

Bexley Board of Zoning and Planning

Planning Staff Report – February 25, 2021



Certificate of Appropriateness and Variance: 2010 E. Broad Street

Application #: BZAP-19-10

Location: 2010 E. Broad Street

Zoning: Open Space (OS)

Request:

Certificate of appropriateness:

- 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.

Variance:

- The applicant is also seeking a variance for parking in the front/side yard in accordance with Bexley Code Section 1262.04(b).

Applicant: Mike Shannon

Owner: St. Charles Preparatory School

A. STAFF RECOMMENDATION

Staff recommends approval of a certificate of appropriateness for architectural review as per the design standards in an OS District (1254.07), with conditions outlined at the end of this report.

Staff requests clarifications at this meeting in collaboration with the BZAP, regarding the determination of parking locations.

Should the BZAP choose to act on certificate of appropriateness and variance request, staff recommends conditions of approval as listed at the conclusion of this report.

B. BACKGROUND



The site is located on the north side of Broad Street at the western boundary of the city.

Zoning: The project is located in the Open Space District (OS) (1254.07).

C. CONSIDERATIONS

Open Space (OS) District Site Development Regulations

The OS District regulations (*1154.10*) are as follows:

Lot Requirements

- This district has 5-acre minimum lot size: standard is met
- This district has no minimum lot width

Setbacks

- The front setback minimum is 30 feet: standard is met.
- The rear setback is setback minimum is 20 feet: standard is met.
- The side setback is setback minimum is 20 feet: standard is met.

Height

- Not applicable

Parking and Access Standards

Staff requests a determination by BZAP on two key issues in evaluation of this site plan with regard to parking location due to the unusual characteristics of this site in the context of both the OS District and the City of Bexley. Both hinge on the way to interpret Section *1230.97 Yards* in the zoning code. The applicable standards are as follows:

(a) "Front yard" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

(b) "Rear yard" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building, except that for corner lots the rear yard shall terminate at the corner side yard.

Entry Drive

The zoning code standard for entry drives is as follows from *1262.04 (b)*:

No spaces, or aisles, or any portion of a driveway that does not access a rear yard parking space or garage shall be located in the front yard in an R-1, R-2, R-3, R-6, R- 12 or OS District.

Staff supports the interpretation of the northern parking area accessed by the proposed drive to be "rear yard parking" although there is additional building mass further rear on the site. The existing parking area in that location and the proposed expansion are both to the side of the main building and somewhat behind, functioning more like a typical rear lot that is entirely screened from the frontage right-of-way. As such, our interpretation is that the driveway to access this area is allowed as per section *1262.04(b)*.

Southern Proposed Parking Area

With the scale and development pattern of buildings on this site, it requires an interpretation to determine if the parking located to the south of the chapel is considered in the front yard, based on what we consider the “front” of the building. If the chapel is considered an extended portion of the front of this principal building that determines where this lies.

Staff supports either interpretation, pointing out that if determined to be considered in the “front yard” that a variance would be required to allow the southern proposed parking area.

Variance Criteria

Under the code, the following establishes the framework for consideration of variance requests:

From (1226.11(b): On a particular property extraordinary circumstances may exist, making a strict enforcement of the applicable requirements of this Code unreasonable, and therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the BZAP or City Council shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

From (1226.11(c): BZAP and City Council shall only approve a request for an area (non-use) variance in cases where the evidence demonstrates that the literal enforcement of this Code will result in practical difficulty and the granting of a variance complies with the purpose and intent of this Code. The following factors shall be considered and weighed by the Board when making a determination upon any (non-use) variance by a preponderance of the evidence:

Area (Non Use) Variance Criteria	
1)	Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2)	Whether the variance is substantial.
3)	Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4)	Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5)	Whether the property owner purchased the property with knowledge of the zoning restriction
6)	Whether the property owner's predicament feasibly can be obviated through some method other than a variance
7)	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

D. ADDITIONAL COMMENTS

Landscaping/Screening

The typical standard for off-street parking screening is as follows in 1262.01(i):

Off-street parking shall be screened from the public rights-of-way to a height of thirty (30) inches through a combination of opaque, evergreen vegetation, fencing and walls,

excepting areas that would create sight visibility issues at intersections or driveway entrances or that provide cross access to adjacent parking.

Due to the location of this parking much further from the public right-of-way than in a typical district, nothing more than vegetation should be sufficient, while it is most advantageous to have added screening installed to the neighboring residential properties.

Lighting

A typical lighting standard in most districts with significant off-street parking is a maximum height of 14’ within 25’ of a residential district. The applicant has agreed to meet this standard.

Pervious Paving Material

Should the BZAP move to allow the parking indicated to the south of the chapel, the applicant might consider using pervious paving materials for that portion of construction. This would

- Improve environmental outcomes related to stormwater percolation and runoff; and
- Create a more visually appealing paving field.

E. RECOMMENDED CONDITIONS

Should the Board of Zoning and Planning choose to act on the certificate of appropriateness request, staff recommends the following conditions:

1. That any landscaping or site improvements that take place within the city easement are the responsibility of the applicant to replace/repair should the city be required to undertake any work within that easement; and
2. The landscape plan be reviewed and approved by the Bexley Tree and Public Gardens Commission
3. That the site modifications, design and materials will be in substantial conformance with the renderings and plans submitted at the February 25, 2021, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff.