



**City of Bexley
Board of Zoning and Planning
December 1, 2022**

1) Call to Order

The Meeting was Called to Order by Chairperson Marsh.

2) Roll Call of Members

Members Present: Mr. Schick, Mr. Levine, Mr. Turner, Mr. King, Mr. Hall, and Chairperson Marsh

3) Public Comments

There were no public comments.

4) Staff Report

5) Approval of Minutes

Motion to approve the Meeting Minutes from the October BZAP Meeting by Mr. Hall, second by Mr. Schick; all in favor.

6) Old Business

A) Application Number: BZAP-22-35 Address: 545 N Drexel

Applicant: Zahra Elkassabgi

Owner: Mohamed El-Sayed

Request: The applicant seeking Architectural review and approval of a Certificate of Appropriateness for a pergola, a deck. The applicant is also seeking a variance from Bexley Code Section 1464.02 which requires a hot tub to be located five feet back of any building restrictions lines provided in the Zoning Code, to allow a hot tub to be located 5'1" from the north side lot line.

Mohamed El-Sayed was sworn in.

Ms. Rose stated this project was before the Board in September; since that time, the applicant has proposed modifications to remove two variances. She suggested that if the Board finds the variance for the hot tub to be appropriate, they should consider a design review by the Design Consultant for the pergola and deck, due to the design suggestions by the ARB, and any changes that may be necessary to address the building code. Staff would like to include that the rear yard must maintain a minimum 48" high fence at all time with self-closing, self-latching gates.

Ms. Bokor said the application went from the ARB to the BZAP without a recommendation because it didn't make sense for the ARB to review design items unless the variances were approved, as this project was already built. The applicant has new plans that cut the pergola so there is no variance needed except for the hot tub. The ARB was happy with the changes but wanted the applicant to continue refining details, which the applicant is doing with the help of a structural engineer. Additionally, the overhangs will be cut down and skirting around the bottom is being considered. The ARB wanted the removal of the double arbor; all of the conditions are listed in the Record of Action.

The applicant discussed the updates, including the pergola extension, deck, and hot tub. The new design addresses the pergola and deck. The structural engineer has made suggestions to the applicant. Additionally, the applicant stated the concrete pad was present when he purchased the home.

The findings and decisions of the Board for Application No. BZAP-22-35 for property located at 545 N Drexel: 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 that a 2'11" variance from Bexley Code Section 1464.02 is approved to allow a hot tub to be located 5'1" from the north side property line with the following conditions: 1) The rear yard must have a 48" minimum high fence with self-closing self-latching gates; 2) The pergola and deck are approved for a Certificate of Appropriateness subject to the applicant working with the Design Consultant on the conditions from the Architectural Review Board recommendations.

This applicant will go to Staff and will also require a building permit.

The applicant understood the Finding of Facts.

Motion to approve by Mr. Turner, second by Mr. Levine; Hall – Yes, Turner – Yes, Levine – Yes, Schick – Yes, King – Yes, Chairperson Marsh – Yes

7) New Business

A) Application Number: BZAP-22-43

Address: 157 N Ardmore

Applicant: Amy Lauerhass

Owner: Kyle & Allie Upchurch

Request: The applicant is seeking Architectural review and approval and a Certificate of Appropriateness to convert a section of house from 1-story to 1-1/2 story; expansion of front porch; change of rear shed roof. The applicant is also seeking a variance from Bexley Code Section 1252.10(a)(1) to allow expansions to this non-conforming principal structure.

Ms. Rose announced that an applicant from the previous month's meeting, that was looking to add an addition, created a plan that meets Code and the application is back to the ARB.

Amy Lauerhass was sworn in.

Ms. Rose gave an overview of this application, including the lot size and distances from the property line. She indicated that a previous deck-expansion without a permit does not conform to Code but was built prior to the current owners purchasing the property. She explained that the current variance request is to allow the east end of the home to be 1.5 stories, but the expansion will be challenging. The home is oriented to Denver Ave. The applicant is requesting a variance to expand the porch and modify the roof. She mentioned the sun room and stated that the ARB had suggestions and recommended zoning review with remand back to the ARB.

Ms. Bokor stated that the increase in height fits in better with the neighborhood, but this will be a difficult project and there was not complete comfort with the proposed solutions. Ms. Bokor said roof suggestions were made, as well as raising the water table.

Ms. Lauerhass stated the home is already nonconforming. Changes from the previous design, at the suggestion of the ARB, are shed roof on the dormers, the shed roof on the addition will have a changed roof, and to change the level of the cultured stone.

The following motion was to grant a 4'3" variance to the from the north side property line and 4" variance from the south side property line, was made by Mr. Schick and seconded by Mr. Turner.

The findings and decisions of the Board for application No. BZAP-22-43 for property located at 157 N Ardmore: 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 that a 4'3" variance to the from the north side property line and 4" variance from the south side property line, which are variance from Bexley Code Section 1252.10(a)(1) is approved to allow an expansion and modifications to the principal structure in substantial conformance with the plans submitted and further subject to the approval of a Certificate of Appropriateness which is remanded back to the Architectural Review Board for final review and design approval.

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

The applicant understood the Finding of Facts.

Motion to approve by Mr. Schick, second by Mr. Turner; Schick – Yes, Levine – Yes, Turner – Yes, Hall – Yes, King – Yes, Chairperson Marsh – Yes

B) *Application Number: BZAP-22-44*

Address: 2364 Brentwood

Applicant: Amy Lauerhass

Owner: Geoffrey and Tiffany Winchell

Request: The applicant is seeking Architectural Review and approval and a Certificate of Appropriateness for the demolition of an existing garage, construction of a new garage and the addition of a pool. The applicant is also seeking a Special Permit in accordance with Bexley Code Section 1252.15(a) to allow functional dormers on the proposed detached garage.

Ms. Rose gave an overview of this project; she shared the standard lot size and said this was in the consent agenda item for the ARB, in which the Board recommended approval to BZAP. This project size meets Code but a special project is required for a functional dormer. Ms. Rose also clarified that this is under the 60% lot coverage threshold. Staff supports the special permit based on meeting the required criteria; if the Board finds the overall lot coverage is greater than 60%, it should be addressed in the variance and recommended modifications subject to final review and approval by the Zoning Officer.

Ms. Bokor stated this was a unanimously passed Consent Agenda item by the ARB, noting that the dormers are small, and that this is for a special permit, not variance. This is part of the new garage code.

This garage has basically the same footprint as the previous garage, although it is moved slightly into the lot. Ms. Rose said if this was submitted without the dormers, it could be approved by Staff.

There was a question regarding a Board member recusing himself from the case, it was determined that he did not need to.

Ms. Lauerhass said they flipped the garage and removed the driveway.

Ms. Bokor and Ms. Rose clarified using a projected image.

Ms. Bokor said the Code was created so there was no concern with dormers looking into the neighbors' yard, although there is no concern with this project. However, there was a deliberate effort to make this a special permit, not a variance required. Ms. Rose said that because of the origination and the location that the dormers are facing, there is no privacy concern despite the usable space and functional dormers, which will be the exterior walls to the office.

The space will have plumbing.

The findings and decisions of the Board, for Application No. BZAP-22-44 for property located at 2364 Brentwood: 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 a Special Permit in accordance with Bexley Code Section 1252.10(a)(1) is approved, to allow functional dormers on the detached garage and a Certificate of Appropriateness, as recommended by the Architectural Review Board.

Motion to approve by Mr. King, second by Mr. Turner; King – Yes, Schick – Yes, Hall – Yes, Levine – Yes, Turner – Yes, Chairperson Marsh – Yes

C) *Application No. BZAP-22-45*

Address: 243 S. Stanwood

Applicant: Marc Abrams

Owner: Marc Abrams

Request: The applicant is seeking a Special Permit in accordance with Bexley Code Section 1264.03(d)(b) No fence, wall or combination thereof shall exceed forty-eight inches in height in the side yard setback area as it faces a public or private street, to allow a 6' fence to be located along the rear property line, along the alley, and 10' from the sidewalk along Elm Avenue.

Mr. Abramson was sworn in.

Ms. Rose gave an overview and stated there will an additional black aluminum fence parallel to Elm that runs up the driveway and meets the garage. He would like it to be 54" in height to accommodate the needs of the family's dog. Ms. Rose is focusing on the 6' fence running along the alley at the back of the property. The neighbors to the west also have an existing 6' fence that is angled at the corner; Ms. Rose wants to make sure there isn't an issue with pedestrian traffic. The 10' point that is proposed to be set back is even with the section of fence where it angles away from the alley of the neighbor's fence, so it doesn't need to be angled because it is far enough back and won't inhibit the view of the pedestrian traffic. She would like the 54" fence to be considered and stated; typically in this type of case there is a landscape plan review, but this is a black aluminum fence. However, Mr. Abramson is working on a landscape plan. Because it would have the same impact on pedestrian traffic as the neighboring fence she is in support of this project. Additionally, there is also an evergreen hedge along the alley that he might want to maintain, but it is challenging to do because of leaves, and would be more difficult with a fence.

If this is approved, the landscape plans will be staff approved. The design of the fence elade Ms. Rose's concerns about visibility but what is along the alley is solid and she wanted to measure. Ms. Rose discussed the visibility issue when you have traffic pulling out of the alley.

Mr. Abramson said he is looking to put a 6' privacy fence along the alley that will go along the backside where there is already a fence. He wants to include an aluminum fence 10' from the sidewalk. Mr. Abramson had spoken to Ms. Rose about landscaping in front; he doesn't have an issue putting something small in front of the fence in the alley.

Ms. Rose said Mr. Abramson wanted to place a fence along the north property line; the neighbor already has two fences there and Ms. Rose will work with the respective parties on that.

The orientations and setbacks of the fences were reiterated. No fence will cross the driveway.

The Findings and Decisions of the Board, for Application No. BZAP-22-45 for property located at 243 S. Stanwood: 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 a Special Permit in accordance with Bexley Code Section 1264.03(d)(b) is approved, to allow a 6' fence along the alley and 54" fence along the south side property line, 10' from the sidewalk, subject to a landscape plan to be submitted for staff approval.

The applicant understood the Finding of Facts.

Motion to approve by Mr. Schick, second by Mr. Turner; **Turner – Yes, King – Yes, Levine – Yes, Schick – Yes, Hall – Yes, Chairperson Marsh – Yes**

8) Other Business

9) Adjourn

The meeting was adjourned.

