



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

**Thursday, April 28, 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. Wesolek, Mr. Schick, Mr. Turner, Mr. Marsh, Ms. Mitchell, Chairperson Behal.

**3) Public Comments**

There were no Public Comments.

**4) Approval of Minutes**

**A) March 24, 2022 BZAP Minutes**

Chairperson Behal requested that in subsection 6a of the March meeting Minutes, it be noted that Chairperson Behal recused himself. Motion to approve Minutes as amended by Mr. Marsh, second by Mr. Schick; all in favor.

**B) February, 24, 2022 Meeting Minutes**

There was discussion about how to proceed in approving the February Minutes; these will be discussed at the May meeting.

**5) Staff Report**

**A) 2455 E Main Street**

**B) 2220 East Livingston**

**C) 107 Ashbourne**

**6) Old Business**

**A) 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.

Mr. Fishel shared his opinion that the BZAP does not have authority to hear this appeal and provided history about the case. Furthermore, Mr. Fishel explained that should the Board hear the appeal, he is afraid the Board will be unlawfully interfering with the homeowner's rights. His recommendation and opinion is that the attempted appeal should be rejected via a motion and vote.

Ms. Cunningham explained she and Mr. Fishel collaborated and also shared further information.

Chairperson Behal explained the procedures which took place in previous meetings pertaining to this case.

Chairperson Behal described the time limit which will be used tonight when hearing from members of the public.

Dr. Ridgeway was sworn in and shared his opinion regarding relitigation.

Motion to Table to the May meeting made by Ms. Mitchell, second by Mr. Wesolek. Roll Call: Ms. Mitchell - Yes, Mr. Schick - No, Mr. Marsh - No, Mr. Turner - Yes, Mr. Wesolek - No, Chairperson Behal - Yes. The motion failed.

Discussion about this application was resumed approximately one-hour later.

Dr. Ridgeway shared Code sections and spoke to the duties of the Board.

Ms. Mitchell, Mr. Behal, Ms. Cunningham and Mr. Fishel discussed the background information for this case.

Dr. Ridgeway talked about notice of permits and the timeline of this case.

Nancy Wasserstrom, 18 Ashbourne Rd. -- Discussed the timeline of this case and her belief that she has done everything that was been requested.

Mr. Schick described the process of the Board's initial decision, Ms. Cunningham discussed why permits don't come before this Board, Mr. Fishel explained what appeals the Board can hear, Chairperson Behal spoke to the language in the Code, and Ms. Cunningham and Mr. Fishel talked about the language's implication and specific Code sections.

Mr. Ridgeway spoke to Code violation; it was stated that there was no violation of the Code.

Mr. Wesolek indicated the statute is clear, discussed the Board's function as a review board, and the ten day timeline.

Mr. Marsh shared his belief that the Board doesn't have jurisdiction and indicated that the Board

is supposed to review and analyze the Code based on how the city attorney believes the Code reads.

Mr. Schick asked Mr. Fishel about appearing at the next City Council meeting; Mr. Fishel described potential next steps.

Chairperson Behal spoke to 'determination' and precedence.

Motion to vote on whether or not the BZAP has jurisdiction in this case made by Mr. Schick and second by Mr. Marsh. Roll call: Mitchell - No, Schick - No, Marsh - No, Tuner - No, Wesolek - Yes, Chairperson Behal - Yes.

- B)     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; Mr. Marsh served as vice-chair.

Mr. Witt and Mr. Sampson were sworn in.

Ms. Bokor explained that the architecture was recommended unanimously by the Architecture Review Board, if approved by this Board.

Ms. Cunningham gave a Staff Report highlighting the previous variances on this property and setbacks.

The applicant discussed the site plan and location for the proposed pool and pool house, as well as new proposals based on a discussion with the neighbors.

Members of the public were sworn in.

Alex Tim, the owner of the property, shared that: the property had once been on the market for 4.5 years, the home needed work, they have worked with the City and intend to live in the home for an extended period of time to raise children and grandchildren, and that they were unaware when purchasing the home that this was the front yard.

Christina Johnson, corner of Clifton and Drexel -- shared she has no objection to this project.

Le Ann and Tom Hadley, nextdoor neighbors -- explained the pool is large and has been pushed to the lot line; they ask for the same consideration of layering of landscaping so the pool is not

right on the property line. Mr. Hadley asked for the pool to be moved by 10 feet and encouraged the Board to determine whether or not the applicant has met the criteria for a variance.

Amy Grace Ulman, 2371 Commonwealth Park South -- said she is thrilled to have this family join the neighborhood, and spoke to the family's character.

Ms. Rose read a portion of a letter sent by Craig and Connie Tuckerman, who are in support of the variance.

Per Ms. Mitchell's request, the applicant discussed a conversation with the Hadleys, moving the pool eastward, and other accommodations.

There was discussion about the large trees on the property and other screening.

Counsel for the applicant shared that what was being discussed is only to protect the Hadleys because this is technically the front yard.

Mr. Marsh expressed his opinion that this project is too close to the property line.

Mr. Turner asked why the pool is in the current proposed location; the applicant and counsel explained the reason for the placement.

Ms. Bokor explained the architectural and esthetic reasoning for the current pool placement and that this was discussed by the ARB.

Ms. Mitchell asked about neighbor impact.

Ms. Rose discussed other properties.

The applicant discussed balancing considerations.

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 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 the variance from Bexley Code Section 1252.15 (a)(g) to allow a pool and pool-house on the western end of the front yard with the following conditions: 1) The outdoor speakers are to be ground mounted; 2) The pool equipment is to be located to the northeast portion of the pool deck in accordance with and as shown on plan number 042A22 dated 4-28-2022, and to also include the 6' brick wall in the west side yard also shown in plan number 042A22, and in accordance with the certificate of appropriate recommendation received from the Architectural Review.

The applicant understood the Findings of Fact.

Motion to approve Findings of Fact made by Mr. Schick, second by Mr. Wesolek. Roll Call: Mr. Schick - Yes, Mr. Wesolek - Yes, Mr. Turner - No, Ms. Mitchell - No, Mr. Marsh - No; Chairperson Behal had recused himself from his portion of the meeting.

- C) Application Number: BZAP 20-32  
Address: 464 S Parkview  
Applicant: Mary Kendrick  
Owner: Mary Kendrick  
**Request:** The applicant is requesting an expansion of the previous variance for a front yard fence.

Ms. Kendrick was sworn in.

Ms. Rose gave a Staff Report.

The applicant discussed the proposed project's dimensions.

The Findings of Fact and and Decisions of the Board for application number BZAP-20-32 for the property located at 464 S. Parkview: 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 1264.02(c) to allow additional wrought iron fence panels to be added in 12' sections to the existing fence along the west front property line shall be granted as submitted.

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

## 7) New Business

- A) Application Number: BZAP 22-8  
Address: 415 Northview  
Applicant: Amy Lauerhass  
Owner: Brian and Bridgette Marsh  
**Request:** The applicant is requesting approval of a variance, architectural review and approval and a Certificate of Appropriateness for a new home.

Mr. Marsh recused himself.

Ms. Lauerhass was sworn in.

Ms. Rose and Ms. Bokor gave Staff Reports.

Ms. Lauerhass gave additional details.

No Board members have spoken to Mr. Marsh about this case.

The Findings and Decisions of the Board for application number BZAP-22-8 for the property located at 415 Northview Ave.: The Board of Zoning and Planning finds that upon consideration of the application, proposed variance and evidence and testimony before it, the Applicant has proven that the criteria to grant an area variance in Bexley Code Section 1226.11(c) have been met and the variance from Bexley Code Section 1252.09 (R-3 Zoning) to allow the house to encroach 2'2" into the north and south side yard setbacks, a 16'4" variance to the rear yard setback, and a 4.4% variance to allow the lot coverage to be 29.4% and with the following conditions:

- 1) the site shall be developed in substantial conformance with the renderings and plans dated and reviewed at the April 28, 2022 BZAP meeting;
- 2) that a landscape plan be submitted for review and approval by the Bexley Tree & Public Garden Commission which will consider the screening of the auto court fence;
- 3) and that the final design review and approval be remanded back to the Bexley Architectural Review Board.

The applicant agreed to the proposed Findings and Decision of the Board.

Motion to approve by Mr. Turner, second by Ms. Mitchell; all in favor excluding Mr. Marsh who recused himself from this portion of the meeting.

B)

Application Number: BZAP-22-11

Address: 783 Francis

Applicant: Amy Lauerhass

Owner: Mark Hathaway

**Request:** The applicant is requesting approval of a variance, Architectural review and approval and a Certificate of Appropriateness for the demolition of the existing detached garage and the construction of a new detached garage & patio.

Ms. Rose gave an overview of this case and Ms. Bokor indicated this item was on the ARB's Consent Agenda.

Ms. Lauerhass discussed the case.

Mr. Hathaway was sworn in and discussed the history of this project.

There was an explanation of the proposed patio.

The Findings of Fact and Decisions of the Board for application number BZAP-22-11 for the property located at 783 Francis: 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 the 276 square foot variance from Bexley Code Section 1252.15 to allow a 900 square foot detached garage in the reach yard should be granted as submitted.

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

For application No. BZAP-22-11 for 783 Francis: The Board finds that a Certificate of Appropriateness should be issued as recommended by the Architectural Review Board.

Motion for approval by Mr. Schick, second by Ms. Mitchell; all in favor.

C) Application Number: BZAP-22-12

Address: 844 Chelsea

Applicant: Amy Lauerhass

Owner: Ahdra Young

**Request:** The applicant is requesting approval of a variance, Architectural review and approval and a Certificate of Appropriateness for a new two-car detached garage with

office above.

Ms. Lauerhass and Ms. Rose discussed that this would not need a variance, but a special permit is required. There was discussion with Ms. Bokor about where the dormers face.

The Findings of Fact and Decisions of the Board for application number BZAP-22-12 for the property located at 844 Chelsea: 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 special permit, in accordance with Bexley Code Section 1252.15(a)(c) should be granted to allow a detached garage in the rear yard as submitted.

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

The Findings of Fact and Decisions of the Board for application number BZAP-22-12 for the property located at 844 Chelsea: The Board finds that a Certificate of Appropriateness should be granted for the detached garage in accordance with the recommendation from the Architectural Review Board and in accordance with the plan submitted April 28, 2022.

The applicant found this acceptable.

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

D)     Application Number: BZAP 22-9  
         Address: 2455 E Main Street  
         Applicant: Chris Vallette  
         Owner: Mattlin Holdings llc  
         **Request:** The applicant is requesting approval of a variance, architectural review and approval and a Certificate of Appropriateness to enclose the front patio with glass panels.

Mr. Vallette was sworn in.

Ms. Rose and Ms. Bokor gave Staff Reports.

Mr. Vallette explained the proposed changes.

Michael Greene was sworn in; he owns the duplex south of Cafe Istanbul on Euclaire and discussed the sanitary line, dumpster usage, and mailings.

Ms. Greene was sworn in and reiterated not receiving notices about the meeting.

The manager at Cafe Istanbul discussed her business.

Ms. Mitchell gave suggestions and asked questions; there was a discussion about screening.

The findings of the Board for application number BZAP-22-9 for the property located at 2455 E Main: The Board finds that a Certificate of Appropriateness should be granted in accordance with the decision and record of action from the Architectural Review Board's April 14, 2022 meeting with the following conditions:

- 1) that the applicant meets the conditions of approval recommended by the Architectural Review Board;
- 2) a solution to provide screening for the parked area is to be submitted to City Staff for review and approval;
- 3) that the site modifications, design and materials will be in substantial conformance with the rendering and plans submitted at the April 28, 2022 Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff;
- 4) empty dumpster twice per week or more if necessary,
- 5) regular cleaning of grease traps and sanitary line every three months or as it may be necessary;
- 6) screening provided around condenser units on top of the walk in cooler per original plan.

The applicant understood the Findings of Fact.

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

- E)     Application Number: BZAP - 22-10  
         Address: 107 Ashbourne  
         Applicant: David Hogrefe and Brian Kemp  
         Owner: David Hogrefe and Brian Kemp  
         **Request:** The applicant is requesting approval of a variance, architectural review and approval and a Certificate of Appropriateness for an expansion to the driveway.

Ms. Rose gave a Staff Report.

The applicants spoke to the driveway as well as the proposed landscape plan; there was discussion between Ms. Bokor, Ms. Rose, Chairperson Behal, and the applicants.

Board members share their opinions, and Ms. Rose spoke about the approach.

There was discussion about dimensions.

The Findings of Fact and Decision of the Board for application number BZAP-22-10 for property located at 107 Ashbourne: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds that the applicant has proven that the criteria to grant an area variance to Bexley Code Section 1226.11(c) have been met and a 4.5' variance from Bexley Code Section 1262.01(e) to allow a driveway to be expanded to 16', with 4' of cobblestone to the south side and 2' of cobblestone to the north side with the following condition: that a section of concrete drive on the property side of the sidewalk be replaced with cobblestone to the first score line and no more than 6' in width.

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

- F)     Application Number: BZAP-22-13  
         Address: 2220 E Livingston  
         Applicant: Dan Cline  
         Owner: Shear Family LLC  
         **Request:** The applicant is requesting approval of a parking variance, Architectural review and approval and a Certificate of Appropriateness for new paint and an interior build out for a Laundromat.

Mr. Cline was sworn in.



Ms. Rose gave a Staff Report and discussed parking spaces, the Joint Livingston Avenue Plan, and potential future plans for this space.

There was discussion about a masonry wall.

Ms. Bokor spoke to the ARB's decision on this property and there was discussion about paint color.

The type of use for this site, parking spaces, and trash were discussed.

Mayor Kessler clarified information about the parking spaces.

There was further discussion about the wall and light poles.

The Findings of Fact and Decision of the Board for application number BZAP-22-13 for property located at 220 E. Livingston: 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 to Bexley Code Section 1226.11(c) have been met and a variance from Bexley Code Section 1262.02(h) to allow as few as 10 parking spaces as proposed, and the Board further finds that the use is included in the Retail Services in accordance with 1230.73 and is permitted in the CS district with the following conditions:

- 1) the applicant provide fencing details for review and approval by staff,
- 2) any site lighting, building lighting, or signage will be submitted as a future application for review,
- 3) the low block wall on the eastern edge will approved subject to Staff review and approval,
- 4) that the application be reviewed and approved by the Bexley Tree and Public Gardens Commission, and
- 5) the site modification, designs, and materials will be in substantial conformance with the plans submitted at the April 28 Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff.

The applicant agreed with the Findings of Fact.

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

G) Application Number: ARB-22-17/BZAP-22-15

Address: 694 S Cassingham

Applicant: Michael Lange

Owner: Michael Lange

**Request:** The applicant is requesting an approval of a variance, Architectural review and approval and a Certificate of Appropriateness for an addition to the rear of the 2nd floor over the existing 1st floor footprint and kitchen remodel.

Mr. Lange was sworn in.

Ms. Rose gave a Staff Review and Ms. Bokor gave suggestions.

Mr. Lange spoke to the dimensions.

There was discussion about this being a nonconforming lot.

The Findings of Fact and Decisions of the Board for application number BZAP-22-15 for the property located at 694 S. Cassingham: 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 1' variance to the side yard setback on the south side, 1.5' variance to the height to the existing structure and proposed 2-story addition, the rear of the principal structure be approved in substantial conformance with the renderings and plan dated April 28, 2022.

Motion to approve by Mr. Turner; all in favor.

The Findings of Fact and Decisions of the Board for application number BZAP-22-15 for the property located at 694 S. Cassingham: The Board finds that a Certificate of Appropriateness should be granted in accordance with the recommendation from the Architectural Review Board and all modifications are further subject to review and approval by the design consultant.

This was acceptable to the applicant.

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

**8) Other Business**

**A) Review of Ordinance 13-22**

Mayor Kessler and Mr. Klingler gave an overview about this proposed ordinance.

There was discussion between Board members, Mayor Kessler, Ms. Rose, and Ms. Cunningham.

Motion to recommend approval of the modification to the Code section, in accordance with Ordinance 13-22 by Mr. Schick, second by Mr. Wesolek; all in favor.

**B) Review of Ordinance 14-22**

Mayor Kessler discussed proposed Ordinance 14-22, Ms. Bokor gave additional information, and there was discussion between BZAP members.

There was discussion regarding additional amendments and comments made about them.

**9) Adjourn**

Motion to adjourn made by Mr. Schick second by Mr. Turner.