



City of Bexley  
Board of Zoning and Planning

---

**Decision and Record of Action – April 27, 2023**

---

The City of Bexley Board of Zoning and Planning took the following action at this meeting:

Application No.: 23-2 Appeal  
Applicant: James Hughes  
Location: 2555 E. Main

**Request:** Appeal to the decision of the Zoning Officer related to an approval of Application No. ARB-23-1, for 2 sun-shades proposed at Montrose Elementary School.

**MOTION:** The following motion was made by Mr. Schick and seconded by Mr. Marsh:  
To agree to reverse the decision of the Zoning Officer's conditional approval of the Sun-shades for the Montrose School playground.

**VOTE:** Mr. Schick - voting No, based on the fact that this is a unique situation being a large unprotected lot that gets very hot and with 50-100 kids at times that use the playground he believed the sun-shades are appropriate and the least evasive structure to prevent sunburn and excessive heat, and the fact that the city further notified neighbors separate from the school's process;  
Mr. Marsh voting No, noting that the sun-shades are an appropriate structure for a school;  
Mr. LeVine – voting No, based on the lack of evidence to indicate that Staff did anything wrong, and the compelling justification for the school's application.  
Mr. Hall – voting No, based on the fact that the sun-shades fit within the Zoning Code and are appropriate shade structure designed to provides maximum protection from the sun;  
Chairman Behal – voting No, based on the fact that there were no particular grounds stated to sway his decision, most of the obstruction from Mr. Hughes, view from his house is mostly horizontal with only a minor 4' vertical aspect to it and that Mr. Hughes has overstated his case in that regard, what we know today

that we didn't know when I was a kid was how much the sun does causes potential harm and some kids have skin this very sensitive to the sun, and we need to be careful and error on the side of safety of the kids to protect them from some long term skin condition , this is the least obstructive way to take action by allowing sun-shades to safely provides protection from sun and heat, and it is in line with the city code; motion failed.

**RESULT:** Appeal to reverse the decision of the Zoning Officer failed.

**MOTION 2:** The following motion was made by Mr. Marsh and seconded by Mr. Schick:  
To affirm the decision of the Zoning Officer

**VOTE:** Mr. Hall, Mr. LeVine, Mr. Marsh, Mr. Schick, and Chairman Behal all voting – Yes; Chairman Behal stated that he voted yes for the all the reasons stated in the previous motion which justify the decision made by the Zoning Officer; motion passed

**RESULT:** The decision of the Zoning Officer was affirmed and approved.

**Staff Certification:** Recorded in the Official Journal this 27th day of April, 2023.



---

Kathy Rose, Zoning Officer

Cc: Applicant, File Copy