



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

**Thursday, February 24, 2022**

**6:00 PM**

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**1) Call to Order**

The meeting was Called to Order by Chairperson Behal.

**2) Roll Call of Members**

Members present: Levine, Dorn, Schick, Behal

**3) Public Comments**

There were no Public Comments.

**4) Staff Report**

A) Staff Report

The Staff Report contains information regarding the following applications: BZAP-21-44, BZAP-21-48, BZAP-22-2, BZAP-22-3, and BZAP 22-4.

**5) Approval of Minutes**

A) Minutes from the December 2, 2022 BZAP Meeting

Minutes from the December meeting will be approved at the next meeting.

**6) Old Business**

A) Application Number: BZAP-21-44

Address: 280 S Columbia

Applicant: Corey Tishkoff

Owner: Corey Tishkoff

**Request:** The applicant is requesting a recommendation to the Board of Zoning and Planning for Architectural review and approval and a Certificate of Appropriateness for a pool and a pool house in the side yard.

Mr. Tishkoff was sworn in.

Ms. Rose gave an overview of the application and stated the ARB recommended approval to the BZAP for final design details and subject to the variance.

Ms. Bokor said the revised application was approved on the Consent Agenda and there are no additional conditions other than normal Staff review.

This variance is for an accessory structure in the side yard.

Mr. Tishkoff explained the layout of the lot and discussed this with the Board.

Ms. Dorn indicated the proposed location seems to be the only viable option to place a pool, and Chairperson Behal discussed the "side" yard. Ms. Bokor stated that architecturally, this is the only site for a pool.

Mr. Tishkoff discussed the proximity of this site to the neighbor's pool.

The findings of fact and decisions of the Board for application number BZAP-21-44 for property located at 280 S. Columbia: 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) have been met and a variance from Bexley Code Section 1252.16(g)(a) to allow a pool and pool-house in the side yard due to the grade of the rear yard shall be allowed with the following conditions: 1) a landscape plan is subject to review by the Tree and Public Gardens Commission and that the plan should be in substantial conformance with the rendering and plans submitted to the Board.

The applicant understood the Finding of Facts and Conclusion of Law.

Motion for approval by Levine, second by Schick; all in favor.

B) *This application has been tabled to the March 24, 2022, BZAP meeting*

Application Number: BZAP 21-47

Address: 81 N Drexel

Applicant: Keith Witt/Nathan Sampson

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, and/or a variance from Bexley Code Section 1252.15(g)(a) Accessory structures and uses shall be permitted only in the rear yard...., 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, to allow a proposed 48" high fence to replace the existing 6' wrought iron fence.

Motion to Table to the March Meeting by Mr. Levine, second by Ms. Dorn; Mr. Levine, Ms. Dorn, and Mr. Schick in favor; Mr. Behal abstained.

C) Application Number: BZAP 21-48

Address: 219 N Drexel

Applicant: Amy Lauerhass

Owner: Frances Maass & Eric Katz

**Request:** The applicant is requesting Architectural review and a Certificate of Appropriateness for a detached garage and art studio. The applicant is also seeking a 673 sq ft variance from

Bexley Code 1252.15 (a) which states that an accessory use or structure shall be permitted in association with a principal residential structure provided that the maximum building footprint for a lot size of 14,000 sq ft to 24,000 sq ft does not exceed 720 sq ft.

Ms. Lauerhass was sworn in.

Ms. Rose, Ms. Bokor, and Ms. Lauerhass gave an overview of the case and visuals were presented.

Mr. Behal asked about the limitations regarding lot sizes; Ms. Rose explained. There was discussion about the lot size between the applicant and Board members.

Ms. Lauerhass stated her client has been in touch with neighbors and has not received negative comments.

There was discussion about the location of the proposed structure's proximity to the adjacent property, the precedence that approving this application would set, lot coverage, and the use of the structure.

The Code was referenced and discussed.

Options and next steps were discussed; the applicant requested this to be Tabled.

Motion to Table to the March 24, 2022 meeting by Mr. Schick, second by Ms. Levine; all in favor.

## 7) **New Business**

A) Application Number: BZAP 22- 2

Address: 2488 Fair

Applicant: Aaron McCord

Owner: Kevin and Dara Albert

**Request:** The applicant is requesting Architectural review and approval of a Certificate of Appropriateness for a 2-story addition to the rear of the existing home.

Mr. McCord was sworn in.

Ms. Rose and Ms. Bokor gave background information on this case.

The back of the house, images, and spacing and plans were discussed.

The findings and decisions of the Board for application number BZAP-22-2 for property located at 2488 Fair Ave.: upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds the Applicant has proven the criteria to grant an area variance in Bexley Code Section 1226.11(c) has been met and a 3'10" variance from Bexley Code Section 1252.15(g)(c) to allow a 2-story addition at the rear of the principal structure shall be granted based on the design recommendation from the Architectural Review Board for a Certificate of Appropriateness.

The applicant understood the Findings of Fact.

Motion to approve by Mr. Levine, second by Ms. Dorn; all in favor.

B) Application Number: BZAP-22-3

Address: 755 Vernon

Applicant: Pete Foster

Owner: Nathan and Rachael Laing

**Request:** The applicant is requesting a recommendation to the Board of Zoning and Planning for Architectural review and approval and a Certificate of Appropriateness for the addition of a new second floor above an existing first floor on the west elevation of the existing residence and the addition of a new roof and dormers to the existing two-story portion of the existing residence.

Mr. Foster was sworn in and Ms. Rose gave an overview of the application; Ms. Bokor indicated it was passed by the ARB as part of the Consent Agenda and displayed drawings detailing the building's proposed height.

Mr. Foster discussed details of the application, including height, elevations, and space volume.

The decision not to include a bathroom was discussed.

The findings and decisions of the Board for application number BZAP-22-3 for property located at 755 Vernon: upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds the Applicant has proven the criteria to grant an area variance in Bexley Code Section 1226.11(c) have been met and a variance from Bexley Code Section 1252.09 R6 Zoning to allow second and third floor additions shall be granted in accordance with the site plan and substantial conformance with the renderings and plans submitted to the Board. After review of the plans, and consideration of the application, evidence, testimony, and recommendation from the Architecture Review Board, the Board finds that a Certificate of Appropriateness should be issued.

Motion to approve by Ms. Dorn, second by Mr. Schick; all in favor.

C) Application Number: BZAP-22-4

Address: 2775 Elm

Applicant: Gary J. Alexander

Owner: Doug and Barbara Davis

**Request:** The applicant is requesting a recommendation to the Board of Zoning and Planning for Architectural review and approval and a Certificate of Appropriateness for an addition of a screened porch at the rear of the property.

Mr. Alexander was sworn in.

Ms. Rose described the lot shape, property line, screen porch locations, and previous ARB discussion. Ms. Bokor said the application was recommended by the ARB.

Mr. Alexander described the proposed screened in porch, including the overhangs and the impact this will have on the neighboring property. Mr. Alexander had not heard any comments from the neighbor.

The findings and decisions of the Board for application number BZAP-22-4 for property located at 2775 Elm: upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds the Applicant has proven the criteria to grant an area variance in Bexley

Code Section 1226.11(c) have been met and a 2' variance from Bexley Code Section 1252.09 R6 Zoning to allow a screened porch addition at the rear of the principle structure shall be granted based on the unique shape of the lot. Shall be proved in substantial conformance with the renderings submitted to the Board and in accordance with the recommendation from the Architecture Review Board for approval of a Certificate of Appropriateness.

The applicant understood the Finding of Fact.

Motion to approve made by Mr. Schick, second by Mr. Dorn; all in favor.

D) Application Number: Appeal -21-3  
Subject Address: 18 N Ashbourne  
Applicant: Joseph Ridgeway  
Applicant Address: 30 N Ashbourne  
**Request:** The applicant is appealing the decision of City Staff with regard to fence permit application F-21-82.

Dr. Ridgeway was sworn in.

Chairperson Behal indicated the applicant and City Attorney had exchanged emails throughout the day.

Ms. Rose gave an overview of the case, including how Ms. Rose issued a permit for a fence to be built in accordance to Code. The appellant reached out questioning the design of the fence to which Ms. Rose suggested he could apply for an appeal and the appellant went through the proper steps to file an appeal. Dr. Ridgeway agreed that there should be a fence, but had an issue that Ms. Rose had not seen the fence. There was discussion about the date in which an appeal can be filed.

Ms. Rose read sections of Code.

Chairperson Behal indicated the Board needs to determine if this is an appropriate appeal based on whether or not it was filed in a timely manner.

Dr. Ridgeway and Ms. Rose discussed the timeline of events; Mr. Behal discussed hypothetical situations and determined they are to determine whether or not this is an appealable issue or not and what an appeal would mean. There was discussion about variances and fences. Code sections 1226.18 and 1220.02(I) were read and timeliness were discussed.

Committee members and Ms. Rose discussed the applicant's agreement to build following certain conditions, seeking remedies, sharing a fence with one's neighbor, the Zoning Director's opinion, and deadlines.

Standing and appeal rights were discussed, as was the process of submitting an application to Ms. Rose and whether or not the design of the fence is part of an application.

Mr. Schick stated his interpretation of the date of notice and Ms. Dorn shared her belief that the City would be in a better position if there was a written document required.

Mr. Behal explained the due process procedure and that a decision regarding the fence itself would not be made this evening.

Chairperson Behal stated the City Attorney advised he did not believe this was an appropriate subject of an appeal based on the fact that there is no decision on which to appeal.

There was discussion about the applicant for the permit, the interpretation of legal advice, notification for projects that meet Code, and the need for drawings.

Motion to accept the appeal based upon the procedural facts that have been presented by Mr. Schick, seconded by Mr. Levine; all in favor. The appeal is accepted and will be set for hearing on April 28, 2022.

**8) Other Business**

**9) Adjourn**

Motion to adjourn by Mr. Schick; all in favor.