

Architectural Review Board

Decision and Record of Action - May 9, 2024, Meeting

The City of Bexley's Architectural Review Board took the following action at this meeting:

Application Number: ARB-24- 9

Address: 236 N Columbia

Applicant: John Behal

Owner: Yoaz Saar

Request: The applicant is seeking Architectural Review and approval and a Certificate of Appropriateness to demolish an existing home and replace with a new home.

During the hearing, the Board requested that the Applicant agree to the hearing being continued to permit ARB to request and consider an independent report concerning the proposed demolition from a structural engineer as permitted by Bexley City Code. The Applicant requested that the ARB vote on the application as presented.

MOTION #1: The following motion to designate the existing structure as historically or architecturally significant considering Bexley City Code Section 1223.05 (d) (1),(2), (3), (4) and (5) was made by Mr. Scott and seconded by Mr. Hall.

The findings and decisions of the Board for application number ARB- 24-9 for the property located at 236 N Columbia as stated by Kathy Rose: That the Architectural Review Board determines the existing structure is historically and architecturally significant and finds the following criteria from Bexley City Code Section 1223.05 (d) criteria to determine preservation significance have been met:

Criteria (2): The building is a unique midcentury modern home.

Criteria (4): The architect, Noverre Musson, was a contributing and significant local designer and the home was commissioned and occupied by the Lazarus family, a prominent and longtime Bexley family.

The applicant, John Behal, agreed to the findings of fact.

VOTE: All members voted in favor as follows: Mr. Hall, Mr. Heyer, Mr. Scott,

Chairperson Toney, (4) voting yes, (0) voting no, motion passed.

RESULT: The existing structure was designated a historically and architecturally significant structure.

MOTION #2: The following motion to determine whether the existing structure, designated as historically and architecturally significant, can be demolished considering the criteria from Bexley City Code Section 1223.05 (e) (1), (2) and (3), Criteria to Determine Substantial Economic Hardship, was made by Mr. Heyer and seconded by Mr. Hall:

The findings and decisions of the Board for application number ARB-24-9 for the property located at 236 N Columbia as stated by Kathy Rose: That the Architectural Review Board finds that the existing structure located at 236 N Columbia and designated historically and architecturally significant is not worthy of preservation and can be demolished using the following criteria for the evaluation of substantial and economic hardship to determine cause for demolition:

- (1) Denial of a certificate will result in a substantial reduction in the economic value of the property
- (2) Denial of a certificate will result in a substantial economic burden because the structure cannot be maintained in its current form at a reasonable cost
- (3) Denial of a certificate will result in a substantial economic burden because the cost of preserving or restoring the structure will impose an unreasonable financial burden.

The applicant, John Behal, agreed to the findings of fact.

VOTE: Mr. Heyer, Mr. Scott, Mr. Hall, Chairperson Toney, (0) voting yes, (4) voting no, motion fails.

The Board members stated the following reasons for their conclusions in evaluating the criteria for the evaluation of substantial and economic hardship:

Mr. Heyer: There is not enough evidence or substantiation to support a finding that the applicant proved any of the criteria of the Bexley City Code for substantial economic hardship.

Mr. Scott: The applicant did not provide sufficient evidence that there would be a substantial reduction of the economic value of the property, no maintenance costs for the existing structure short term or long term

were submitted and the comparable cost of preservation and rehabilitation of the existing structure vs. the cost of new construction is unclear and not sufficient to meet the third criteria. The evidence presented by the applicant was not sufficient to prove the criteria for substantial economic hardship that would permit demolition were met. Mr. Hall: There was not enough evidence presented to determine criteria (1) (2), and criteria (3) does not have enough evidence for a conclusive comparison. There was not enough evidence presented to prove there is a reduction in the property value. There was insufficient evidence presented to prove that there were unreasonable maintenance costs of the existing property. There was some evidence presented by the applicant/architect on the costs of restoration of the existing structure and construction of an addition, but there were no costs presented on the proposed new house (replacement structure), no ability to compare the costs of restoration vs. new construction, and there is insufficient evidence to find criteria for substantial economic hardship necessary to permit demolition.

Chairperson Toney: The applicant has not shown enough evidence to support criteria (1) and (2) and there is not enough information to determine criteria (3). The applicant failed to prove denial of demolition would result in reduction in the value of the property; the applicant did not prove the preservation of the existing residence imposes unreasonable maintenance costs or that the restoration and preservation of the residence imposes unreasonable costs.

RESULT: The existing structure was denied a certificate for demolition under the evaluation of criteria from Bexley City Code Section 1223.05 (e) (1), (2) and (3), Criteria to Determine Substantial Economic Hardship.

MOTION #3: The following motion to determine whether the existing structure, designated as historically and architecturally significant, can be demolished considering the criteria from Bexley City Code Section 1223.05 (f) (1), (2), (3), and (4), Criteria to Determine Unusual and Compelling Circumstances, was made by Mr. Heyer and seconded by Mr. Hall:

The findings and decisions of the Board for application number ARB-24-9 for the property located at 236 N Columbia as stated by Kathy Rose: That the Architectural Review Board finds that the existing structure located at 236 N Columbia and designated historically and architecturally significant is not worthy of preservation and can be

demolished using the following Bexley City Code criteria to determine unusual and compelling circumstances to determine cause for demolition:

- (1) The preservation or restoration of the structure is not structurally feasible.
- (2) The proposed replacement plan is superior to retention of the existing structure.
- (3) The proposed replacement plan is more compatible than the existing structure with existing structures and uses within the portion of the District in which the subject property is located.
- (4) Demolition is required to eliminate a condition which has a materially adverse effect on adjoining properties or the neighborhood, and demolition is consistent with the purposes of this chapter.

The applicant, John Behal, agreed to the findings of fact.

VOTE:

Mr. Heyer, Mr. Scott, Mr. Hall, Chairperson Toney, (0) voting yes, (4) voting no, motion fails.

The Board members stated the following reasons for their conclusions in evaluating the criteria to determine unusual and compelling circumstances:

Mr. Heyer: (1) The structural feasibility criteria is not corroborated. (2) The replacement plan is not superior to existing structure. Superior has not been defined. (3) Contextual Compatibility of replacement plan has not been defined. (4) There was some evidence that the existing structure has an adverse effect on neighbors, but it was insufficient to support the overall criteria for demolition. Unusual and compelling circumstances were not proven by the applicant and the request for demolition fails.


Mr. Scott: (1) The letter of the structural engineer only looks toward future conditions, not the adverse existing conditions and their resolution and has not been corroborated by an independent structural engineer. (2) The replacement plan is not superior to the uniqueness of the existing site and arguably better contextually with the neighboring properties. (3) from a design perspective the replacement property does fit in with the existing community and housing but the existing house does not negatively impact the neighborhood (4) there was insufficient credible evidence that the existing structure has an adverse effect on neighbors though the proposed new structure on the property may increase the value of the neighboring properties, but there was no evidence to support that conclusion.

Mr. Hall: (1) There is not enough sufficient evidence that structurally preservation of the existing structure is not feasible and in fact there were several suggestions that made it feasible and the letter from the applicant's engineer was not corroborated; an independent report should be obtained; (2) and (3) There was not enough study or evidence to evaluate the textual compatibility of the existing structure and what the existing property could be. (4) There was no evidence presented that the existing structure as an adverse effect on neighbors.

Chairperson Toney: (1) there is not sufficient evidence that the existing house is structurally not feasible, and the Board should obtain an independent report . (2) This is one of only 3 Noverre Musson homes in the City of Bexley and the replacement plan is not superior to the existing home. (3) The application did not prove the replacement plan is more contextually compatible than the existing residence. (4) There is not sufficient evidence to show the existing structure had an adverse effect on any neighbors.

RESULT: The existing structure was denied a certificate for demolition. under the evaluation criteria of Bexley City Code Section 1223.05 (f) (1), (2), (3), and (4), Criteria to Determine Unusual and Compelling Circumstances.

Staff Certification: Recorded from the ARB meeting on the 21st day of May, 2024.


Kathy Rose, Zoning Officer


Karen Bokor, Design Consultant

cc: Applicant, File Copy

