



City of Bexley

**PUBLIC NOTICE OF BEXLEY CITY COUNCIL HEARING ON A PROPOSED  
VARIANCE FOR THE PROPERTY LOCATED AT 387 S. PARKVIEW AVENUE**

Bexley City Council will hold a hearing on January 15, 2019 at 6:00 p.m. at Bexley City Hall, 2242 E. Main Street, Bexley, Ohio on an application requesting a variance from the minimum lot requirements in a Medium-Density Single-Family Residential District (R-3) and other zoning standards to permit the subdivision of the lot at 387 S. Parkview Avenue, being Auditor's Parcel No. 020-000560, into two lots and consider Ordinance No. 39-18. The complete application and Ordinance are available on-line at [www.bexley.org/public-documents/city-council/](http://www.bexley.org/public-documents/city-council/) or at Bexley City Hall during regular business hours.

Mailed by: 12-13-2018

**Mayor Ben Kessler**

**City Council:**

Lori Ann Feibel, President  
Mary Gottesman  
Steve Keyes  
Monique Lampke  
Tim Madison  
Troy Markham  
Richard Sharp

**City of Bexley Ohio**  
2242 East Main Street  
Bexley, Ohio 43209

(614) 559-4200

[www.bexley.org](http://www.bexley.org) 108433\000002\4833-8575-5009v1

## Ordinance 39-18

Introduced by: Tim Madison

**An Ordinance granting area variances with conditions from the minimum lot requirements to the property located at 387 S. Parkview Avenue zoned R-3 residential, to allow that single lot to be split and form two new lots that would not meet existing R-3 minimum lot requirements and granting additional variances to the applicable R-3 development standards for minimum yard requirements.**

WHEREAS, the codified ordinances of the City of Bexley reserve to and grant Bexley City Council the authority to grant variances from the minimum lot requirements of any zoning district in the Planning and Zoning Code and to attach conditions to any variances granted; and

WHEREAS, the property whose street address is currently 387 S. Parkview Avenue, current Franklin County Auditor's parcel number is 020-000560 being Lot 4 of Rownd and Knauss' Park View Subdivision recorded in Plat Book 4, page 47 of the records of the Recorder's Office of Franklin County, Ohio is a 133 feet wide by 250 feet deep lot of record zoned R-3 Medium Density Single-Family Residential District, in the City of Bexley; and

WHEREAS, that property is a through lot whose eastern boundary and front yard abuts S. Parkview Avenue and western boundary and rear yard abuts Westland Avenue. The property currently meets the minimum lot requirements in the R-3 District that include the following minimum dimensions: 14,400 s.f. lot area; 90 feet lot width; 160 feet lot depth; and

WHEREAS, the minimum yard requirements in the R-3 District include the following minimum dimensions: 30 feet front yard or average existing dwelling set back, whichever is greater, 40 feet rear yard and 12 feet side yard. The current integrated residential structure on the property does not meet the minimum rear yard or side yard along its northern property line; and

WHEREAS, the owner of the property has filed an application with this Council requesting that a variance be granted from the minimum R-3 lot requirements to permit the existing 133 feet wide by 250 feet deep platted lot to be subdivided into two smaller lots, neither of which would meet the minimum dimensional requirements of the zoning district; and

WHEREAS, the proposed lot split would eliminate the through lot and create a new western lot for the existing residential structure to be 133 feet wide by 110 feet deep adjacent to and fronting Westland Avenue ("Westland Lot") that requires a 50 foot variance from the

R-3 minimum lot depth and a new eastern lot to be 133 feet wide by 140 feet deep adjacent to and fronting S. Parkview Avenue ("New Parkview Lot") that is currently the vacant front yard of the existing platted lot and parcel and requires a 20 foot variance from the R-3 minimum lot depth; and

WHEREAS, the owner has also requested that Council grant the existing structures on the Westland Lot variances from the minimum yard requirements in the R-3 District which would require a variance from all minimum yards except the southern side yard setback; two variances are due to existing conditions and new rear yard setback variance is required as a result of the lot split; and

WHEREAS, this Council held a duly noticed hearing upon the owner's application for variances from the requirements in an R-3 zoning district to permit the subdivision of an existing lot that meets the minimum lot and yard standards into two lots that do not meet the minimum lot requirements and one that also does not meet the minimum yard requirements of the R-3 zoning district and the owner's request that this Council grant the variances necessary to permit such lot split; and,

WHEREAS, Bexley City Code Section 1234.10 prohibits the creation of a nonconforming lot and only City Council has the power to grant a variance for the subdivision of property that will not meet the minimum lot requirements of any district as provided by Bexley City Code Section 1226.11(c) when the applicant proves such variances meet the criteria set forth in Section 1226.11(c) by a preponderance of the evidence.

WHEREAS, based upon a preponderance of reliable, substantial and probative evidence from the hearing, City Council made a Decision and adopted findings of fact, conclusions of law and determinations; and

WHEREAS, this Ordinance is adopted to put into effect the Decision of Council on the application of the owner.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

**Section 1.** Council finds that, following a duly noticed hearing, the Applicants have proven, by a preponderance of evidence, that they meet the factors set forth in Bexley City Code Section 1226.11(c)(1) - (7) necessary for an area variance for the property whose current address is 387 S. Parkview Avenue, being Lot 4 of Rownd and Knauss' Park View Subdivision recorded in Plat Book 4, page 47 of the records of the Recorder's Office of Franklin County, Ohio to subdivide a single conforming lot into two lots that do not meet the minimum lot requirements of the R-3 Medium Density Residential District in the City of Bexley.

**Section 2.** The following area variances are granted from the R-3 District Regulations in Section 1252.09 of the Codified Ordinances of the City of Bexley for the property

whose current address is 387 S. Parkview Avenue, being Lot 4 of Rownd and Knauss' Park View Subdivision recorded in Plat Book 4, page 47 of the records of the Recorder's Office of Franklin County, Ohio and conditions imposed:

- A. Westland Lot. The minimum lot dimensions of the Westland Lot as generally shown on Exhibit A attached to this Ordinance shall be 133 feet wide and 110 feet deep; the minimum front yard shall be 25 feet from Westland Avenue except that the existing garage structure shall be no less than 2.6 feet from the west property line; the minimum rear yard shall be 25 feet from the rear (eastern) property line except that the existing residential structure shall be no less than 9 feet from the rear property line; the existing attached garage is granted a variance from the 12 foot side yard setback along the northern property line and shall be no less than 5 feet from the northern property line. The property shall have a new street address on Westland Avenue.
- B. New Parkview Lot. The minimum lot dimensions of the eastern lot as generally shown on Exhibit A attached to this Ordinance shall be 133 feet wide and 140 feet deep and the property shall have a new street address number on S. Parkview Avenue.
- C. Variance Conditions. The variances granted in this Ordinance for the Westland Lot and New Parkview Lot are all subject to the following conditions:
  1. The owner shall promptly prepare and file an application for a certificate of appropriateness with the Architectural Review Board to construct a new residence on its proposed New Parkview Lot for a residence and development in substantial conformance with the plans attached as Exhibit B for consideration and determination by the ARB. Any substantial modifications to such plans that are approved by ARB shall be subject to review and approval by Council to satisfy this condition.
  2. Following final approval of a certificate of appropriateness beyond any necessary final Council approval and right of appeal, the owner shall prepare and file with the Board of Zoning and Planning an application for a subdivision without a plat as provided and required by Bexley ordinances, including Bexley City Code Section 1236.11.
  3. If construction of a new residence on the New Parkview Lot has not begun within one year of the final approval of the variances by Council, all variances approved in this Ordinance shall expire as provided in Bexley City Code Section 1226.11(e) and any lots created as a result of the variances granted in this Ordinance shall be combined and/or replatted to recreate Lot 4 of Rownd and Knauss' Park View Subdivision recorded in Plat Book 4, page 47 of the records of the Recorder's Office of Franklin County, Ohio as originally platted. Thereafter the New Parkview Lot and the Westland Lot shall be treated as nonconforming lots in single ownership and be considered an undivided parcel for the purposes of any future

development as provided in Bexley City Code Section 1226.02(b) irrespective of any lot or parcel combination or replat. The owner is not prohibited from timely applying to Council for an extension of the variances as permitted in Bexley City Code Section 1226.11(e) for consideration by Council.

**Section 3.** That this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

\_\_\_\_\_  
Benjamin J. Kessler, Mayor

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
President of Council

Dated: \_\_\_\_\_

# CITY OF BEXLEY UNIFIED PLANNING APPLICATION

## Application Cover Sheet: Basic Project Information & Certification

### Purpose of Application (check all that apply):

- Architectural Review    Conditional Use    Demolition    Planned Unit Dev.    Rezoning    Landscape Review    Special Permit

### Property & Project Information:

Property Address:

Brief Project Description:

### Applicant Information:

Applicant Name:

Applicant Address:  ,  ,

Applicant Email & Phone:

### Property Owner Information:

Owner Name:

Owner Address:  ,  ,

Owner Email & Phone:

### Attorney/Agent Information:

Agent Name:

Agent Address:  ,  ,

Agent Email & Phone:

- Completed Worksheets:    Project Worksheet (Sheet A)    Architectural Review (Sheet B)    Tree Commission (Sheet D)

### Signatures:

The attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay review.

Applicant Signature:    Date:

Owner Signature:    Date:

Agent Signature:    Date:

Internal Use:

Application #:    Board Referrals:    ARB    BZAP    City Council    Tree Commission

Staff Signature:    Date:

**P.A.I.D.**

## Application Cover Sheet: Review Fee Worksheet

Estimated Valuation of Project: \$

### Minor Architectural Review (Ex. Roof, window, siding)

Based upon the valuation of the project: - \$50.00 for 1st \$10,000 valuation \$   
 - \$5.00 for each additional \$10,000 valuation. \$

### Major Architectural Review (Ex. New Construction, Additions, Garages, Decks, Pergola)

Based upon the valuation of the project: - \$90.00 for the 1st \$10,000 valuation \$   
 - \$5.00 for each additional \$10,000 valuation \$   
 - \$600.00 cap \$   
 - \$50.00 resubmittal fee \$

### Variance Review

Single Family:  \$   
 Commercial Property: \$100.00 \$   
 Fences or Special Permits: \$65.00 \$   
 All others: \$90.00 \$

### Zoning Fees

Rezoning: - \$250.00 up to 1 acre site \$   
 - \$60.00 for each additional acre (or part thereof) \$

Requests for amendment to PUD Plans: \$300.00 \$

Split of lot or existing parcel:  \$

Replatting or new plat: \$250.00 \$

### Sign Review and Architectural Review for Commercial Properties

Project Value	Fee	
\$0 to \$5,000	\$100.00	\$ <input type="text"/>
\$5,001 to \$25,000	\$200.00	\$ <input type="text"/>
\$25,001 to \$75,000	\$250.00	\$ <input type="text"/>
\$75,001 to \$200,000	\$600.00	\$ <input type="text"/>
\$200,001 to \$750,000	\$1,000.00	\$ <input type="text"/>
Over \$750,000	\$350.00	\$ <input type="text"/>

Fences and walls: \$65.00 \$

Special Permit, Conditional Uses and All others: \$90.00 \$

Re-submittal Fee: \$50.00 \$

### Appeals

Appeal of ARB decision to BZAP: \$50.00 \$

Appeal of BZAP decision to City Council: \$250.00 \$

**Fee Total:** \$

# CITY OF BEXLEY UNIFIED PLANNING APPLICATION

## Project Worksheet

Residential       Commercial

Property Address:

387 Parkview Avenue

Zoning District:

R-3

R-1 (25% Building & 40% Overall)

R-6 (35% Building & 60% Overall)

R-2 (25% Building & 50% Overall)

R-12 (35% Building & 70% Overall)

R-3 (25% Building & 50% Overall)

Other:

\* Overall coverage includes hardscape

Lot Info:

Width (ft.): 133

Depth (ft.): 110

Total Area (SF): 14,630

Primary Structure Info:

Existing Footprint (SF): 2,637.2

Proposed Addition (SF): 0

Removing (SF): 0

Proposed new primary structure or residence (SF): 0

Total Square Footage: 2,637.2

(Type of Structure): Single residence

Garage and/or Accessory Structure Info (Incl. Decks, Pergolas, etc):

Existing Footprint (SF):

Proposed Addition (SF):

Proposed New Structure (SF):

Total of all garage and accessory structures (SF):

Total building lot coverage (SF):

Is this replacing an existing garage and/or accessory structure?

New Structure Type:

Ridge Height:

Is there a 2nd floor?

Yes  No

2nd Floor SF:

= % of lot

Yes No

Hardscape:

Existing Driveway (SF):

Existing Patio (SF):

Existing Private Sidewalk (SF):

Proposed Additional Hardscape (SF): 1,646.6

Total Hardscape (SF): 1,646.6

Totals:

Total overall lot coverage (SF): 4,283.8 = 29.93 % of lot

Applicant Initial:

Internal Use:

Staff Review Date:

Meets Zoning

ARB Only

Variance or Modifications Needed

Staff Comments:

Staff Initial:





## Variance Worksheet

Variance requests will be heard by the Bexley Board of Zoning and Planning. Variances are based upon a legal determination of whether the request meets the variance criteria specified by Bexley City Code.

Variance criteria are outlined below in question format. Please provide your narrative response to the variance questions.

### Description of the Proposed Variance

Please provide a thorough description of the variance being sought, and the reason why.

Applicant proposes splitting the lot addressed 387 Parkview Avenue, PID: 020-000560, as shown on the attached site plan. The existing single-family residence on the rear lot ("Lot A") will remain. A single-family residence will be constructed on the new front lot ("Lot B"). Applicant requests a variance from Section 1252.09 to reduce the R-3 district regulations for both lots.

Applicant requests a variance to reduce the minimum lot depth from 160 feet to 110/133 feet for Lot A.

Applicant requests a variance to reduce the minimum front yard from 30 feet to 9 feet for Lot A.

OR

Applicant requests a variance to reduce the minimum side yard from 12 feet to 9 feet for Lot A.

### Variance Question 1

Does the property in question require a variance in order to yield a reasonable return? Can there be any beneficial use of the property without the variance? Please describe.

The request variances allow the Applicant to make the highest and best use of the property.

### Variance Question 2

Is the variance substantial? Please describe.

The requested variance is not substantial. The lots will maintain minimum standards for minimum lot area, minimum lot coverage, and minimum yard requirements.

### Variance Question 3

Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance? Please describe.

The requested variance will not substantially alter neighborhood nor cause substantial detriment to the adjoining properties. Again, the resulting lot split and single-family residential development will maintain most of the R-3 development standards. Applicant proposes single-family residences which is within the character of the neighborhood. However, it should be noted that there are indeed lots within the neighborhood which have more than single family residences.

## Variance Worksheet (Continued)

Variance requests will be heard by the Bexley Board of Zoning and Planning. Variances are based upon a legal determination of whether the request meets the variance criteria specified by Bexley City Code.

Variance criteria are outlined below in question format. Please provide your narrative response to the variance questions.

### Variance Question 4

Would the variance adversely affect the delivery of governmental services (e.g., water, sewer, garbage)? Please describe.

The requested variance will not adversely affect the delivery of governmental services.

### Variance Question 5

Did the property owner purchase the property with knowledge of the zoning restriction? Please describe.

The lot split is the cause of the necessary variance and applicant was aware of the R-3 district regulations. Please note that these factors are a balancing test and that a single factor should not disqualify an application.

### Variance Question 6

Can the property owner's predicament feasibly be obviated through some method other than a variance? Please describe.

There is no manner in which the property may be split without requiring the requested variances.

### Variance Question 7

Is the spirit and intent behind the zoning requirement observed and is substantial justice done by granting the variance? Please describe.

The spirit and intent behind the zoning requirement will be observed and substantial justice will be done by granting the requested variance. The requested variance is not substantial and the resulting development will maintain most of the R-3 district regulations and character of the neighborhood.

10/8/2018

390 S Parkview Ave - Google Maps

### 390 S Parkview Ave

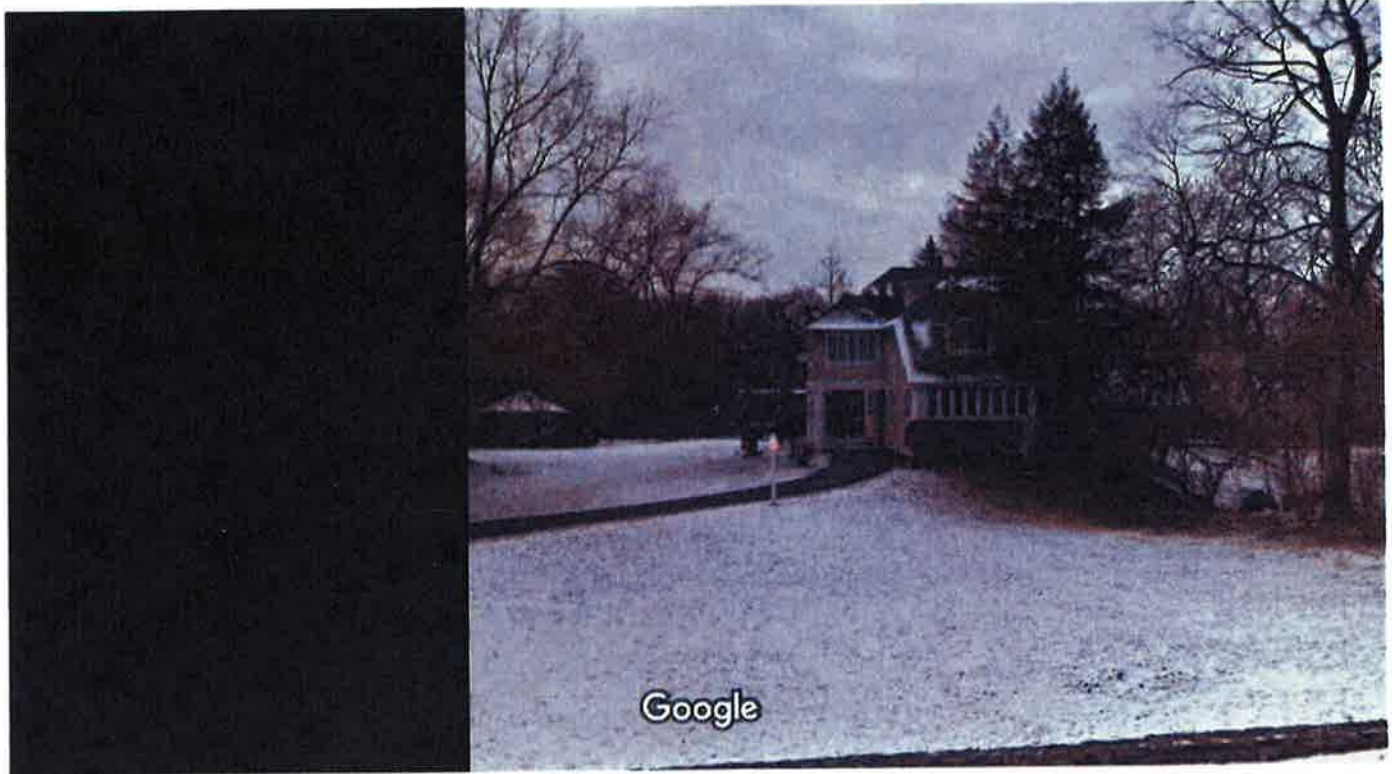


Image capture: Jan 2016 © 2018 Google

Bexley, Ohio

 Google, Inc.

Street View - Jan 2016

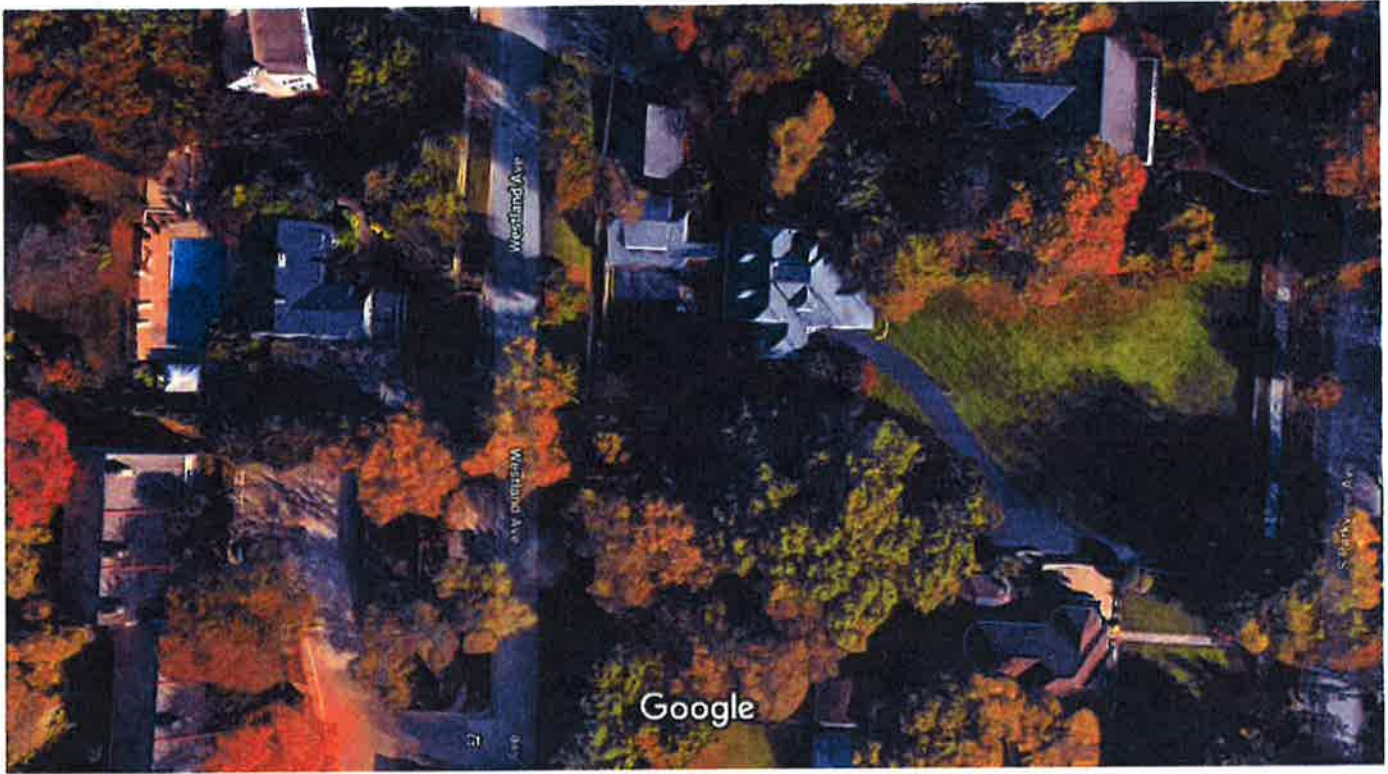




10/8/2018

387 S Parkview Ave - Google Maps

Google Maps 387 S Parkview Ave



Imagery ©2018 Google, Map data ©2018 Google 20 ft



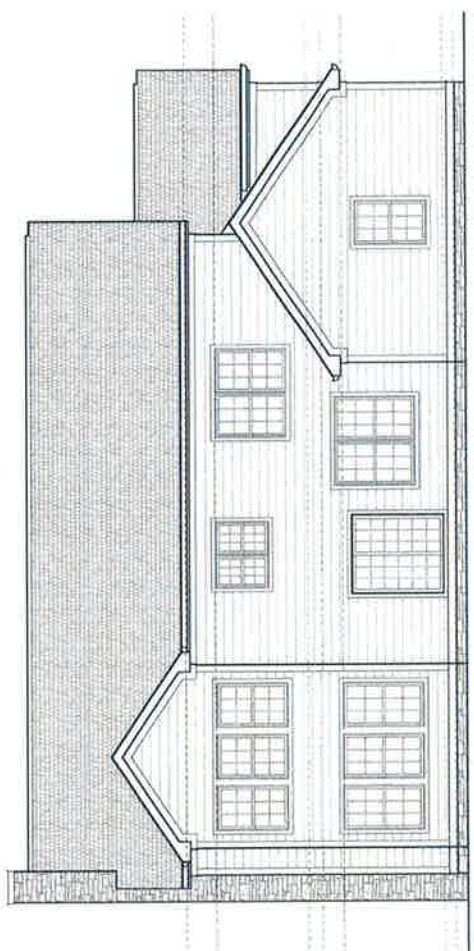




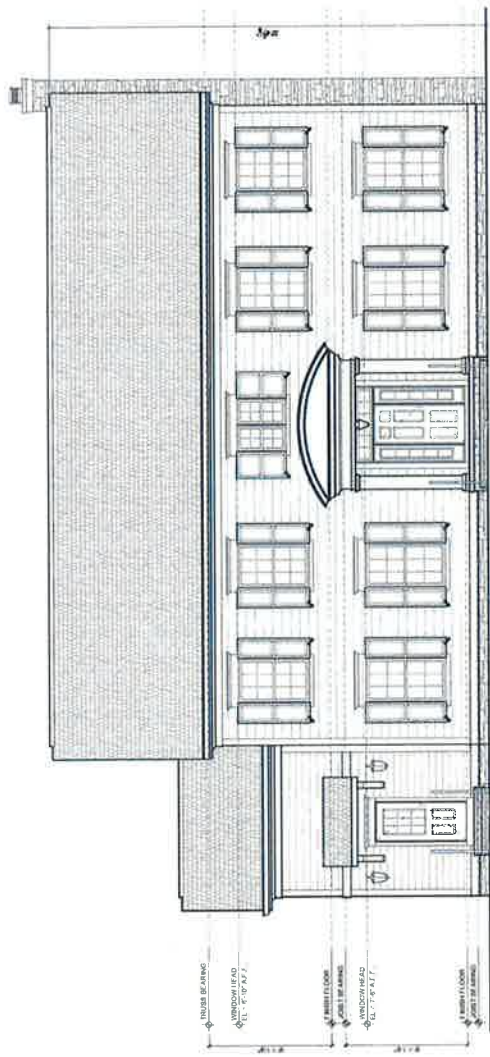


PRELIMINARY  
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CONSTRUCTION

© 2018 SBA STUDIOS, LLC



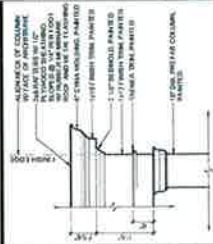
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1 FRONT ELEVATION

EXHIBIT  
B

FRONT PORCH DETAIL



ELEVATION MATERIAL LEGEND

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SCALE: 1/8" = 1'-0"

387 S. PARKVIEW  
REXLEY, OHIO  
PREPARED FOR:



**SBA STUDIOS**  
ARCHITECTURAL DESIGN  
8148872741 WWW.SBA-STUDIOS.COM

DATE: 10/17/18  
PROJECT: 18-0000000  
EXTERIOR ELEVATIONS

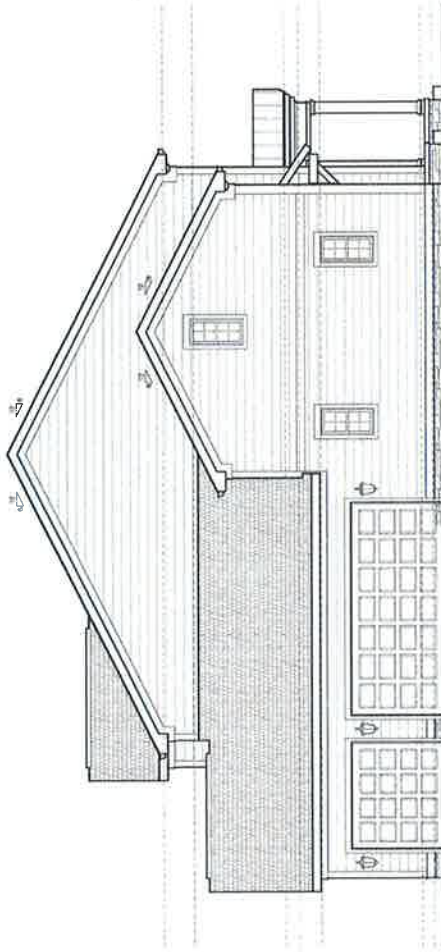
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PROJECT: 18-0000000  
EXTERIOR ELEVATIONS

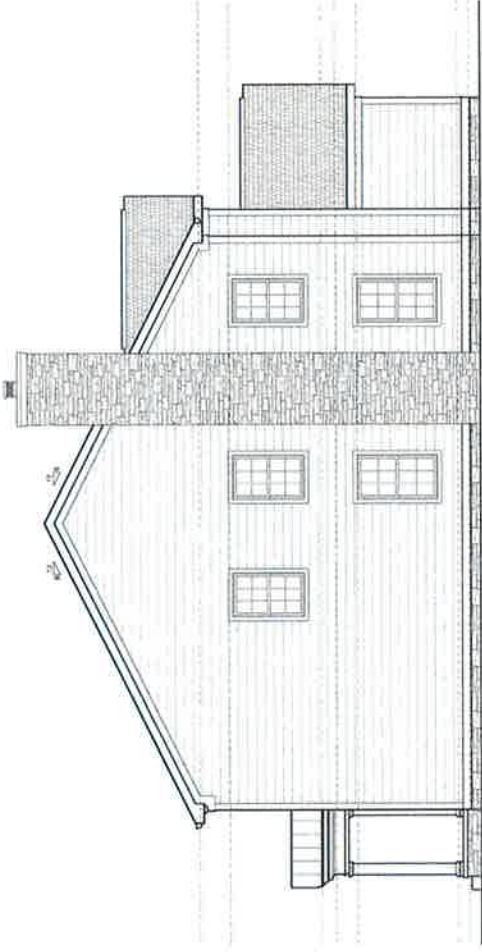




PRELIMINARY  
- NOT FOR  
CONSTRUCTION



2 | LEFT ELEVATION



1 | RIGHT ELEVATION

ELEVATION MATERIAL LEGEND

- UNFINISHED BRICKS (OR FINISHED BRICKS)
- WOOD SIDING (OR OTHER)
- COLORADO STONE

DATE: 08/15/2018

387 S. PARKVIEW  
REXLEY, OHIO  
PREPARED FOR:



TUCKERMAN  
HOME GROUP

**SBA**  
STUDIOS  
ARCHITECTURAL DESIGN  
414.602.7761 WWW.SBA-STUDIOS.COM



EXTERIOR ELEVATIONS  
**A2-2**



**BEXLEY CITY COUNCIL**  
**Procedural Rules for Hearing Councilmatic Variances**  
October 25, 2016

**INTRODUCTION**

These constitute the adopted Procedural Rules for hearing requests for Councilmatic Variances. The purpose of these Rules is to enable Bexley City Council ("Council") to make well-informed decisions on such variance requests and to provide applicants (and any persons who are directly affected by the requested variance) with the opportunity to be heard.

**COUNCIL RULES**

In any Councilmatic Variance matter coming before Council, the following procedural steps will generally apply:

1. Applicant timely files all required application materials with the City Building Department.
2. The City Building Department determines whether a Councilmatic Variance must be heard by Council, and a Hearing is scheduled accordingly.
3. Councilmatic Variance Hearing proceedings will generally take place as follows, unless directed otherwise in the sole discretion of Council:
  - a. **Parties** – Proceedings may include participation by only the following parties (individually, a "Party," and collectively, the "Parties"): the applicant requesting the variance (the "Applicant"); any person in opposition to the requested variance who is directly and adversely affected by it (an "Opponent"); and any person in support of the requested variance who is directly affected by it (a "Supporter").
  - b. **Submission of Briefs** – Any Party may submit, no less than seven (7) calendar days in advance of the hearing, a written brief of no more than 10 pages (on 8x11-inch paper, double-spaced with 12-point font and 1-inch margins), plus any exhibits such as drawings, photographs, or other supporting documentation. Such Party must provide an electronic copy in PDF format of all materials, as well as 15 complete sets of hard copies of all materials (electronic copy to be distributed to Council and other City officials, with hard copies for reference by members of the public). If more than one Opponent and/or more than one Supporter plan to submit such materials, such Opponents and/or Supporters are encouraged to consolidate their respective materials into a single Opponents' submission and/or a single Supporters' submission, but are not required to do so.
  - c. **Applicant's Initial Presentation** – At the hearing, Applicant shall have up to 20 minutes to present his/her case in support of the requested variance, including any witnesses and offers of evidence.
  - d. **Presentation by Supporter(s)** – Following Applicant's Initial Presentation, any Supporter shall have up to 5 minutes per person to present her/his case in support of the requested variance, including any witnesses and offers of evidence. If multiple Supporters wish to present, they will do so in alphabetical order of last name.
  - e. **Presentation by Opponent(s)** – Following Presentation by Supporter(s) (if any), any Opponent shall have up to 5 minutes per person to present her/his case in opposition to the requested variance, including any witnesses and offers of evidence. If multiple Opponents wish to present, they will do so in alphabetical order of last name.
  - f. **Proffer** – If any Party offers evidence not admitted by Council, such Party shall have the opportunity to proffer such evidence into the record.
  - g. **Applicant's Conclusion** – Following Presentation by Opponent(s) (if any), Applicant shall have up to 10 minutes to conclude her/his case, including any offer of evidence to rebut evidence from Opponent(s), and any closing/summary remarks.
4. Following the conclusion of the Councilmatic Variance Hearing, Council will take the following steps:
  - a. Council will deliberate in its quasi-judicial capacity at a time and place to be determined by Council.
  - b. Following deliberations, Council will vote on the outcome of the requested variance at a public meeting.
  - c. In conjunction with or subsequent to its vote, Council shall issue a written decision setting forth its findings of fact and conclusions of law with respect to the requested variance. Copies shall be provided to the Applicant and made available to the public.