



Board of Zoning and Planning Meeting Minutes

Thursday, December 2, 2021

6:00 PM

1) Call to Order

Chairperson Behal called the meeting to order.

2) Roll Call of Members

Members present: Turner, Levine, Mitchell, Behal

3) Public Comments

4) Approval of Minutes

A) October Meeting Minutes

Motion to approve the minutes for the October meeting by Turner, second by Mitchell. All in favor.

5) Staff Report

A) Staff Report for 12/02/2021 BZAP

6) Old Business

7) New Business

A) Application Number: BZAP-21-42 (Tabled at the October 28th meeting)

Address: 276 S Stanwood

Applicant: Joseph Carifa

Owner: Katherine Moss and Simon Doolittle

Request: The applicant is requesting Architectural Review and approval to allow a new deck to replace an existing elevated Patio. The applicant is also seeking a variance from Bexley Code Section 1252.11(c) which allows an uncovered deck to encroach 4' into the 25' rear yard setback in accordance with Bexley Code Section 1252.09(R-6) zoning. If approved, the deck would be 15.5' from the rear property line. (the existing elevated patio is 18.5' from the existing rear property line.)

Carifa was sworn in.

Carifa discussed the existing condition of the home and explained the replacement design would require a variance.

Rose said this was brought to the ARB, a fence was discussed, and an application has been filed to the ARB for a fence. Bokor said ARB recommended approval for a Certificate of Appropriateness provided that the applicant agreed to a six-foot fence.

Walter Kraut was sworn in. Kraut is the rear-property owner and expressed his agreement with the ARB's decision.

Behal, Rose, and Bokor answered Mitchell's question about a non-conforming variance.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-41 for property located at 276 S. Stanwood: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds: the Applicant has proven that the criteria to grant an area variance in Bexley Code Section 1226.11(c) has been met and a 5.5' variance from Bexley Code Section 1252.01(c) to allow a deck to be constructed 15" from the rear property line to be granted with the following condition: a solid board fence be constructed simultaneously with the new deck, along the rear property line. The board further finds that a Certificate of Appropriateness to be granted as recommended by the ARB for review and final determination and all improvements and modifications shall be in compliance with the Certificate of Appropriateness approved by the ARB.

The applicant agreed with the Finding of Facts.

Motion by Mitchell, second by Levine; all in favor.

- B) Application Number: BZAP-21-39 (Tabled at the October 28th meeting)
 Address: 2450 East Livingston
 Applicant: Michael Grimm
 Owner: Michael Grimm
 Request: The applicant is seeking a special permit in accordance with Bexley Code Section 1264.03(b) which limits fences to forty-eight inches in height in the side yard setback area as it faces a public or private street, to allow a 3.5' high retaining wall with a 4' fence on top, for a distance of 43' along the west side property line along Montrose Avenue.

Rose stated the applicant asked for the application be Tabled to the January 27, 2022 meeting.

Motion to Table made by Levine, second by Turner.
In favor: Levine, Turner, Behal
Abstain: Mitchell

- C) **TABLED UNTIL JANUARY BZAP**
 Application Number: BZAP-21-44
 Address: 280 S Columbia

Applicant: Corey Tishkoff

Owner: Corey Tishkoff

Request: The applicant is seeking Architectural Review and approval of a pool house. The applicant is also seeking a variance from Bexley Code Section 1252.16(g)(a) Accessory structures and uses shall be permitted only in the rear yard, to allow a proposed pool and pool house to be located in the north side yard at this location.

Motion to table by Mitchell, second by Turner; all in favor.

D) Application Number: BZAP-21-46

Address: 2831 E. Broad Street

Applicant: Gary Alexander

Owner: Kimberly Demond

Request: The applicant is seeking architectural review to allow the existing garage to be converted to living space, add a roof over the rear patio and an attached garage. The applicant is also seeking a variance from Bexley code Section 1252.09(R-6) which requires a rear yard setback of 25' and a side yard setback of 8', to allow a portion of the proposed garage addition to encroach 7'7" into the 25' rear yard setback and 8.5" into the side yard setback.

Rose described this application, Bokor indicated the ARB recommended this for a Certificate of Appropriateness as a Consent Agenda item.

Alexander gave an overview of this project, and highlighted the setback.

Alexander answered Levine's questions about the opinion of neighboring property owners, and Bokor answered Mitchell's question about ridge line height.

Alexander and Behal discussed the use of the second story space.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-46 for property located at 2831 E. Broad: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board find: the Applicant has proven that the criteria to grant a variance in accordance with Bexley Code Section 1226.11(c) have been met and a 9" variance and a 7' 7" variance from Bexley Code Section 1252.09 (R-6) should be granted to allow a garage addition and modifications to the existing garage, as submitted. The Board further finds that a Certificate of Appropriateness be granted as recommended by the Architectural Review Board.

The applicant was satisfied with the Findings of Fact.

Motion by Mitchel, second by Turner; all in favor.

E) Application Number: BZAP-21-47

Address: 81 N. Drexel

Applicant: Keith Witt

Owner: Consecutive Prime, LLC

Request: The applicant is seeking Architectural Review and approval of a pool house. The applicant is also seeking Special Permit in accordance with Bexley code Section 1252.12(a)(b), where the principal structure deviates by more than twenty percent from the established front yard setback line, to allow a swimming pool and pool house at the

western end of the front yard at this location. The applicant is also seeking a variance from Bexley Code Section 1264.02 which limits fences in a front yard to 42" in height with a special permit from the Board of Zoning and Planning, to allow a proposed 48" high fence to replace the existing 6' wrought iron fence

Sampson was sworn in.

Behal gave a disclaimer regarding a potential conflict of interest in this case.

Rose gave an overview of this case.

Bokor said the ARB has recommended the BZAP approve a Certificate of Appropriateness.

Sampson said the two items on this application are the fence and pool. There is currently a 6' iron fence; the applicant would like to remove and replace it with a 42" fence, which will be used as a pool safety fence and integrated into the landscape. Sampson showed the location of the proposed fence on the diagram, mentioned the access gates and grade, and also answered a Board members' question regarding width and Code.

Rose discussed the history of this home's variances.

Board members, the applicant, and Staff discussed the fence and greenery which would surround it.

Sampon shared information about the desired pool and pool pavilion; Rose spoke to the accessory structure code. Sampson indicated the intention for the pool pavilion to be "light." The main request for consideration is a pool and pool pavilion in the front yard; all other requests of the design would be within guidelines if they were placed elsewhere.

Tom and Lee Ann Hadley of 90 N. Columbia commented about a pool in a front yard. Rose explained some rationale for a prohibition of a pool in the front yard. The Hadleys also gave a history of the lot lines and discussed with the Board the role landscaping can play in these cases. Behal discussed the legacy of conditions, and Rose and Sampson clarified the property's setbacks. There was discussion between the Hadleys, Staff, and the applicant regarding the front yard of the property.

Mitchell discussed evaluating this case based on the house's current conditions. There were comments about code with regards to setback. Lee Ann Hadley shared how project will impact them; Sampon gave an overview of the location of this proposed project and Ms. Hadley suggested alternative locations. Ms. Hadley detailed their pool and Bokor gave an overview of the discussion on this case that occurred during the ARB meeting. Sampson highlighted additional drawings.

Sampson, the Board, and Staff discussed the best way to move forward.

All in favor to table this to the January meeting.

8) Other Business

9) Adjourn

Motion to adjourn by Tuner.