Board of Zoning and Planning

March 25, 2021

Staff Report by Kathy Rose, Zoning Officer

**471 N. Parkview Avenue**

BZAP-21-21 for property located at **471 N. Parkview**
Applicant: Jim Furrow Owner: Jay Schottenstein
**Request**: The applicant is seeking a variance from Bexley Code Section 1264.03(a) which limits a fence, wall or combination thereof shall no exceed seventy-two inches in height, to allow to allow an 8' high (green) vinyl coated fence along the west and North property lines. The applicant is seeking approval to place a portion of the fence in the riparian setback along Alum Creek.

**Background**:

The property owner also owns the lot immediately south of this lot, which currently has an 8’ high chain-link fencing along the side and rear property lines. The applicant has also submitted his request to install this chain link fence within the riparian setback is subject to further review by the Franklin County Soil and Water.

Structures are allowed in the floodway, as long as they don’t impede flow. David Reutter, who is an Urban Conservationist, with Franklin County Soil and Water, has provided an email that this can be done by using open bottoms and break-away type construction that accounts for the base flood elevation (BFE)found on the area NFIP FEMA map for this location. Although he has not seen the particulars of this case, a chain link fence could extend into the floodplain, as long as the bottom chord is level with the base flood elevation or would be constructed in a way to allow flow (or debris) to be unimpeded.

I am aware that as part of the site prep and removal of honeysuckle and questioned what would be replaced. I would also like to know if there are slats proposed within in the chain line in addition to a color vinyl coating?

According to 1258.101, which is a subsection of 1258.10 Alum Creek Preservation District

*Reference of code*:

*Alum Creek Preservation District*

*In accordance with Bexley Code Section 1258.10, Subsection 1258.101* *Permitted Uses Not Requiring a Zoning Certificate. The following uses are permitted and do not require a certificate of zoning compliance:*

*(a) Property Maintenance, Revegetation and/or Reforestation. The enjoyment, access, planting and maintenance of lawns, landscaping, shrubbery, or trees.*

*Riparian setbacks may be revegetated and/or reforested with noninvasive plant species. Applicants or property owner are encouraged to seek guidance from Franklin County Soil and Water Conservation district.*

**STAFF RECOMMENDATION:**

**There is a fence of this height that exists at the lot to the south and in the same location requested for this lot. Staff finds that if the Board is in favor of granting a 2’ variance to the 6’ heigh limit under Bexley Code Section 1264.03(a), it should be conditioned upon the bottom chord of the fence is to be level with the base flood elevation or would be constructed in a way to allow flow (or debris) to be unimpeded. This is a zoning issue and not subject to ARB.**

**2534 Brentwood Road**

BZAP-21-7 for property located at **2534 Brentwood**
Applicant: Valerie Kieffer Owner: Valerie Kieffer & Myles Hoover
**Request**: The applicant is seeking a variance from Bexley Code Section 1252.15 (g) Accessory structures and uses shall be permitted only in the rear yard and shall be at least three feet from all property and right-of-way lines, to allow a swim spa in the west side yard.

**Background**:

This is a corner lot with an attached garage that is accessed from the alley. The driveway is centered at the back of the lot and splits the rear yard space. The living space portion of the house sits closer to the side street (which is S. Cassingham) and creates an area on the west side yard currently occupied by a deck (part of which is nonconforming, being constructed up to the west side property line). The applicant is proposing to remove the existing decks and construct a brick patio and would like to locate the swim/spa in the same area.

*Reference of code*:

***1252.15  ACCESSORY USES AND STRUCTURES.***

*An accessory use or structure shall be permitted in association with a principal residential structure provided that the following requirements are met:*

*(a)   It shall be no greater than thirty-five percent (35%) of the building footprint of the principal use or structure or 624 square feet, whichever is greater.*

*(b)   In R-12 zoning district, it shall be 312 square feet per dwelling unit, up to thirty-five percent (35%) or less of the building footprint of the principal use or structure.*

*(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*](https://codelibrary.amlegal.com/codes/bexley/latest/bexley_oh/0-0-0-20737#JD_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.*

*(g)   Accessory structures and uses shall be permitted only in the rear yard and shall be at least three feet from all property and right-of-way lines, provided that ample yard space is left open for the entrance and use of fire protection equipment. Detached garages shall not be located less than ten feet from a principal structure.*

*(h)    For corner lots in residential districts, accessory uses and structures shall be located a minimum of five feet farther back from the side street than the principal structure is allowed.
(Ord. 29-16.  Passed 11-15-16.)*

***1464.04  FENCES, GATES AND DOORS.***

*No permit shall be issued as required in Section*[*1464.01*](https://codelibrary.amlegal.com/codes/bexley/latest/bexley_oh/0-0-0-24794#JD_1464.01)*unless the pool, or the yard in which it is located, is completely surrounded by a fence not less than four feet or more than six fee*

 **STAFF RECOMMENDATION**

**If the Board finds it appropriate to grant a variance to Bexley Code Section 1252.15(g) to allow the swim spa in the west side yard, Staff finds that the location allows the swim/spa to meet the 8’ setback required from the property line. The proposed patio will eliminate the existing non-conforming deck. The existing 3’ high white picket fence does not meet the minimum 4’ high fence required for a pool /spa and would be replaced with a wrought iron fence that meets code, and new landscaping to screen and enhance and Brentwood side of the patio and spa. This is a zoning issue and was not subject to ARB.**

**489 Northview Drive**

BZAP-21-8 for property located at **489 Northview**
Applicant: Josh Predovich
Owner: Amy Wanzo and Chris Bell
**Request:**The applicant is seeking a 2' variance from Bexley Code Section 1252.10 (a) (1) which ,In residential districts, the side yard setback requirement from the property line along the side street of a corner lot that is over 40 to 50 feet in width, it shall be 15 feet, to allow a 1-story addition to the rear of the principal structure. The applicant is also seeking approval of a certificate of appropriateness.

Background

The existing principal structure on a 50’ wide corner lot and is located 13’ from the south side property line along Caroline Avenue. The applicant is looking to add a 10’4” addition to the rear of the principal structure, which would be constructed in line with the existing structure. The addition is proposed on the south half of the west façade to add a dining room space for the kitchen. There is currently a brick patio in this location, which would then be relocated to the north side of the addition to provide a more private outdoor space.

Reference of code:

***1252.10  ADDITIONAL YARD REQUIREMENTS.***

*(a)    Yard requirements along the side street of a corner lot shall be as follows:*

*(1)    In residential districts, the side yard requirement shall be:*

*•   lots of 40 feet or less it shall be 10 feet*

*•   lots over 40 to 50 feet it shall be 15 feet*

**Staff Recommendation:**

**Staff does not find the 2’ variance request as excessive for a standard lot size located on a corner and which has additional setback requirements. The structure appears to be located more to the north side of the lot. If the Board finds the variance to be appropriate, I would like to point out that the entrance on the north side of the addition appears to have a set of stairs directly from the opening and the Board may want to condition approval to include a stoop be added as a top step for an easier transition, subject to final review and approval by the Design Consultant. – Defer to Karen for design contents.**

**887 College Avenue**

BZAP-21-10 for**property located at 887 College Avenue**
Applicant:  Tom Beardsley   Owner:  Erica R. Flinn
**Request**:  The applicant is seeking a 19' variance from Bexley Code Section 1252.10(a)(1) the side yard setback requirement from the property line along a side street for corner lots over 50 to100 feet it shall be 20', to allow an existing screened porch on the south side of the principal structure (along Charles Street) that is 1' the south property line to be replaced with a new screened porch at the same setback, and extended 5' east and even with the front (east) façade of the house.  the applicant is also seeking architectural design review and approval.

Background

This is corner lot is platted to College Avenue, and has an existing screen porch located on the south side of the house along Charles Street that is located 1.3’ from the south property line (encroached 18.7’ into the south side yard setback). The enclosed living space is 4.4’ from the south property line (encroaches 15.6’ into the south side yard setback. The existing porch is 18’ in length, 9’ wide, and located 1.3’ from the south side property line along Charles Street. The applicant is proposing to replace and expand the screened porch 4’ 9 ½” to the east, which will place it flush with the front façade. There is currently a set of stairs that appear to encroach approximately 1’ into a portion of the right-of-way that will be repaired/replaced in the same located.

Reference of code:

**1252.10  ADDITIONAL YARD REQUIREMENTS.**

   (a)    Yard requirements along the side street of a corner lot shall be as follows:

      (1)    In residential districts, the side yard requirement shall be:

         •   lots of 40 feet or less it shall be 10 feet

         •   lots over 40 to 50 feet it shall be 15 feet

         •   lots over 50 to 100 feet it shall be 20 feet

**Staff Recommendation**

**Staff would look at this as an update to an existing screened porch that encroaches 18.7’ into the side yard setback. The structure is not proposed any closer to the side property line, but will infill the space between the screened porch and front (east) wall of the house. If the Board finds it appropriate to grant a variance to the required 20’ side yard setback, it would allow the screened porch to be replaced at the existing setback and extend 4’91/2”to the east. – I’ll defer to Karen for design comments**