



Board of Zoning and Planning

Staff Report

February 22, 2024

Kathy Rose, Zoning Officer

NEW BUSINESS:

1) Application Number: BZAP-24-3

Address: **690 Vernon**

Applicant: Pat Ryan

Owner: Sharon Stanley

Request: The applicant is seeking Architectural Review and approval of a certificate of appropriateness to allow an open porch addition and terrace at the front of the principal structure and also an open bay addition to the south side the detached garage. The applicant is also seeking a variance from Bexley Code Section 1252.09 (R-6 Zoning) which requires a 6.6' setback from the side property line, to allow the open porch to be constructed 6' from the south side property line.

Background

Lot is 40' x 135' - R-6 Zoning standard lot size is 50' x 120'

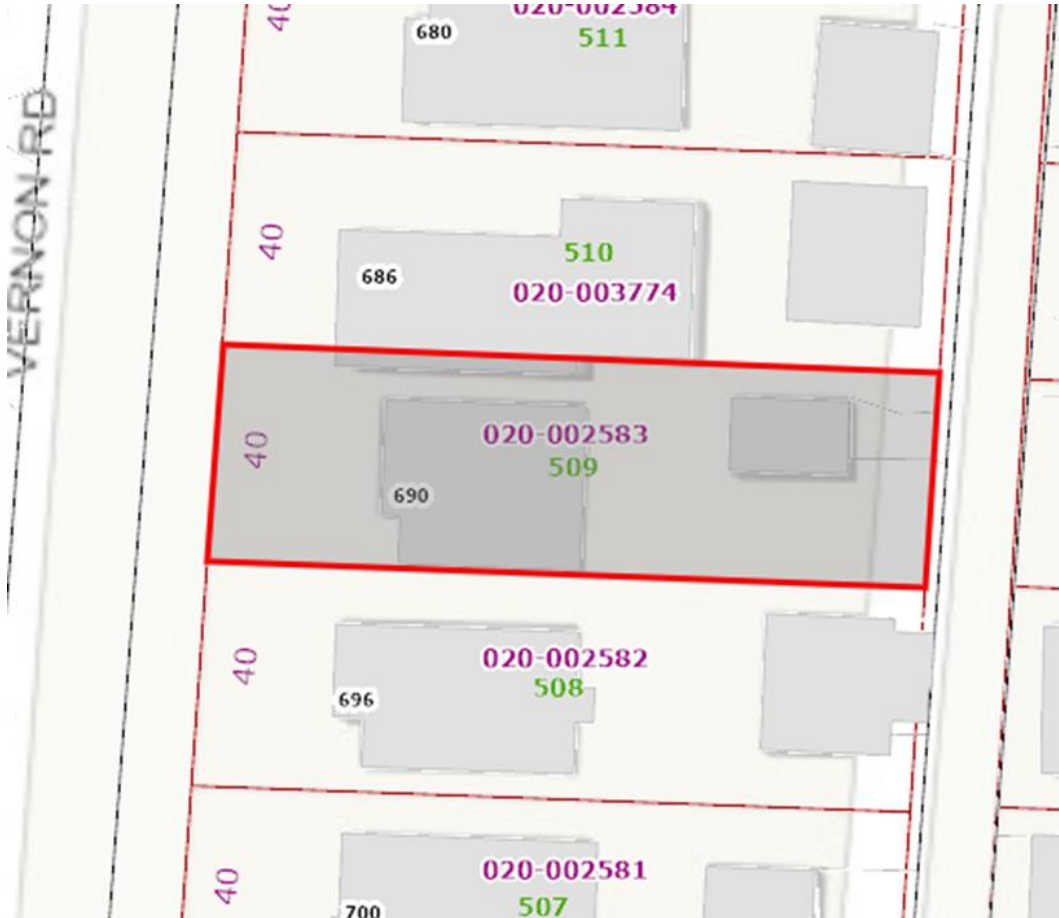
This application was before the ARB, who did not have a problem with the overall design but due to the lack of details, they provided a recommendation to proceed to BZAP with a remand back to ARB for final design review, should the variance be granted.



Rendering of proposed porch and terrace

Staff had questions regarding the setback from the front property line of the existing principal structure. A mortgage survey found in the property file conflicted with the measurements taken in the field. We have since obtained a boundary survey and it rules out the need for a variance from the front property line. The code allows an open porch to encroach 10' into the front yard setback. The proposed open porch will encroach 6'.

Bexley code section 1252.09 further requires a 6.6' setback from the side property line. The existing principal structure is 6' from the side, so a 6" variance is what is being requested for the proposed front porch.



690 Vernon Map from Auditor's Website

The applicant is also seeking design review and approval to allow an attached pergola off garage with seating area underneath.

The updated survey also shows the detached garage to be 2.9' from the North side property line. Bexley Code Section [1252.15\(g\)\(a\)](#) requires accessory structures to be 3' from the side property line. The addition is not an encroachment on the required setback, it is simply an expansion of a non-conforming structure.

The Residential district requires 2 off-street parking space for a dwelling unit. The existing garage currently provides one parking space and there is an 18' x 10' driveway between the alley and the garage which provides the additional parking space. I suggested that the applicant might want to construct the covered porch off the side of the garage in such a manner that it could also be used as an additional covered parking.



The overall building lot coverage and total lot coverage including hardscape meets code.

If the board finds it appropriate to allow for the expansion of the non-conforming garage in accordance with Bexley Code Section [1252.15\(g\)\(a\)](#), and for the addition of the open front porch to encroach 6" inches into the 6'6" required setback from the side property line in accordance with Bexley Code Section [1252.09](#), the Board should consider a Remand back to the Architectural Review Board for final review of the design details if they are not yet revealed – I will defer to Karen Bokor to address those details.

2) Application Number: BZAP-24-2

Location: 861 Chelsea

Applicant: Victoria Elliott

Owner: Victoria Elliot

REQUEST: The applicant is seeking a 1' variance from Bexley Code Section **1264.03(a)**; which limits fences to seventy-two inches in height as measured from the average grade of that portion of the lot, to allow a 1' high retaining wall to be installed along the rear property line, located along the alley and a 6' high fence, to match the fence and grade of the side yard fence.

Background

This property is located in the R-6 Zoning District. The lot in question has an existing 6' high fence in the rear yard. The grade along the rear lot line of the property slopes down to the alley, and is why the previous owners had located the fence approximately 4' from the alley.

The Code indicates that “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 restriction.”



Application info:

E.1 Variance Worksheet

Edit

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.

Asking for variance as the yard slopes down about a foot from current back fence location to the alley road and we would like to keep our new fence level with the existing side fence that is 5'9" tall, which would make the retaining wall and fence height roughly 6'9" tall from the alley height. The current code would require us to slope the fence down along the side, which I do not think would look appealing or clean. This would match multiple retaining wall and fences in our alley where a 6 foot fence was placed on top of a small retaining wall.

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.

No

2. Is the variance substantial? Please describe.

No

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- our goal is to match the fencing and retaining wall to our neighbors. I believe that replacing the current back fencing and using a stone or timber retaining wall, we will make our alley look cleaner. By pushing the fence out, we will be able to make room in our yard to grow a vegetable garden. I believe these changes will strengthen the character of our neighborhood.

E.2 Variance Worksheet

Edit

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

No- it would not change these services at all.

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

No- I had hoped that we would be able to make our yard/ fence match similar to multiple neighbors and was surprised to find that the code does not support what multiple neighbors have done for their properties.

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

We could slope the new fence on the side to match the lower height of the back fence or we could have the back fence be shorter than the side fence, however I do not think that this would be visually appealing.

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

As we are trying to keep the back fence level with the side fence and match the fences of neighbors, I feel that this variance still observes the spirit and intent behind the zoning requirement. We hope to add to the beauty of the alley.

Staff Comments:

The applicant has provided information of existing fences on short retaining walls along their alley. They would like to raise the level of the grade just enough to keep the fence level with their existing side yard fence which they would be more aesthetically pleasing. They may not need a full 1-foot in height retaining wall, but I would like to provide that measurement, as maximum height for the retaining wall.

A 6' fence could be placed in the same location as the proposed retaining wall/fence, and not be required to be angled where the fence meets the garage. The applicant may want to view that proposed location and further consider to locate the fence further from the side of the garage to provide a place for the trash cans to be serviced off of the alley as well as better visibility of alley traffic.

Consideration:

If the Board finds it appropriate to grand a 1' variance to Bexley Code Section **1264.03**, any consideration related to the final fence location should be addressed as a condition or required staff review.