



Board of Zoning and Planning Meeting Staff Report

December 5, 2024

6:00PM

Per 1226.11 Variances.... (c) Area (Non Use) Variances, the following factors shall be considered and weighed by the Board when making a determination upon any area (non-use) variances by a preponderance of the evidence:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) Whether the variance is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Old Business

- 1) App No: BZAP 24-28 (also filed under BZAP 24-31)
Address: 490 -492 N Cassady
Applicant: Jawad Khan
Owner: Bob Marshall

Request: The applicant is seeking a special permit and a variance from Bexley code section 1254.17 to allow a food trailer/ cart (accessory use/ structure) to be permanently installed in the side yard of 490 N Cassady.

New Business

- 1) App No: BZAP 24-35
Address: 470 S Parkview

Applicant: Santiago Alvarez

Owner: Jana Clarke

Request: The applicant is seeking a certificate of appropriateness and an area variance from Bexley code section 1252.17 to allow a 1,549 sq. ft in-law suite addition above a new attached garage.

Staff Notes

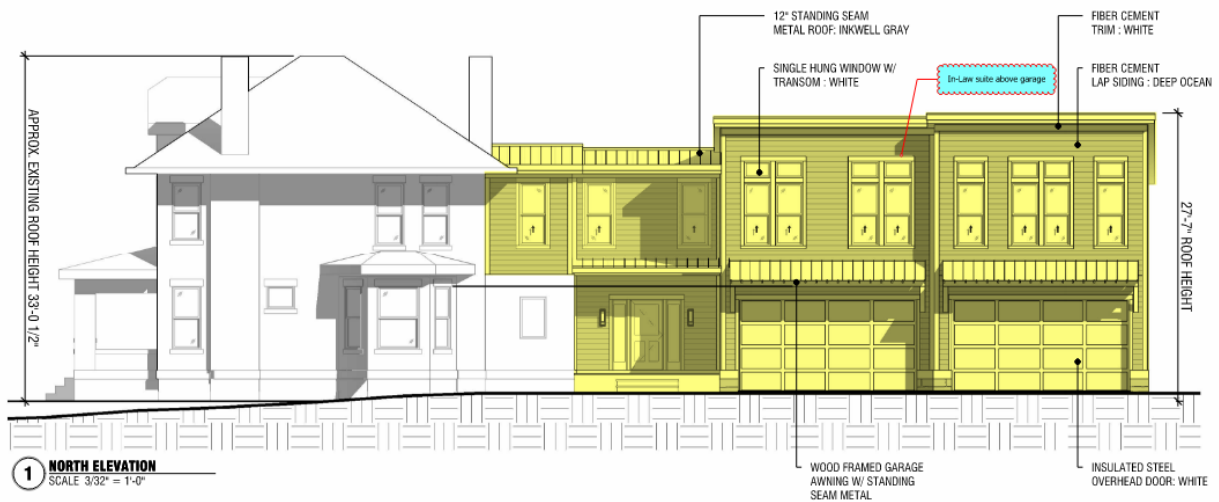
- R-3 Zoning Interior Lot
- Allowable size of in-law suite is **800 sq. ft.**
- ARB moved without a recommendation to send this to BZAP
- The applicant needs a 749 sq. ft. variance for this project.
- Current Lot size is 175 ft x 65 ft
- Requesting 1,549 sq f. in-law suite

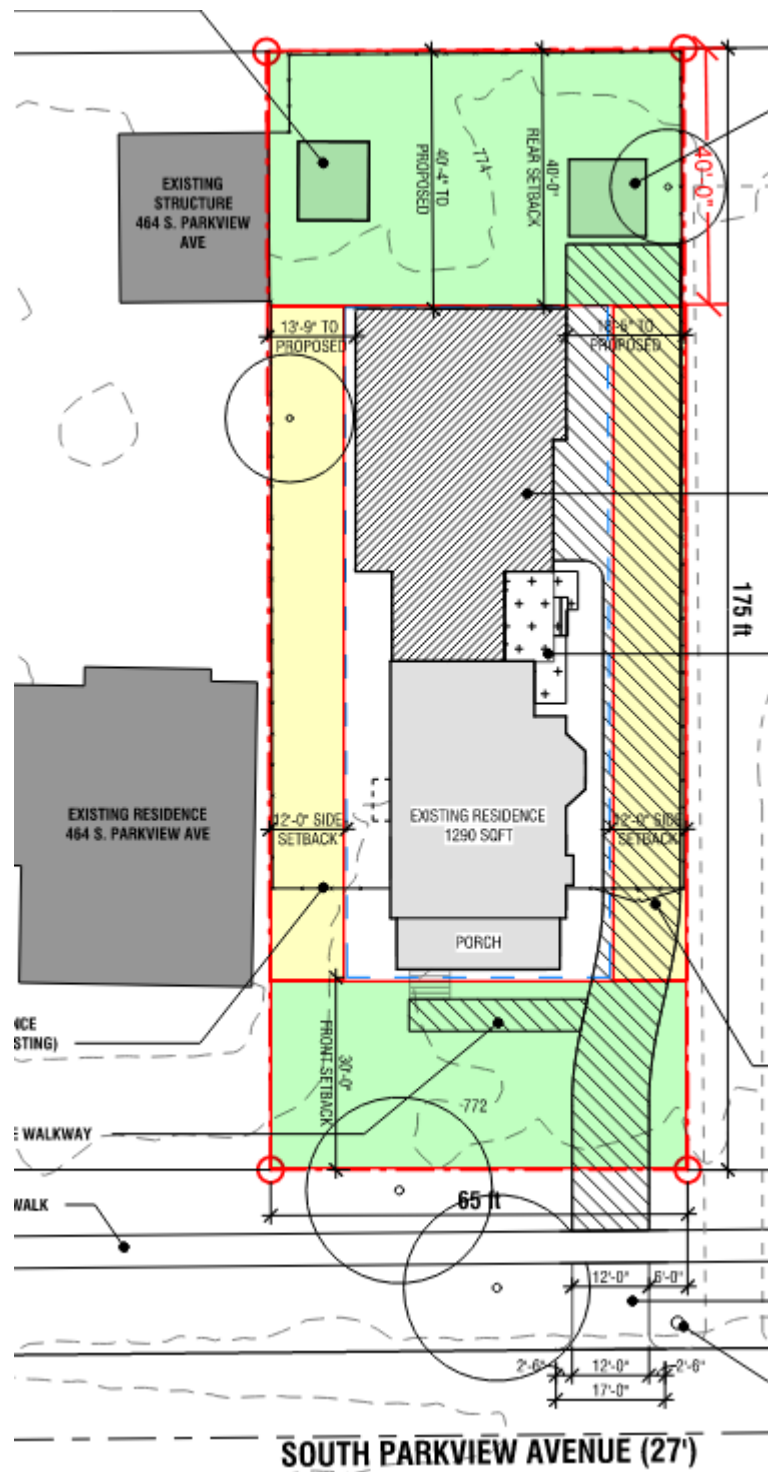
1252.17 IN-LAW SUITES.

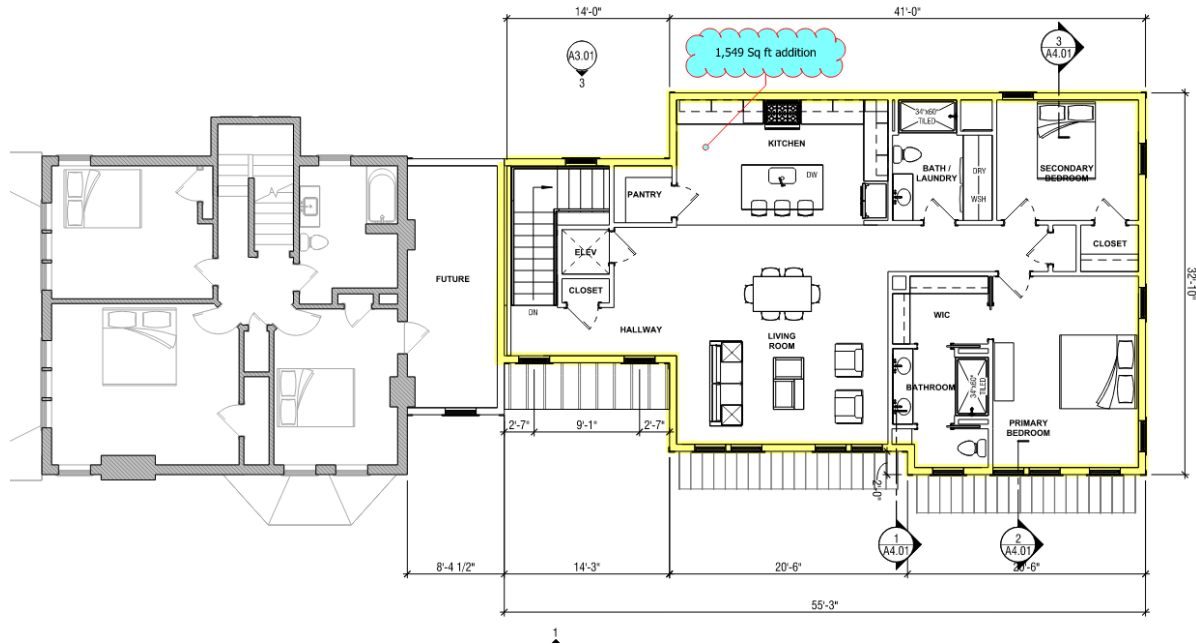
An independent dwelling unit in conjunction with and clearly subordinate to a primary dwelling unit, for the habitation of family members as described below, shall be a permitted or Conditional Use in designated residential districts as described in Section 1252.08, provided that the following requirements are met:

- (a) The in-law suite must be located within the principal structure (which includes attached garages or areas over attached garages).
- (b) No more than one in-law suite is permitted per principal structure
- (c) Maximum size of the in-law suite shall not exceed 800 square feet.
- (d) The structure must maintain a single-family residential appearance, which blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided and approved by BZAP. Said plans shall include a landscape plan, which will be followed as approved.
- (e) The in-law suite may be located on the first or second floor.
- (f) Property owner must live on site, and the in-law suite must be subservient to the principal use of the property as a dwelling.
- (g) The in-law suite shall be occupied by family of the owner of the principal residence.

(Ord. 29-16. Passed 11-15-16.)





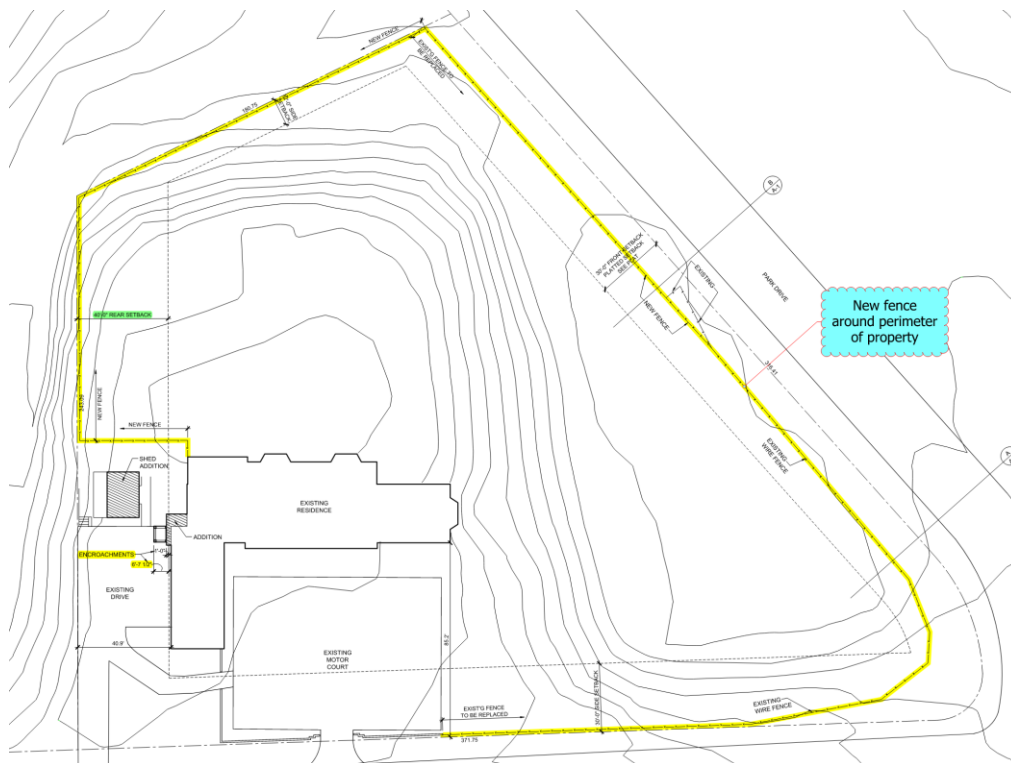
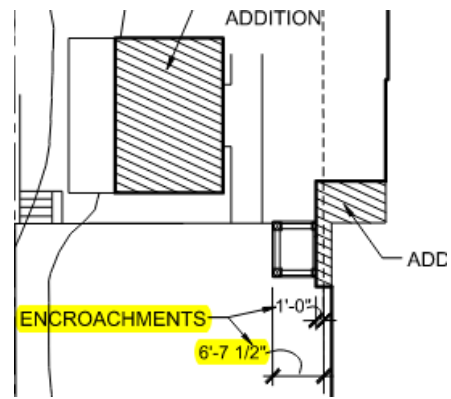


- 2) App No: BZAP 24-40
 Address: 2075 Fair Ave
 Applicant: Gary Alexander (Agent for owner)
 Owner: William Bundy

Request: The applicant is seeking a certificate of appropriateness for a mudroom addition, a 6'-7 1/2" rear yard setback area variance from Bexley code sections 1252.09, and an area variance from Bexley code section 1264.02 to install a new 5 ft tall ornamental black steel fence in the front yard.

Staff Notes

- R-3 Zoning – Corner lot
- Front yard is platted to Park
- 1252.09 – requires 40 ft rear yard setback for R-3.
- 1264.02 – allows front yard fences up to 42" with special permit..... 5 ft needs a variances
- ARB recommended a certificate of appropriateness for the project.
- Variances are minor. Staff sees no issue
- Irregular shaped lot at corner of Fair & Park
- Front door faces Fair Ave.

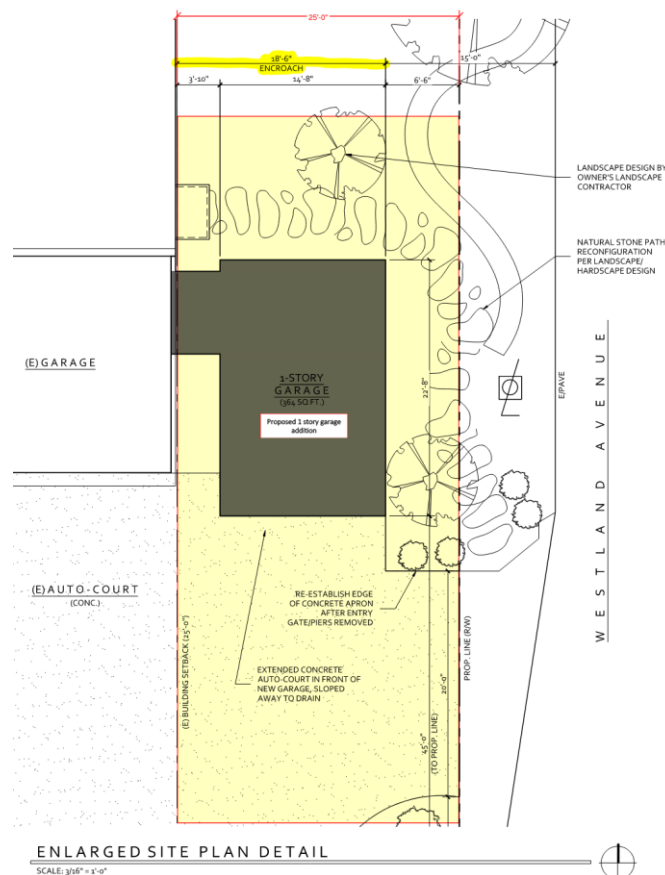


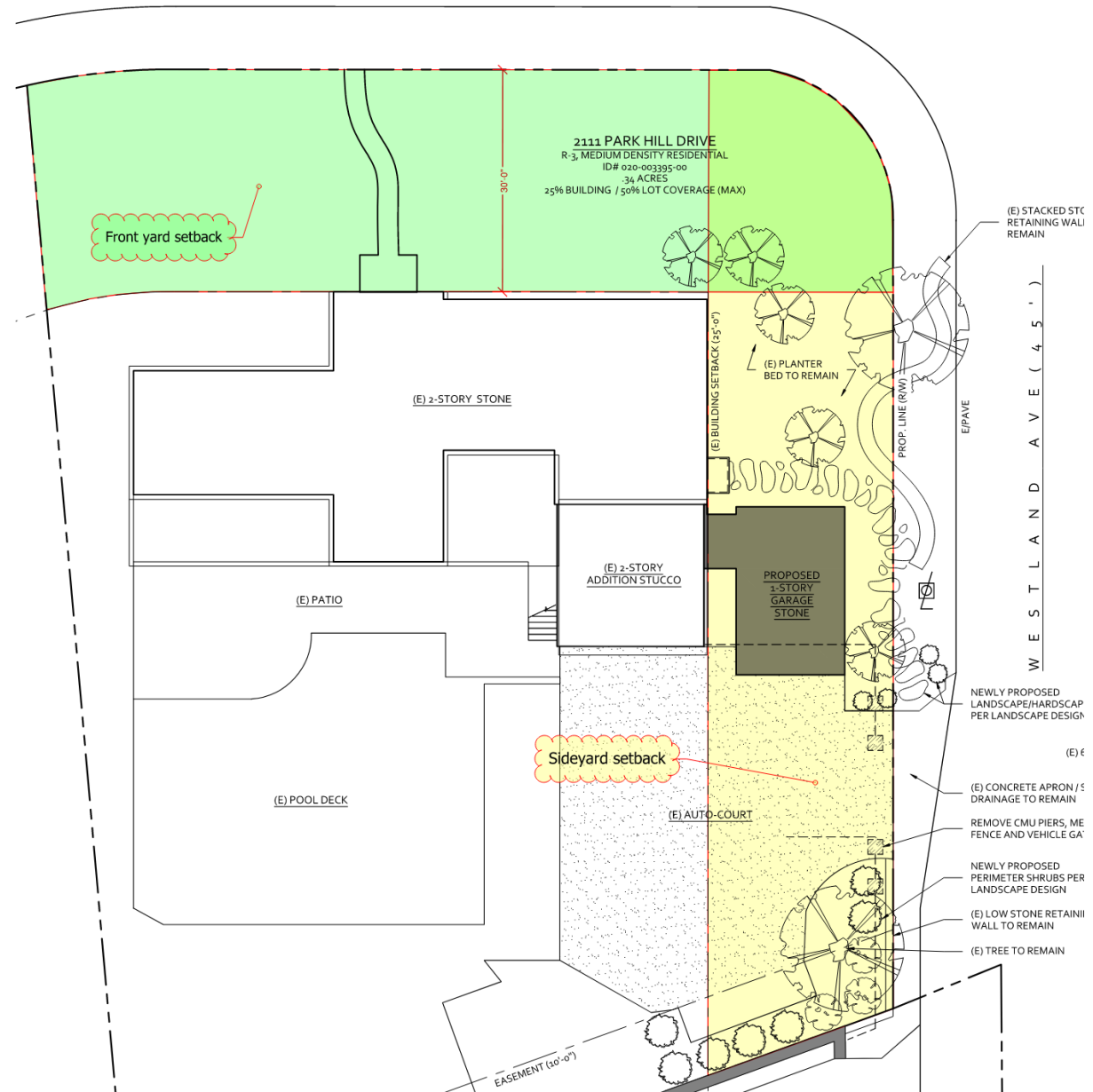
3) App No: BZAP 24-41
 Address: 2111 Park Hill
 Applicant: Steven Schwope
 Owner: Patrick King

Request: The applicant is seeking a certificate of appropriateness and an 18'-6" area variance to encroach into the street-side side yard setback for a new attached single-bay garage addition.

Staff Comments

- R-3 zoning – Corner lot
- Irregular shaped lot
- 1252.10 Side yard requirements for corner lots over 100 ft wide is 25 ft.
- ARB conditionally recommended this application for certificate of appropriateness.
 - Eave details match primary structure at a scale appropriate for structure
 - Work with Design consultant on the final details
- Although variance is substantial in distance, the property is large and the primary structure sits far off Westland.
- The addition will be heavily landscaped from the Westland view, and the architecture and massing is in keeping with neighborhood
- Staff sees no issue with this variance







CONCEPTUAL 3D RENDERINGS- EXTERIOR VIEWS

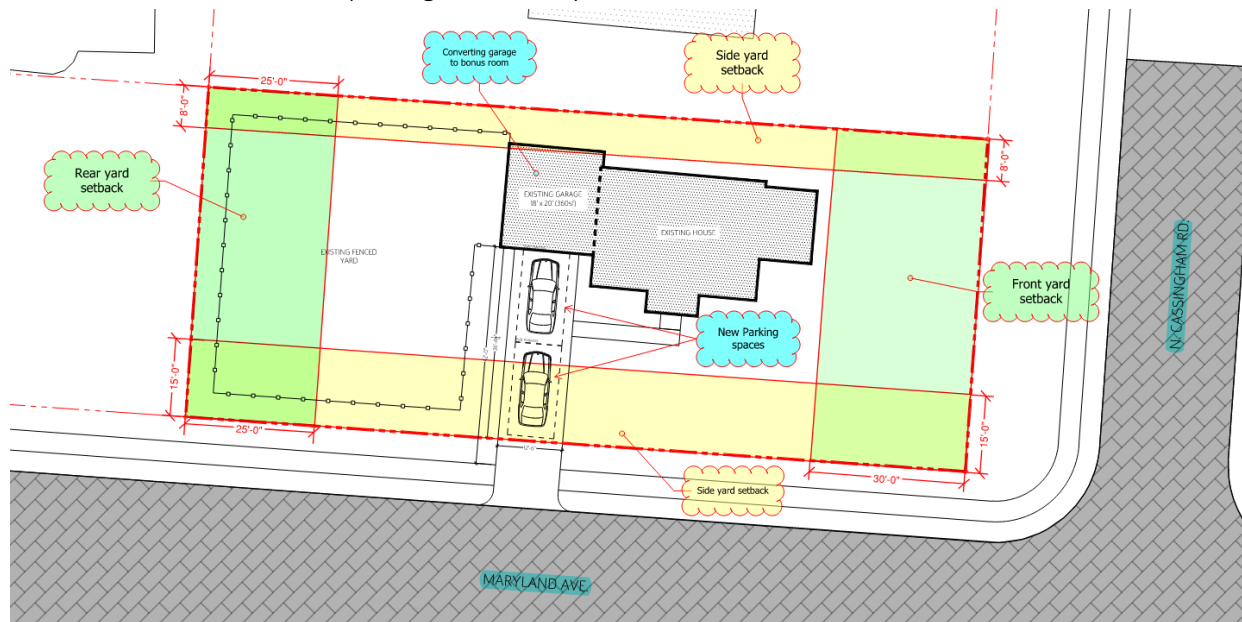
NO SCALE

- 4) App No: BZAP 24-42
 Address: 295 N Cassingham
 Applicant: Kiernan Smith
 Owner: Jennifer Zmuda

Request: The applicant is seeking variances from Bexley code section 1262.04 to convert an existing attached garage into a bonus room and from Bexley code section 1262.01 (a) to convert the existing driveway into parking spaces.

Staff Comments

- R-6 Zoning District – Corner Lot
- Front yard is platted to Cassingham
- 15 ft street-side side yard setback
- Current property has rear parking via an attached garage that is accessed from Maryland
- 1262.04 (b) – No spaces, aisles or any portion of a driveway that does not access a rear yard parking space or garage shall be located in the front yard....
- 1262.02 (a) R-6 zoning requires 2 spaces per dwelling unit
- 1262.01 (a) Each parking space shall have an area of not less than 162 square feet (9x18) exclusive of access drives or drive aisles....
- Eliminating the garage, eliminates the code required parking on the property, unless the variance is granted to convert the driveway into the parking spaces.
- The intent of the code is to have all parking located in the rear of the property. The variance needed would allow parking in the side yard.





3D EXISTING
SCALE



3D PROPOSED
SCALE

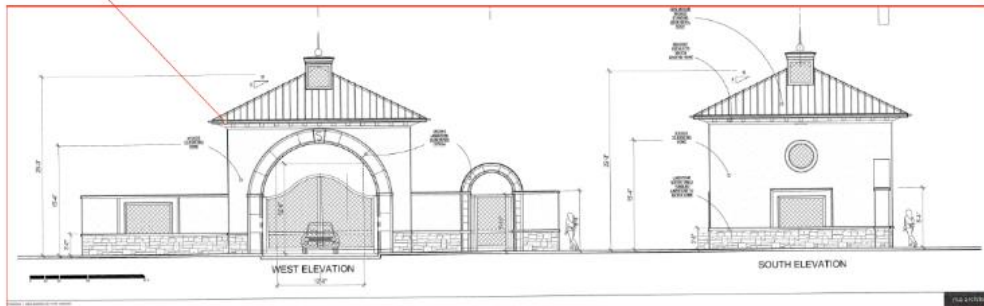
- 5) App No: BZAP 24-45
 Address: 333 N Parkview
 Applicant: Matt North
 Owner: Jimmy Conroy

Request: The applicant is seeking a variance from Bexley Code section 1264.02 to install a 6 ft tall black steel fence in the front yard.

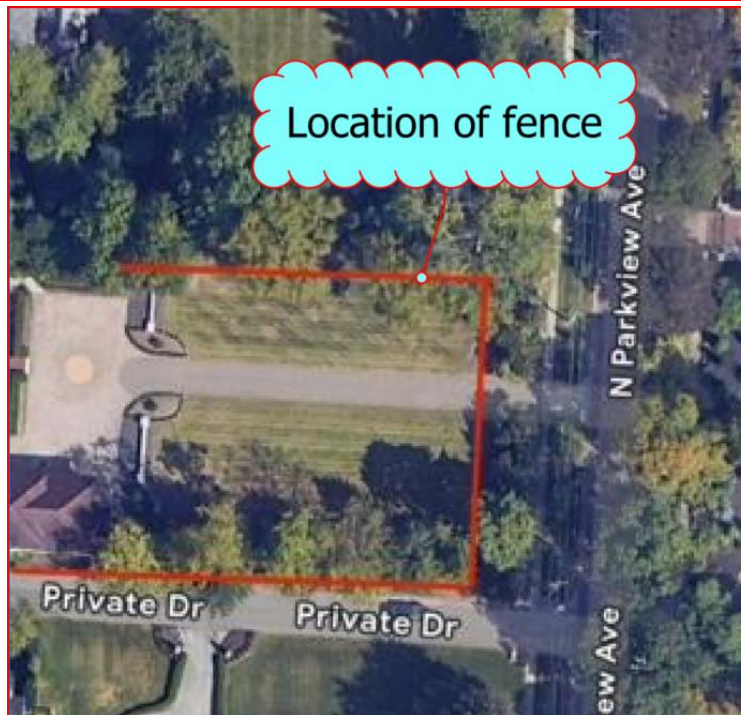
Staff Comments

- R-1 zoning
- Interior lot - 143' wide x 223' deep
- 1264.02 (c) allows front yard fences NOT TALLER THAN 42"
- The proposed fence will be 72" tall thus a 30" height variance is needed.
- Fence will have minimum 50% transparency and the lot is large enough that it supports the additional height request.
- No landscaping plan is on file however the fence will be installed behind the existing landscaping near Parkview.
- The entry way that is shown below is from a previous project that was drawn. The owner does not currently have plans to install the concrete entry way.
- Staff recommends getting an iron pin survey before the fence is installed as the south property line gets very close to the neighbor's driveway.

Is this getting built in the front along with the fence?
Because if so, it's multiple variances, one for an accessory structure and one for the fence.
I would suggest one BZAP application if so



Location of fence





7) Tabled Applications

App No: BZAP 24-39
Address: 819 S Cassingham
Applicant: Amy Music
Owner: Amy Music & Nathan Daynes

Request: The applicant is seeking a variance from Bexley code section 1252.15 (g) (1) to allow a playhouse accessory structure within 3 ft of the required side and rear yard setback for accessory structures.