

## Board of Zoning & Planning

May 28, 2020

### Staff Report by Kathy Rose for 69 S. Cassingham

#### Bexley Code Section 1252.15 Accessory uses and structures

- (a) It shall be no greater than thirty-five percent (35%) of the building footprint of the principal structure or 624square feet, whichever is greater. **(Typically, 26'x 24')**
- (c) it shall not contain or be used as a dwelling unit.
- (d) It may contain no more than two of the following elements: a bedroom; a kitchen; or a bathroom, so long as it does not qualify as a dwelling unit as defined in Chapter 1230.
- (e) It shall not exceed one story in height, ridgeline not to exceed 20' without approval from the Board of Zoning and Planning. Such special permit shall be strictly limited to permitting additional height of the accessory structure and shall not be used to apply conditions to restrict its use.
- (f) No story in an accessory structure shall exceed ten feet in height.

**I'd like to start with the fact that accessory structures where once limited to 15' in height.**

**The height restriction was raised to 20' in height, when it was found that encouraging the pitch of the garage roof to match that of the principal structure could create the need for a variance.**

#### Bexley Code Section 1230.77 Story, Residential

“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement is considered as one-half a story if one-half to two-thirds of its volume is above the average level of adjacent ground (before construction), and as one story if over two-thirds of its volume is above the level of adjacent ground or if it is used as a separate dwelling unit or establishment. An attic is considered as a story if it contains two-thirds or more as much volume as the story immediately below the building or if it is used as a separate dwelling unit or establishment. Buildings containing split-levels of stories are considered by the maximum number of stories in any individual section of the building.

**The majority of which have been an increase in the upper portion of the structure and more centered in the structure.**

**This particular case in it's original form exceeded the 2/3 of the floor below and the first floor exceeded 10', which classified it as 2-story. It was then revised and is still very close to the 2/3 volume of the first floor, and the first floor was shortened from 10' 1/2" to 10'. I think the design is nice based on the detail; however, I'm struggling more with the wall height, 2<sup>nd</sup> floor mass, the length**

**(which went from 35' 2" to 32' 4") and also the fact that it can be located 3' from the side property line.**

**The fact that the structure includes a shed dormer on both sides of the roof and is also shifted to one end of the garage, does not follow the intent of the height and massing limits without becoming 2<sup>nd</sup> floor.**

**This further leaves the neighboring property owners no say if it has a negative impact their properties, when it is something that is simply subject to Staff approval.**

**I question if this does in fact meet code, is it an appropriate accessory structure in every back yard in Bexley? That would be my mistake if it is not, and why I would defer to the Board of Zoning and Planning for an interpretation.**

**The applicant is appealing my decision in considering this to be a 2-story accessory structure.**