



Board of Zoning and Planning Meeting Minutes

Thursday, February 25, 2021

6:00 PM

1) **Call to Order**

The meeting started at 6:07 pm. Recording of this meeting can be viewed through this link:
<https://www.youtube.com/watch?v=deSA0brKVu8>

2) **Roll Call of Members**

Heidi Dorn, Alissha Mitchell, Brian Marsh, Sean Turner, Jason Fout, Ryan Schick, Bob Behal
Alternate: Rick Levine

3) **Presentations/Special Guests**

4) **Public Comments**

There were no public comments.

5) **Old Business**

A) Application No.: BZAP-20-63
Applicant: Sullivan Builders
Owner: Summit Shailesh Shah
Location: 424 S. Columbia

BZAP: The motion to approve amendments to the 2018 Certificate of Appropriateness, with conditions, failed with 2 votes yes and 4 votes no. The Board may, upon majority vote, reconsider their action.

Schick made a Motion under Rule to 14 reconsider the matter at 424 S. Columbia. Mitchell seconded the Motion.

Catherine Cunningham stated that two of members of BZAP were not present at the last meeting but heard and watched the discussion after the meeting took place.

Board comments or questions of pending Motion:

Mitchell said that procedurally the discussion comes to a point of what happens next but is not a clear directive. She asked if they leave a home that is or is not finished and what do they do. She would like to understand this Board's role should be in a case like that. Behal said when matters are decided in this forum the Findings of Fact and Conclusions of Law are stated in the affirmative, and members vote yes or no, and then the public is aware of what the Findings were.

If they vote negatively to a positive motion that would state the grounds for the denial and then vote on the denial, which would pass or not pass. Mitchell said when BZAP head the case for the first time the question was of compliance with the Zoning Code; is what is there compliant. What is the role of BZAP then and is it still in compliance or state the Board gave clear directive in the Findings of Fact in the original approval. Behal said if the Board were asked to be willing to amend the permit previously granted it would be akin to a variance. A variance is granted when the rules should be given deviation. He added that in this case, the Board was asked to grant an amended permit and that was voted down.

Ms. Cunningham added that this Board had already granted a Certificate of Appropriateness related to the architecture but not the Zoning Code standards. A variance was previously granted for the pool and one was denied for the circular driveway. There was prior approval for the architecture on what the owner originally proposed, but there are current architectural elements that are not in compliance with the original approval. Behal stated that Ms. Cunningham was outside Zoning counsel who helps with zoning legal matters. Marsh asked if it was the Board members wishes or not to change the status. Behal said Rule 14 was cited by a Board member who feels this should be reconsidered and the Board can vote on that Motion with no discussion of the case at all. Behal added that this is strictly procedural, the decision should be given reconsideration, which is the Rule under which the Motion was made.

Ms. Cunningham said that part of the rules of BZAP allows a member to make a Motion for consideration and the Board can choose to take it and set it for a different date in the future. If that is decided, the application would require a 14-day notice, either as a special meeting or not, which is up to the Board. If members choose to reconsider the application then they choose a date when a reconsideration be made. Dorn said she thought it would be a good thing to provide some detail why it was denied, if that is how it is voted again. She added that Council would have to know what the Board is looking at and is important to have a sound basis for the explanation for the decision.

Vote on the Motion to reconsider this application: Ryan Schick, Heidi Dorn, Brian Marsh, Jason Fout, Sean Turner, Alissha Mitchell, Bob Behal

Behal said to set this for a date that allows for a 14-day notice for the applicants and neighbors, and also try not to schedule the meeting during school breaks. He said not to put limits on dates but asked Board members to check their calendars for the March BZAP meeting 3/25/2021, and to check their schedules for March 23rd or 24th, establish the date and then put it on the 25th agenda.

- B) Application No.: BZAP-20-48
Applicant: Community Builders
Owner: Sally Woodyard
Location: 2300 E. Livingston Ave
BZAP: The applicant is seeking architectural review and approval to allow a allow a 3- story structure with residential use on the first, 2nd and 3rd floors. The applicant is also seeking a Conditional Use approval to allow a residential use on all 3 floors of this new s-story building. If approved, the existing structure would be demolished.

Nicole Boyer, Jeff Beam, David Hodge, Nate Green, Kevin Dreyfuss, Drew Laurent, Sarah Gold, and Rachel Kleit were sworn in.

Alissha Mitchell recused herself from the discussion and vote for this application and the following application. Rick Levine entered the meeting as a voting member.

Jason Sudy provided an overview to the Board for this application. This case is for a property proposed in the Commercial Services District. There are two requests. One is for a Certificate of Appropriateness for construction which is more focused on the appropriateness of the site design and architecture, which the Architectural Review Board is also looking at. The second is for a Conditional Use approval which is for a space that would require to have residential space on the 1st and upper floors. One consideration for a Conditional Use request is whether or not it would fit into the adopted plans of the city and conform to the overall intent of the city's public policies. In No. 3 of the city's DEI Strategic Plan, which Council adopted, it says to create an inclusive greater Bexley community, and under a set of action items, one was to encourage the CIC and their efforts to identify affordable housing. The document is a guiding document, and not Code. A Conditional Use means part of Zoning but requires additional review. There are things to consider such as district site development regulations, which this project conforms to all. There have been concerns to items such as the building height, which is allowable in this district. There are a number of district design standards which are already met, or some to be determined as the review process continues. The proposal will return to the ARB for final review of the architecture and it will also go to the Tree and Public Garden Commission for final review on landscaping. For parking, there is no specific residential parking in this district but there is one for a Mixed Use District, which is one space per unit. This proposal meets Code in terms of parking. There is no variance requested. Mr. Sudy also wanted to point out to the Board that there is currently a plan beginning between the cities of Bexley and Columbus to look at and improve on the safety, livability, and walkability about this corridor on Livingston. There are recommended conditions for this application, which are: that this application return to the ARB for a Certificate of Appropriateness, that this application go to the Tree and Public Garden Commission for final landscape review and approval, and that it is in conformance with the plans submitted at tonight's meeting on February 25th, 2021.

Behal said that he read in the paper there was an article about these cases on the agenda tonight and that the housing projects would receive final approval this evening. He said that is not correct and no one knows how the vote will result. Behal added that they are still listening to all of the facts, there is not a pre-determined consideration before this board and wanted to clarify that other approvals must be obtained. Rose said that this is based on the ARB recommendation that the project return to them for final design review and to the Tree and Public Garden Commission. Mr. Sudy added that it is true the proposal will return to the other Boards for review but the 8' tall fence is required in the Zoning Code. The design for that fence is getting worked out. Marsh said there has been a lot of talk about parking and asked if there is a way to have the city's traffic engineer or other professional review that aspect. Mr. Sudy said that if it were Commercial Use it would generate higher traffic volumes but in a residential district the volume is much lower.

David Hodge reviewed supplemental information for this application with the Board. After reviewing both neighbor input and Board comments discussed at the last meeting, the applicants demonstrated that the eight criteria of Bexley Code Section 1226.12 are met or have been exceeded and are what the Board has before it tonight.

Jeff Beam said that based on prior comments they focused on specific criteria for this project and gave two pieces of context. TCB will develop and manage the development of this project and will be accountable for the completion and financial risk if approved. TCB manages as an organization approximately 10,000 apartments in a wide variety of communities and are recognized as a leader on affordable housing. Their record on longevity and success can accomplish what they are committing to do. Community input is an important part of the process and TCB issued a joint press release with the city, appeared at the ARB meeting, and delivered to multiple properties information about these projects. TCB hosted different question and answer discussions and will continue to engage with the community.

Nicole Boyer discussed the eight criteria referenced in Bexley Code Section 1226.12(b) criteria and how this project meets them. She said that this proposed use and project aligns with multiple community goals, one being the DEI strategy. This project aligns with goal three to be inclusive with the greater community and aligns with the Strategic Plan's vision for top tier communities centered on families of all kinds. Ms. Boyer added that the use does not have a negative impact. This site is in a unique position on the Livingston corridor and transitions between high trip generating businesses and single-family homes.

Drew Laurent said in evaluate parking and traffic this proposal eliminates two existing curb cuts on Livingston In retail and restaurant use, they create more traffic than a multi-family building At peak times, 10 am – 5 am, there would be 27 vehicles on the property and other uses for the space would require more spaces. Ms. Boyer added that they looked at other properties they manage in comparable markets and counted cars in stalls at different points during the day. They looked at the lots on weekdays and weekends at Bexley House Apartments, Cassady North Apartments, Mayfield Manor, all with 1.29 parking spaces provided but use was at 42 percent. What TCB is proposing is above what is currently in use. The project meets or satisfies Code provisions, falls within the requirements of the CS District, are in process of coming up with ideas for building design, are looking into what an 8' fence could look like aesthetically, as well as looking into landscaping and screening. TCB heard from the community in relation to their concern of what to do for families with children living in that space and how to keep them off of Livingston because of traffic concerns. TCB made adjustments to bring gathering areas in the back of the property. One of the requirements of a Conditional Use is that it does not create an undue burden, and TCB will work with the city departments to make sure connections are appropriate for water, sewer, and electricity. The proposed parking meets MUC standards. TCB had preliminary conversations with the school and there were no material concerns around the quantity of the units proposed.

Ms. Boyer added that another criteria for Conditional Use is to be consistent with the economic goal of not to decrease property values. This project is an opportunity to reposition a property and redevelop the site with no impact to property values. TCB is looking to create a design the community can be proud of. The proposed structure has been pulled back 10' from the corridor and complies and aligns with Main Street Guidelines, which encourages structure be closer to the street with parking in the rear. The last criteria for a Conditional Use is that the proposed construction does not result in a loss of historical importance, which neither current structure has.

Mr. Hodge said they have an expert to discuss this type of housing, Rachel Kleit, who works in

City Planning and studied mixed-income housing. She is excited that TCB is proposing to work on these sites in Bexley. TCB is well known and long-lived, and property values may go up because of TCB's long-term maintenance and high quality builds. TCB is one of the model organizations on affordable housing.

Larry and Ginny Christopherson, residents at 885 Francis, were sworn in. Their concerns were about the car wash down the street and the Livingston Ave curbside lane. The Zoning committee approved the wash with no idea that the Livingston parking lot would be for access. They are concerned about trash removal and they don't know how get out on Francis Avenue with the proposed parking arrangement. They would like to see how it is addressed.

Jason Mackay, resident at 980 College Avenue, was sworn in. Mr. Mackay said that the quality of the design won't impact him but he has not seen the updated renderings. He referenced that Francis has large lots, and he is concerned with the privacy and number of windows facing his property. He was curious about the proposed fence that would face his property.

Robert Burke, resident at 917 Pleasant Ridge Ave, was sworn in. His question had to do with traffic and parking. Mr. Burke said it is hard to believe that there would be only nine entrances and exits during morning peak hours and a dozen in evening peak hours. His other concern is that he is skeptical of the number of parking spaces given and would like to see data shown on parking utilization. He is convinced that the other complexes compared to this are apples-to-apples in comparison, and that only a few multiple vehicle residents will be attracted to these units. He saw the slides but is skeptical.

Dustin Snow, resident at 990 Francis Avenue, was sworn in. Mr. Snow submitted a document with over 12 signatures with residents in standing and sent it to city staff. Behal asked Mr. Snow what his position was. Mr. Snow said the sight line at the end of Francis when turning onto Livingston. There already is a limitation to the line of sight trying and to look through a tree would limit it even more. Making a left-hand turn from Francis onto Livingston with traffic moving at 35 mph is recommended to take seven to ten seconds. Looking at this intersection with the current issues with Livingston and speeding, they will not be able to make a left-hand turn onto Livingston. The MUC idea talks about commercial parking with a higher number of spaces on the lot, and residential requires one space per unit. Mr. Snow referenced the City of Columbus requires 1.5 spaces per unit. Schick asked if it was possible to send the document Mr. Snow referenced. Bokor said she would send it to all of the Board members.

Ajay Garlapati and Melissa Garlapati, residents at 981 Francis, were sworn in. Mrs. Garlapati said she is concerned this is causing public backlash. She said TCB did a good job marketing but reiterates that this does not meet Code or the needs of the tenants. Mr. Sudy said it does meet code. Ms. Kleit said that it will not impact her. Mrs. Garlapati said that TCB has not once stated how the project will meet the AD Act. She also referenced Bexley Code Section 1226.12 and said that this project does not meet the requirements to be granted. She agreed that there is no hazardous or negative impact, however it will impact privacy. She said this project is not compatible and violates 1226.12(g) and is not compatible with adjacent residences. The building will overlook homes and TCB is not willing to change or restructure the number of units. It is an oversight of privacy and there is no sense of conversations without taking into account unequal use. A three-story building will cause concerns of privacy laws and surveillance. She referenced

Bexley Code Section 1226.12(b) and said that this project will have a negative impact; there is no greenspace and this property is not the right location for this project.

Bridgett Tupes, resident at 2316 Livingston Avenue, was sworn in. Ms. Tupes said that noting previous meeting feedback from members there were concerns about parking and that it is not sufficient for the location. She said that the updated application should comply with the SW Bexley Master Plan for single family homes and that standard should be applied to this location. At minimum there should be 41 spots for this property. Ms. Tupes has concerns about its setback and safety and said that these topics were not addressed.

Brian Newman, resident at 953 Francis Avenue was sworn in. Mr. Newman read Mr. Snow's document and that it was their only opportunity to have a voice. He moved to Bexley 22 years ago to raise a family and he is concerned and would like BZAP to remove politics from this situation. Mr. Newman said that if this project was proposed without the inclusion of Code 1226.12, it would be considered differently. He said that applying the Code as written, all eight factors must be proven by applicant, and the project should only be approved if the applicant proves all factors are met.

Tim Madison, resident at 956 Pleasant Ridge, was sworn in. Mr. Madison said it was a glaring omission that the Cassady and Main Street Development was not used as an analogy for this project. From a practical perspective, he fully agrees that all factors must be met. He has lived in different homes and on different streets in the city and there is no comparison to Livingston Avenue. He is shocked that anyone would want to put families/residential units on Livingston Ave at this time. To propose 58 bedrooms, want children on Livingston Ave and walk down Livingston Ave, makes no sense. It is a dangerous street and why put residential units on Livingston. He asked why put 27 units on Livingston, which is full of noise, racing, crime, and accidents, and said that this was no place for a residential building to go.

Todd Kellner, resident at 854 Francis, was sworn in. He has heard a lot of feedback and that the considerations should be from the existing residents of Bexley and Francis, and that not one person spoke on this project has been supportive of it in the fashion it is presented. The parking is only a result of the problem. The true problem is density and it is too great for the site. He said that the exhibit set out with sight lines is eye opening and should be considered before decisions are made on this particular project. The problem of 27 units does not go away and advised TCB to listen to the homeowners and those impacted. He does not support this project.

Ellen Evans, resident at 965 Francis Avenue, was sworn in. Ms. Evans said that the neighbors have reiterated what they feel are still issues, and it needs to be made clear that it is not the issue of affordable housing. She said that they would be having the same arguments regardless of use. This site does not hold this kind of density. The other thing is that codes are guidelines and does not mean that they are applicable to this situation. Livingston is not Main Street and it is a misnomer to follow Main Street Guidelines for this application. It is difficult how to interpret Code with the fact that this building sits on Livingston. She said not to discount from the proposal of first floor units, and that the revisions do not change the fact that this would sit 10' from a major traffic thoroughfare. Livingston has heavy traffic especially in the mornings and she is not comfortable with this situation. She added that they would have to pull out pretty far to get the visual sight to make turns.

Greg Meyer, resident at 805 Francis, was sworn in. He does not have an issue with the development but with the density and safety. He and his family do not go near this intersection and traffic goes faster than the speed limit posted. He wondered if anyone entertained a traffic light at this location, but putting this amount of density there is a concern. He said that this unit would be less traffic than other commercial space already existing on Livingston but would still increase traffic.

Fehd Massen, resident at 994 Francis Avenue, was sworn in. Mr. Massen's main focus is what is the justification for the scale of a building this size. He said that there are discrepancies in regards to safety and accidents and to bring in more families is worrisome. His concerns are with safety, parking, traffic, and the building being more imposing than other buildings around this. He would like to say that he is excited to have something similar in the neighborhood, but asked what type of Bexley experience is this giving in such a small space. He said that there is not enough room and he cannot see justification for a building this big.

Joel Greff, resident 834 Francis Avenue, was sworn in. Mr. Greff's concerns are with traffic. He deferred to the document distributed to all of the BZAP members and asked them to review it. He said that technically eight criteria passed but there are nuances, and to call this what it is; residential. In terms of traffic, no engineer has been out to look at it. From hearing resident and community feedback he said that more research should be done before moving forward.

Ajay Garlapati, resident at 981 Francis, and sworn in earlier with his wife Melissa, stated his concerns. He said that the Code is being violated and that there is a difference between what is proposed and the existing uses. He said he recognized that challenges require different levels of support but can worsen spatial inequalities, and that there are benefits of greenspace. Despite attempts to discuss it there is no appropriate solution. Urban greenspace is unequally distributed but is valuable for communities; their health and economic benefits.

David Hodge and the applicants wanted to address comments from the public. They said it is not the Chair's role to unilaterally decide but is codified in the city to make that decision. The proposal exceeds the requirements under the law. Concerns were discussed and he will say about traffic and about uses that are allowed in this district, there are far greater traffic generators than the use proposed here. In objection to aesthetics there are later processes necessary for the developers. They are required to go to ARB for a Certificate of Appropriateness for aesthetics. For this meeting, discussions about the project not meeting code, from staff's position and the developers' position this project does meet code, and all of the other development standards in terms of setbacks, height, refuse, etc. meet ADA. He added that all projects have to meet ADA. Mr. Hodge also said that the discussion about politics and using politics to earn support is not true. This discussion is not about politics but about the law, and the developers demonstrated meeting code and the eight criteria the Board considers for Conditional Use in terms of density and intensity. In terms of Codes being guidelines, they are not guidelines; they are the law and what the applicants are following.

Drew Laurent said in terms of peak hours to clarify, the highest peak hours of 7:00 am to 8:00 am or 5:00 to 6:00 pm, and not everyone leaves for work at the same time or returns home at the same time. Regarding the line-of-sight issue, the graphic showed a line-of-sight from the stop bar and is 31' from the edge line. The standard in Columbus is 10' and for ODOT is 14' so the sight line is not an issue here. For parking, using hard data shows there will be a surplus of parking on

site.

Behal asked if this meant to go up to Francis and look to your right. Mr. Laurent said to pull up and stop at Francis and Livingston, but not where to look for oncoming traffic. He said most people will creep forward and that the standard for a sight line and distance is 10' from the edge line. He said that there are no visual obstructions from this intersection. Behal asked if this building will be 10' setback from the street. Rose and Mr. Sudy said 10' from the right of way. Ms. Boyer said that they hear and are sensitive to concerns and efforts to address traffic, which were not created by the developers, but that they want to be good neighbors and plug into discussions. They hear a lot of comments of concerns of residential use on this site, but east of this site is primarily residential use and not a new use on the Livingston corridor. Behal asked about trash removal. Mr. Dreyfuss said trash will be handled by a trash chute into a container and the onsite trash enclosure. In terms of pick up, a truck will come in to remove the trash. Rose said a private service will do this and not Rumpke. Behal asked how many times trash will be picked up and removed. Ms. Boyer said they will work with their refuse team to see how many times a week they will need to pick it up, but they estimate two to three times a week. Behal asked what protected the neighbor from the west of the trash receptacle. Ms. Boyer said an 8' fence will be installed to screen it from the neighbors.

Dorn said there were a number of questions raised for home value. She asked if the CIC did this with local realtors in area and if they used nationwide statistics or community statistics. Mr. Green said that they and TCB have not done that but they can certainly talk to realtors in the area. Mr. Hodge said that this has to be thought of in terms of Zoning and from the perspective of what is proposed here, and the impact on real estate values or what might happen. He said without a shadow of a doubt, the intensity of use is below that of a car wash, convenience store, drive-thru, and on that basis does meet section (f) of Bexley Code 1226.12.

Jeff Beam said that TCB researched and studied their own projects in similar markets, and in Columbus, and measured from the date built to now, the value of those houses and in the surrounding zip code, and in every single case, the neighboring houses out-performed their zip code. He said that quality development is quality development.

Rachel Kleit said that the subsidized unit and the circle around it gets larger, and they find that the further away the homes are from the unit, the lower the property values. For the kind of property being talked about, it should increase property values. She said that the market is strong and this will increase it more.

Turner wanted to discuss the density. He said that the buildings in Columbus, in terms of guest consideration, they have one unit with more than one spot, and two-bedrooms require two parking spots. For a property with 58 bedrooms the problem he sees with density is there is no place to park. In other parts of Columbus people can park on side streets, and here it would force residents to park more than a block away. Turner has no issues with the project itself has a problem with density. He said that there is no plan for overflow parking, and that the it does not mean occupants would be one parent with kids for a two-bedroom unit. It could be two to three drivers in one unit, and he does not see ten cars for 27 units. He thinks that density is a major issue. There is no place to park on Livingston. He likes the project if it were smaller. Ms. Boyer said that they took the average count in their data set based on 1.5 residents per unit. One person per unit in this market is the general occupancy for a family or senior demographic. In downtown it is a different demographic. They considered family and number of singles living in

TCB communities, as well as older adults. In terms of parking demand, one similar project has 40 units with 56 bedrooms and the average number of parked cars was 19 in an existing property with similar demographics. Turner said it was hard to compare without knowing the number of residents, and in different communities and different surrounding communities, there is no idea if public transit is around it. He said it is not a fair response to the question. He said that three Capital students can move in each with a car and he does not believe cars-to units is accurate. Mr. Hodge said this was a good question and fair but the project meets the Code. Turner said it sort of meets Code but that it is not a permitted use, and the developers cannot come in to build a three-story residential unit, which is why the developers are here. Because it does not meet Code. Mr. Sudy said it is a Conditional Use request. Turner said it is a Conditional use for residential use on the first floor but is not automatic approval. Mr. Sudy said it meets the parking requirement. Mr. Beam said this is not randomly selected and they are basing this project off of similar communities. He said that there are multi-family buildings here in Bexley and not every parking space is occupied. Turner said that they are not keeping multi-adult households out, and it is possible. Mr. Beam said that they are not allowed to overpopulate the building and are required to adhere to people to bedroom standards. He said that having multiple adults in one unit could exceed the income requirements for eligibility. Ms. Boyer said that there is an income component, not individual but for the entire household. Turner said that a working adult with a stay-at-home spouse can meet that and there could easily be two adults per unit. Behal said if one of the adults does stay-at-home and they are within the range of income, they are allowed to rent to those two adults. Ms. Boyer said that there are income and occupancy limits. Behal asked who established them. Ms. Boyer said the IRS establishes them. Behal asked if that was for tax credits. Rose said there is a bus line that passes this location. Marsh said he thinks traffic engineers is one thing to do and said that they hardly ever see a car coming in or out of the Cassday Avenue apartments or Parkview apartments. Schick said he restates what Turner and Marsh have said but added that politics brought into this is news to him. He said it sounded like the Board is hand-in-foot with the developers and he does not take that well. Schick said he does want to express the concerns shared by others on safety, and that this is a matter he can vote on with a clear conscious right now. He said he heard neighbors talking about cars chasing to make a light a few feet away from the front door of this project. Dorn said the concerns were the problem of this project being on Livingston but not against the development itself. Schick said the project would be good elsewhere but it is the location that concerns him and the residents. Behal asked if there this cuts the two curb cuts on Livingston and creates a larger curb cut on Francis. The developers said yes. Behal said that this would cut off entry and exit points and relieve some of the pressure on Livingston Ave. He also said the other issue is this being a different use, and that the focus they have as a Board is on its use no matter whether it is on Livingston or not. Mr. Sudy said it has worked on a lot of corridors that share similar characteristics. The typical approach is to consolidate and eliminate them to make them safer for drivers and pedestrians, which is exactly what planning and Codes put forward. Marsh said that Livingston Avenue is what it is and this project will not impact Livingston negatively. He said having the curb cut on Francis is an improvement. He said the concern is the number of parking spaces and he needs to be convinced this will not create an overflow parking situation.

Fout said he shares concerns about Livingston but is delighted to hear there will be efforts to remedy those problems. He is concerned about parking and asked about a survey of parking lots and parking usage on multi-unit sites. The applicants said that this is not a standard multi-family project and the parking proposed here meets the demand. Schick said one thing that he has not

heard about is the safety of those living north of Livingston. He asked what the developers will promise to do to be good neighbors. The applicants stated that they have attended meetings with local organizations and had discussions with residents and neighbors. They have opened and continued dialogue and will have a long-standing partnership committing to various ways to work with the community. Schick asked what they will do as a good neighbor and what the neighbors are going to say to give them buy-in. Mr. Beam said that their actions to date, whether opposed or in support, will continue to be engaged. He said local organizations offered to convene meetings to continue to have conversations with residents, to support the idea of inclusiveness, building community, and being welcoming before development, during development, and after development. He said they would accept this as a condition for approval to continue public meetings. Ms. Boyer said they welcome opportunities to engage with the public. Because of the pandemic, human interaction is a challenge in building relationships but they would like to have meetings in person.

At 9:15 pm the meeting went into a 15-minute break. The meeting resumed at 9:30 pm.

Mr. Hodge said that this was a difficult application and there was a lot for the Board to consider. He said the applicants were as thorough as they could be and wished they could have done more work on the parking issue. He said that this project meets Code and hope folks remember the intent of the Code, and that the use proposed here will not generate as much traffic as other uses could.

The applicants and the Board discussed how to work through the concerns raised about the issue of parking, what would be best practices to manage and monitor that, while working within accordance of all local laws and allowances.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-48 for the property located at 2300 East Livingston: Upon consideration of the application, proposed Conditional Use, and evidence, and testimony presented before it, the Board finds the applicant has proven that the criteria to grant a Conditional Use in accordance with Bexley Code Section 1226.12 (a-h) have been met, and recommend approval of a three-story building and demolition of the existing structure in substantial conformance with the plans submitted on February 25th, 2021, with the condition that the final design review is remanded back to the Architectural Review Board, that the landscape plan is remanded to the Tree and Public Garden Commission, both of those for final design approval, and that the property management company continue to be engaged with the community, and that the property management company agrees to restrict the leasing to tenants that live in the building to no more than thirty total cars.

The applicants understood the Findings of Fact.

Motion to Approve made by Brian Marsh, and seconded by Heidi Dorn
Vote: Brian Marsh, Jason Fout, Rick Levine, Heidi Dorn, Ryan Schick, Bob Behal
Against: Sean Turner

- C) Application No.: BZAP-20-52
Applicant: Bexley CIC
Owner: 420 N. Cassady Ave. LLC
Location: 420 N. Cassady Ave.
BZAP: The applicant is seeking architectural review and approval to allow a 3- story

structure with commercial on the first floor and residential on the 2nd and 3rd floors. If approved, the existing structure would be demolished.

The applicant is also seeking a (parking) variance from Bexley Code Section 1262.02 to allow eleven (11) parking spaces for this Mixed-Use-Commercial building, with retail space on the 1st floor, and 8 residential units on both the 2nd and 3rd floors.

Alissha Mitchell remained recused from discussion and vote for this application. Rick Levine stayed in as a voting member.

All applicants were sworn in again: Nicole Boyer, David Hodge, Jeff Beam, Kevin Dreyfuss, and Drew Laurent, along with Nate Green and Sarah Gold from the CIC.

Jason Sudy reviewed information about this application with the Board. This application is for a different type of case, proposed in a different Zoning district. The proposed commercial component for this project is on the first floor, with proposed residential units on the two upper floors. The applicants are asking for a Certificate of Appropriateness and have gone to the Architectural Review Board, who asked to remand the application back to them for final design review and approval. This application is asking for a variance for parking to meet the need of its location in an MUC district. This application meets the criteria from the DEI strategy for affordable housing and mixed income housing. In terms of the lot requirement, the front setback, rear setback, and height here are allowable. Code allows for three stories in this case. The applicants have things to determine in the future with the ARB in terms of location of mechanicals and screening. In terms of parking, the applicants made modifications with a slightly revised site plan. This plan showed 14 spaces and had amount of commercial required 13 spaces, and according to the new site plan the applicants are asking for a variance for four spaces. Mr. Sudy reviewed the variance criteria and said that this proposal meets the intent of the Zoning Code, and should the Board choose to act, the same recommendations apply to this application that it return to the ARB and Tree and Public Garden Commission for final review and approval.

Turner said he has not seen the new site plan yet and asked what the space on the first floor would be. Nicole Boyer said it would be a mixture of commercial space owned and operated by the CIC, and be a mix of office, fitness room, and space for residential/internal operations.

David Hodge said the applicants have modified the proposal to reduce the parking request, with on-street parking to mitigate minor request. He said that this location is for mixed use space and the redevelopment proposal is consistent with the current policy for redevelopment. The proposal meets or exceeds all seven criteria in the Code for this district. Mr. Sudy said he neglected to mention the Board will see double-stacked spaces for three spaces in this lot. Looking back at precedent with staff, this has been utilized in an MUC before. Should this be a condition there would be someone assigned to oversee this. Ms. Boyer said they recognized this is new information and if they need to Table to follow protocol they are open to that, but are also open to calling for a vote.

Nate Green said the CIC is in contract to purchase this property and partner with the TCB for this project. From what he heard last time the main concern was parking and the number of spaces was a concern. They have listened and worked to reduce the request. They are now asking for three less spaces and are reducing the amount of commercial space on the first floor. They also are proposing to stripe ten parking spaces on street. They have a goal to follow mixed-income

guidelines and will be the entity charged with commercial space on first floor, similar to what they do at Bexley Square. Sarah Gold said they have reduced their parking request and are happy with the leasable commercial space, and are looking forward to finding a new tenant to Cassady Avenue which is key to the CIC's Strategic Plan. Jeff Beam added that all the testimony provided about outreach and qualifications from the previous project can be entered as testimony for this project. Ms. Boyer said that the current application reflects a three-story development with sixteen apartment units and fourteen off-street parking spaces. Changes were made to the interior commercial space and reduced, and they looked at the space they might need for the residents. Storage has been a large request as well as dedicated space for day-to-day operations. They have a robust plan for a long-term management plan. She reviewed the seven criteria for the request with the Board. The trash receptacle is projected to be serviced three times a week. They eliminated curb cuts and are working with the city on striping. They are providing engagement on the Cassady Corridor and are providing housing aligning with city and DEI goals.

Behal wanted to reiterate the article he referenced earlier, and there was not a given either application would receive approval. He said that the Board is listening to this for the first time and have not spoken to one another about this application. Turner asked if they have a tenant in mind for the retail space yet. Fout asked if Mr. Sudy could identify where other double-stacked parking spaces were in the City. Rose said Bexley Premiere used them in the rear of the building for employee parking. Mr. Sudy said there some close to Johnson's.

Jeremy Jay, resident at 421 N Cassady Avenue, was sworn in. Mr. Jay is concerned with parking and does not see this as feasible with the standpoint of street parking. He asked if there will be space for fire trucks to go up and down the street. He is not as opposed to this project as much as he was before, but wondered if the city could cut in and get parking spots off the street a little more. He asked if a traffic study could be done before approving this variance. The other concern of his was safety and would like to know what the city could do so people could cross the street safely instead of walking to the light at Maryland. He said that there are no flashing lights at any crosswalks and the only safe place to cross is Maryland at the light.

Maria Fanning, resident at 2684 Columbus Avenue, was sworn in. Ms. Fanning said that the TCB had reached out to her and other neighbors and have made changes to plans because of neighbor's concerns. She is optimistic about this project and wanted to throw that out there since not has been brought up.

Katie Jay, resident at 421 N Cassady, was sworn in. Mrs. Jay sent video of when there is parking on both sides of Cassady. She said in order for cars to pass safely they have to cross the double yellow lane and it becomes a one-lane street. She said that Cassady is a cut through from Fifth Avenue to Broad and back and the cars are driving fast and not paying attention. She wanted to have the applicants step back and see how to keep everyone safe and work on the best option for parking on Cassady. She invited the applicants to sit on her porch and watch the activity on street. There are a few emergency vehicles, police vehicles, etc., driving up and down the street and to add in parking on street makes it more difficult for traffic to get out of the way. If people can't find a place to park they won't come to the businesses and won't occupy apartments, which will decrease home values. She asked how each property will be affected.

Sabrina Reynolds Wing, resident 2671 Columbus Avenue, was sworn in. Ms. Wing scanned phase

I and phase two documents provided by Nate Green. She originally lived at Sheridan and then moved to this location. She used to live near Schneider Park and she remembers the reconstruction of the landscape. She said that there was a lot of equipment around during that time. Looking back now knowing what was in that field, and now owning a home on Columbus Avenue, her main concern is that the neighbors are made aware of the site excavation and of potential contaminants, and ensuring exposure is minimal. She asked that the company hired to remediate should be fully vetted. She is also concerned about the safety of crossing the street from one side of Cassady to the other.

Aaron Hebert, resident at 2661 Columbus Avenue, was sworn in. Mr. Hebert his home is across the alley from this location. His main concern is backing in and out of the alley. He said that increased parking would be a concern because the residents will park on Columbus Ave and he does not think parking is appropriate. He also is concerned on the issue of privacy. He said that there will be a three-story building looking into his backyard. He asked how to enjoy his property without privacy.

Linda Jay, owner of 421 N Cassady, was sworn in. Her husband grew up at this address and his father helped build that community. They have a real interest in the future of the neighborhood and are concerned about a three-story building going up. They are concerned with safety and took pictures on Columbus Avenue at 5:00 pm and sent them to city staff. Parking along that street is congested as it is. She showed a picture of Mr. Hebert's property and showed how close it is to this property. Her concern is about additional parking on the street. She said it is tight getting down the side streets and can only imagine what it would be like for an emergency vehicle.

Behal asked if the City was in control of traffic control devices. Rose said yes. Behal asked about crosswalks. Rose said the city provides the devices.

Drew Laurent said that emergency vehicles can still get through the side streets even with parking on both sides of the street, and that it is tight but can be done. The proposed parking for retail will be during the day and the residential will be in the evening. He added that street parking is allowed on the east side of N Cassady and provides enough width for two-way traffic. He said peak parking would be at night. In terms of alley access, the existing building has parking right up against the parking line and they want to accommodate an additional 5' setback to allow more maneuvering room. Shadow studies were done, and they modeled the mass of the existing building and surrounding houses and looked at what the shadows would be like during different times of the day. Ms. Boyer said that they are in process of hiring professionals to remediate and to make sure there is no additional contamination. They have a construction plan and plan to come back to the community with outreach during the construction process. They want to be good neighbors before construction begins. Mr. Green said that environmental concerns are limited, and the testing done shows possible spilling when tanks were removed but hired a firm who follows EPA regulations. He said that there is not a large amount of contamination. Mr. Beam said that public safety concerns are paramount, and they will look to be active for safety solutions for crossing the street.

Turner said he heard that the funding requested is not guaranteed yet. Ms. Boyer said that this is in a reverse order required in their funding process. They need to secure Zoning before funding is

awarded, with the timeline in mid-May. Turner asked if they will work with the neighbors on the timing of accessing dumpsters. He said he thinks density is an issue, that they do not have the number of parking for rental units, and do not know what the retail space will be.

Behal said he has a problem saying to dump parking on Cassady. It is a highly traveled street and he is not sure how well that would work. He has trepidation with that being the solution to get the number of spaces. Mr. Hodge said that people can park on the east side of Cassady now but no one is. Schick said with cars parked on Cassady, on a two-lane road, to pass them on Cassady is concerning. Mr. Hodge he believes on-street parking will slow down motorists, and so will striping and defining parking space. Mr. Laurent said that lane width reductions decrease speed. Dorn said that it slows traffic but there is still the concern of people crossing the street and being blocked from oncoming traffic by parked cars. She said that traffic would not be looking for pedestrians. Ms. Boyer said that they are committed to finding solutions. Schick said that individuals wanting to go to the retail space want to feel safe. Mr. Green said they will commit to looking into crosswalks with flashing lights. Schick said that having something there would help solve problems.

Behal said that no one parks there and asked why park on the street instead of parking in a safe parking lot. Cutting the curb cuts would change the way the city works. There are no zero lot line buildings on that side of the street. Mr. Hodge said that was an interesting observation but the City's plan and Zoning requirements say to bring the building to the edge.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-52 for the property located at 420 N. Cassady Avenue: Upon consideration for the application, proposed variance and evidence, and testimony before it, the Board finds the applicant has proven that the criteria to grant an area variance from Bexley Code Section 12266.11(c)(1-7) have been met, and a variance from Bexley Code Section 1262.02 to allow a three parking space reduction in the required number of parking spaces be granted, and approval of a three-story mixed-use development and demolition of an existing structure be granted, with the following conditions: 1) That final design review is remanded back to the Architectural Review Board and Tree and Public Garden Commission for final design approval and Certificate of Appropriateness and final landscape approval, 2) A parking management plan for double stacked spaces be a part of this approval, 3) Continued community engagement, 4) The site shall be developed in substantial conformance with the renderings and plans dated February 25th, 2021, subject to the Certificate of Appropriateness, and 5) That the management company work with the City on crosswalk research to find an appropriate location.

The applicants understood the Findings of Fact.

Motion to Approve moved by Ryan Schick, seconded by Brian Marsh

Vote: Ryan Schick, Rick Levine, Heidi Dorn, Jason Fout, Brian Marsh

Against: Sean Turner, Bob Behal

D) Application No.: BZAP-19-10

Applicant: Mike Shannon

Owner: St. Charles Preparatory School

Location: 2010 E. Broad Street

BZAP Request: The applicant is seeking planning review and approval of a parking

lot expansion and landscaping on the east side of St. Charles Preparatory School, which will include underground water detention. The applicant is also seeking a variance for parking in the front/side yard in accordance with Bexley Code Section 1262.04(b).

Catherine Cunningham took herself out of the discussion for this application and Marc Fishel entered the meeting to take her place. Rick Levine left the meeting as a voting member and Alissha Mitchell returned.

Mike Shannon, Jim Negron, Matt Ferris, Brent Foley, and Jim Lower were sworn in.

Jason Sudy provided an overview of this application to the Board. This application is Certificate of Appropriateness due to the request to expand the parking. This is an Open Space District and will follow the standards followed for residential districts. What is proposed is an entry drive that would veer off from the current drive, head around the side of the school on the east side, and reach parking behind the school's Chapel. No spaces could go through this unless they access rear parking. The lot behind the Chapel functions as a rear parking area, as per the interpretation of the Code. Parking was proposed on the south side of the Chapel but what is unclear is what is defined as a front facing lot. In OS districts, this includes all of the city's schools. The city feels the east side site is appropriate for parking but there is a city easement that runs through the property line. The school would be responsible to make repairs or replacements in that section if that would ever be required. This proposal would return to the Tree and Public Garden Commission for further landscaping review and approval.

The applicants said that they are working on lighting, landscaping, and have addressed storm water concerns. Mike Shannon said that this existed before Zoning Code and is a non-conforming use. He said that the Chapel is an ancillary structure and all zoning since its original construction has increased that nonconformance. Fast forwarding to the changes, there is some ambiguity in an Open Space District. The applicants think Mr. Sudy's interpretation is correct. The proposal would allow access to existing parking. Under current Zoning, to modify parking in an OS District the proposal needs to go before this Board for approval. Mr. Negron added that they have done their due diligence and been in communication with the community to discuss expanding and adding twenty-seven spaces, as well as access around the back. This allows emergency vehicles access. This is the third time in front of the city for a parking request and they have addressed prior concerns brought up by the public and the Board. The number of spots has been reduced and pulled back to the front of the primary structure, they have addressed drainage concerns, and better identified landscape buffering to neighbors abutting the property. There is currently lighting on the east elevation. They will shield that as a condition of approval for the neighbors and their concerns. In relation to the water problems brought up by adjacent homeowners, that is not owned by the school. The school will have engineers present to help mitigate storm water run-off. If the city has to do anything in the easement on the property, the school will be responsible for taking care of that.

Jim Lower said he echoed the other applicant's comments and that the school wants to be a good neighbor. They think parking is a great addition for the campus for the reasons outlined in terms of meeting the needs of demand.

Arnold White, resident at 55 Meadow Park Avenue, was sworn in. Mr. White said that from his property, he will be facing ten parking spaces. He said this will be created and paved in the

easement, and in that area is where they plan to put trees. He said he would ask that this be sent back to the Architectural Review Board now and allow them to continue the work they have been doing. From what he heard from the prior application they have an oversupply of parking and that this school has more parking spots than other schools in the county. He said that they do not have a need for the increase and that the proposed vegetation is only 7' to 9' high which will take years to reach the height to be effective. The trees they will be putting in are the exact trees that were put in before and they died because this area floods. On his side, the property now has flooding as a result. They have water coming from parking lot onto their property, and they were told the school had a water plan that was fool proof. Mr. White said that he does believe a variance is required but does not think the applicants can meet the criteria of variance. He said that there is no need for this and that it is harmful to the community.

Jeffrey Rosenberg, resident at 51 Meadow Park, was sworn in. Mr. Rosenberg said that he had a nice meeting with the applicants and wanted to reiterate positive feedback talking about the lights, security, and drainage issues. He said that may or not be a school issue but it could be pipes that are broken. He did not discuss whether the trees or bushes will be enough to buffer this, and requested that a wall be built in addition to the trees and bushes to block light.

Clinton Stahler, resident at 44 Meadow Park, was sworn in. Mr. Stahler said that this project in terms of safety, noise, lighting, resulting from vehicular thoroughfare will result in degradation to the neighborhood, a decrease in property values, and there will be more parking on the property more days during the year. He said the burden will be exacerbated with a new drive and parking lots, which will be squeezed in to service increasing activities. He said that there is no way to regulate future traffic. He asked for the applicants to produce its Master Plan before an incremental project is considered so the full burden can be evaluated. He said that there are approximately 700 spaces on site and requests the plan be tabled until a Master Plan with traffic included is produced. The screening can be torn out at any time and replanted, taking years to grow back.

Jonathon Marshall, resident at 13 Meadow Park, was sworn in. Mr. Marshall is new to the neighborhood and was not involved in the prior meetings last year. He does have safety concerns, with his primary concern right behind the Chapel. The new parking and driveway would be right behind his property and he is worried about having a roadway back there. Mr. Marshall feels like it is jammed into a small space. He said that they could have initially built the Chapel to be bigger than what it is but they did not. He agrees with his neighbors that a fence would help with safety concerns and asked that someone explain what screening would be included. Currently the only thing separating the properties is an existing brush and if it that is pulled out for the drive to be paved, what would be used to replace it.

Michael Luh, resident at 65 Meadow Park Avenue, was sworn in. Mr. Luh is opposed to this development. His house sits directly behind the existing parking lot and the noise is never ending. The fence is a great idea because he does not want students in his backyard. He said the lights from cars entering the parking lot shine in his bedroom. He asked if they could move the statues to the east side and put parking spaces on west side, where there appears to be ample space for parking. He does not have an idea what the grand plan is and said they have nor shared that with any of the neighbors at this point.

Denson Parker, resident at 17 Meadow Park Avenue, was sworn in. Mr. Parker said that a few years ago the school built up the grade of soil and increased flooding in his back yard, and had to bring in soil to hold the water back. He made a point to go back to count the number of vacant parking spaces and averaged over 60 during the school week, with over half found on the school's main campus. He is curious if this is an event venue and requested that this Board maintain records on this matter.

Mike Shannon said that the staff report recommends approval with a condition for approval over easement. The road access is the sole means of access and is necessary for public health and safety.

Jim Negrón reviewed the historical background and articulated what had been done to get to this point in the process for this application. This is the third time they are back before the Board and have incorporated requests from neighbors into this proposal. They have agreed to shield lights on the east and will be good neighbors. Turner said he did not remember the lot being proposed in front of the Chapel when this proposal was before the Board a couple of years ago. He thought the access drive would be installed with a row of plants and would be emergency vehicle access only. Brent Foley said that they did have the parking lot on the front side and extended it further to the south. The drive was intended to serve both parking lots. Turner asked about the lot to the west. Mr. Shannon said if they proposed parking on the west side it would extend all the way into the front yard in front of the main school building and would require a variance. They eliminated parking in front of the building but it needed architectural review. They were contacted by the City to come back before this Board due to the potential variance dependent on where the front yard was measured from. Because of that, the east side of the Chapel provided an opportunity that was easier to access and can be used for emergency vehicle access.

Mitchell asked if this parking was supposed to be for student parking or for event space parking. The applicant said it would be for both. Mitchell asked if there were still 700 students in the school. Mr. Lower said that right now there were about 80 faculty/staff members and just under 600 students. He said that the lot would be for student and faculty use on a daily basis. The school felt that there is safety on the east side of property. He said that comments made earlier tonight that the school had 700 parking spaces is not accurate. Mitchell asked what the total count is and Mr. Lower estimated 280 spots on the main campus and 110 spots on the west campus lot. Mitchell and Mr. Lower discussed how many spaces are in use for weekly operations. Mitchell asked about the non-conformance of the property since it was built before Zoning Code. Rose said that the current parking required has not been met. To meet it, the school built additional parking across Nelson Road, outside of Bexley, to help with overflow. They maxed out where they needed to be and are looking at areas on the property to match parking needs. Mitchell asked about adding more parking to the west side lot. Mr. Foley said that there is no space on the west side to do that without putting in front of the original structure. Mr. Sudy said that whether conforming or not, Code does not have a marked maximum and it is up to this Board if this is an appropriate way to develop the site. Matt Ferris said that they prepared plans and designed a storm water management that meets or exceeds Code. They have not been submitted to, or checked by, the City Engineer yet. The east edge of the drive aisle will be curbed which will contain the water and route it into the underground water system. It will not add to the flooding problems but will not fix the flooding problems the neighbors are seeing. Mitchell said it would be a good idea to find out why flooding exists now, and to take care of what is existing instead of preparing for what is proposed. Mr. Ferris said that it will not release any

more water than what is being released today. Dorn said that if the two retention areas are a sufficient size for the parking lot there should be no run-off from what the basins should be catching. Mr. Ferris said they have not studied that and can speak to the design for improvement and intended to hold the water back. He has no information tonight for existing water issues. Mitchell asked if that would not involve studying existing infrastructure and asked if there is a broken system since the drains are not holding the current volume of water.

Turner said that several neighbors prefer a fence over landscape screening and asked if that could be a solution to keep kids out of their back yards, and to mitigate lighting into their homes from the school. Mr. Negron said that they have voluntarily offered to shield the light source on east side of building. Fout said that the concern from residents is the lighting from the cars. Mr. Negron said that landscaping will take care of that. Dorn said that the residents had a concern about landscaping and testified that what is there keeps dying. Behal said the fence could be an option.

Gary Huston was sworn in. Behal asked about the plants on the east side of the property and if they are dying because of the water. If so, how will that be dealt with. Mr. Huston said that the trees run out from the driveway to the building and have been there for quite some time. He said that they are not dying because of water problems and it could be any number of things. They are proposing a nice row of evergreens, which should reach 68' high, and are including shade trees along the drive, ornamental trees, and a hedge row which would screen neighboring yards. Behal asked if it would be that versus a fence. Mr. Lower said that many years ago there was a fence on the east property line and was in disrepair. The installed a landscaping barrier between the properties. They are open to discussing installing landscaping or a fence with the neighbors. Some do want a fence and others do not. Behal asked with 400 parking spaces why the need more. Mr. Lower said that they have not had an event yet but will be able to soon, and what parking is currently there is not enough parking when an event is held at school.

The Findings of Fact and Conclusions of Law for Application No. BZAP-19-10 for the property located at 2010 East Broad Street: Upon consideration of the application, evidence, and testimony, and before it, the Board the proposed parking lot expansion on the east side of the school and the north side of the Chapel addition should be granted with the following conditions: Any damage to plantings during the utility line repairs to city lines will be replaced by St. Charles, final design review and approval of the landscape by the Tree and Public Garden Commission will also be required, the applicants would actively work with the City's engineer and neighbors to find resolution to the drainage issue, and the applicants would continue to actively engage in discussions of screening with the neighbors to the east.

The applicants understood the Findings of Fact.

Motion to Approve made by Brian Marsh, seconded by Sean Turner
Vote: Jason Fout, Brian Marsh, Heidi Dorn, Sean Turner
Against: Alissha Mitchell, Bob Behal
Abstained: Ryan Schick

Marc Fishel left the meeting and Catherine Cunningham returned.

6) **New Business**

A) Application No.: BZAP-21-01

Applicant: Robert Miller

Owner: Georgia Ruch

Address: 46 N. Parkview

BZAP Request: The applicant is seeking architectural review and approval for an addition connecting the principal structure to the detached garage. The applicant is also seeking a variance from Bexley code Section 1252.09(R-3 zoning) which requires a 40' setback from the rear yard property line and a 12' setback from the side yard property line, to allow a 1-story addition that will connect the principal structure to the detached garage.

Brent Racer was sworn in.

Rose reviewed staff comments with the Board. This application is for a proposed connector piece between the existing principal structure with and the detached garage. Connecting the two would make it part of the principal structure, which would require a variance. This application went before the Architectural Review Board and they had concerns about the design submitted. The applicant made revisions based on their feedback.

Bokor reviewed design comments with the Board. The ARB was not in favor of the design but said they could support it. Before delving deeper into the design details the applicants wanted to come before this Board because of the matter of the variance the connector piece would create. The applicants made revisions in an attempt to create a more uniform connector piece. If the Board approves the variance, the ARB asked to remand this back to them for design approval and a Certificate of Appropriateness.

The applicant provided details for the project with the Board. The connector piece would attach to the existing garage and existing home, which would make the garage part of the main structure. Behal asked why there was a problem with the setback. The applicant said it was because the existing garage has a zero lot line.

The Findings of Fact and Conclusions of Law for Application No BZAP-21-01 for the property located at 46 N. Parkview: Based on the evidence and testimony presented, the Board finds it appropriate to grant a variance to Bexley Code Section 1252.09 for R-3 Zoning District, to allow a one-story that connects the principal structure to the garage with the condition that the final design is remanded back to the ARB for final review and approval.

The applicant understood the Findings of Fact.

Motion to Approve made by Brian Marsh, seconded by Jason Fout

Vote: Heidi Dorn, Ryan Schick, Sean Turner, Jason Fout, Brian Marsh, Alissha Mitchell, Bob Behal

B) Application No.: BZAP-20-46

Applicant: Brenda Parker

Owner: Tyler and Allison Chamblin

Location: 2404 Fair

BZAP: The applicant is seeking architectural review and approval to allow a 2-story

addition to the rear of the principal structure that connect to the detached garage. The applicant is also seeking a variance from Bexley Code Section 1252.09 (R-6) which requires a 25' setback from the rear yard property line and an 8' setback from the side yard property, to allow an addition that attaches the principal structure to the detached garage.

Tyler Chamblin was sworn in.

Rose reviewed staff comments with the Board for this application. This is a similar request as in the prior application but located in a different Zoning District. The ARB reviewed this application and thought the design would look more appropriate to attach it to the garage. By attaching this to the garage, it created a variance request. The applicant modified the design and went back before the ARB for a recommendation. The modifications are what this Board is reviewing in the meeting tonight.

Bokor added that it is a large addition to a house and the ARB felt strongly that the addition left an awkward 4' space and encouraged the applicant to attach the garage or create a covered walkway.

Rose added that there is a 10' separation from the detached structure and the principal structure.

Neal Hoffman and Joyce Edelman, residents at 2414 Fair Avenue, were sworn in. They received notice about this application and tried viewing this online. They contacted Tyler Chamblin and discussed the application with him. They were disturbed by the height and volume of what is proposed and asked the Board to reject the application. They spend time out on their patio and having this two-story addition would fill the entire space and block their view. It would also eliminate light and air flow from west. Looking west from their property they would be facing a solid wall. Behal asked if the addition could be built in stories. Rose and Bokor said yes, and the connector piece did not originally meet the primary structure. They said this version is a much better rendition than the original proposal.

Mr. Hoffman said that the structure would adjoin the garage and presents one long solid mass. He said that it removes any view of the natural surrounding. He said the other thing to realize is that his home is facing the side of this house as it exists now but with the addition he and his family would lose privacy in their backyard. Behal said there were windows looking into their back yard already. Mr. Hoffman said the addition is directly across from backyard. Mrs. Edelman said that they have lived in their house for over twenty years and the value and enjoyment of their property will be diminished.

Turner said they could take the whole addition to the west side of the property and it would meet all of the requirements, and they could still have the same size addition. The applicant said it would not work to move it to the west side of the property because it would affect the interior improvements.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-46 for the property located at 2404 Fair Avenue: Based on the testimony presented, the Board finds it appropriate to grant a variance to Bexley Code Section 1252.09 R-6 Zoning to allow an encroachment into the 22' rear yard setback and 5' into the side yard setback by allowing an addition that connects the principal structure to the detached garage, and in accordance with the plans submitted dated February 25, 2021.

The applicant understood the Findings of Fact.

Motion to Approve made by Brian Marsh, seconded by Ryan Schick

Vote: Alisha Mitchell, Heidi Dorn, Ryan Schick, Sean Turner, Jason Fout, Bob Behal

Against: Brian Marsh

The meeting ended at 1:57 am

7) Adjourn