



Board of Zoning and Planning Staff Report September 26, 2024

Matt Klingler, Zoning Officer

OLD BUSINESS:

- 1) Application Number: BZAP-24-28 (also filed under BZAP-24-31)
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.

***See Jason Sudy's (City Planner) staff report.**

NEW BUSINESS:

- 1) Application Number: BZAP-24-19
Address: 261 N Stanwood
Applicant: Brenda Parker
Owner:

Request: The applicant is seeking a certificate of appropriateness for a partial first floor addition & second floor addition above existing breezeway & attached garage an addition onto an existing 1st floor addition and to add a 2nd story onto the existing attached garage. Applicant is seeking an area variance from Bexley Code Section 1252.11 (e) to encroach 2 ft 11 inches into the required 15 ft side yard setback for the addition.

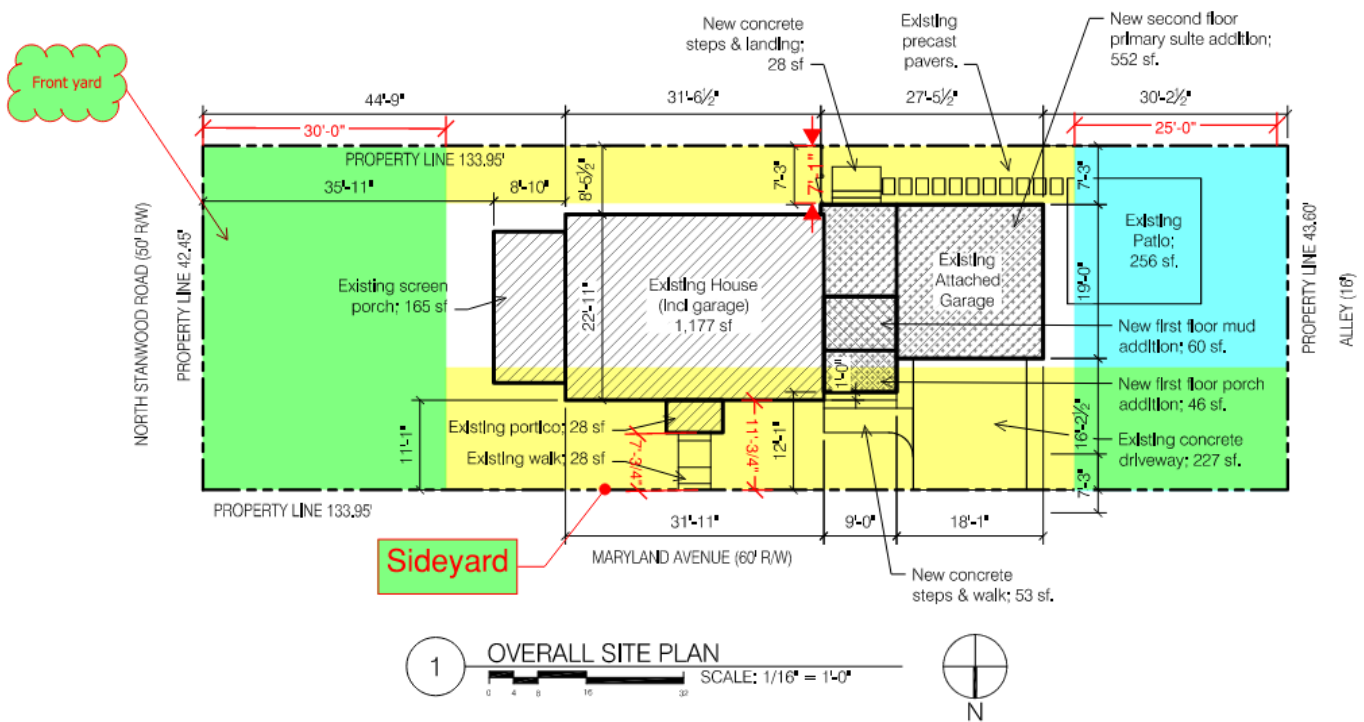
Code Analysis

- R-6 Zoning District – Corner lot Minimum dimensions 70' x 120' (8,400 sq. ft.)
 - This corner lot is a 42.45' x 133.95' deep (6,620.6 sq. ft.)

- Code Section 1252.11 Permitted Encroachment into yards
 - (e) A proposed addition to a residential structure with a non-conforming side yard setback that meets all other zoning and building standards, may encroach up to two feet into the required side yard setback to no closer than 5 feet from the property line, provided that the proposed addition is at least 8 inches further from the property line than the building line of the existing enclosed living space of a principal structure and fire safety and Building Code requirements are met.
- Street side (Maryland) – side yard setback is 15'.
 - The new addition will be 12' – 1" from street side property line.
 - This the variance needed is 2 ft 11 inches.

STAFF COMMENTS

- The existing house has a portico that sits 7' -3/4 from the property line.
- The current house sits 11' 1" from the side yard property line.
- The new addition will sit 12'-1" from the property 1 ft farther back than the existing house.
- Staff sees no issue with this variance.



- 2) Application Number: BZAP-24-26
 Address: 662 Vernon
 Applicant: Ryan Brothers' Landscaping -Pat Ryan
 Owner: Dale Rucker

Request: The applicant is seeking approval from the Board of Zoning and Planning for a Certificate of Appropriateness as well as 3 variances:

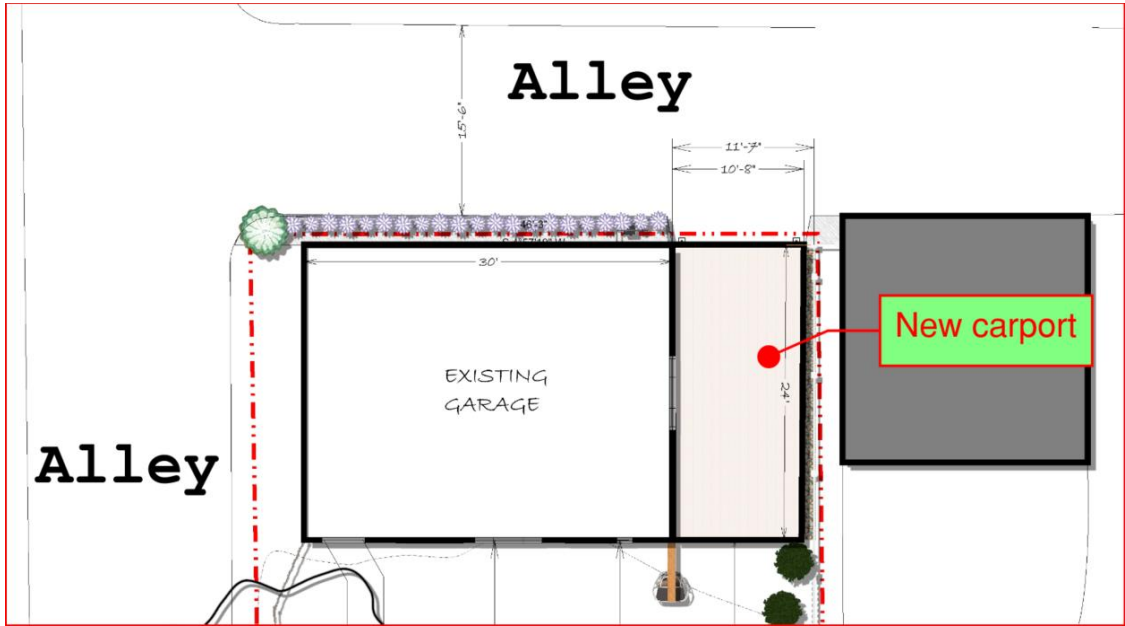
- A 29% area variance from Bexley Code section 1252.15.b.1 which states that the width of an accessory structure may not exceed 60% of the lot width in the instance of attached garages. The Lot is 45'-8" and the new width of detached garage would be 40' – 8" (89% of the lot width)
- A variance from Bexley code section 1252.15.g.1 which states "Accessory structures and uses shall be permitted only in the rear yard and shall be at least 3 feet from all property and right of way lines...". Designed building will be 11" off the rear property line and 11" off south side property line.
- A variance from Bexley code section 1252.15.a. which states the Maximum building footprint is to be 624 square feet. Existing building as shown on the drawing is 692 square feet which is nonconforming. The new addition would add 260 square feet bringing the total to 952 square feet. A 328 sq ft difference.

BACKGROUND

- R-6 Zoning District – Corner lot Minimum dimensions 70' x 120' (8,400 sq. ft.)
 - This corner lot is a 45.84' x 135.12' (6,194 sq. ft.)
- Applicant has appeared before the Architectural review board at the September 12, 2024 meeting
 - Architectural Review Board did not vote for or against the project, instead voted to send it to BZAP.
- Applicant has a current 2.5 car garage, but needs more space for vehicles, as parking in front of his house on Vernon directly off of Main St is very busy. His cars have been hit numerous times while parked on Vernon.

STAFF COMMENTS

- The current garage (692 sq. ft.) does not conform to code requirement of accessory structure's footprint to be less than 624 sq. ft.
- The maximum width of 60% for accessory structures is there for Emergency personnel to be able to access in case of Emergency.
 - This addition will present a safety issue for rear yard access.
- Also, the requirements of 3 ft off property lines is for safe access in the event of an emergency.
- If the variances are granted, the Architectural review board asked that the project be sent back to them for review and final design approval.





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- 3) Application Number: BZAP-24- 29
Address: 2501-2511 E Main Street
Applicant: Christine Farley
Owner: CRV Main Cassingham LLC

Request: The applicant is seeking approval from the Board of Zoning and Planning for a Certificate of Appropriateness for changes to the exterior of the front of the building.

BACKGROUND

- Mixed Use Commercial Zoning District
- Any changes to the exterior of buildings must be presented for Certificate of Appropriateness to the BZAP per code
- Scope of work at each address is below
- **All addresses**
 - All damaged trim to be replaced with cedar.
 - All soffits to be 1x6 tongue and groove cedar.
 - All upper and lower solid insert panels to be 3/4" exterior type ACX sanded plywood.
 - All board and batten panels utilize the same plywood as above with batten strips to be cedar applied on face.
 - Masonry surfaces to be covered with Sherwin Williams Loxin masonry coating.
 - Cedar to be primed with oil-based primer to eliminate natural tannin bleed through.
 - Cedar to be top coated with Sherwin Williams Duration acrylic latex.

- Paint - Benjamin Moore paints: Black 2132-10 and /Chantilly Lace 2121-70
- **2497 Jimmy Johns:**
 - Remove and replace all damaged wood trim, panels, wood panel behind awning above entrance.
 - Replace trim boards as shown on artist rendering.
 - Remove broken and soft rotten lattice on side of building.
 - Paint all brick on front, side and rear, painting the body white and trim in a black, semi-gloss paint.
 - Prep and paint handrail black, same as existing color black.
- **2501 Worth Capital Office:**
 - Install dark stone veneer at center accent panel next to entrance door and lower front panels.
 - Paint all wood trim a black.
 - Install cedar soffit and stain.
 - Replace same style can lights, update to LED.
- **2505 Nail Salon (matching 2507)**
 - Replace all damaged wood.
 - Paint all trim Chantilly Lace (white).
 - Repair lower panels, paint in Chantilly Lace (white).
 - Paint 3 existing gooseneck fixtures in the same black paint.
- **2507 Verizon (matching 2505)**
 - Replace all damaged wood
 - Paint all trim Chantilly Lace (white).
 - Repair lower panels, paint in Chantilly Lace (white).
 - Paint 3 existing gooseneck fixtures in the same black.
- **2509 Great Clips (matching 2511)**
 - Paint all wood trim in a black paint.
 - Install cedar soffit and stain.
 - Install board and batten panels, paint Chantilly Lace (white).
 - Replace same style can lights, update to LED.
- **2511 (matching 2509)**
 - Paint all wood trim in a black paint.
 - Install cedar soffit and stain.
 - Install board and batten panels, paint Chantilly Lace (white).
 - Replace same style can lights, update to LED.
- **Rear of buildings**
 - Entire rear of building to be painted same to be cohesive:
 - South wall (entire back) of building, paint Chantilly Lace (white).
 - Paint all doors and frames black.

Staff Comments

- Mixed Use Commercial Zoning District
- Mainstreet Guidelines apply
 - Code language shown below

- The motion to move this application to the Board of Zoning and Planning without a recommendation was as passed by the Architectural Review Board.
- The ARB requested that if approved by BZAP, it is remanded back to ARB for final design review and a certificate of appropriateness.

1220.07 MAIN STREET DISTRICT AND CAMPUS PLANNING DISTRICT REVIEW.

The Main Street District is an overlay district that was established, to regulate certain requirements in the underlying zoning districts (sub-districts) that are within and subject to the Main Street District, and to control, encourage and regulate the character, design, placement and relationship of buildings, structures and spaces within the boundaries of the entire Main Street District. The Main Street District includes zoning standards in Section 1254.13. Deviation from these minimum zoning standards will require granting of a variance by the BZAP pursuant to Section 1226.11.

The Campus Planning District was established to regulate certain uses and area requirements in the Campus Planning District, which includes Zone 1, primarily consisting of the Capital University campus, and Zone 2, which is a sub-district of and subject to the Main Street District.

(a) **Review.** No building, structure or space within the Main Street District or the Campus Planning District shall be constructed, reconstructed, altered, moved, extended, razed, enlarged or changed in external appearance unless and until the plans and specifications for such building, structure or space, including the landscape plan for the premises on which it is or will be located (if relevant), have been approved by the Board of Zoning and Planning. The BZAP, in reviewing the plans and specifications for the building, structure or space for which approval is necessary, shall examine the site plan, and all other factors relevant to the request in application, which may include the location of uses within and the arrangement and massing of the buildings and structures on the premises, building height, building elevation, lighting, signage, parking, the landscape plan and materials, and the impact of the site and design elements of the project upon the appearance and environment of the Main Street District or the Campus Planning District and neighboring properties. The BZAP will also consider the architectural style and building composition (including design elements such as entrances, storefronts, upper stories and mechanical screening), and exterior building materials and color, based upon a recommendation of the Architectural Review Board as requested by the BZAP.

The Board, in deciding whether to approve an application under this section, shall determine that the site and design plans for such buildings, structures and spaces as proposed by the applicant are in keeping with the purpose and intent of the Main Street District, the applicable sub-district and the design guidelines contemplated by subsection (b) hereof, or with the purpose and intent of the Campus Planning District, the applicable zone and the campus plans contemplated by subsection (c) hereof, and that such plans would not have a substantial detrimental impact on neighboring properties. The design and site plan review contemplated by this section does not include the right to approve or disapprove proposed or existing uses or changes to the interior of an existing building or structure which do not change the external appearance of a building or site. Permitted or Conditional Uses within the districts and applicable sub district or zone are governed by Chapter 1252 and Chapter 1254 and Section 1226.13, variances for non-permitted uses and non-use (area) variances are governed by Section 1226.12, and nonconforming uses are governed by Sections 1226.01 to 1226.05, inclusive. Projects involving only interior changes to existing buildings and structures are subject to standard City plan review and building permit procedures.

Current View







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- 4) Application Number: BZAP-24-30
 Address: 249 S Cassingham
 Applicant: Brenda Parker
 Owner: Steve Lieb

Request: The applicant is seeking three variances from Bexley code section 1252.15”:

- 1) A 4’ – 3” ridge height variance to allow a 22’-3” tall ridge.
- 2) A 114 square foot variance to allow the 2nd floor to be 400 square feet.
- 3) A 1 ft eave height variance to allow a 10 ft eave height.

As well as an approval from the Board of Zoning and Planning for a Certificate of Appropriateness for a new 2-car detached garage w/ second floor space to replace existing detached garage.

BACKGROUND

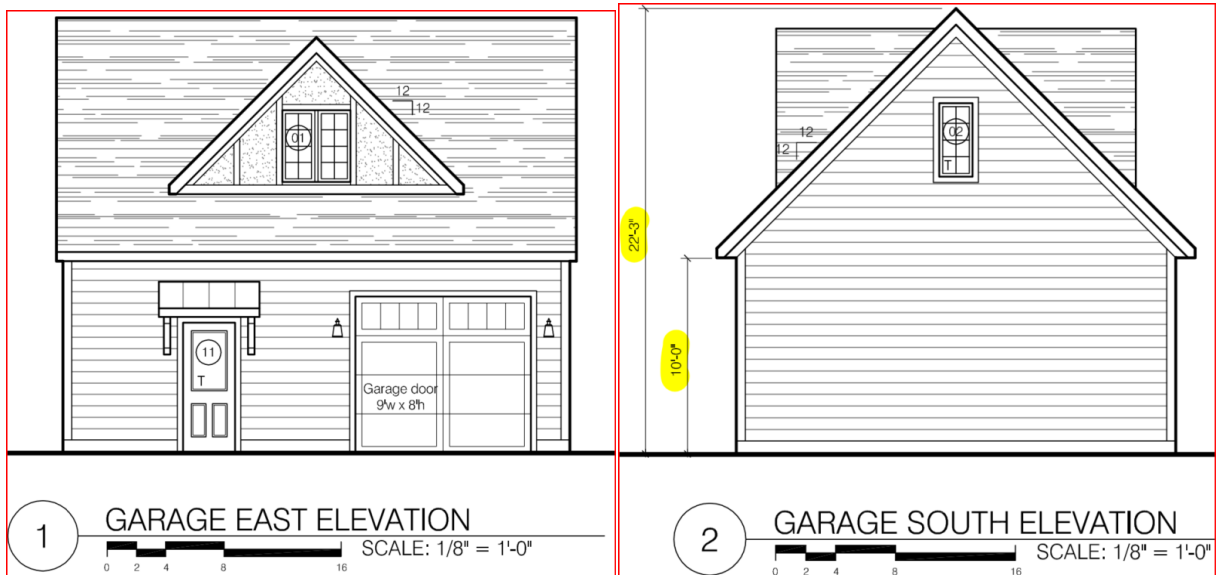
- R-6 Zoning District –Minimum dimensions 50’ x 120’ (6,000 sq. ft.)
 - This lot is 55.15’ x 150.00’ (8,272.5 sq ft)
- A chart from the Code section that shows the maximum values for an accessory structure is shown below.

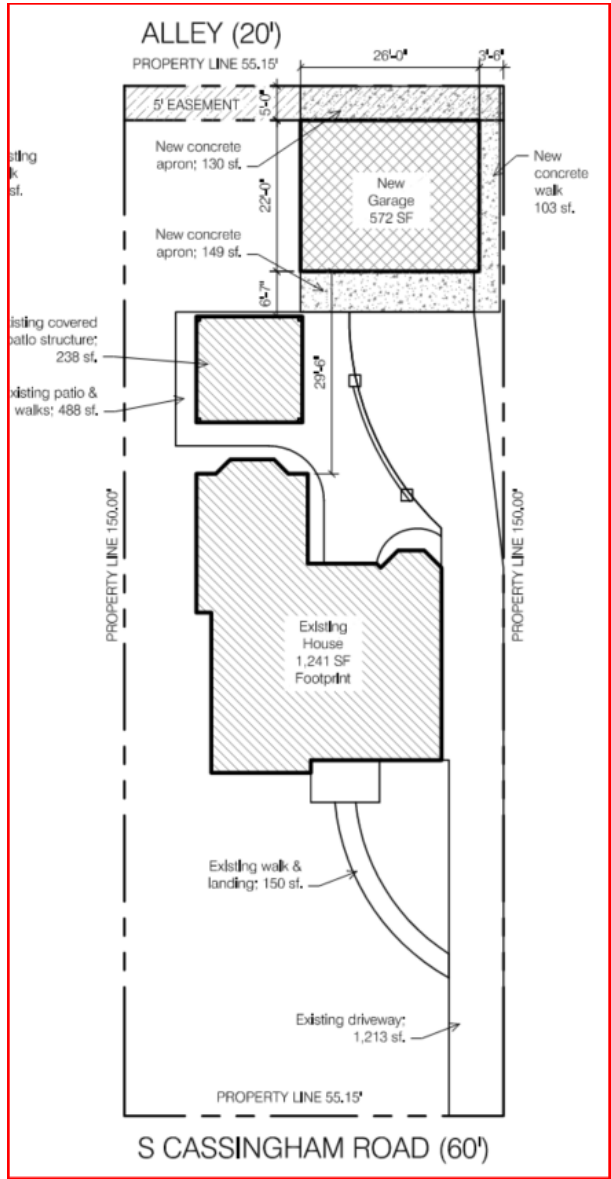
(a) Maximum building footprint, building height, eave height, finished accessory structure attic floor area maximums, and functional dormer allowance shall be as follows:

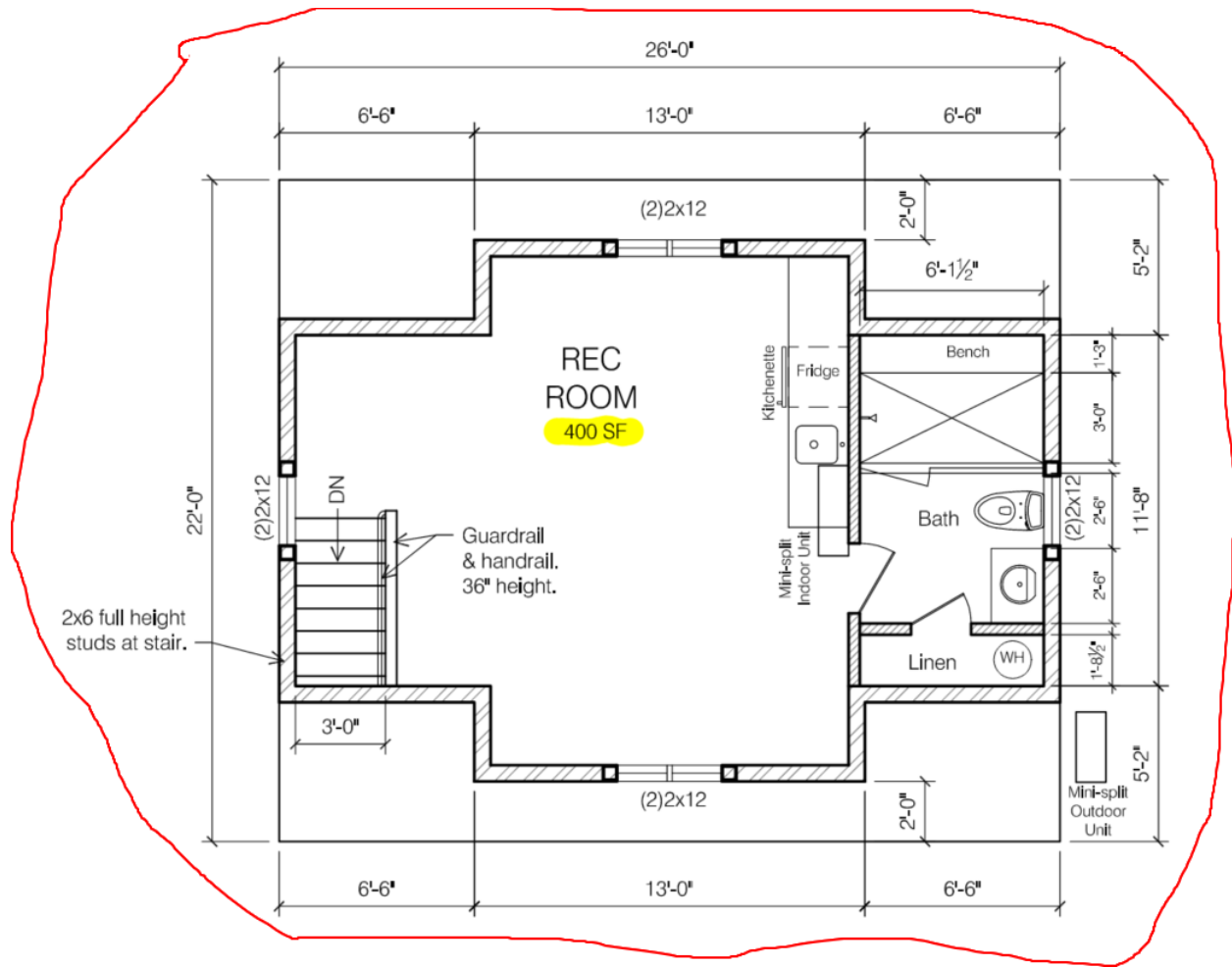
Lot Size:	Maximum Building Footprint	Maximum Building Height	Maximum Eave Height	Maximum Finished Accessory Structure Attic Floor Area to Base Floorplate Ratio	Functional Dormer Special Permit Requirement
Less than 6,000 square feet	624 square feet	18'	9'	50%	Special permit required
6,000 to 13,999 square feet	624 square feet	18'	9'	50%	Special permit required
14,400 square feet or greater	720 square feet	20'	10'	50%	Special permit not required
24,000 square feet or greater	936 square feet or 35% of the primary structure floorplate	25'	14'	75%	Special permit not required

STAFF COMMENTS

- The Architectural Review voted to send this BZAP without a recommendation either for or against the application, with the request that if the variances are granted that it be remanded back to the ARB for final design review and certificate of appropriateness.
- What the applicant is proposing is a large height variance for this size property. It is out of character with the other garages on this alley. There are no other garages on this alley that are 2 stories.







5) Application Number: BZAP-24- 32
 Address: 2460 Seneca Park Place
 Applicant: Aron Rogers
 Owner: Aron Rogers

Request: The applicant is seeking a variance from Bexley code section 1252.15 (g) (1) to build an accessory structure up to the rear and east the property lines as well as an approval from the Board of Zoning and Planning for a Certificate of Appropriateness for a tree house in the rear yard.

Code Analysis

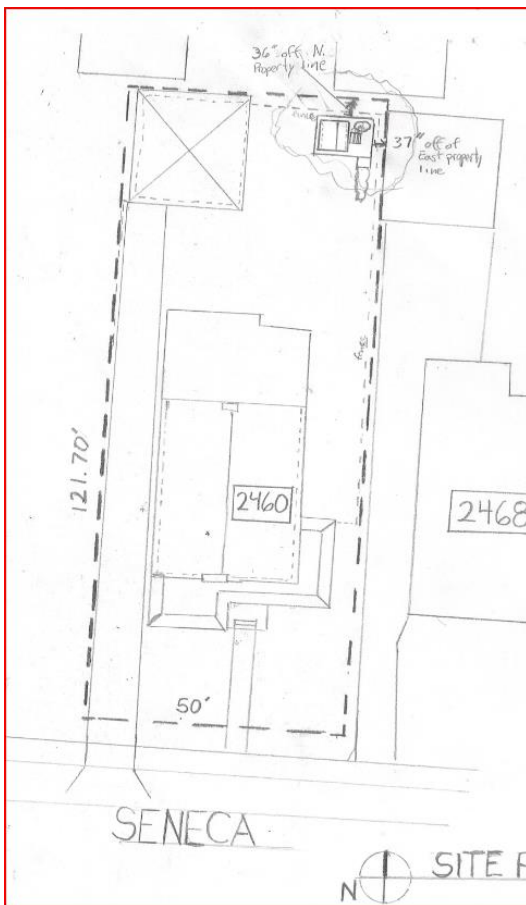
- 1252.15 Accessory Uses and Structures
 - (g) Accessory structure and use placement and design shall be based on the following criteria
 - (1) Accessory structures and uses shall be permitted only in the rear yard and shall be at least 3 feet from all property and right-of-way lines, provided that ample yard space is left open for the entrance and use of fire protection equipment.

- 1230.02 Accessory use or structure definition
 - "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Parking structures or parking lots are accessory structures or uses except where they are the principal structure or use or where they are an integral part of the principal structure or use.
- R-6 Zoning District: R-6 Zoning District –Minimum dimensions 50' x 120' (6,000 sq. ft.)
- Lot size is 50' x 121.70 (6,085 sq. ft.)

Background

- Applicant has begun building a tree play house for his children.
- The tree/ play house leans up against/ is attach to and surrounds a large silver maple on at the Northeast corner of the property where the 2 property fences (rear & east) adjoin.
- Applicant has tried to locate the iron pins, but could not find them in the rear o f the property only the front of the property.
- A site survey (iron pin or mortgage) has not been submitted which we do not require but in this case the staff has nothing to verify the property lines other than the fences and Franklin County Auditor site.
 - We typically tell residents to not use the Auditor site because it is not exact and done many times by fly overs.





- 6) App. No: 19305
 Address: 2468 – 2474 E Main St
 Applicant: Kelly Muir
 Owner: East Main Property Management LLC

Request: Per 1220.07 (a) Main Street Design Guidelines and Campus Planning District Review, the applicant is seeking approval from the Board of Zoning and Planning to paint a mural on the side of the building.

Code Analysis:

In 1220.07 the Main Street Design Guidelines states, Review. No building, structure or space within the Main Street District or the Campus Planning District shall be constructed, reconstructed, altered, moved, extended, razed, enlarged or changed in external appearance unless and until the plans and specifications for such building, structure or space, including the landscape plan for the premises on which it is or will be located (if relevant), have been approved by the Board of Zoning and Planning. The BZAP, in reviewing the plans and Specifications for the building, structure or space for which approval is necessary, shall examine the site plan, and all other factors relevant to the request in application, which may include the location of uses within and the arrangement and massing of the buildings and structures on the premises, building height, building elevation, lighting, signage, parking, the landscape plan and materials, and the impact of the site and design elements of the project upon the appearance and environment of the Main Street District or the Campus Planning District and neighboring properties. The BZAP will also consider the architectural style and building composition (including design elements such as entrances, storefronts, upper stories and mechanical screening), and exterior building materials and color, based upon a recommendation of the Architectural Review Board as requested by the BZAP.

Staff Comments

Staff finds no issue with this mural. In fact, on the tails of the Mural festival, we find it to be timely. Staff needs to confirm the colors.

