



Board of Zoning and Planning Meeting Minutes

Thursday, September 22, 2022

6:00 PM

1) Call to Order

The meeting was Called to Order.

2) Roll Call of Members

Members present: Mr. Turner, Mr. Levine, Mr. Hall, Mr. Schick, Mr. King

3) Public Comments

There were no Public Comments.

4) Approval of Minutes

A) 08/25/2022 BZAP Minutes

Motion to approve the Minutes from the August Meeting by Mr. King, second by Mr. Schick; all in favor.

5) Staff Report

A) Staff Report

6) Old Business

7) New Business

A) Application Number: BZAP-22-35

Address: 545 N Drexel

Applicant: Zahra Elkassabgi

Owner: Mohamed El-Sayed

Request: The applicant is requesting approval from the Board of Zoning and Planning for Architectural review and approval and a Certificate of Appropriateness for a pergola, a deck and a hot tub which requires a variance from the north side lot line.

Mohamed El-Sayed was sworn in.

Ms. Rose gave a short staff review detailing the project, variances requested, measurements, and the timeline of this project including history with the ARB.

Ms. Bokor stated the ARB was encouraged not to discuss the project's design and instead send to this to the BZAP with the ask that if this is reviewed, that it get remanded back to the ARB for design review.

Ms. Rose explained hot tubs must be 8' but this is 5' 6", the height of the pergola being dependent on the deck height, and that there are applicant responses to questions in the Staff Report.

Mr. El-Sayed stated the deck was built around the hot tub, which he had installed. Ms. Rose shared she was unable to locate a permit for a hot tub and this project was discovered by the City's Code Enforcement Officer.

Mr. El-Sayed explained he purchased the house in 2017; a new housemate moved in in July of last year with the condition that a deck be added and there was no time for a permit. Mr. El-Sayed is a licensed engineer and has a background in construction; he engineered and built the deck.

Ms. Rose stated the project measurements and Mr. El-Sayed discussed the design.

A board member stated a concern that Mr. El-Sayed was not coming to the Board with clean hands.

There was a discussion of additional drawings.

Mr. El-Sayed explained that the hot tub was placed on a pre-existing concrete slab and the deck was built on an area that previously had a deck.

There was further discussion about removing portions of the deck to be within code.

Mr. El-Sayed explained the location of the concrete slab and how removing portions of the deck would be impacted by the slab.

Ms. Rose explained Code Enforcement was not notified by a citizen report and also that the height of the deck does not impact the setback requirements.

There was a recommendation to cut off the portion of the patio adjacent to the tall slab, add some landscaping, and reorienting how the hot top opens.

There was a discussion about how to proceed; Ms. Rose suggested tabling so the applicant can come up with a solution about how to modify the structure. Ms. Rose confirmed that if it is changed to meet the code, this application will not need to go to the ARB.

There was discussion about the structure looking light and the dimensions and depth of the concrete pad.

Mr. Schick said he is entertaining the compromise to remove the post on the north side and move the hot tub south to be in compliance with the 8' code requirement, keep the north side in the existing configuration, and the variance would be to keep the deck as close to the property line as it is.

It was recommended that the owner table this application and he agreed.

Motion to Table to the October 27, 2002 meeting by Mr. Levine, second by Mr. Schick; all in favor.

- B) Application Number: BZAP-22-36
 Address: 277 S Cassady
 Applicant: Kim Mikanik, Architect
 Owner: Brandon Lumbra
 Request: The applicant is requesting approval from the Board of Zoning and Planning for Architectural review and approval and a Certificate of Appropriateness for a new garage which requires a variance for height and square footage.

Ms. Mikanik was sworn in.

Ms. Rose gave a Staff Report detailing the request for a variance, lot size, and going before the ARB where it was discussed this favorably. Ms. Bokor said the ARB gave a recommendation with the condition that the eaves match the house.

Ms. Mikanik stated the eaves have been brought down and that modifications have been made to the drawings. Ms. Bokor explained that now the only variance requested is the area variance.

The main garage doors are off of the alley.

The applicant had previously requested to include a window; Ms. Bokor was pleased with the changes that have been made thus far to avoid two variances.

The Findings of Fact and Decisions of the Board for Application BZAP-22-36 for property located at 277 S Cassady: 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 after modifications to the original design to reduce the ridge and eave heights, that a variance from Bexley Code Section 1252.15(a) is approved to allow a new detached garage to be 660sq', as submitted, and a Certificate of Appropriateness should be issued as modified and further recommended by the Architecture Review Board.

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

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

- C) Application Number: ARB-22-49/BZAP-22-39
 Address: 2735 Alleghany
 Applicant: Curtis and Megan Allman
 Owner: Curtis and Megan Allman
 Request: The applicant is requesting approval from the Board of Zoning and Planning for

Architectural review and approval and a Certificate of Appropriateness for an addition to the rear of principle structure which needs a variance to the side yard setback.

Curtis Allman was sworn in.

Ms. Rose gave an overview of the application including lot space, the distance between the neighbor's home and property line, lot coverage, and design suggestions from ARB.

Ms. Bokor stated the applicant is working hard on this project and the ARB encouraged him to seek feedback from BZAP. The difficulty is that the lot is small and the intention is to get feedback from the Board before moving forward. Ms. Bokor indicated there are other spaces to be utilized without requiring a variance, and they're asking for some guidance from the Board.

Mr. Allman said the new idea is to make the addition perpendicular with a roofline that would disappear into the existing roof. The ARB didn't like proposed design in which things went straight back, but the design could be bumped in or bump out, each of which would have its own challenges.

There was discussion about various setback requirements.

It was explained that the survey included is from the neighbor's yard to verify the property line.

A board member indicated the 5' does not meet code, but based on previous history, this board member will likely not have an issue with it so long as it does not encourage more.

Ms. Rose shared another option as the home has nonconforming side yard setbacks and meets all zoning and building standards, so offsetting it 8" for this particular code sections allows the project to meet the setback.

Ms. Bokor said there isn't enough information to make a decision and that she was comfortable advising the applicant that the Board is historically tolerant of small variances.

Board members indicated they are warm to the idea.

The applicant asked for a Table.

Motion to Table this application to October 27 by Mr. Turner, second by Mr. Schick; all in favor.

D) ***TABLED TO OCTOBER 27, 2022***

Application Number: BZAP-22-38

Address: 698 S Cassingham

Applicant: Darryl Haas

Owner: Darryl Haas

Request: The applicant is requesting approval from the Board of Zoning and Planning for a variance to allow a 6' high fence along Mound Street side property line.

E) Application Number: BZAP-22-37

Address: 929 S Francis

Applicant: James Knox

Owner: Anne and Don Skaggs

Request: The applicant is requesting approval from the Board of Zoning and Planning for a screened porch addition and a variance to allow a porch 8' from garage.

James Knox was sworn in.

Ms. Rose stated this application was originally brought to the ARB in July and passed. However, it was later determined that the site plan wasn't accurate and this design is coming before the Board to consider granting a variance to allow the porch to be constructed as proposed, and if so, that the design could have a Certificate of Appropriateness based on favorable design approval from the ARB. The variance pertains to the detached garage being only 8' from the principle structure; this is not a fire code issue.

Mr. Knox said the original proposal was for a 20 x 10' screened porch at the rear; currently there isn't access from the rear to the yard. It was approved by the ARB at that time; they hadn't determined the exact distance from the garage to new structure. They have since received the exact measurements, hence this being before the Board.

Findings of Fact and Decision of the Board for Application Number: BZAP-22-37 for property located at 929 S Francis: 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 a 2' variance from Bexley Code Section 1252.15(g)(3) is approved to allow a new screened porch addition to be 8' from the detached garage.

The Board Further finds it appropriate to approve a Certificate of Appropriateness as predetermined by the Architectural Review Board.

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

8) Other Business

A) Solar Panel Revised Proposed amendments

Ms. Bokor presented the proposed solar panel ordinance and shared that there were robust conversations with the ARB. At this point they would like for the BZAP to recommend to Council for approval, unless they feel otherwise.

Motion recommend to Bexley City Council by Mr. Hall, second by Mr. Schick; all in favor.

B) Draft Design Guidelines Discussion

Ms. Bokor explained this document is ready to be presented to City Council. ARB members have suggested additional edits, and after this meeting, BZAP members will be added to be able to suggest comments. Staff hopes that at the next meeting, it will be recommended to Council. This is a living document that will continue to be updated electronically.

This document will help everyone be on the same page and have definitions for common terms. the online version will be clickable. A large portion of the document is process and procedures. A huge part of it is wanting to document the districts and styles in Bexley. She said it is invaluable to include this in the document. There are explanations with setbacks, ridge heights, etc. Bill

Heyer and his firm partnered with Karen on this. Eventually Code links will be added. There are also graphics to explain new build guidelines and there are details included including entries, slate roofs, eaves, porches, and garages.

Some sections will be filled in over time. Have historic preservation guidelines; working on what Bexley can do to denote something as being historically significant. It will continue to be refined and at meeting next month, hopes to get a recommendation for Council to approve it for ARB to use.

another point:

Discussion about proximity of structure to garages - -should they consider recommending a change? Ms. Rose said this came up when there was a review of Zoning Code. Ms. Bokor suggested consulting with City Council Representative Mr. Klingler. and it can go through to see how often it happens. Ms. Rose stated considering whether or not it blocks in neighbors' homes.

Someone suggested it is in place to manage the density of the property.

Mr. Turner brought up Huntington house pool overturned by Council. He wants to know if they get to understand why they overturned it. It seems like Council has not overturned an appeal since he's been on Board. Ms. Rose will send a decision to the Board and she said this is an example of why it is important for Board members to say why, so if it gets appealed, Council members can know why.

Why is the neighbor responsible for arguing position of the Board; Ms. Rose said because they have their reasons. They're appealing a decision of a Board, but the neighbor is supporting why the Board made their decision. Mr. Marsh thinks they gave that person that opportunity to speak and Council could have requested someone speak if they wanted that.

Bokor said the next time Catherine is here to explain. And Council needs a reason to support a decision.

Mr. Hall said that in most municipalities in which he's worked, you want most decisions to stay in BZAP and not go to Council. There should be an attitude that it stays here instead of going to council.

Have Marc or Catherine address legal question.

Arguing if it was the back, yard of the house. There was discussion about how the Board followed up on this case. Ms. Rose stated unique properties lead the way for variances.

There was discussion about front door of the home and Ms. Rose discussed the old ordinance and flipping from that.

Ms. Bokor said the problem was when a Board has a contentious case, and a boardmember feels they're not in favor, they need to explain why on the record.

When the decision was made, comments were made, and during their hearing, they didn't feel it wasn't discussed as a backyard, but the applicant discussed it was the backyard and Council

approved it, but this board didn't feel like it was the back yard. When no one from the Board is present to represent; he doesn't understand the process.

Mr. Marsh suggested that the next time Catherine is here they discuss and going forward, if there's a vote against it the reasoning goes in the record. When they approve, if there's an unusual circumstance, it should be stated.

Ms. Bokor said it is about appealing how the decision was justified.

9) Adjourn

The meeting was adjourned.