



Board of Zoning and Planning Meeting Minutes
August 22, 2024
6:00 PM

1) Call to Order

The meeting was Called to Order by Chairperson Behal.

2) Roll Call of Members

Members present: Ms. Letosack, Mr. Marsh, Ms. Turner, Mr. Rosenthal, Mr. Schick, Mr. Rosenthal, Chairperson Behal

3) Approval of Minutes

Motion to approve Minutes from the July meeting by [REDACTED].

4) Public Comments

[REDACTED]

5) Old Business

1) Application Number: BZAP-24-14

Address: 236 N Columbia

Applicant: John Behal

Owner: Yoaz Saar

Request: The applicant is appealing to the Board of Zoning and Planning the decision of the Architectural Review Board from the May 9, 2024 ARB hearing. The Board's decision will be read at this meeting. No testimony will be heard.

Upon due consideration of all of the evidence before it and the decision of the ARB, BZAP finds that while there was some evidence to support the historical and architectural significance of a prairie style and a mid-century modern structure designed by Noverre Musson for the Lazarus family in Bexley, there was not a preponderance of substantial, reliable and probative evidence on the whole record that the existing building or structures themselves are worthy of preservation. Having determined that the Residence is not worthy of preservation, BZAP does not need to consider the criteria in BCC 1223.05(c)(2) that only applies if a certificate of appropriateness is denied. BZAP reverses the decision of ARB and determines that the ARB shall issue a Certificate of Appropriateness permitting the demolition of the Residence and structures at 236 N. Columbia Avenue when the remaining conditions of demolition in BCC 1223.05(b)(3) that require the approval of the proposed replacement structures, landscaping, and a time schedule for the

replacement project have been met. Since the ARB denied the COA for demolition, it did not make any determination of these factors, which is both required for a COA for demolition and within the jurisdiction and expertise of ARB to determine. Therefore, BZAP holds that the Appellant must return to ARB for final determination of these remaining conditions and the issuance of a COA by ARB approving the demolition and the replacement project.

6) New Business

2) Application Number: BZAP-24-28

Address: 490-492 N Cassady Rd

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.

3) Application Number: BZAP-23-17

Address: 1065 S Roosevelt

Applicant: Mark Williams and Tim Carsey

Owner: Mark Williams and Tim Carsey

Request: The applicant is seeking a variance to Bexley Code Section 1264.02 to allow a 6 ft fence on the front yard (east and west property line) which is a 30" height variance to allow a front yard fence and a variance to allow a variance from Bexley Code 1252.15(g)(1) to allow an accessory structure in the front yard.

Mr. Klingler clarified that a special permit is required for this case.

The pergola's history was discussed by Board members and the applicant, as well as the need for a fence to prohibit accidents.

Mr. Klingler mentioned diligence about maintaining the sight triangle.

The Findings of Fact and Decision of the Board for application number BZAP-23-17 for property located at 1065 S. Roosevelt: The Board of Zoning and Planning finds that upon consideration of the application, evidence and testimony before it, that a 30" height variance to Bexley code section 1264.02 to allow a 6' front yard fence; a special permit to allow a 42" front yard fence and a variance from Bexley code section 1252(g)(1) to allow a pergola at the corner trimmed back to maintain proper site triangle at the intersection shall be granted.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Marsh, second by Mr. Schick; roll call: Letosack–Yes, Marsh–Yes, Turner–Yes, Rosenthal–Yes, Schick–Yes, Behal–Yes due to the stones and the proximity to Livingston Ave.

4) Application Number: BZAP-23-19

Address: 733 Vernon

Applicant: K Bryon Wernicke

Owner: Barbara Wernicke Trustee

Request: The applicant is seeking a variance from Bexley Code Section 1252.10(2), which requires accessory uses and detached structures shall be located a minimum of five feet farther back from the side street property line than the principal structure, to allow a 6' high screened garden structure to be located 1.2' from the north side property line along E. Mound Street.

Bryon Wernicke was sworn in.

Mr. Klingler gave a Staff Report which explained the setback and requirements, as well as the history of this project.

Ms. Bokor shared the ARB's perspective on this project.

Mr. Wernicke explained the changes made to the project and stated he has only received compliments to the structure,

Constance Lewis, 663 Euclaire, was sworn in and shared she is in favor of this project due to its beauty and practicality.

Mr. Wernicke explained how the structure is decorated seasonally and how it has been shortened in length.

Proximity to the property line was discussed, as was the definition for an accessory structure.

Concerns and potential conditions were discussed, as were the screens and frames.

Motion to condition to be used for garden only, the retaining fence subject to staff approval, and that there is no exterior lighting by Mr. Turner.

There was discussion about variances, usage, and accessory structures.

There was discussion about clarification of the previous motion and Board members shared their opinions about this project.

Mr. Klingler read the seven criteria for an area non-use variance.

The applicant spoke to the possibility of the structure being removed seasonally.

Findings of Fact and Decision of the Board for application number BZAP-23-19 for property located at 733 Vernon: The Board of Zoning and Planning finds that upon consideration of the application, evidence and testimony before it, to allow a variance from Bexley code section 1252.10 (2) to allow a 6' garden structure to be located 1.2' from the side yard property line with the following conditions:

- 1) It be kept as a garden only;
- 2) The screening be subject to Staff approval;
- 3) There shall be no lighting;
- 4) It shall not be used for storage;
- 5) It never be enclosed except with screen;

The applicant understood the Findings of Fact.

Motion to approve Findings of Fact by Mr. Turner, second by Ms. Letostak; roll call: Schick–No, King–Yes, Marsh–No, Rosenthal–No, Letostak–Yes, Turner–Yes, Behal–No.

Chairperson Behal asked Board members if they agree this application should be denied. Roll call: Turner–No; Rosenthal– Yes because there are ways to grow things in the yard that does require the variance for the structure, not every yard supports every use and the precedent that would be set of having the structure that close to the property line is problematic is a way that he is not comfortable with; King–No; Marsh–Yes because stated the size and massing and agreed with the other comments made; Schick–Yes for the Sake of efficiency adopted Mr. Rosenthal and Mr. Marsh’s concern; Behal–Yes because this sets a bad precedent, and they have many other alternatives available to them. He stated that we have so many corner not issues in Bexley and this one is not significant enough for an issue or practical dilemma to grant a variance.

5) Application Number: BZAP-24- 24

Address: 2281 Bryden Road

Applicant: Aastha Shankar

Owner: Charles Hillman

Request: The applicant is seeking approval from BZAP for a Certificate of Appropriateness to convert garage to bedroom, addition of garage and bedroom which requires a 15' 8 1/4" variance to encroach into the rear yard setback.

Architect David Meleca was sworn in.

Mr. Klingler gave a Staff Report including the lot dimensions and reasoning for the variance, as well as an explanation of the project and history of this application in front of the ARB. Mr. Klingler clarified that a variance is not required.

Ms. Bokor added that the ARB had an extensive conversation about this case with the understanding that the design is acceptable to them if the variance is granted. She said that there was discussion about the possibility about a detached garage, although the Board preferred a single unit design.

Mr. Meleca explained that the owners wanted a ground floor master suite and in-law suite; and the easiest way to do that is to manipulate it into a new master suite and build a new garage. He explained they held the setback along Drexel and was trying to maintain the existing curb cut. Furthermore, he explained the geometry of the design and the distance of the house next door from the property line.

Board members and staff discussed the reasons this qualifies as an in-law suite.

Mr. Klingler discussed privacy issues and distances from the property line.

Jenny Hoffman, owner of 513 S. Drexel, was sworn in. She spoke to the dedication of Board members, the design of the proposed plan, and her opinion of the protrusion of the garage and how it will be viewed as nonconforming, as well as what constitutes the front, back, and side yard. She asked the Board to think about the positioning of the design and mentioned pulling back the garage.

It was confirmed that the setback off of Drexel was not for the Board to deliberate.

Brett Hoffman, owner of 513 S. Drexel, was sworn in. He discussed a tree issue, specifications of whether or not the in-law suite is attached or detached from the home, adherence to code, and his association with 513 S. Drexel.

Herb Hoffman, explained that he has two properties in the neighborhood and discussed the aesthetics should this project proceed as it is proposed. Additionally, he gave three examples of homes on corner lots.

Another resident mentioned that Mr. Hoffman's example properties were all new builds and came before the Board.

Mr. Meleca discussed the setback and alignment as well as a particular tree.

Mr. Klingler mentioned dimensions.

Board members made comments as did Ms. Hoffman.

There was discussion about aesthetics and validation of the Hoffman's concerns.

The Finding of Facts and Conclusion of Law for application number BZA-24-24 for property located at 2281 Bryden Road: based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley code 1252.09 to allow a 15' 8.25" encroachment into the 40' rear yard setback.

Motion to approve the Findings of Fact by Mr. Marsh, second by Mr. Rosenthal; roll call: Turner–Yes, Letostak–Yes, Schick–Yes and acknowledged the Hoffman’s concerns, King–Yes, Marsh–Yes, Rosenthal–Yes, Behal–No.

The Finding of Facts and Conclusion of Law for application number BZA-24-24 for property located at 2281 Bryden Road: the Board finds that a Certificate of Appropriateness should be issued for the property located at 2281 Bryden Road as recommended with the conditions that for the rear addition, the landscape plan be submitted and approved by City Staff and the project is compatible with the existing architecture in the neighborhood.

Ms. Bokor clarified that City Staff has the prerogative to take the project to the Tree and Public Gardens Commission.

Motion to approve the Findings of Fact by Mr. Rosenthal, second by Mr. Marsh; roll call: King–Yes, Marsh–Yes, Rosenthal–Yes, Schick–Yes, Turner–Yes, Letostak–Yes, Behal–Yes.

6) Application Number: BZAP-24-27

Address: 226 S Dawson

Applicant: Kyle Gerlach

Owner: Kyle Gerlach

Request: The applicant is seeking a variance to Bexley Code Section 1264.02 (c) for 12" height variance to allow a 54" tall black aluminum fence in the front yard and a special permit to allow a 54" tall fence in the side yard of a corner lot in accordance with Bexley Code 1264.03(b).

Mr. Gerlach was sworn in.

Mr. Klingler gave a Staff Reporting indicating that this request is for both a variance and a special permit. He also discussed the property's dimensions, platting, and the City right of way.

Mr. Gerlach explained the project and discussed softscape.

Mr. Klinger discussed the reasoning for a landscape plan as well as stipulations.

The Finding of Facts and Conclusion of Law for application number BZA-24-27 for property located at 226 S. Dawson: based on the testimony presented, the Board finds it appropriate to grant the special permit to allow a 54" tall fence in the side yard of this corner lot in accordance with Bexley code section 1264.03(b) and to grant a 12" height variance to allow a 54" tall black

aluminum fence in the front yard from Bexley code section 1264.02(c). The landscape plan and fence material will be approved by City Staff.

Both sections of fence will be the same black aluminum material.

The bump out was discussed.

**Motion to approve the Findings of Fact by Mr. Marsh second by Ms. Letostak; roll call:
King–Yes, Schick–Yes, Marsh–Yes, Letostak–Yes, Turner–Yes, Rosenthal–Yes, Behal–Yes.**

The process of changing plating was discussed.

7) Other Business

8) Adjourn

Motion and second to adjourn.