



Board of Zoning and Planning Meeting Minutes

Thursday, March 24, 2022

6:00 PM

1) Call to Order

The meeting was Called to Order by Chairperson Behal.

2) Roll Call of Members

Members present: Mr. Turner, Mr. Marsh, Mr. Schick, Ms. Mitchell, Chairperson Behal.

3) Public Comments

There were no Public Comments.

4) Staff Report

A) Staff Reports

The Staff Report contained information on the following applications: BZAP-22-5, BZAP-22-6, BZAP-22-7, and BZAP-21-47.

5) Approval of Minutes

A) December 2021 and February 2022

Motion to approve the Minutes for the December meeting made by Mr. Turner, second by Ms. Mitchell. Vote: Ms. Mitchell - yes, Mr. Schick - abstain, Mr. Marsh - yes, Mr. Turner - yes, Chairperson Behal - yes.

The Minutes from the February meeting will be reviewed at the next BZAP meeting.

6) Old Business

A) 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.

Chairperson Behal recused himself from this application; Mr. Marsh served as vice-chair.

Mr. Sampson and Mr. Witt were sworn in.

Ms. Cunningham gave a history of the property, indicated there is a Staff Report available, described why this application is complicated, stated existing conditions, and answered Board members' questions.

The applicant described the rationale for moving the pool to the west.

Motion to adopt a recommendation and proceed with a variance, as the Board determined that the special permit provisions relating to front yard setbacks do not apply to this case when there are only two houses and an average setback cannot be determined, made by Mr. Schick, second by Ms. Mitchell; roll call: Turner - yes, Schick - yes, Mitchell - yes, Marsh - yes.

The applicant described the variances being requested.

Thomas Hadley of 90 N. Columbia spoke to the Staff Report, the building of a pool and pool house on a front yard, zoning laws, this being a non-conforming lot, precedence, landscape screening, the scale of the project, the proximity of the project to his lot, screening, the necessity of the pool house, and more.

Ms. Cunningham answered Ms. Mitchell's question about intent and variances.

Mr. Marsh shared his thoughts.

The applicant gave measurements of the distance between the structures from the property lines, this being looked at as a corner lot, the use of the lot, and more.

Ms. Mitchell shared her thoughts.

Ms. Mitchell, the applicant, and Ms. Cunningham discussed the position of the pool and the applicant answered a question about the location of the pool house.

Mr. Hadley clarified his comments.

There was discussion about the opinions of members of the Tree and Public Gardens Commission.

The findings and decisions of the Board for application number BZAP-21-47 for the property located at 81 N. Drexel Ave.: Upon consideration of the proposed variance and evidence and testimony before it, the Board finds the Applicant has proven that the criteria to amend existing granted in application 60075 dated October 12, 2006 in Bexley Code Section 1226.11(c) have

been met and amend the fence variance from Bexley Code Section 1264.02 to approve the proposed modifications to the front yard fence and gates in accordance with Plan (L-4.05, L-6.10, L-6.20, L-6.21) reviewed at the March 24, 2022 BZAP meeting and to further Table the Pool and Pool House to the April 28, 2022 BZAP meeting.

The applicant agreed to the proposed findings and decision of the Board.

Motion to accept the Finding of Facts made by Ms. Mitchell, seconded by Mr. Turner; roll call: Mr. Turner - yes, Ms. Mitchell - yes, Mr. Schick - yes, Vice-chairman Marsh - yes.

Motion to Table the remainder of the application made by Mr. Turner, second by Mr. Schick; roll call: Mr. Turner - yes, Mr. Schick - yes, Ms. Mitchell - yes, Vice-chairman Marsh - yes.

7) New Business

- A) Application Number: BZAP-22-5
Address: 2370 Brentwood
Applicant: Peter Krajnak
Owner: Emily Farrin and Rodrigo Iglesias
Request: The applicant is requesting approval of a variance, architectural review and approval and a Certificate of Appropriateness for an addition and a new attached garage.

Mr. Sudy summarized the zoning aspects of this application and Ms. Bokor indicated this application was passed by the ARB as part of the consent agenda.

Finding of Fact and Decision of the Board For: Application No. BZAP-22-5 for the property located at 2370 Brentwood: Upon consideration of the application, proposed variance and evidence of the 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 1252.09(R-6) to allow the reduction of the side and rear setbacks as is follows: a 2'11" variance from the side set back and an 18'6" variance from the rear set back.

The applicant found the Findings of Fact acceptable.

Motion to approve made by Mr. Marsh, second by Mr. Turner; all in favor.

Certificate of Appropriateness:

After review of the plans and consideration of the application, evidence and testimony given, (and the recommendation of the Architectural Review Board), the Board finds that the Certificate of Appropriateness should be issued for 2370 Brentwood, in substantial conformance with the renderings and plans submitted to the Board dated 2/9/2022. The Board recognizes and grants demolition of the existing garage.

Motion to approve the Certificate of Appropriateness by Mr. Turner, second by Ms. Mitchell; all in favor.

- B) Application Number: BZAP-22-6
Address: 2382 Brentwood
Applicant: Amy Lauerhass

Owner: Janet Helgeson and Fred Roecker

Request: The applicant is requesting a variance, architectural review and approval and a Certificate of Appropriateness for a second floor addition at the rear of the existing home.

Ms. Bokor stated this was a consent agenda item for the ARB; Mr. Sudy gave an overview of the application.

Finding of Facts and Decision of the Board for: Application No. BZAP-22-6 for the property located at 2382 Brentwood: Upon consideration of the application, proposed variance and evidence of 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 1252.09(R-6) to allow: a 2'3" variance from the side yard setback be granted.

The applicant accepted the Finding of Facts.

Motion to approve by Mr. Turner, second Mr. Marsh; all in favor.

Certificate of Appropriateness: After review of the plans and consideration of the application, evidence and testimony given, (and the recommendation of the Architectural Review Board), the Board finds that the Certificate of Appropriate should be issued for 2382 Brentwood, in substantial conformance with the renderings and plans submitted to the board dated 2/3/2022. Motion to approve by Ms. Mitchell, second by Chairperson Behal.

C) Application Number: BZAP-22-7

Address: 2525 E Main

Applicant: David Hodge

Owner: Embire Square LLC

Request: The applicant is requesting conditional use permit and a parking variance for a charitable youth organization.

Mr. Hodge was sworn in.

Mr. Sudy described the request and gave an overview of the application.

Mr. Hodge gave background information on the site and the proposed project and also answered questions from Board members.

Maureen Ingram -- Property owner at 2527/2529 E. Main Street discussed the property's square footage, referenced the preserved building, parking spaces, and this space's use as a restaurant. Board members discussed bussing logistics with Ms. Ingram.

Mr. Hodge clarified that the application is a public-use educational facility, not a restaurant; Mr. Sudy referenced the definition of a restaurant in the Code. Additionally, Mr. Hodge clarified the ownership of the building.

Mr. Sudy described the Code, Mr. Hodge answered Board members' questions, and Mr. Sudy described permitted variances. Board members discussed this application and Mr. Hodge answered questions.

Ms. Ingram discussed parking difficulties and answered Board members' questions; Board members and Mr. Sudy also shared their opinions.

Findings of Fact and Decision of the Board For: Application No. BZAP-22-7 for the property located at 2525 E. Main Street: Upon consideration of the application, proposed variance and evidence of 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 1262.02(h) to allow: a reduction in required parking spaces from 12 to 6 and a variance from Bexley Code Section 1262.01(a) to allow: 3 of the spaces to be "compact spaces". That shall be granted with the following conditions:

- 1) Details of the bus pick-up and drop-off will be determined in conjunction with city staff.
- 2) The hours of bus operation will be limited to between 10AM and 2PM.
- 3) An additional 4 spaces will be leased off-site in advance of the issuance of an occupancy permit.

The applicant accepts the Finding of Facts.

Motion to approve by Mr. Marsh, second by Mr. Turner; all in favor.

Conditional Use: Upon consideration of the application, proposed conditional use, the Board finds the Applicant has proven that the criteria to grant a conditional use in Bexley Code Section 1226.12(b) to allow a Public Use as per Bexley Code Section 1262.02(h).

With the conditions:

- 1) Any signage or exterior building changes will be submitted to the City of Bexley for review and approval.
- 2) The site shall be in substantial compliance with the renderings and plans dated 2/09/2022 as submitted to the Board.

The applicant found this acceptable.

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

8) Other Business

Mr. Behal discussed the jurisdiction to hear the case involving a fence in a residential property to which the neighbor objects.

Ms. Cunningham described the process of fence permitting and gave background of the case, as did Board members recalling the process.

Motion to reconsider whether the Board has jurisdiction made by Mr. Marsh, second by Mr. Turner. There was discussion about how to proceed. Vote: Tuner - Yes, Marsh - Yes, Shick - No, Mitchell - Yes, Behal - No.

There was discussion about a time limit for presenters and talking on versus off the record.

Mr. Hodge indicated there was a desire for more explicit explanation about the charitable nature of the case.

9) Adjourn

Motion to adjourn made by Mr. Schick, second by Ms. Mitchell.