

BZAP-24-46

(BZAP)Board of Zoning &
Planning Application -
Review of Variance
requests for Residential
and Commercial
Development

Status: Active

Submitted On: 11/15/2024





Primary Location

251 STANBERY AV
Bexley, OH 43209

Owner

Toby and Jennifer Tomlin
Stanbery Ave 251 Bexley, Ohio
43209

Applicant

 Letha Imler
 614-867-0181
 limler@2thecreek.com
 3940 Scioto Darby Creek Road
Hidden Creek
Hilliard, Ohio 43026

A.1: Project Information

Brief Project Description

Client is replacing a like-for-like patio with a kitchen and wants to add a concrete pad for a hot tub.

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.

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

—

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

01/23/2025

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

A.1: Attorney / Agent Information

Agent Name*

Letha Imler

Agent Address

3490 Scioto Darby Creek Rd, Hilliard, Ohio,
43026

Agent Email*

limler@2thecreek.com

Agent Phone*

614-777-4254

Property Owner Name*

Toby and Jennifer Tomlin

Property Owner Email

jstifftomlin@gmail.com

Property Owner Address

251 Stanbery Ave, Bexley, Ohio, 43209

Property Owner Phone number

(614) 638-6994

A.2: Fee Worksheet

Estimated Valuation of Project

206000

Minor Architectural Review

☐

Major Architectural Review

☐

Variance Review

☒

Variance Review Type

Single Family

Zoning

☐

Zoning Review Type

encroaching into required setback

Sign Review and Architectural Review for Commercial Projects

☐

Review Type

Special Permit, Conditional Uses and All Others

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

☐

B: Project Worksheet: Property Information

Occupancy Type

Residential

Zoning District

Medium Density Residential Bexley

Use Classification 

R-3 (25% Building and 50% Overall)

B: Project Worksheet: Lot Info

Width (ft)

115

Depth (ft)

188

Total Area (SF)

21620

B: Project Worksheet: Primary Structure Info

Existing Footprint (SF)

2818

Proposed Addition (SF)

—

Removing (SF)

—

Type of Structure

Proposed New Primary Structure or Residence (SF)

—

Total (footprint) square foot of all structures combined

—

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

Existing Footprint (SF)

—

Proposed Addition (SF)

—

New Structure Type

Ridge Height

Proposed New Structure (SF)

—

Is there a 2nd Floor

—

Total of all garage and accessory structures (SF)

—

Total building lot coverage (SF)

—

Total building lot coverage (% of lot)

—

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

—

B: Project Worksheet: Hardscape

Existing Driveway (SF)

1497

Existing Patio (SF)

1346

Existing Private Sidewalk (SF)

374

Proposed Additional Hardscape (SF)

203

Total Hardscape (SF)

3420

B: Project Worksheet: Total Coverage

Total overall lot coverage (SF)

6238

Total overall lot coverage (% of lot)

28.85

C.1 Architectural Review Worksheet: Roofing

Roofing



Structure

—

Existing Roof Type

—

New Roof Type

—

New Single Manufacturer

New Roof Style and Color

C.1 Architectural Review Worksheet: Windows

Windows

☐

Structure

—

Existing Window Type

—

Existing Window Materials

—

New Window Manufacturer

New Window Style/Mat./Color

C.1 Architectural Review Worksheet: Doors

Doors

☐

Structure

—

Existing Entrance Door Type

—

Existing Garage Door Type

—

Door Finish

—

Proposed Door Type

Proposed Door Style

Proposed Door Color

C.1 Architectural Review Worksheet: Exterior Trim

Exterior Trim

☐

Existing Door Trim

—

Proposed New Door Trim

Existing Window Trim

—

Proposed New Window Trim

Trim Color(s)

Do the proposed changes affect the overhangs?

—

C.2 Architectural Review Worksheet: Exterior Wall Finishes

Exterior Wall Finishes

☐

Existing Finishes

—

Existing Finishes Manufacturer, Style, Color

Proposed Finishes

—

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.*

☒

D: Tree & Public Gardens Commission Worksheet

Type of Landscape Project

Landscape Architect/Designer

—

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

☐

E.1 Variance Worksheet

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

Requesting a variance to place a hot tub 3'-11" off the side property line in order to keep it in a private, secluded area of the yard, as well as immediately outside the homeowners' bedroom, which has an existing door to the space. They would also like to keep patio space outside of this door to use as a private seating area and have an attractive view out from their bedroom windows without seeing the hot tub.

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.

Without the variance, the hot tub would be required to be placed 17' inside the property line, which would be an awkward location, not private, not as easily accessible, and more easily viewable by neighboring properties. In the currently proposed location, it would be tucked into a corner and well-screened by the existing privacy fence, the existing structure of the house, and proposed vegetation.

2. Is the variance substantial? Please describe.

The variance is substantial. It would allow the homeowners to relax in the privacy of their own backyard, without being subject to views from the other properties surrounding their yard.

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.

The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer detriment as a result of the variance. The variance would actually allow the hot tub to be placed in a private, secluded location that would keep it out of sight from neighboring properties.

E.2 Variance Worksheet

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

The variance would not adversely affect the delivery of governmental services, as it would place the hot tub in the back yard, in the corner of the existing privacy fence, on the opposite side of the house from the access gates and driveway.

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

The property owners were not aware of the restriction of the placement of the hot tub when they purchased the property.

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

It cannot. There is not enough room to place the hot tub outside of their bedroom door in that nook of the house if it is to be 17' off the property line. Also, if the hot tub was placed closer to the door, it would impede pedestrian circulation to the rest of the yard.

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

The hot tub is not a permanent structure. If access to the setback area should need to be accessed, the hot tub could be moved. Granting the variance would allow the homeowners to enjoy their yard while not impeding views of their neighbors.

F.1 Fence Variance Worksheet

Lot Type

—

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

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.

F.3 Fence Variance Worksheet

Front Yard Restrictions

☐

Fences Adjacent to Commercial Districts

☐

Require Commercial Fences Adjacent to Residential Districts

☐

F.3 Fence Variance Worksheet: Front Yard Restrictions

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

—

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.

—

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

—

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.

—

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

—

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

—

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

—

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

—

G. Demolition Worksheet

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

—

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

—

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.

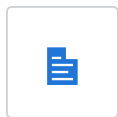
I will provide a definite plan for reuse of the site, including proposed replacement structures, by completing Worksheets B & C and any other pertinent worksheets, along with required exhibits.

☐

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.

Attachments



Photographs

Tomlin Site Photos for Variance.pdf
Uploaded by Letha Imler on Nov 15, 2024 at 8:41 AM



Site Plan and Vicinity Map of immediate surrounding lots

REQUIRED

Tomlin Variance submittal site plans_11x17.pdf
Uploaded by Letha Imler on Nov 15, 2024 at 12:42 PM

Record Activity

Letha Imler started a draft Record	11/12/2024 at 3:31 pm
Letha Imler added file Tomlin Site Photos for Variance.pdf	11/15/2024 at 8:41 am
Letha Imler added file Tomlin Variance submittal site plans_11x17.pdf	11/15/2024 at 12:42 pm
Letha Imler submitted Record BZAP-24-46	11/15/2024 at 12:44 pm
OpenGov system altered payment step Payment, changed status from Inactive to Active on Record BZAP-24-46	11/15/2024 at 12:44 pm
OpenGov system altered approval step Zoning Officer, changed status from Inactive to Active on Record BZAP-24-46	11/15/2024 at 12:44 pm
OpenGov system altered approval step Design Planning Consultant, changed status from Inactive to Active on Record BZAP-24-46	11/15/2024 at 12:44 pm
OpenGov system assigned approval step Design Planning Consultant to Karen Bokor on Record BZAP-24-46	11/15/2024 at 12:44 pm
OpenGov system assigned approval step Zoning Officer to Matt Klingler on Record BZAP-24-46	11/15/2024 at 12:44 pm
OpenGov system completed payment step Payment on Record BZAP-24-46	11/15/2024 at 1:47 pm
Karen Bokor added Record BZAP-24-46 to project January BZAP	11/18/2024 at 2:21 pm

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
Payment	11/15/2024, 12:44:05 PM	11/15/2024, 1:47:08 PM	Letha Imler	-	Completed

Label	Activated	Completed	Assignee	Due Date	Status
✓ Zoning Officer	11/15/2024, 12:44:05 PM	-	Matt Klingler	-	Active
✓ Design Planning Consultant	11/15/2024, 12:44:05 PM	-	Karen Bokor	-	Active
✓ Architectural Review Board	-	-	-	-	Inactive
✓ Board of Zoning and Planning	-	-	-	-	Inactive