



### BZAP-24-39

(BZAP)Board of Zoning & Planning  
Application - Review of Variance  
requests for Residential and  
Commercial Development  
Status: Active  
Submitted On: 10/9/2024

### Primary Location

819 S CASSINGHAM RD  
Bexley, OH 43209

### Owner

Nathan Daynes and Amy Music  
S. Cassingham Rd. 819 Bexley, OH 43209

## A.1: Project Information

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

Kids treehouse

Architecture Review

Conditional Use

Planned Unit Dev

Rezoning

Variance or Special Permit

What requires Major Architectural Review ?

What requires Minor Architectural Review ?

Major Architectural Review

Minor Architectural Review

Appeal of ARB or Staff Decision to BZAP

State the specific nature of the Appeal.

Proximity to fenceline

Upcoming ARB Hearing Date ---(Hearings held the 2nd Thursday of the month. Application must be submitted 4 weeks prior to the upcoming meeting date)

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Upcoming BZAP hearing --- (Hearings held the 4th Thursday of the month. Application must be submitted 4 weeks prior to the upcoming meeting date)\*

10/24/2024

All BZAP (Board of Zoning & Planning) applications that also require ARB (Architectural Review Board) design review must go to the ARB hearing PRIOR to being heard by BZAP

Applicant (or representative of the project) must be present at the appropriate hearings

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### A.1: Attorney / Agent Information

Agent Name\*

NA

Agent Address

Agent Email\*

NA

Agent Phone\*

NA

Property Owner Name\*

Amy Music

Property Owner Email

Property Owner Address

Property Owner Phone number

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## A.2: Fee Worksheet

Estimated Valuation of Project

5000

Minor Architectural Review

Major Architectural Review

Variance Review

Variance Review Type

Fences or Special Permits

Zoning

Zoning Review Type

encroaching into required setback

Sign Review and Architectural Review for Commercial Projects

Review Type

—

Appeal of ARB decision to BZAP

Appeal of BZAP decision to City Council

**Conditional Use - Explain type of Use if being requested and fill out Conditional Use Criteria**

**Appeal of Zoning Officer determination to BZAP**



**Detailed explanation of appeal**

We built a treehouse for our daughter just off the fenceline. There were several factors limiting our placement, and at the time we were unaware of the zoning restriction in regard to proximity to fenceline. The factors include where the tree is, proximity to garage causing overlap of the structures, creating a blind spot to the back gate where we wouldn't be able to see anyone coming into the yard by the kid play area, proximity to concrete sidewalk as a safety hazard, and powerlines on the other side of the yard limiting that use. The structure is not cementing into the ground thus not permanent and will likely only be in place 7-9 years.

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**B: Project Worksheet: Property Information**

**Occupancy Type**

**Zoning District**

Residential

**Use Classification** 

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**B: Project Worksheet: Lot Info**

**Width (ft)**

**Depth (ft)**

8

8

Total Area (SF)

64

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## B: Project Worksheet: Primary Structure Info

Existing Footprint (SF)

64

Proposed Addition (SF)

–

Removing (SF)

–

Type of Structure

Treehouse

Proposed New Primary Structure or Residence (SF)

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Total (footprint) square foot of all structures combined

–

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## B: Project Worksheet: Garage and/or Accessory Structure Info (Incl. Decks, Pergolas, Etc)

Existing Footprint (SF)

–

Proposed Addition (SF)

–

New Structure Type

Treehouse

Ridge Height

12

Proposed New Structure (SF)

–

Is there a 2nd Floor

Yes

2nd Floor SF and total volume

64

Total of all garage and accessory structures (SF)

—

Total building lot coverage (SF)

64

Total building lot coverage (% of lot)

—

Is this replacing an existing garage and/or accessory structure?

No

## B: Project Worksheet: Hardscape

Existing Driveway (SF)

—

Existing Patio (SF)

—

Existing Private Sidewalk (SF)

—

Proposed Additional Hardscape (SF)

—

Total Hardscape (SF)

—

## B: Project Worksheet: Total Coverage

Total overall lot coverage (SF)

—

Total overall lot coverage (% of lot)

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## C.1 Architectural Review Worksheet: Roofing

Roofing

Structure

—

Existing Roof Type

—

New Roof Type

—

New Single Manufacturer

New Roof Style and Color

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## C.1 Architectural Review Worksheet: Windows

Windows

Structure

—

Existing Window Type

—

Existing Window Materials

—

New Window Manufacturer

New Window Style/Mat./Color

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## C.1 Architectural Review Worksheet: Doors

Doors

Structure

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Existing Entrance Door Type

—

Existing Garage Door Type

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**Door Finish**

**Proposed Door Type**

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**Proposed Door Style**

**Proposed Door Color**

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## C.1 Architectural Review Worksheet: Exterior Trim

**Exterior Trim**

**Existing Door Trim**

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**Proposed New Door Trim**

**Existing Window Trim**

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**Proposed New Window Trim**

**Trim Color(s)**

**Do the proposed changes affect the overhangs?**

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## C.2 Architectural Review Worksheet: Exterior Wall Finishes

**Exterior Wall Finishes**

**Existing Finishes**

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**Existing Finishes Manufacturer, Style, Color**

**Proposed Finishes**

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Proposed Finishes Manufacturer, Style, Color

By checking the following box I agree (as the applicant of record) to monitor this application and respond to any additional information requested by the Zoning Officer, Design Consultant, and Bldg. Dept Staff, through the email in this application, in order to allow a notice to be written and sent out 2 weeks prior to the next scheduled meeting and to be placed on the Agenda. This includes the ARB meeting when Design Recommendation is needed prior to Board of Zoning and Planning Review. I understand that incomplete applications may be withheld from the agenda or only offered informal review.\*

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## D: Tree & Public Gardens Commission Worksheet

Type of Landscape Project

Landscape Architect/Designer

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Architect/Designer Phone

Architect/Designer E-mail

Project Description

I have read and understand the above criteria

## D: (Staff Only) Tree & Public Gardens Commission Worksheet

Design plan with elevations (electronic copy as specified in instructions plus 1 hard copy)

Design Specifications as required in item 3 in "Review Guidelines and List of Criteria" above

Applicant has been advised that Landscape Designer/Architect must be present at meeting

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## E.1 Variance Worksheet

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

We built an 8x8' treehouse for our 5 year old. It is against the fenceline. Moving it out from the fenceline would put it right next to a concrete sidewalk which we felt was a safety concern. The tree is placed where it is, so we were working with that as well. Our garage sits square in the center of our yard causing narrow spaces of use on both sides. If we move the treehouse out it is in line with the garage and visually overlapping the structures Causing a narrow pathway between them. Moving the treehouse out from the fence also blocks the view to the back side yard and gate, where we wouldn't be able to see anyone enter or exit the yard in the kids play area. Another major safety issue for us. The opposite side of our yard has power lines so we couldn't built it there. This is the only space we could do it. It isn't permanent and our daughter will outgrow it in 7-9 years at which point we will take it down. Our hope is to get a variance for that time frame in which to allow her to have this fun childhood experience. The build is tastefully designed and professionally built to appear as aesthetically pleasing to the neighborhood as possible. We created a "birdhouse" look, are painting it white to match ours and our neighbors homes and it has a matching black shingled roof to match our home and garage as well. We tried to make it appealing and not just a rough eyesore structure. Hopefully that is taken into consideration as well.

**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.**

Asking for variance to keep structure near fenceline for 7-10 years

**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. We built the structure to match and appeal to current properties. The treehouse faces our neighbor's side yard and is going to be just as visible regardless of position on fenceline.

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## E.2 Variance Worksheet

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

No

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

I purchased the home 16 years ago. I didn't realize there was a zoning restriction on this treehouse build.

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

Unfortunately the size and weight of the structure will be impossible to move, and also there is not space for it elsewhere.

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

We understand the zoning restriction and don't have any issues with it, but in this particular case safety was a concern and as it is a temporary play structure I know our daughter would benefit greatly from the variance to have a little space of her own for imaginative play and memories.

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## F.1 Fence Variance Worksheet

**Lot Type**

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**Narrative description of how you plan to meet the pertinent outlined variance criteria**

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## F.1-F.2 Fence Variance Worksheet: Side and Rear Yard Restrictions for Corner Lots

**1. Compatibility: Describe how the proposed side yard fence or wall exceeding forty-eight inches in height and on the street side of a corner lot compatible with other properties in the neighborhood?**

**2. Height: Please verify that the maximum height of such fence or wall shall not exceed seventy-two inches as measured from the average grade, as defined in Section 1230.06. 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.**

**3. Transparency:** Fences exceeding forty-eight inches in height should include transparency in the upper 12” to 18” of the fence through the use of latticework, pickets, or other appropriate design elements. Describe how you have satisfied this requirement.

**4. Screening:** A landscaping plan must be filed with the application for a special permit, indicating how such fencing or wall is to be screened from the street side elevation. The landscape plan should be designed in such a way as to mitigate the impact of a solid fence or wall as it relates to the street and other properties. Describe how the landscape plan addresses these items.

**5. Visibility and Safety:** The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement. Please describe any visibility/safety concerns with your design.

**6. Material Compatibility:** No chain link, wire mesh or other similar material shall be installed on lot lines adjacent to public rights-of-way. Please verify that your design complies with this requirement.

**7. Finished Side:** Any fence or wall erected on a lot located at the intersection of two or more streets must have the finished and not the structural side facing the adjacent property, alley or street. Please verify that your design complies with this requirement.

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## F.3 Fence Variance Worksheet

Front Yard Restrictions

Fences Adjacent to Commercial Districts

**Require Commercial Fences Adjacent to Residential Districts**

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### F.3 Fence Variance Worksheet: Front Yard Restrictions

The proposed decorative landscape wall or fence is compatible with other properties in the neighborhood.

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The height of the fence or wall does not exceed the size permitted as above when measured from the average grade of the yard where the fence or wall is to be installed. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included in the maximum height.

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Posts, columns and finials may extend up to 6” above the maximum allowed height of the fence panels. CHAPTER 1264. FENCES AND WALLS City of Bexley Zoning Ordinance

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A landscaping plan shall be filed with the application indicating how such fencing and/ or wall is to be integrated with existing front yard landscaping.

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The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.

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No chain link, wire mesh, concrete block or other similar type material shall be installed as a decorative landscape wall or fence.

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The fence and/or wall shall have a minimum of 50% transparency.

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That the lot exhibits unique characteristics that support the increase in fence height.

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## G. Demolition Worksheet

Is your property historically significant? Please attached supporting documentation. Recomend sources include ownership records, a letter from the Bexley Historical Society, etc.

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Is your property architecturally significant? Please attached supporting documentation. Recomend sources include a letter of opinion from an architect or expert with historical preservation expertise.

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If you answered "yes" to either of the above two questions, please describe any economic hardship that results from being unable to demolish the primary residence, and attach any supporting evidence.

If you answered "yes" to either of the above two questions, please describe any other unusual or compelling circumstances that require the demolition of the primary residence, and attach any supporting evidence.

I will provide a definite plan for reuse of the site, including proposed replacement structures, by completing Worksheets B & C and any other pertinent worksheets, along with required exhibits.

Provide a narrative time schedule for the replacement project

Please provide a narrative of what impact the proposed replacement project will have on the subject property and the neighborhood.