

City Council Meeting Agenda

Tuesday, September 21, 2021 6:00 PM

- 1) Call to Order
- 2) Roll Call of Members
- 3) Pledge of Allegiance
- 4) Opening Remarks City Attorneys and Zoning & Judicial Chairperson
 - A) Resolution 10-21 granting area variances with conditions from the minimum lot requirements for the property located at 407 Northview Drive zoned R-3 residential, to allow two non-conforming contiguous lots in single ownership being used in combination and considered an undivided parcel under the Bexley City Code to be split to permit two independent lots and parcels that would not meet existing R-3 minimum lot requirements. (Introduced by Jessica Saad on August 10, 2021)
- 5) Staff Report Kathy Rose
 - A) Staff Report
 - B) 407 Northview CC Application
 - C) 407 Northview ARB Approved Plan with Conditions
 - D) 407 Northview ARB Streetscape Plan
 - E) 407 Northview Exterior Renderings Final Approved
- 6) Testimony/Presentation of Applicant
- 7) Testimony of Property Owners with Standing
- 8) Temporary Adjournment for Deliberation
- 9) Announcement of Decision or Date of Continuation or Deliberation
- 10) Adjourn

All agendas are subject to change.

City Council Policy for Correspondence:

All correspondence addressed to City Council or requested to be distributed to City Council by the sender is a matter of public record and will be placed on the City of Bexley Website (www.bexley.org) at Public Documents > City Council > Council Correspondence. If the subject of the correspondence is not on the Council Agenda, the sender may discuss the issue during Public Comments. If the subject of the correspondence is on the Council Agenda, the sender may discuss the issue at the time the issue is addressed during the Council meeting.

City Council Policy for Public Comments:

Members of the public are encouraged to provide comments to City Council at the following times:

For issues that are not on Council's agenda:

• At a designated public comment period near the beginning of the meeting

For items on Council's agenda (when speaker slip has been filled out in advance):

- During an ordinance or resolution that is being discussed
- Residents may submit up to two separate speaker slips per meeting
- Please note that the speaker slip must be filled out prior to entering Council chambers and must be promptly handed to the Council secretary

For items on Council's agenda (when a speaker slip has not been filled out in advance):

- During the public comment period after a motion has been made and seconded to adopt an ordinance or resolution (typically the third reading)
- During a designated public comment period at the end of the meeting

Time limits for public comments:

While City Council will not routinely impose time limits on either Agenda or Non-Agenda visitors who wish to address City Council, those commenting are asked to confine their remarks to approximately five (5) minutes and for Agenda items, to direct their comments to the subject matter being addressed in the legislation. This five minute limitation also applies to City Council members per 220.01 (rule 13).

Additional guidelines for public comments:

- Any speaker addressing Council shall provide his/her name and address.
- Undue interruption or other interference with the orderly conduct of remarks is not permitted.
- Defamatory or abusive remarks are always out of order.
- Violation of this policy may result in termination of the speaker's comments and/or removal from the meeting

RESOLUTION NO. 10-21

Introduced by: Jessica Saad

A Resolution granting area variances with conditions from the minimum lot requirements for the property located at 407 Northview Drive zoned R-3 residential, to allow two non-conforming contiguous lots in single ownership being used in combination and considered an undivided parcel under the Bexley City Code to be split to permit two independent lots and parcels that would not meet existing R-3 minimum lot requirements .

WHEREAS, the codified ordinances of the City of Bexley reserve to and grant Bexley City Council the authority to grant variances from the minimum lot requirements of any zoning district in the Planning and Zoning Code and to attach conditions to any variances granted; and

WHEREAS, the property whose street address is 407 Northview Drive in the city of Bexley is owned by a single owner, comprised of two platted lots and a portion of a vacated street, has two Franklin County Auditor's parcel numbers (parcel number 020-004324 and parcel number 020-004325) and the entire property is being used in combination as an undivided parcel with a single family residential use and accessory garage (the "Property"); and

WHEREAS, the Property is located in an R-3 Medium Density Single-Family Residential District and is considered to be an "undivided parcel" under Bexley City Code Section 1226.02 that has a non-conforming lot depth; and

WHEREAS, the owner of the Property would like to demolish the existing residence and accessory garage on the Property and redevelop the Property and has filed an application with this Council requesting that variances be granted to permit the existing undivided parcel to be subdivided to revert back to the originally platted lots as modified by the vacation of the street so that the owner can build a new residential structure on one of the originally platted lots that was enlarged with a portion of the vacated street and the other originally platted lot can be separately developed with a new residence as permitted in the R-3 zoning district; and

WHEREAS, neither of those two lots would meet the minimum dimensional requirements of the existing R-3 zoning district; and

WHEREAS, this Council held a duly noticed hearing upon the owner's application for variances from the requirements in an R-3 zoning district to permit the subdivision of an existing lot that meets the minimum lot and yard standards into two lots that do not meet the minimum lot requirements and one that also does not meet the minimum yard requirements

of the R-3 zoning district and the owner's request that this Council grant the variances necessary to permit such lot split.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

The Property before Council has a current street address 407 Northview Drive and includes all of Lot 19 of Second Ruhl Place recorded in Plat Book 17, page 104 in 1926 along with the northern 30 feet of vacated Ruhl Avenue as recorded in Plat Book 62, page 65 of the records of the Recorder's Office of Franklin County, Ohio (collectively "Lot 19" being Franklin County Auditor's parcel number 020-004324) and all of Lot 20 of Second Ruhl Place recorded in Plat Book 17, page 104 ("Lot 20" being Auditor's parcel number 020-004325). The Property (combined parcel) is 173.77 feet wide by 149.5 feet deep with a lot area of 25,978.615 s.f. The Property is located in the R-3 Medium Density Residential District that has the following minimum lot requirements: 90 feet lot width; 160 feet lot depth and 14,400 s.f. lot area. The existing Property does not meet the minimum lot depth requirements.

Section 2.

Council finds, following a duly noticed hearing, that the applicant has proven, by a preponderance of evidence presented at the hearing, that the applicant has meet the factors set forth in Bexley City Code Section 1226.11(c)(1) - (7) necessary for an area variance that would permit a single "undivided parcel" under the Bexley Zoning Code in the R-3 Medium Density Residential District to be divided into two parcels that do not meet the minimum lot requirements of the District and with each parcel being developed with a new single family residence.

Section 3.

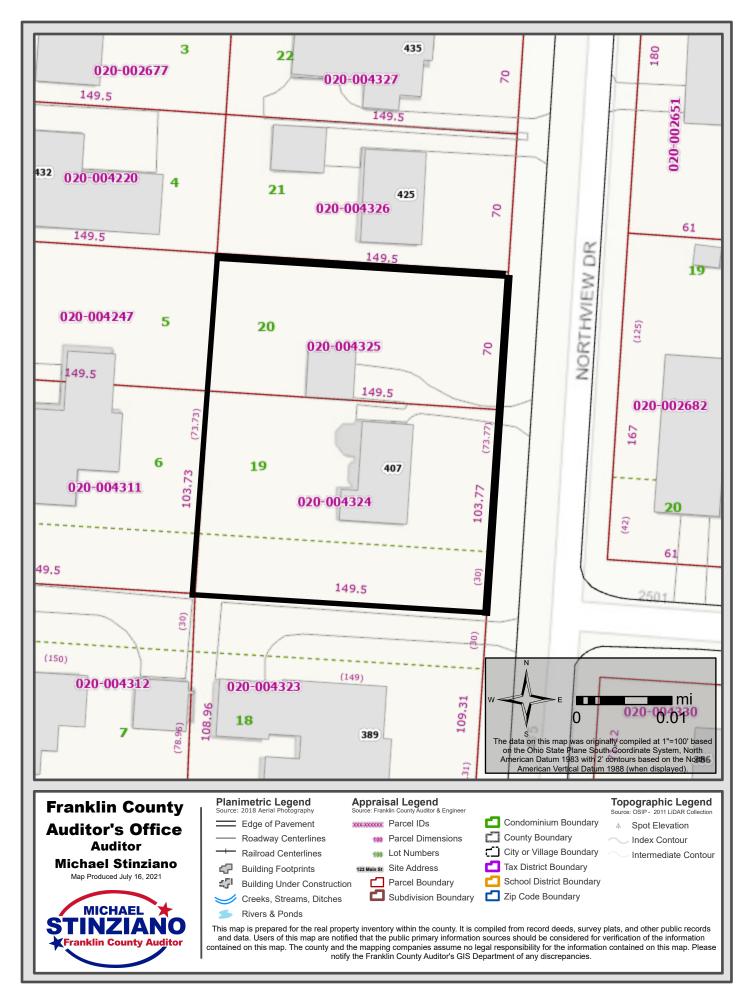
Council hereby grants the following area variances from the R-3 District Regulations in Section 1252.09 of the Codified Ordinances of the City of Bexley for the Property subject to the conditions provided herein:

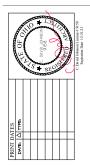
- A. <u>Lot 19</u>. Lot 19 (including the vacated street) is granted a 10.5 ft. variance from the required R-3 minimum lot depth of 160 feet and the dimensions of the Lot 19 shall be a minimum of 103 feet wide, a minimum of 149.5 feet deep and have a minimum lot area of 15,398.5 as generally shown on Exhibit A attached to this Resolution. Lot 19 will conform to the R-3 minimum yard requirements.
- B. Lot 20. Lot 20 is granted a 10.5 ft. variance from the required R-3 minimum lot depth of 160 feet, a 20 ft. variance from the required R-3 minimum lot width of 90 ft. and a variance of a 3,865 s.f. from the R-3 minimum lot area of 14,400 s.f. as generally shown on Exhibit A attached to this Resolution. The minimum dimensions of the Lot 20 shall be 70 feet wide and 149.50 feet deep with a minimum lot area of 10,465 s.f.
- C. <u>Variance Conditions</u>. The variances granted in this Resolution to allow for division of the Property and separate residential development of Lot 19 and Lot 20 are all subject to the following conditions:

- 1. The owner shall promptly prepare and file an application for a certificate of appropriateness with the Architectural Review Board for demolition of the existing structure and development and construction of a new residence on Lot 19 in substantial conformance with the plans attached as Exhibit B for consideration and determination by the ARB. Any substantial modifications to such attached plans that are approved by ARB shall be subject to review and approval by Council to satisfy this condition.
- 2. Following final approval of a certificate of appropriateness by Architectural Review Board beyond any necessary final Council approval and any right of appeal, the owner shall prepare and file with the Board of Zoning and Planning an application for a subdivision without a plat as provided and required by Bexley ordinances, including Bexley City Code Section 1236.11.
- 3. If construction of a new residence on Lot 19 has not begun within one year of the final approval of the variances by Council, all variances approved in this Resolution shall expire as provided in Bexley City Code Section 1226.11(e) and any lots or parcels, subdivisions or splits approved or created as a result of the variances granted in this Resolution shall terminate and the Property, lots and parcels shall be considered and treated as they were at the time of the variance application, being an undivided parcel for the purposes of any future development irrespective of any lot or parcel transfer, split, combination or replat. The owner is not prohibited from timely applying to Council for an extension of the variances as permitted in Bexley City Code Section 1226.11(e) for consideration by Council. be combined and/or replatted to recreate shall

Section 4. That this Resolution shall be in full force and effect from and after the earliest date permitted by law.

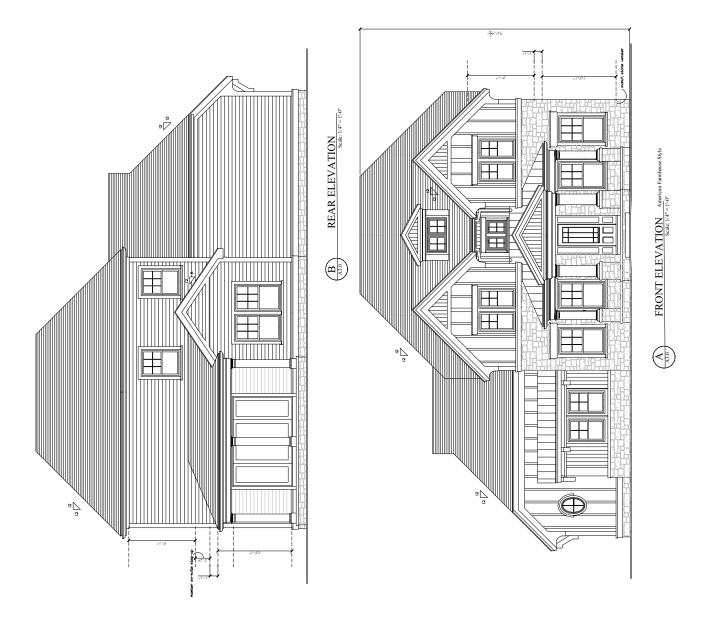
	Benjamin J. Kessler, Mayor	
	Dated:	
Clerk of Council		
Dated:, 2021		
	President of Council	
	Dated:	



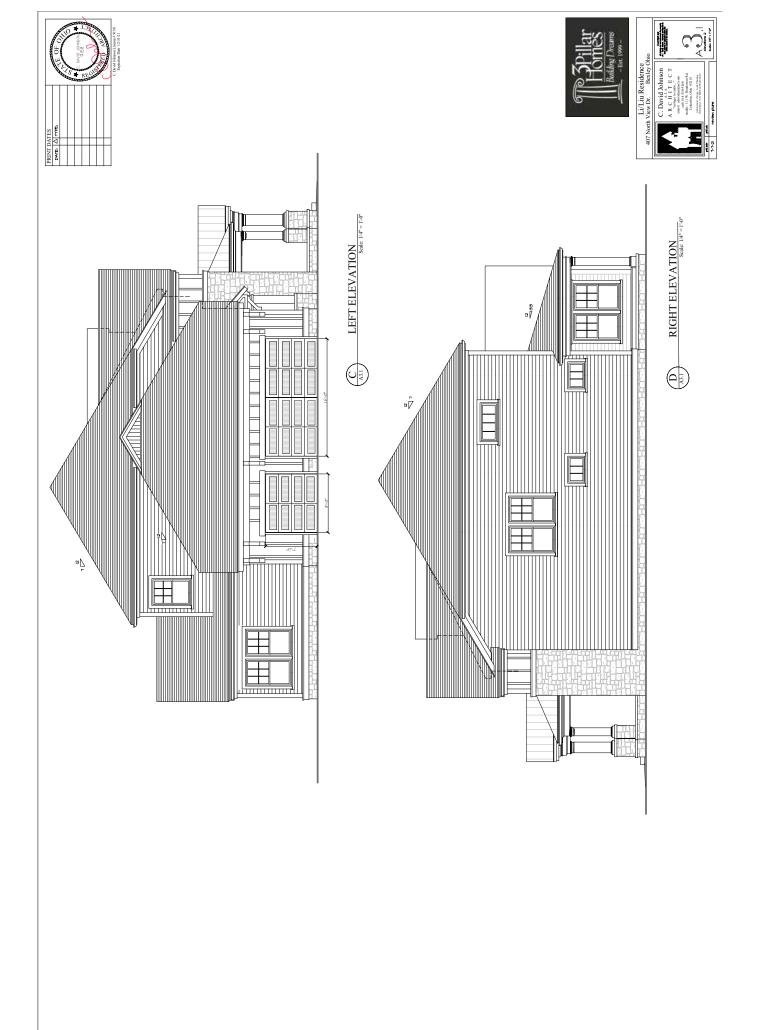


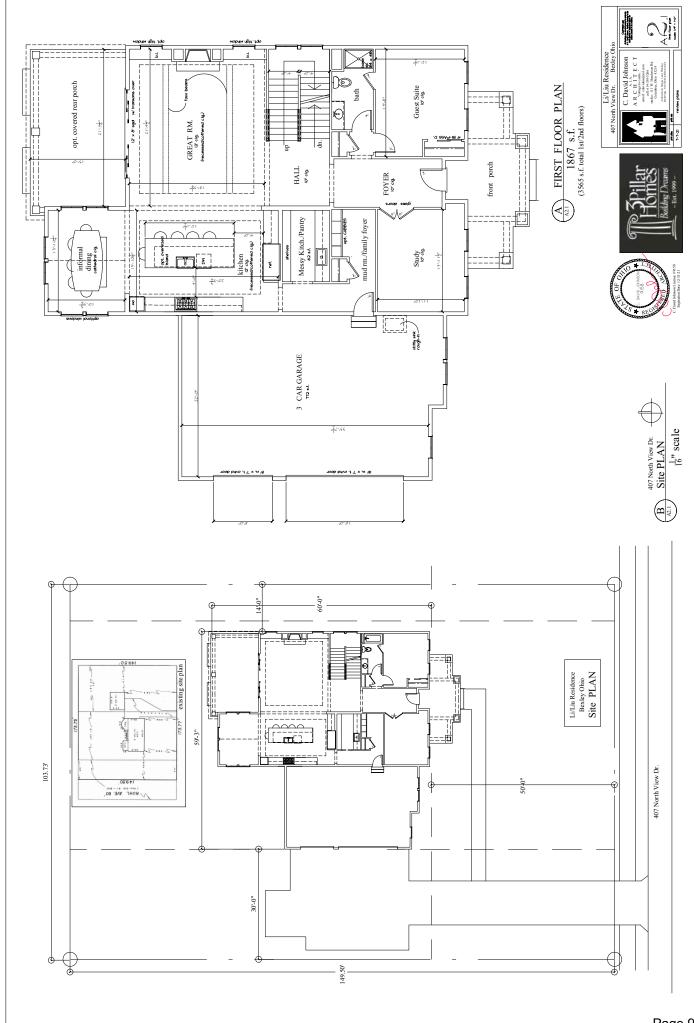


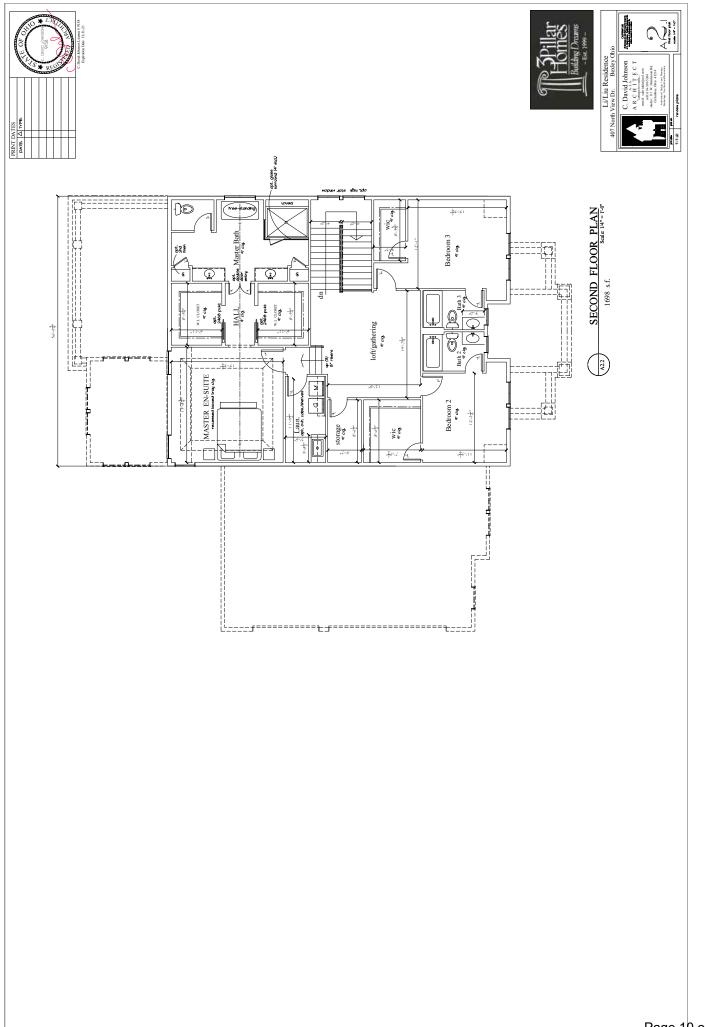




Resolution No. _____ Exhibit B







Bexley City Council

September 21, 2021

Staff Report

Kathy Rose, Zoning Officer

Application Number: CC #16235 BZAP-21-32

Location – 407 Northview Drive

Applicant: Ji Liu

Owner: Ji Liu

Request: The Applicant is seeking a variance from Bexley Code Section 1252.09 (R-3 Zoning district) which has a minimum lot size of 14,400 square feet, width - 90 feet and depth – 160 feet; to allow the two existing lots to be approved at the size they existed under Parcel Number 020-004325 - which has a width of 70' and depth of 149.5', and Parcel Number 020-004324 – which has a width of 103.77' and depth of 149.5'.

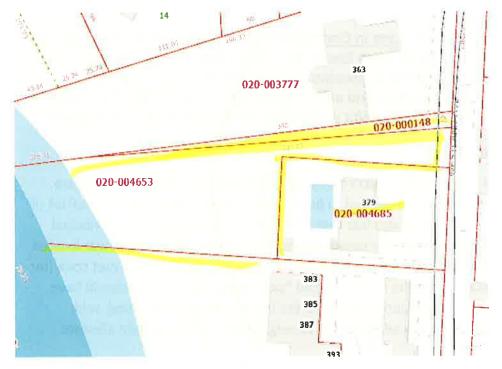
Bexley Code Section 1226.02 (c) <u>Lots in Combination</u>. If a vacant nonconforming lot or parcel in any district adjoins one or more lots or parcels in common ownership on the effective date of this Zoning Code or applicable amendment thereto, or any time thereafter, such lots shall be replatted and such parcels shall be combined to create conforming or more conforming lots and/or parcels as a prerequisite for development.

Background regarding code:

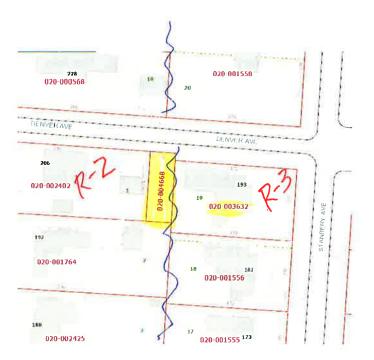
I have discovered several original lots of record throughout the city that, in my opinion, are neither large enough or properly dimensioned to build upon; yet code viewed an original lot of record as a buildable lot. There were also lots that had common ownership with a principal structure that met the setbacks of the lots combined, but if the principal structure was located on one lot and the other lot was sold, the principal structure no longer may have met code (for lot coverage and/or encroached on the newly created "side" property line; and should have received a variance approval (if appropriate) prior to the vacant adjoining lot being sold. Therefore, Code Section 1226.02 was added to the Zoning Code in 2016 – to help alleviate these nonconformities.



61' x 60' Corner Lot 16 - owned by parcel to the right 020-003701 R-6 Zoning

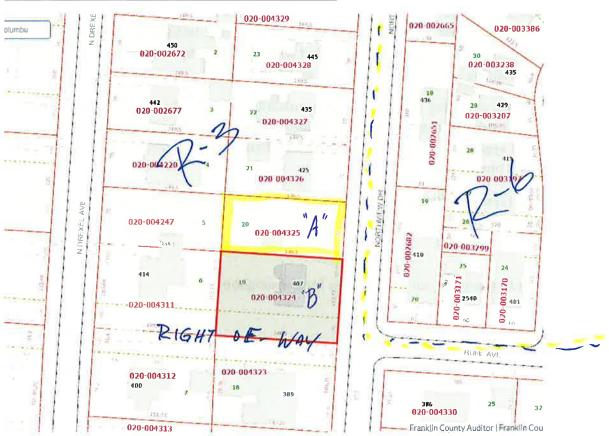


Flag lot (parcel 020-004653), after research of old Council Minutes, it was determined that the parcel was to be joined with the lot on the right (parcel 020-004685).



Parcel 020-004668 is in the R-2 Zoning District, and Parcel 020-003632 is in the R-3 Zoning District and are both owned by the same individual.

Background regarding the lots in question:



The lots in question are located on the West side of Northview Drive and Zoned R-3. The lots on the other side of this street are Zoned R-6. Staff would first like to point out that the individual lots in question never did meet the lot depth requirement (160') and or the lot width requirement (90') and were constructed upon as joined lots with a total width of 173.77 and 149.5 depth. The House is on the south lot and detached garage is on the north lot.

The <u>north lot (we will call lot "A")</u> is 70' in width; which <u>is consistent in size</u> with all of the <u>lots at</u> the north end of this block.

The <u>south lot (we will call lot "B")</u> is 103.77' in width; the reason the south lot is larger in width than the north lot is the fact that the original lot of record was 73.77' in width, and a 60' wide street right-of-way vacated by the city. Half of the vacated right-of-way was attached to the adjoining lots, making this lot consistent with the other lots bordering the vacated right-of way.

The rest of the lots to the south, in this block are all 75' in width.

The ARB approved a demolition for this address, subject to a request for a lot split; otherwise the lots would need to be combined under one parcel.

The applicant would like to demolish all structure and has had a new home approved by the ARB, which will be constructed on lot "B" and meet the R-3 district setback and lot coverage requirements. The variance being requested is filed with the intent to further request a lot split from the BZAP, and allows Lot "A" to be available as a buildable lot.

Code allows the Board of Zoning and Planning the authority to grant lot splits; however, due to the fact that these lots do not meet the minimum lot requirements, it would additionally require City Council approval to allow the lots to be less than the minimum lot size, before the Board of Zoning and Planning could grant a lot split.

The request would take these lots back to the original lot size and would include the north half of the vacated street right-of-way being a part of the south lot "B".

Staff does not find this request out of character for the neighborhood.

Kathy Rose

Zoning Officer



City of Bexley, OH

08/19/2021

1	6	2	3	F

*(CC)City Council - Review of Variance requests for Residential and Commercial Development

Status: Active **Date Created:** Jun 14, 2021

Applicant

Ji Liu pekingdynasty@yahoo.com 2427 Brentwood Road Bexley, Ohio 43209 6144401115

Location

407 NORTHVIEW DR Bexley, OH 43209

Owner:

Ji Liu & Fengwu Li 2427 Brentwood Rd Bexley, OH 43209

A.1: Project Information

Brief Project Description - ALSO PROVIDE 2 HARD COPIES OF PLANS TO THE BUILDING DEPARTMENT.

Seeking a variance to the minimum lot size for R-3 zoning District to file for a lot split before BZAP

Lot Split	Planned Unit Dev
∀	
Rezoning	
Council Variance, Special Permit or Coniditional Use	

A.1: Attorney / Agent Information

Agent NameAgent AddressDavid Dachner2369 E Main St

Agent EmailAgent Phonebexleytitle@sbcglobal.net614-236-1050

Property Owner Name Property Owner Email

Ji Liu pekingdynasty@yahoo.com

Property Owner Address Property Owner Phone number

2427 Brentwood Rd 614-440-1115

A.2: Fee Worksheet

Estimated Valuation of Project Minor Architectural Review

/19/2021	OpenGov
Major Architectural Review	Variance Review
	☑
Variance Review Type	Zoning
	∀
Zoning Review Type	Lot Split
Split of lot or existing parcel	♂
Review Type	Appeal of ARB decision to BZAP
Appeal of BZAP decision to City Council	
	d fill and Candidianal Has Cuitania
Conditional Use - Explain type of Use if being requested and	d fill out Conditional Use Criteria
Detailed explanation of appeal	
B: Project Worksheet: Property Information	
Occupancy Type	Zoning District
Residential	Bexley
Use Classification	
R-3 (25% Building and 50% Overall)	
B: Project Worksheet: Lot Info	
Width (ft)	Depth (ft)
174	149.5
Total Area (SF)	
25,863.5	
B: Project Worksheet: Primary Structure Info	
Existing Footprint (SF)	Proposed Addition (SF)
2,710	
Removing (SF)	Type of Structure
Proposed New Primary Structure or Residence (SF)	
Total (footprint) square foot of all structures combined	

Existing Lot size (sq ft)

25,961

Proposed Lot size A (SF)

15,496

Proposed Lot size B (sq)

10465

Will any structures remain on either site?

House on A lot, garage on B lot which will both be demolished subject to ARB approval of replacement structures

Will there be a new structure proposed?

--

Total of footprint of new structures for Lot A (SF)

15.496

Total of footprint of new structures for Lot B (SQ)

10,465

E.1 Variance Worksheet

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

--

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.

2. Is the variance substantial? Please describe.

--

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.

--

- E.2 Variance Worksheet
- 4. Would the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)? Please describe.

--

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

--

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

--

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

--

I: Conditional Use Worksheet

The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.

Yes

The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.

Ye

The use will not be hazardous to or have a negative impact on existing or future surrounding uses.

Yes

The use meets or satisfies the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted.

Ye

The use does not create an undue burden on existing public facilities and services such as street, utilities, school or refuse disposal.

Yes

The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.

Yes

The use is in character and keeping and compatible with the adjacent structures and uses.

Yes

Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. Yes

Yes

Please provide a narrative for how you meet the above criteria.

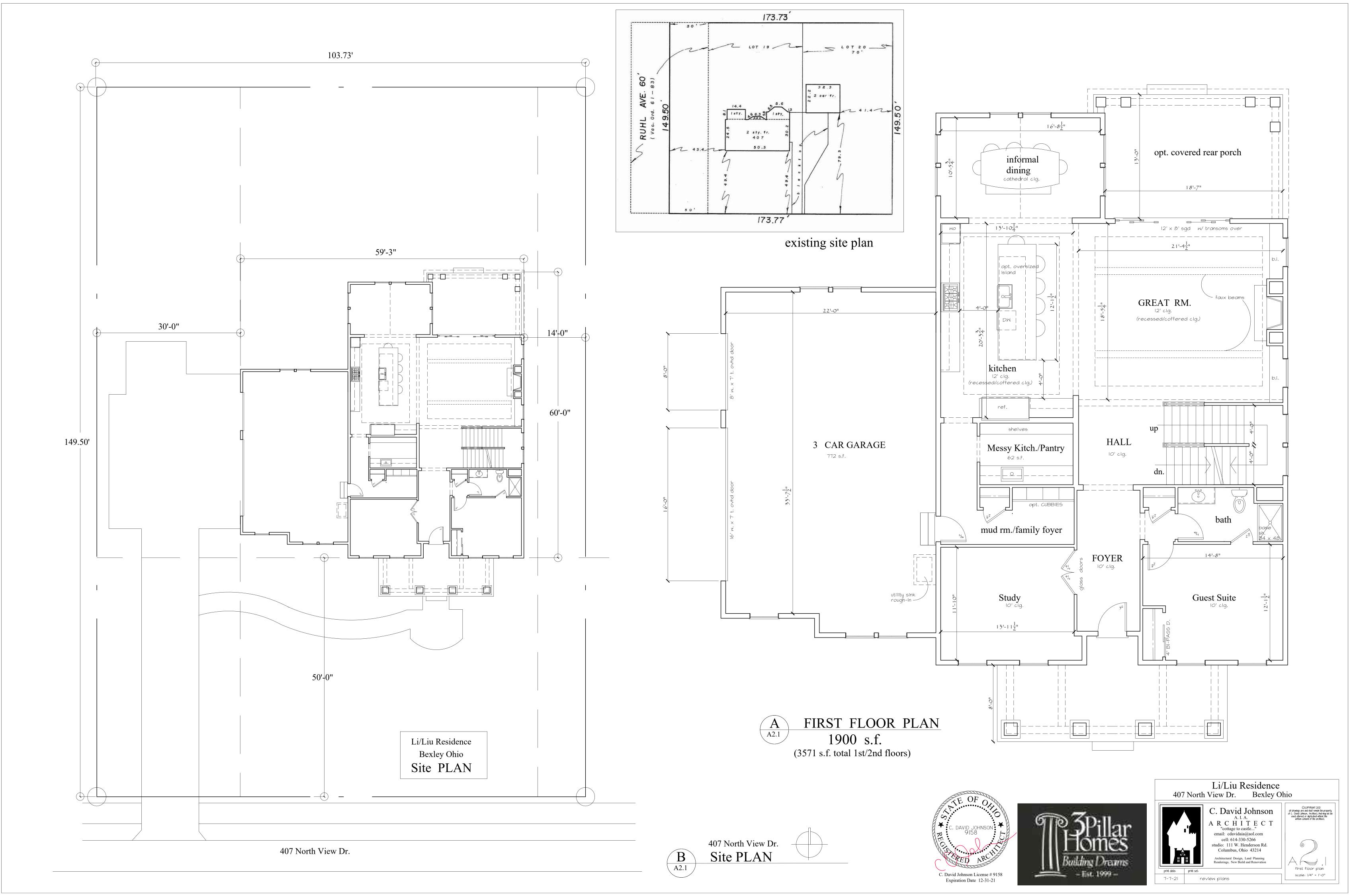
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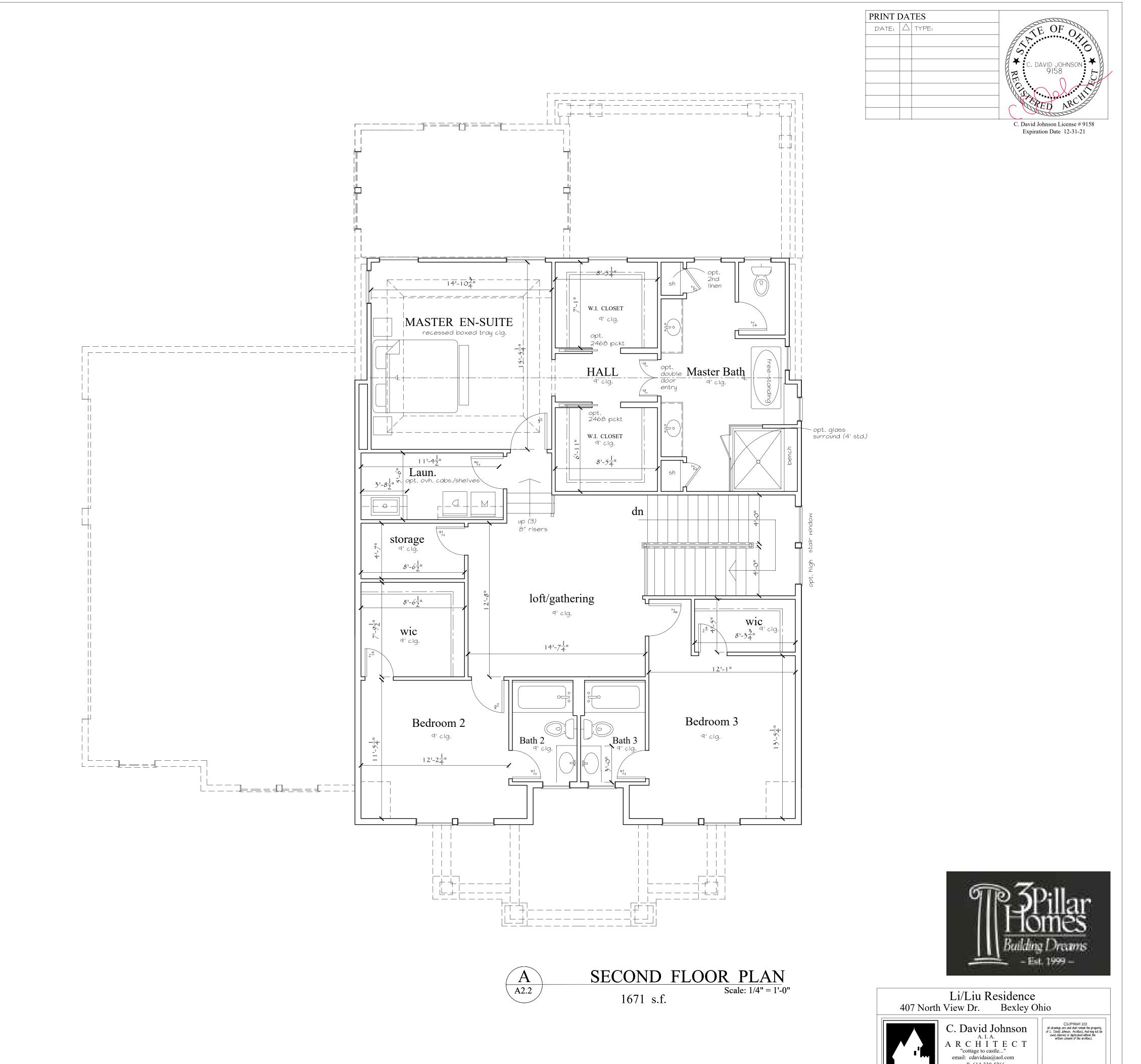
History

Date	Activity
Jun 12, 2021 at 10:58 am	Ji Liu started a draft of Record 16235
Jun 12, 2021 at 2:44 pm	Ji Liu altered Record 16235, changed ownerEmail from "angiefli@yahoo.com" to "pekingdynasty@yahoo.com"
Jun 12, 2021 at 2:44 pm	Ji Liu altered Record 16235, changed ownerPhoneNo from "6144401073" to "614-440-1115"
Jun 12, 2021 at 4:17 pm	Ji Liu altered Record 16235, changed ownerPhoneNo from "614-440-1115" to "6-4-440-1115"
Jun 12, 2021 at 5:37 pm	Ji Liu added attachment 407 Northview.pdf to Record 16235
Jun 14, 2021 at 2:38 am	Ji Liu submitted Record 16235
Jun 14, 2021 at 2:38 am	approval step Zoning Officer was assigned to Kathy Rose on Record 16235
Jun 14, 2021 at 11:46 am	completed payment step Payment on Record 16235
Aug 13, 2021 at 12:52 pm	Kathy Rose added approval step city council to Record 16235
Aug 13, 2021 at 12:53 pm	Kathy Rose assigned approval step city council to Kathy Rose on Record 16235
Aug 13, 2021 at 12:53 pm	Kathy Rose approved approval step Zoning Officer on Record 16235
Aug 13, 2021 at 12:53 pm	Kathy Rose assigned approval step Design Planning Consultant to Kathy Rose on Record 16235
Aug 19, 2021 at 1:09 pm	Kathy Rose changed Brief Project Description - ALSO PROVIDE 2 HARD COPIES OF PLANS TO THE BUILDING DEPARTMENT. from "lot split" to " Seeking a variance to the minimum lot size for R-3 zoning District to file for a lot split " on Record 16235
Aug 19, 2021 at 1:09 pm	Kathy Rose changed Variance Review from "" to "true" on Record 16235
Aug 19, 2021 at 1:10 pm	Kathy Rose changed Will any structures remain on either site? from "House on A lot, garage on B lot" to "House on A lot, garage on B lot which will both be demolished subject to ARB approval of replacem" on Record 16235
Aug 19, 2021 at 1:14 pm	Kathy Rose added attachment 407 Northview ARB plan approved w conditions.pdf to Record 16235
Aug 19, 2021 at 1:15 pm	Kathy Rose added attachment 407_Exterior_Renderings final approved.pdf to Record 16235

Timeline

Label		Status	Activated	Completed	Assignee	Due Date
	Payment	Paid	Jun 14, 2021 at 2:38 am	Jun 14, 2021 at 11:46 am	-	-
~	Zoning Officer	Complete	Jun 14, 2021 at 2:38 am	Aug 13, 2021 at 12:53 pm	Kathy Rose	-
~	city council	Active	Aug 13, 2021 at 12:52 pm	-	Kathy Rose	-
~	Design Planning Consultant	Pending	-	-	Kathy Rose	-
~	Architectural Review Board	Pending	-	-	-	-
	Board of Zoning and Planning	Pending	-	-	-	-





Page 21 of 29

first floor plan scale: 1/4" = 1'-0"

cell: 614-330-5266 studio: 111 W. Henderson Rd. Columbus, Ohio 43214

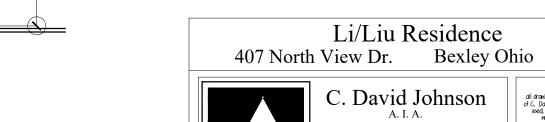
review plans

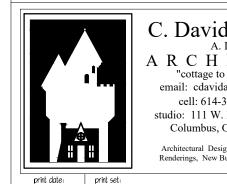
7-7-21





A3.0









Bexley Commission revsd plan

FRONT ELEVATION American Farmhouse Style

Scale: 1/4" = 1'-0"

scale: 1/4" = 1'-0"

C. David Johnson License # 9158 Expiration Date 12-31-21







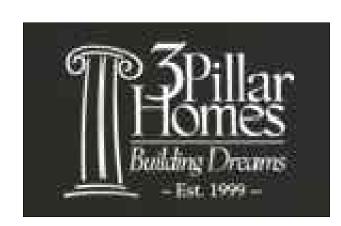
C. David Johnson License # 9158 Expiration Date 12-31-21

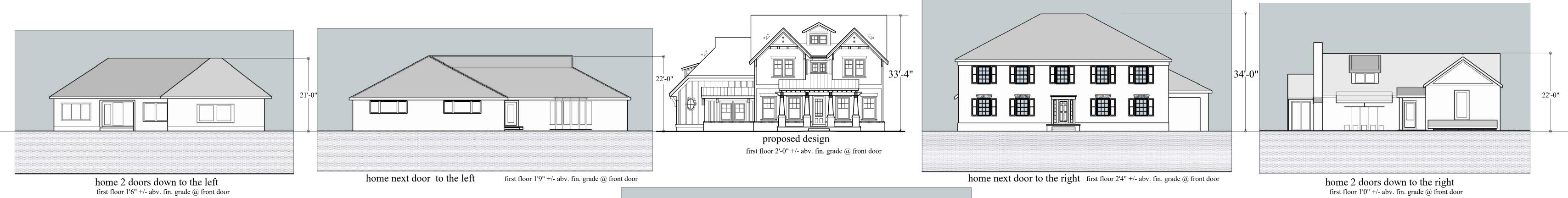


RIGHT ELEVATION

Scale: 1/4" = 1'-0"







home 2 doors down to the right first floor 1'0" +/- abv. fin. grade @ front door

25'-0" home directly across the street first floor 2'-0" +/- abv. fin. grade @ front door

Neighboring Homes ht. comparisons diagram

Li/Liu Residence

Bexley Ohio 407 North View Dr.









