



## Board of Zoning and Planning Staff Report

May 25, 2023 6:00 PM

### New Business:

1) Application Number: BZAP-23-10

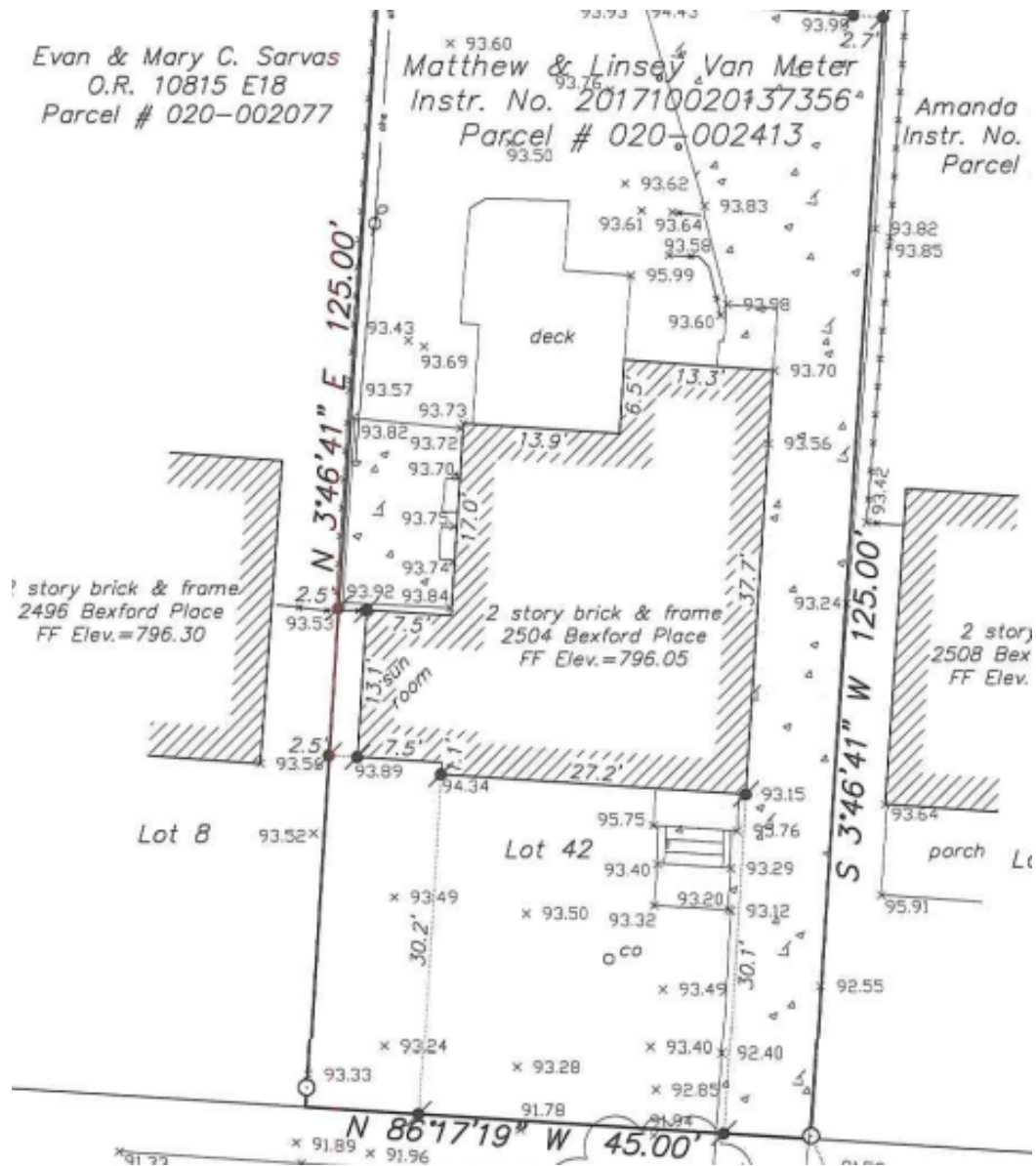
Address: 2504 Bexford Place

Applicant: Yvonne Riggie

Owner: Matt & Linsey Van Meter

Request: The applicant is seeking Architectural Review and approval of a Certificate of Appropriateness for an addition in the same footprint as the attached greenhouse. The applicant is also seeking a variance from Bexley code Section 1252.09 (R-6 Zoning District), which requires an 8' setback from the side property line, to allow an addition to be 2'6" from the west side property line in the same footprint at the attached greenhouse.





SURVEY OF SPACE BETWEEN 2504 AND THE LOT TO THE WEST



Site plan and front aerial of 2504 Bexford Pl

Background R-6 Zoning standard lot size: 50' x 120' - This lot is 45' x 125'

This is an existing greenhouse attached to the west wall of the principal structure and has an opening from the house to enter the space, as well as a door off the rear of the greenhouse.

R-6 Zoning requires a 7'6" side yard setback for this 45' wide lot. The greenhouse is located 2'6" off the west property line and would require a 5' variance from Bexley Code Section 1252.09, to allow a new addition to be constructed in the same footprint as the existing attached greenhouse.

If the Board finds it appropriate to grant a variance to allow the proposed addition. The applicant has indicated that the west (side) wall of the addition would have a 1-hour fire rating, due to the proximity to the side property line, to addresses the fire code, as it does not allow for openings in a wall less than 3' from a property line. The windows can only be located on the front and rear of the addition and why it is designed as proposed.

2) Application Number: BZAP-23-11

Address: 2444 Bexley Park

Applicant: Valerie Halas

Owner: Kacy King

**Request:** The applicant is seeking a Certificate of Appropriateness for an attached garage with a 2<sup>nd</sup> floor above, which will replace the existing attached garage. The applicant is also seeking a 4' 5 ½" variance from Bexley Code Section 1252.09 (R-6 zoning) to allow the new attached garage with a 2<sup>nd</sup> floor to be located 20' 6 ½" from the rear property line.



Background (R-6 Zoning) standard lot 70' x 120' for corners - This lot 83' x 140'

Bexley code Section 1252.09 requires a 25' setback from the rear yard property line, and an 8' setback from the west side property line for principal structure and includes attached garages.

The existing attached (1-story ) garage is located 3' from the side property line and approximately 24' 6" from the rear property line.



The proposed attached garage with a 2<sup>nd</sup> floor is to be located 10' from the west (side) property line and 20' 6 ½" from their rear property line. Which would encroach 4' 6 ½" into the rear yard setback.

The existing driveway (which is 1001sq' of hardscape) has an awkward exit at the corner of the lot where the alley intersects with S. Cassady. They plan to remove the driveway and add 798 sq' of hardscape between the alley and new garage entrance .

There are many large trees on the property and the changes will reduce the hardscape, and remove some trees along the alley to create more yard space.

The overall massing of the structure is increased, but it is pulled away from the closest neighboring property. The ARB wanted Karen to share their design critique which encouraged the applicant to table the application but continue on for zoning review. If the Baord finds it appropriate to grant a variance they may want to remand final design approval back to the Architectural Review Board.



West façade of 2444 Bexley Park with existing 1-story attached garage

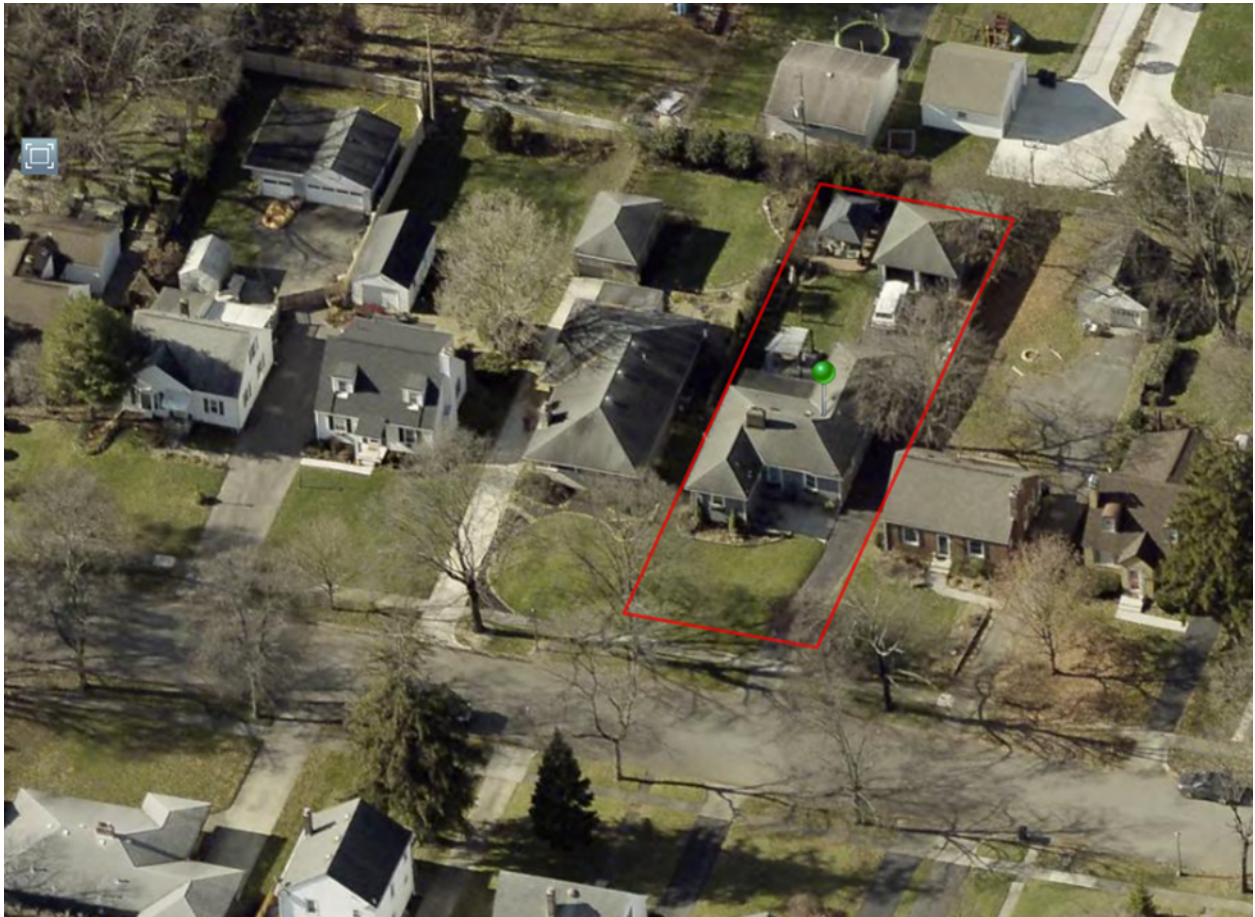
3) Application Number: BZAP-23-12

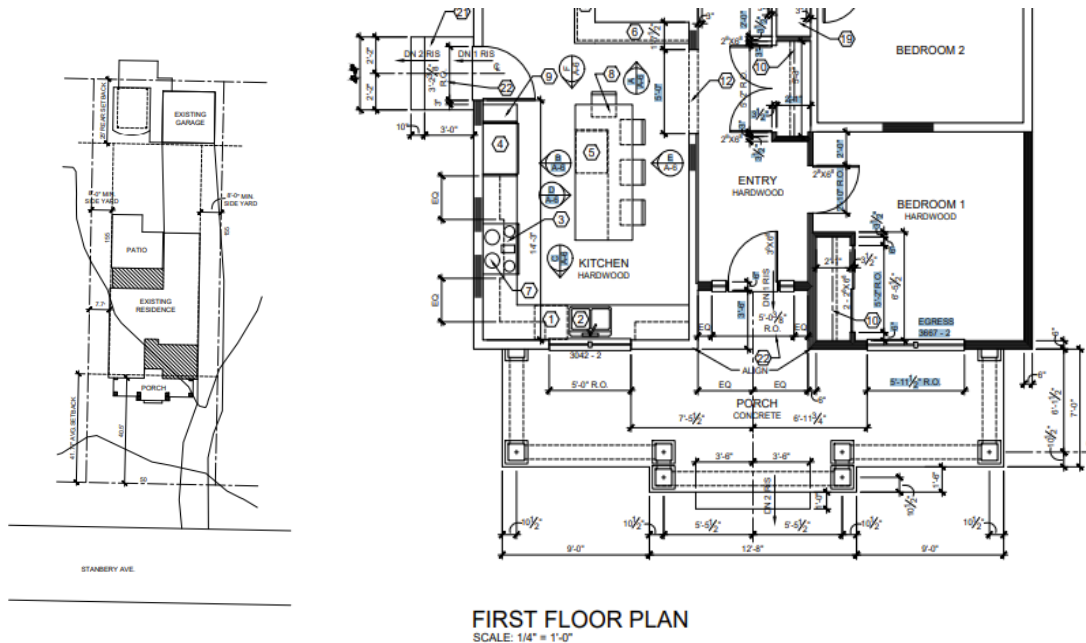
Address: 505 N. Stanbery

Applicant: Gary Alexander

Owner: Jonathan and Eline Brandt

Request: The applicant is seeking approval of a Certificate of Appropriateness for additions to the front and rear of the principal structure and a new open front porch.





Background - R-6 Zoning standard lot 50' x 120' - This lot is 50' x 155'

The front yard setback for R-6 Zoning District is 30' or the average existing dwelling setback; whichever is greater.

The majority of the homes in this block have a similar setback from the street. The average existing setback for this section of the block is 41.77'. The existing house at 505 N Stanbery has a 40.5' setback from the front property line, making it non-conforming in that it encroaches 1.27' into the front yard setback.

The addition at the front of the house does not encroach any further than the existing structure, but simply infills the north end of the front façade.

I think it's important to note that code allows an open porch to encroach 10' into the front yard setback. The open porch proposed will extend 8.27' into the front yard setback. If the Board finds it appropriate to grant a variance to allow for the additions (enclosed living space), the proposed open front porch will meet code.

The Architectural Review Board Recommended that a certificate of appropriateness be approved by the BZAP, subject to a variance review, and if granted, the design should be conditioned. Those conditions are to be shared with the BZAP, by the Design Consultant related to molding details etc.





Powell Avenue – Property line is approximately 2’ behind the sidewalk

3) Application Number: BZAP-23-12

Address: 88 S. Parkview

Applicant: Pat Ryan

Owner: Tracy Ediger

Request: The applicant is seeking a Special Permit to allow a 6’ fence along the Powell Avenue side yard east of the driveway. Bexley Code Section 1264.03(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.

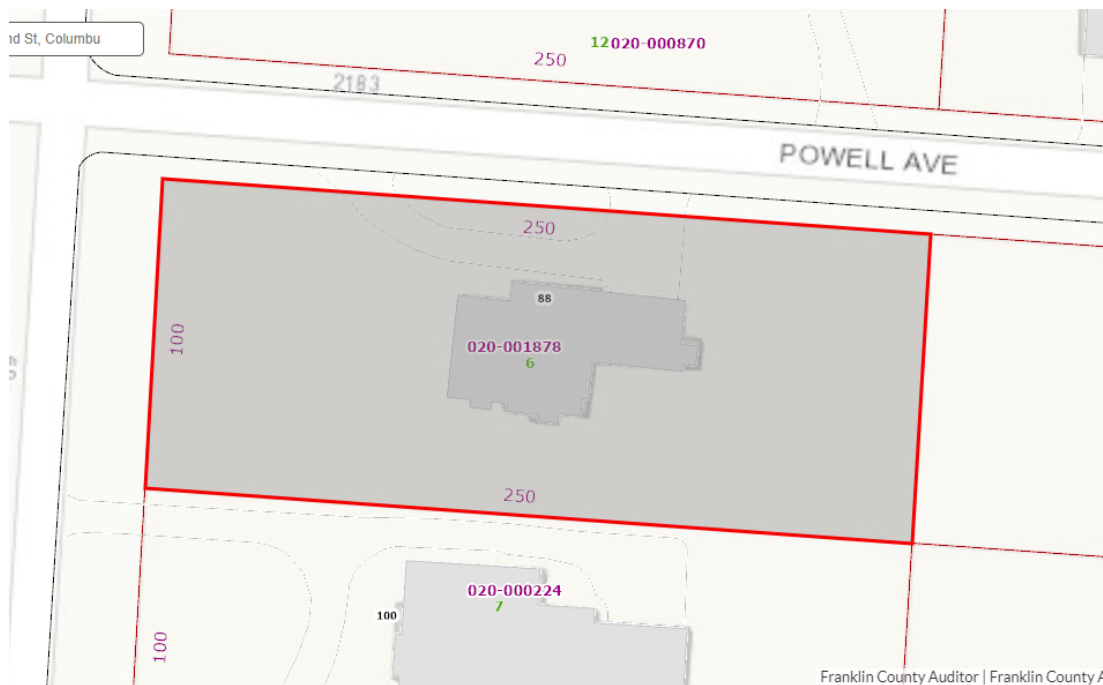
Background – R-3 Zoning District standard for corner lots 120’ x 160’ – this lot is 100’ x 250’

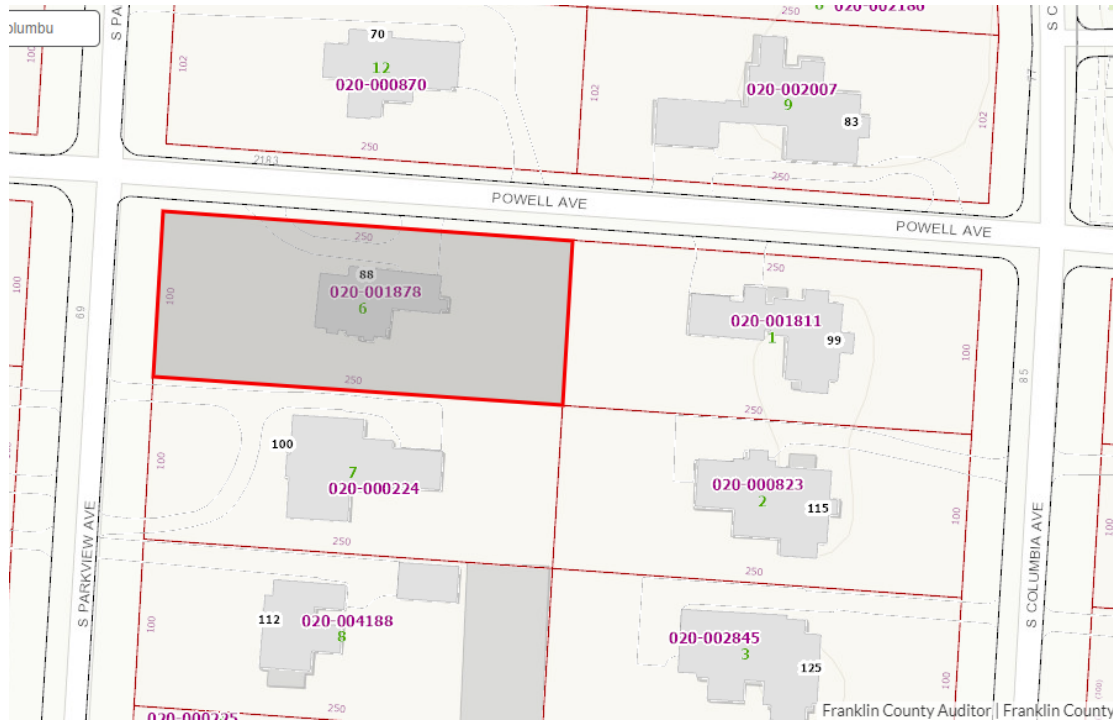
Fencing or walls exceeding forty-eight inches in height, as measured from the average grade, may be allowed with a special permit from the Board of Zoning and Planning. The Board shall consider the following criteria in reviewing such applications:

- 1) The proposed side yard fence or wall exceeding forty-eight inches in height and on the street side of a corner lot is compatible with other properties in the neighborhood.



- 2) The maximum height of such fence or wall shall not exceed seventy-two inches as measured from the average grade, as defined in Section 1230.06. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included within the seventy-two-inch maximum height.
- 3) Fences exceeding forty-eight inches in height should include transparency in the upper 12" to 18" of the fence through the use of latticework, pickets, or other appropriate design elements.
- 4) A landscaping plan must be filed with the application for a fence permit and approved by the Zoning Officer, indicating how such fencing or wall is to be screened from the street side elevation. The landscape plan should be designed in such a way as to mitigate the impact of a solid fence or wall as it relates to the street and other properties.
- 5) The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
- 6) No chain link, wire mesh or other similar material shall be installed on lot lines adjacent to public right-of-way.





They would like to place a 72" high fence along the side property line, parallel to Powel for a distance of 68'. The property line is approximately 2' behind the sidewalk.

There is a row of trees along the side yard. The fence appears to be in the center of the row, with trees staggering both sides of the fence. Staff is concerned if the existing landscape is adequate. The fence would not change the visibility much, due to the number of existing tree & shrubs.

There is an exiting fence located along Powell Avenue, just east of this property, which had a variance on file from 1988 – the fence was recently replaced, but I did not find a fence permit. It also does not appear to have a landscape plan which was originally required and verified when a fence is being replaced. Staff will be following up.....

Should the Board grant a variance for the new plan staff would recommend that the landscape plan be subject to review and approval by the Landscape consultant, who may defer it to the Tree & Public Garden Commission.

## E.1 Variance Worksheet

### Clear Section

Variance requests will be heard by the Bexley Board of Zoning and Planning. Variances are based upon a legal determination of whether the request meets the criteria specified by Bexley City Code.

Description of the Proposed Variance. Please provide a thorough description of the variance being sought and the reason why.

Looking to get a 6' tall fence on the North side of the property along the powell

1. Does the property in question require a variance in order to yield a reasonable return? Can there be any beneficial use of the property without the variance? Please describe.

Looking to get privacy in the backyard from the powell side of the property

2. Is the variance substantial? Please describe.

No, the neighbor to the East has a 6' fence that we would tie into but also our fence would be further back from the property line than the existing neighbor's fence

3. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance? Please describe.

No, I believe it will help increase the value of the home knowing it has a fence for privacy and security reasons

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## E.2 Variance Worksheet

4. Would the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)? Please describe.

No

5. Did the property owner purchase the property with the knowledge of zoning restriction? Please describe.

No

6. Can the property owner's predicament feasibly be obviated through some method other than a variance? Please describe.

No, They are looking to keep their new puppy in the backyard and achieve privacy from powell

7. Is the spirit and intent behind the zoning requirement observed and is substantial justice done by granting the variance? Please describe.

Yes, They can then keep their new puppy in the backyard

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## F.1-F.2 Fence Variance Worksheet: Side and Rear Yard Restrictions for Corner Lots Clear Section



1. Compatibility: Describe how the proposed side yard fence or wall exceeding forty-eight inches in height and on the street side of a corner lot compatible with other properties in the neighborhood?

The Neighbor just to the East of this property has a 6' cap and trim fence right behind the city sidewalk so we figured the same style fence although 2.5' behind the property line

2. Height: Please verify that the maximum height of such fence or wall shall not exceed seventy-two inches as measured from the average grade, as defined in Section 1230.06. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included within the seventy-two inch maximum height.

The overall height of the fence will definitely not exceed the height of 72" measured from average grade

3. Transparency: Fences exceeding forty-eight inches in height should include transparency in the upper 12" to 18" of the fence through the use of latticework, pickets, or other appropriate design elements. Describe how you have satisfied this requirement.

4. Screening: A landscaping plan must be filed with the application for a special permit, indicating how such fencing or wall is to be screened from the street side elevation. The landscape plan should be designed in such a way as to mitigate the impact of a solid fence or wall as it relates to the street and other properties. Describe how the landscape plan addresses these items.

The Fence will already be screened by the existing hemlocks

5. Visibility and Safety: The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement. Please describe any visibility/safety concerns with your design.

The fence will stop before you get to the driveway and 5' back from the city walkway

6. Material Compatibility: No chain link, wire mesh or other similar material shall be installed on lot lines adjacent to public rights-of-way. Please verify that your design complies with this requirement.

Constructed of all treated wood

7. Finished Side: Any fence or wall erected on a lot located at the intersection of two or more streets must have the finished and not the structural side facing the adjacent property, alley or street. Please verify that your design complies with this requirement.

The finished side of the fence will be facing Powell.

Kathy Rose

Zoning Officer