch to be placed and expanded at the existing setback, shall be granted.

The applicant understood the Findings of Fact.

Motion to Approve the Findings of Fact for the variance: Brian Marsh, seconded by Ryan Schick  
Vote: Ryan Schick, Brian Marsh, Alissha Mitchell, Jason Fout, Sean Turner, Rick Levine, Bob Behal

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-10 for the property located at 887 College Avenue: After review of the plans and consideration of evidence and testimony given, and a recommendation from the Architectural Review Board, the Board finds that a Certificate of Appropriateness should be issued, noting that it is compatible with the existing structure and should be approved as submitted.

The applicant understood the Findings of Fact.

Motion to Approve the Certificate of Appropriateness: Brian Marsh, seconded by Alissha Mitchell  
Vote: Ryan Schick, Alissha Mitchell, Jason Fout, Sean Turner, Rick Levine, Brian Marsh, Bob Behal

## 7) **Other Business**

### A) BZAP-21-6 for **12 Sessions Village**

**Please Note:** This Item has been removed from the Agenda as it did not require a variance and is subject to the Sessions Village Association Design Review Board per the Planned Unit Development Text.

### B) **Correspondence:** A letter from Joyce D. Edelman of 2414 Fair Avenue

**Request for Reconsideration Application No. BZAP-20-46;** Applicant: Brenda Parker;  
Owner: Tyler and Allizon Chamblin; Location: 2404 Fair Avenue.

### C) Joint Livingston Avenue Plan - request for representative from BZAP for steering committee

Currently there is a joint Livingston Avenue plan in the works between the City of Columbus and the City of Bexley. Mayor Kessler read the plan and said they would like a member of BZAP on the Steering Committee. The intent is to look at the opportunity to increase traffic safety and create unified development and streetscape standards. The Steering Committee would like a BZAP member who will be a stakeholder who is passionate about claiming the corridor of three communities and connecting them. Mitchell would like to know when this starts. Behal asked if she was saying she would be willing to be the BZAP representative. Mayor Kessler said there will be a series of meetings over a nine-month period of time. Schick said he would be more than happy to assist. Turner said he would be happy to cover in a meeting if the BZAP representative is not able to attend a Steering Committee meeting. Behal asked the Board if they had any problem with nominating Mitchell to be the BZAP representative, with Schick and Turner covering for her if she cannot be at a meeting.

### D) BZAP feedback on Ordinance 11-21, proposed Garage and Accessory Structure zoning

modifications

The Board discussed an ordinance before Council. Bokor walked through the background of the ordinance which is a study on accessory structures and a garage ordinance. There have been multiple revisions and the hope is to tackle the issue of detached garages in the context of the property on which it is proposed. This would relate in terms of scale to the size of the site and less concern about which district the property is located in. There is more concern of where it sits on the site and more rigorous requirements of the above the first floor space. There were codified concerns from BZAP and ARB for garages. The ordinance would tighten up the definition of a second floor and the rezoning process would ask for BZAP feedback. They are hoping to have the concept introduced to the group and in BZAP's April meeting have a chance to think about it and get formal feedback. The committee is comprised of two members from BZAP, Ryan Schick and Mike Paplow, and two members from the ARB, Bill Heyer and Larry Helman. Bokor wanted to point out that the document is not in its first reiteration but will have other versions made before it is approved. Members can read it and submit comments. Mayor Kessler read Section Four which talks about the idea that detached garages require replacement structures in order to be demolished and said that it is a change for the city. They can stand to lose detachment requirements without a replacement but discussion needs to be had about that.

Behal said members can send in comments. Mayor Kessler said there are specific definitions about removing accessory structures, one is the floor area restriction and the height restriction in terms of the creation of volume is not relevant. Rose said she wanted to ensure it is including overall measurements.

**8) Adjourn**

The meeting was Adjourned at 7:23 pm.