



City Council Meeting Agenda

Wednesday, December 15, 2021

6:00 PM

- 1) Call to Order**
- 2) Roll Call of Members**
- 3) Pledge of Allegiance**
- 4) Presentation by City Council Building & Zoning Committee Chair**
 - A) Decision and Order (Remand to City Council) 21CV3635
 - B) Transcript of Proceedings (Bexley BZAP 20-48)(21 CVF 003635)
 - C) BZAP Decision
 - D) Bexley City Code 1226.12 (Conditional Uses)
 - E) Copy of Bexley City Code 1226.19 (Council Appeal Process)
- 5) Argument of Parties**
 - A) The Appellant's Brief – Massen. et al. – Bexley Appeal Brief
 - B) The Applicant/Appellee's Brief – 12.7.21 TCB's Brief to Bexley City Council.pdf
- 6) Adjourn**

All agendas are subject to change.

City Council Policy for Correspondence:

All correspondence addressed to City Council or requested to be distributed to City Council by the sender is a matter of public record and will be placed on the City of Bexley Website (www.bexley.org) at Public Documents > City Council > Council Correspondence. If the subject of the correspondence is not on the Council Agenda, the sender may discuss the issue during Public Comments. If the subject of the correspondence is on the Council Agenda, the sender may discuss the issue at the time the issue is addressed during the Council meeting.

City Council Policy for Public Comments:

Members of the public are encouraged to provide comments to City Council at the following times:

For issues that are not on Council's agenda:

- At a designated public comment period near the beginning of the meeting

For items on Council's agenda (when speaker slip has been filled out in advance):

- During an ordinance or resolution that is being discussed
- Residents may submit up to two separate speaker slips per meeting
- Please note that the speaker slip must be filled out prior to entering Council chambers and must be promptly handed to the Council secretary

For items on Council's agenda (when a speaker slip has not been filled out in advance):

- During the public comment period after a motion has been made and seconded to adopt an ordinance or resolution (typically the third reading)
- During a designated public comment period at the end of the meeting

Time limits for public comments:

While City Council will not routinely impose time limits on either Agenda or Non-Agenda visitors who wish to address City Council, those commenting are asked to confine their remarks to approximately five (5) minutes and for Agenda items, to direct their comments to the subject matter being addressed in the legislation. This five minute limitation also applies to City Council members per 220.01 (rule 13).

Additional guidelines for public comments:

- Any speaker addressing Council shall provide his/her name and address.
- Undue interruption or other interference with the orderly conduct of remarks is not permitted.
- Defamatory or abusive remarks are always out of order.
- Violation of this policy may result in termination of the speaker's comments and/or removal from the meeting

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

Leah Turner, et al.,	:	
	:	Case No. 21CV3635
Appellants,	:	
v.	:	Judge Mark A. Serrott
	:	
City of Bexley Board of Zoning and Planning, et al.,	:	
	:	
Appellees.	:	

**DECISION AND ORDER REVERSING AND REMANDING THE DECISION OF
BEXLEY CITY COUNCIL**

I. Introduction

Pursuant to R.C. 2506.01, this case is before the Court on Appellants’ Leah and Jesse Turner (“Appellants”) administrative appeal from Appellees’ City of Bexley Board of Zoning and Planning (“BZAP”) and Bexley City Council (“City Council”) decisions granting the conditional uses requested by Appellee The Community Builders (“TCB”). The matter is fully briefed and ready for decision. For the reasons that follow, this Court **REVERSES AND REMANDS** the decision of City Council rendered on May 11, 2021.

II. Background

On January 26, 2021, TCB applied for conditional uses that would allow dwelling units on the first and upper floors of a building located in a commercially-zoned property in the Appellee City of Bexley (“Bexley”). The development would create twenty-seven (27) apartment units with a total of fifty-eight (58) bedrooms with thirty (30) parking spaces in an area where parking is sparse. The new development would have no commercial use despite the current zoning for the property as Commercial Service District. The Appellants are Bexley residents who oppose the conditional use and live nearby the property.

On January 28, 2021, a hearing was held before BZAP on TCB's application. About fifteen (15) residents from the area nearby the property attended the hearing and opposed the development as proposed. The residents cited concerns such as traffic, parking, density, and safety. BZAP tabled the motion and reheard the matter on a later date, which occurred on February 25, 2021. All residents appearing at the second hearing again opposed the development. After hearing all arguments and other evidence, BZAP approved TCB's conditional use application.

Pursuant to Bexley City Code 1226.19, Appellants timely appealed BZAP's decision to City Council. Instead of hearing the appeal, however, City Council recused itself because of "the actual or perceived conflicts of interest of a majority of the members of [City] Council."¹ Beyond conflicts of interest, no further explanation was given. Apparently, some members of City Council believed there was a conflict of interest because a partner of TCB's in the project, "CIC," was created by City Council.² As a result, no hearing ever occurred on Appellant's appeal of BZAP's decision to City Council. Instead, on May 11, 2021, City Council determined that "[t]he BZAP decision is the final decision of the City" and "[t]his decision of [City] Council is the final determination made by the City [Bexley]."³ On June 6, 2021, Appellants filed their appeal before this Court.

III. **Standard of Review**

R.C. 2506.01 permits administrative appeals, which states "every final order, adjudication, or decision of any officer, tribunal, authority, board, bureau, commission, department, or other division of any political subdivision of the state may be reviewed

¹ Record of Proceedings, July 7, 2021, p. 234 (Determination on Appeal, May 11, 2021).

² See Appellee's Brief (TCB), September 30, 2021, p. 15.

³ Record of Proceedings, July 7, 2021, p. 234 (Determination on Appeal, May 11, 2021).

by the court of common pleas of the county in which the principal office of the political subdivision is located.”

The standard of review for administrative appeals brought under R.C. 2506.01 is found in R.C. 2506.04, which provides:

[T]he court may find that the order, adjudication, or decision is unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record. Consistent with its findings, the court may affirm, reverse, vacate, or modify the order, adjudication, or decision, or remand the cause to the officer or body appealed from with instructions to enter an order, adjudication, or decision consistent with the findings or opinion of the court.

“Although a review under R.C. 2506.04 is not *de novo*, it often resembles a *de novo* proceeding because the reviewing court weighs the evidence in the “whole record” in determining whether the administrative decision is supported by the preponderance of substantial, reliable, and probative evidence.” *Athenry Shoppers, Ltd. v. Planning & Zoning Comm'n of Dublin*, 2009-Ohio-2230, ¶16.

IV. **Law and Analysis**

Appellants raise four (4) arguments why this Court should reverse the decision of BZAP and City Council. The first three (3) arguments address substantive deficiencies of BZAP’s review under Bexley City Code 1226.12, whereas the fourth argument addresses a procedural issue raised by City Council’s failure to hear Appellant’s appeal from BZAP under Bexley City Code 1226.19. Bexley City Code 1226.12 governs conditional uses. BZAP may only approve conditional uses if the applicant proves all of the (a) through (h) factors. After BZAP issues a decision under Bexley City Code 1226.12, the applicant or a Bexley property owner that is affected by the decision may appeal to City Council under Bexley City Code 1226.19.

Because the Court's determination on the procedural issue requires reversal and remand, the Court need not rule on the substantive issues raised by Appellants under Bexley City Code 1226.12 since City Council must first comply with Bexley City Code 1226.19. The Court ultimately finds that City Council's failure to conduct a hearing on the appeal was "illegal, arbitrary, capricious, [and] unreasonable" and "unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record," which is required by the standard of review under R.C. 2506.04. Specifically, City Council's decision not to conduct a hearing is (a) not permitted by Bexley City Code 1226.19 because 1226.19(d) only provides timing modifications, not the authority to dispense with a hearing and (b) violative of Appellants' due process rights.

a. City Council's Recusal and Failure to Hold a Hearing Under Bexley City Code 1226.19 Was Illegal Because Only Modifications to the Timing of the Hearing Are Permitted

Appellants raise a procedural issue regarding City Council's recusal and failure to conduct a hearing on the appeal pursuant to Bexley City Code 1226.19. Appellants contend City Council neglected its duty under the ordinance to hear the appeal and, as a result, never considered the substantive (a) through (h) factors set forth in Bexley City Code 1226.12. Thus, this Court is left to guess at what factors City Council may have or may not have considered as important.

In contrast, TCB, BZAP, Bexley, and City Council (collectively, "Appellees"), argue that the recusal was warranted and authorized by Bexley City Code 1226.19(d)(3). Specifically, Appellees argue that Bexley City Code 1226.19(d)(3) permitted it to decline to hear the appeal. Bexley City Code 1226.19(c) and (d) in pertinent part provides the following verbatim:

(c) Upon receipt of the filing of a Notice of Appeal, the Clerk of City Council shall notify the Clerk of the Board from which an appeal has been taken who shall file with the Clerk of Council the record of the proceedings, all relevant background or other information that was before or taken into consideration by the Board in making the order, adjudication, or decision being appealed within fourteen (14) calendar days of receiving the Notice of Appeal from the Clerk of Council.

(d) Bexley City Council shall examine the record of decision and hear oral argument by the parties within thirty (30) days of receiving the Notice of Appeal, unless the following apply:

- (1) If Bexley City Council is in summer recess at the time of receiving Notice of Appeal, Council shall hear argument within sixty (60) calendar days of receiving the Notice of Appeal.
- (2) If there is an agreement between the appellant, the appellee, and the City Attorney, an extension may be granted.
- (3) Other good cause as determined by Bexley City Council.
 - i. The Plain Language and Contextual Reading of 1226.19(d) Do Not Provide the Authority to Dispense With a Hearing

After this Court's review of the parties' arguments and ordinance, Bexley City Code 1226.19 establishes that Appellees' reliance on 1226.19(d)(3) for cancelling the hearing is unwarranted and misplaced. Bexley City Code 1226.19 mandates a hearing; the three subsections of Bexley City Code 1226.19(d) are temporal modifications that permit extensions beyond the thirty (30) day base requirement. As the following analysis shows, the section is limited to extending the time to conduct the appeal hearing, not to dispensing with the hearing altogether.

Bexley City Code 1226.19(d) mandates a hearing within thirty (30) calendar days unless one of the three listed exceptions apply. The first is if City Council is in summer recess. The second is if the parties agree. The third is for other good cause determined by City Council. The third exception is limited to extending the thirty (30) day mandatory hearing time requirement and has nothing to do with dispensing with the

hearing altogether. The plain language, along with reading 1226.19(d)(3) in context with 1226.19(d)(1) and 1226.19(d)(2), establishes 1226.19(d)(3) is limited to extending the mandatory thirty (30) day hearing requirement.

In this case, City Council failed in its legal obligation to hear the appeal and issue the required findings under Bexley City Code 1226.19(d) and 1226.19(l).⁴ Nothing in the ordinance permits recusal or provides for an alternative to hearing the appeal.⁵

ii. The Statutory Construction Principle of Ejusdem Generis Compels This Court's Decision

Further, the statutory construction principle known as “ejusdem generis” supports the Court’s interpretation of the ordinance. The ejusdem generis rule provides that when a statute or ordinance first uses terms or conditions that are confined to a certain class or have certain characteristics, 1226.19(d)(1) and 1226.19(d)(2), then subsequent terms are limited to the preceding limited and confined terms, i.e. 1226.19(d)(3). *See State v. Aspell*, 10 Ohio St.2d 1 (1967); *see also Federer v. Ohio Department of Natural Resources*, 2015-Ohio-5368 (this Court’s decision that was affirmed by the Tenth District Court of Appeals).

Applying the above rule to the ordinance issue herein, the 1226.19(d) section of the ordinance is undisputedly limited to extending the thirty (30) day period and 1226.19(d)(1) and 1226.19(d)(2) are specific examples of reasons to extend the thirty (30) days. A fortiori, because 1226.19(d)(1) and 1226.19(d)(2) are limited to reasons

⁴ Bexley City Code 1226.19(l) requires that City Council “shall issue written findings of fact and conclusions of law within thirty (30) calendar days after the hearing.”

⁵ The Court recognizes the dilemma of the alleged conflicts of interest, but is unaware of any code or charter provisions that require recusals on certain matters before City Council or an alternative process if a member(s) recuses. Regardless, the Court notes that City Council has a mandatory duty to hear the appeal.

extending the thirty (30) day period; 1226.19(d)(3) is also limited to extending the thirty (30) day hearing period.

Under the doctrine of ejusdem generis, 1226.19(d)(3) coming after 1226.19(d)(1) and 1226.19(d)(2) is limited to the same class or characteristics which is extending the thirty (30) day period. Neither 1226.19(d)(1) nor 1226.19(d)(2) deals with cancelling a hearing or refusing to conduct a hearing. Therefore, any reasonable construction of the plain terms used in 1226.19(d)(3) is limited to extending the thirty (30) day period.

Thus, City Council is free to extend the thirty (30) days for good cause shown, but not to abdicate its requirement to conduct a hearing. Had City Council intended Bexley City Code 1226.19 to allow recusal or to simply not conduct a hearing it could have enacted a provision expressly dealing with that situation. Instead, Bexley City Code 1226.19(d)(3) is limited to extending the thirty (30) day period.

b. City Council's Failure to Hold A Hearing Deprived Appellants of Their Due Process Rights

Moreover, when a legislative body, such as a city council, provides for an appeal to the council in zoning cases, due process rights attach to the party seeking the appeal. The Appellant is entitled to notice, the right to be heard, and fair consideration of the appeal. *See Hoegler v. Planning and Zoning Comm'n of City of Highland Heights*, 1976 Ohio App. Lexis 7250. That court noted that when ordinances provide for a hearing, the city gives "appellant a right to notice of and to participate in a public hearing on request for zoning variances." *Id.* The same rule applies to the conditional use at issue herein. The ordinance gave the Appellants the right to notice, a hearing, and the full plenary of the due process rights detailed in Bexley City Code 1226.19.

By recusing and refusing to conduct a hearing, City Council deprived Appellants of the rights under the ordinance and deprived them of their due process rights. Additionally, by failing to conduct a hearing and failing to issue findings of fact as required, this Court was deprived of the ability to conduct a meaningful review of the decision to grant the conditional use. Ultimately, these actions are “illegal, arbitrary, capricious, [and] unreasonable” and “unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record.”

V. Conclusion

For the aforementioned reasons, this Court **REVERSES** and **REMANDS** the decision of City Council as contrary to law. On **REMAND**, the Court **ORDERS** that City Council conduct an appeal hearing in strict compliance with Bexley City Code 1226.19 and that it render a decision with written findings as required by Bexley City Code 1226.19(l). Because the Court’s determination on the procedural issue under Bexley City Code 1226.19 causes reversal and remand, the substantive issues raised by Appellants under Bexley City Code 1226.12 are moot at this time. The Appellees shall be responsible for the costs of this appeal.

IT IS SO ORDERED.

Electronically Signed By:

JUDGE MARK A. SERROTT

Franklin County Court of Common Pleas

Date: 10-15-2021
Case Title: LEAH TURNER ET AL -VS- CITY OF BEXLEY BOARD OF
ZONING AND PLANN ET AL
Case Number: 21CV003635
Type: DECISION

It Is So Ordered.

The image shows a handwritten signature in black ink that reads "Mark A. Serrott". The signature is written over a faint, circular purple seal. The seal contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY OHIO" around the middle, and "ALL THINGS ARE" at the bottom.

/s/ Judge Mark A. Serrott

Electronically signed on 2021-Oct-15 page 9 of 9

Court Disposition

Case Number: 21CV003635

Case Style: LEAH TURNER ET AL -VS- CITY OF BEXLEY BOARD
OF ZONING AND PLANN ET AL

Case Terminated: 18 - Other Terminations

**IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION**

Leah Turner, <i>et al.</i>	:	
	:	Case No. 21 CV 003635
Appellants,	:	
v.	:	
	:	
City of Bexley Board of Zoning and Planning, <i>et al.</i> ,	:	Judge Mark A. Serrott
	:	
Appellees.	:	

TRANSCRIPT OF PROCEEDINGS OF THE CITY OF BEXLEY

In accordance with Ohio Revised Code 2506.02 and the Praecipe filed by Appellants, Leah Turner and Jesse Turner, Appellees, City of Bexley Board of Zoning and Planning, City of Bexley City Council and the City of Bexley hereby file with this Court a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision regarding the Application for a conditional use for the property located at 2300 E. Livingston Avenue, Bexley, Ohio.

Respectfully submitted,

/s/ Catherine A. Cunningham

Catherine A. Cunningham (0015730)
KEGLER, BROWN, HILL & RITTER CO., LPA
65 East State Street, Suite 1800
Columbus, OH 43215
(614) 462-5486
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E-mail: ccunningham@keglerbrown.com

*Counsel for Appellees, City of Bexley Board of
Zoning and Planning, City of Bexley City
Council and the City of Bexley*

**BEFORE THE BEXLEY BOARD OF ZONING AND PLANNING
AND BEXLEY CITY COUNCIL**

Applicant: Nicole Boyer
Property Owner: Sally Woodyard

:
:
:
:
:
:
:

Appeal to City Council #21-2

Application # BZAP-20-48

INDEX OF RECORD

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028-029	Public Notice City of Bexley Architectural Review Board and Board of Zoning & Planning <i>[ARB (1/14/21) and BZAP (1/28/21) (whole agenda)]</i>	December 31, 2020
030	Public Notice City of Bexley Architectural Review Board and Board of Planning and Zoning <i>[ARB (1/14/21) and BZAP (1/28/21) (site specific)]</i>	January 11, 2021
031	Determination and Record of Action of Architectural Review Board	January 14, 2021
032-051	Minutes of Architectural Review Board <i>[recommendation to BZAP]</i>	January 19, 2021
052-057	Agenda for Board of Zoning and Planning meeting	January 28, 2021
058-062	Staff Report	January 28, 2021

063	Video of Bexley Board of Zoning and Planning meeting [https://www.youtube.com/watch?v=-Zvn1Lik0c from 4:40:30 through 6:53:45]	January 28, 2021
064-092	Minutes of the Bexley Board of Zoning and Planning meeting	January 28, 2021 Approved March 25, 2021
093-094	Notice of BZAP meeting Corrected Notice of BZAP meeting	February 11, 2021
095	Amended Site Plan [dated February 5, 2021]	February 19, 2021
096-097	Agenda for Board of Zoning and Planning meeting	February 25, 2021
098-118	Hearing Exhibits — Applicant PowerPoint presentation at hearing	February 25, 2021
119-137	Hearing Exhibits — Opponents Document submitted by Dustin Snow	February 25, 2021
138-141	Bexley Diversity, Equity & Inclusion Strategy Council Resolution 06-20 [passed on August 11, 2020]	
142-181	Southwest Bexley Strategic Framework [dated May 2017]	
182-183	Decision and Record of Action	February 25, 2021
184	Video of Bexley Board of Zoning and Planning meeting [https://www.youtube.com/watch?v=deSA0brKVu8 from 27:15 through 3:56:25 - Decision at 3:56:27]	February 25, 2021
185-205	Minutes of the Bexley Board of Zoning and Planning meeting	February 25, 2021 Approved March 25, 2021
206	Video of Bexley Board of Zoning and Planning meeting [https://www.youtube.com/watch?v=W_HG2NF2Iq0 from 3:05 to 5:00]	March 25, 2021
207-213	Minutes of the Bexley Board of Zoning and Planning meeting [approving minutes from January 28, 2021 and February 25, 2021 meetings]	March 25, 2021
214-221	Notice of Appeal to City Council Case No. 21-2	April 23, 2021
222-230	Notice of Filing Notice of Appeal	April 30, 2021
231-233	Agenda of City Council meeting	May 11, 2021
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235	Video of Bexley City Council meeting [https://www.youtube.com/watch?v=ph_t5x6ktl4 from 5:46 through 11:15]	May 11, 2021
236-242	Minutes of City Council Meeting	May 11, 2021

243-254	Notice of Final Determination of Bexley City Council in Administrative Appeal and Service of Determination on Appeal	May 12, 2021
255-309	Notice of Appeal from an Administrative Order	June 9, 2021
310-313	Praecipe for the Record	June 9, 2021



City of Bexley, OH

01/26/2021

BZAP-20-48

*(BZAP)Board of Zoning & Planning Application - Review of Variance requests for Residential and Commercial Development

Status: Active

Date Created: Dec 18, 2020

Applicant

Nicole Boyer
nicole.boyer@tcbinc.org
736 Oak Street
Columbus, Oh 43205
380-235-8345

Location

2300 E LIVINGSTON AV
Bexley, OH

Owner:

Sally A Woodyard
2300 E Livingston Avenue, , Bexley, OH 43209

A.1: Project Information

Brief Project Description - ALSO PROVIDE 2 HARD COPIES OF PLANS TO THE BUILDING DEPARTMENT.

Bexley Apartments at 2300 E Livingston includes a proposed, three-story, multi-family building located on 0.74-ac of land. The building includes twenty-seven (27) apartment units (a combination of one, two and three bedroom units). The building is placed on the site to front both E Livingston Avenue and Francis Avenue with a proposed thirty-space parking lot to the rear. Parking lot access will be from one curb cut on Francis Avenue. Landscaping and fencing will be provided to comply with the code requirements. The existing building and parking will be demolished.

Architecture Review



Conditional Use



Demolition



Planned Unit Dev



Rezoning



Variance or Special Permit



What requires Major Architectural Review

Proposed new construction, three-story, multi-family building.

What requires Minor Architectural Review

new building

Major Architectural Review**Minor Architectural Review**

A.1: Attorney / Agent Information**Agent Name**

Not Applicable

Agent Address

--

Agent Email

--

Agent Phone

--

Property Owner Name

--

Property Owner Email

--

Property Owner Address

--

Property Owner Phone number

--

A.2: Fee Worksheet**Estimated Valuation of Project**

4000000

Minor Architectural Review**Major Architectural Review****Variance Review****Variance Review Type**

--

Zoning**Zoning Review Type**

Conditional Use request

Sign Review and Architectural Review for Commercial Projects**Review Type**

Special Permit, Conditional Uses and All Others

Appeal of ARB decision to BZAP**Appeal of BZAP decision to City Council****Conditional Use - Explain type of Use if being requested and fill out Conditional Use Criteria**

Bexley Apartments is a multi-family building and the project will request variances for apartment units including 1) Dwelling units on the first floor and 2) dwelling units above the first floor.

Detailed explanation of appeal

new structure type	garage height
--	--
Proposed New Structure (SF)	Is there a 2nd Floor
--	--
Total of all garage and accessory structures (SF)	
--	
Total building lot coverage (SF)	Total building lot coverage (% of lot)
--	--
Is this replacing an existing garage and/or accessory structure?	
--	

B: Project Worksheet: Hardscape

Existing Driveway (SF)	Existing Patio (SF)
--	--
Existing Private Sidewalk (SF)	Proposed Additional Hardscape (SF)
--	--
Total Hardscape (SF)	
11708	

B: Project Worksheet: Total Coverage

Total overall lot coverage (SF)	Total overall lot coverage (% of lot)
23371	72

C.1 Architectural Review Worksheet: Roofing

Roofing	Structure
☒	House or Principal Structure
Existing Roof Type	New Roof Type
--	TPO Rubber
New Single Manufacturer	New Roof Style and Color
TBD	Low-slope ('flat') roof, white membrane. Standing seam metal roofing at accent areas

C.1 Architectural Review worksheet: windows**Windows****Existing Window Type**

--

New Window Manufacturer

Vinyl window mfr. TBD

Structure

House or Principal Structure

Existing Window Materials

--

New Window Style/Mat./Color

Casement and Fixed Windows. Energy Efficient with Low-E glass.

C.1 Architectural Review Worksheet: Doors**Doors****Existing Entrance Door Type**

--

Door Finish

Painted

Structure

House or Principal Structure

Existing Garage Door Type

--

Proposed Door Type

Aluminum Storefront at main entrances, insulated hollow-metal at secondary entrances.

Proposed Door Style

Full glass alum. doors at primary entrances, flush solid doors at service areas and stair exit

Proposed Door Color

TBD

C.1 Architectural Review Worksheet: Exterior Trim**Exterior Trim****Proposed New Door Trim**

Aluminum

Existing Door Trim

--

Existing Window Trim

--

Proposed New Window Trim

Smooth face PVC trim or fiber cement trim

Trim Color(s)

TBD

Do the proposed changes affect the overhangs?

--

C.2 Architectural Review Worksheet: Exterior Wall Finishes

EXTERIOR WALL FINISHES**EXISTING FINISHES**

--

Existing Finishes Manufacturer, Style, Color

--

Proposed Finishes

Other

Other Proposed Finishes

--

Proposed Finishes Manufacturer, Style, Color

Horizontal and vertical siding, fiber cement panel accents, and brick veneer

By checking the following box I agree (as the applicant of record) to monitor this application and respond to any additional information requested by the Zoning Officer, Design Consultant, and Bldg. Dept Staff, through the email in this application, in order to allow a notice to be written and sent out 2 weeks prior to the next scheduled meeting and to be placed on the Agenda. This includes the ARB meeting when Design Recommendation is needed prior to Board of Zoning and Planning Review. I understand that incomplete applications may be withheld from the agenda or only offered informal review.

**D: Tree & Public Gardens Commission Worksheet****Type of Landscape Project**

City Right-of-Way Landscape

Landscape Architect/Designer

POD Design, Todd Foley

Architect/Designer Phone

RDL Architects, Margaret Kavourias, 216-752-4300

Architect/Designer E-mail

margaret@rdlarchitects.com

Project Description

The project is seeking approval for the conceptual landscaping plan with this BZAP application and will provide a fully developed landscape plan in the fall of 2021 for view and approval. It is the goal of the project team to provide a streetscaping plan that aligns with the City's larger goals to improve the tree canopy and pedestrian feel of the community. The proposed project will provide new landscaping and hardscaping throughout the site. New trees will be planted along East Livingston and Francis and the building will benefit from foundation plantings and hardscaping to provide a more residential feel that complements the adjacent residential uses. The full landscaping scope of work will be completed with the construction of the new building and will be delivered in 2023.

I have read and understand the above criteria**D: (Staff Only) Tree & Public Gardens Commission Worksheet****Design plan with elevations (electronic copy as specified in instructions plus 1 hard copy)**



Design Specifications as required in item 3 in "Review Guidelines and List of Criteria" above



Applicant has been advised that Landscape Designer/Architect must be present at meeting



E.1 Variance Worksheet

Description of the Proposed Variance. Please provide a thorough description of the variance being sought and the reason why.

--

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.

--

2. Is the variance substantial? Please describe.

--

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.

--

E.2 Variance Worksheet

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

--

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

--

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

--

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

--

F.1 Fence Variance Worksheet

Lot Type

--

Narrative description of how you plan to meet the pertinent outlined variance criteria

--

F.1-F.2 Fence Variance Worksheet: Side and Rear Yard Restrictions for Corner Lots

1. Compatibility: Describe how the proposed side yard fence or wall exceeding forty-eight inches in height and on the street side of a corner lot compatible with other properties in the neighborhood?

--

2. Height: Please verify that the maximum height of such fence or wall shall not exceed seventy-two inches as measured from the average grade, as defined in Section 1230.06. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included within the seventy-two inch maximum height.

--

3. Transparency: Fences exceeding forty-eight inches in height should include transparency in the upper 12" to 18" of the fence through the use of latticework, pickets, or other appropriate design elements. Describe how you have satisfied this requirement.

--

4. Screening: A landscaping plan must be filed with the application for a special permit, indicating how such fencing or wall is to be screened from the street side elevation. The landscape plan should be designed in such a way as to mitigate the impact of a solid fence or wall as it relates to the street and other properties. Describe how the landscape plan addresses these items.

--

5. Visibility and Safety: The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement. Please describe any visibility/safety concerns with your design.

--

6. Material Compatibility: No chain link, wire mesh or other similar material shall be installed on lot lines adjacent to public rights-of-way. Please verify that your design complies with this requirement.

--

7. Finished Side: Any fence or wall erected on a lot located at the intersection of two or more streets must have the finished and not the structural side facing the adjacent property, alley or street. Please verify that your design complies with this requirement.

--

F.3 Fence Variance Worksheet**Front Yard Restrictions**☐**Fences Adjacent to Commercial Districts**☐**Require Commercial Fences Adjacent to Residential Districts**



F.3 Fence Variance Worksheet: Front Yard Restrictions

The proposed decorative landscape wall or fence is compatible with other properties in the neighborhood.

--

The height of the fence or wall does not exceed the size permitted as above when measured from the average grade of the yard where the fence or wall is to be installed. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included in the maximum height.

--

Posts, columns and finials may extend up to 6" above the maximum allowed height of the fence panels.
CHAPTER 1264. FENCES AND WALLS City of Bexley Zoning Ordinance

--

A landscaping plan shall be filed with the application indicating how such fencing and/ or wall is to be integrated with existing front yard landscaping.

--

The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.

--

No chain link, wire mesh, concrete block or other similar type material shall be installed as a decorative landscape wall or fence.

--

The fence and/or wall shall have a minimum of 50% transparency.

--

That the lot exhibits unique characteristics that support the increase in fence height.

--

G. Demolition Worksheet

Is your property historically significant? Please attached supporting documentation. Recomendated sources include ownership records, a letter from the Bexley Historical Society, etc.

No

Is your property architecturally significant? Please attached supporting documentation. Recomendated sources include a letter of opinion from an architect or expert with historical preservation expertise.

No

If you answered "yes" to either of the above two questions, please describe any economic hardship that results from being unable to demolish the primary residence, and attach any supporting evidence.

--

If you answered "yes" to either of the above two questions, please describe any other unusual or compelling circumstances that require the demolition of the primary residence, and attach any supporting evidence.

--

I will provide a definite plan for reuse of the site, including proposed replacement structures, by completing Worksheets B & C and any other pertinent worksheets, along with required exhibits.



Provide a narrative time schedule for the replacement project

The project is seeking zoning approval for the conditional use of residential units on the property in order to pursue financing. Should the project successfully secure the necessary financing the team will be submitting a fully developed Demolition Worksheet sheet in fall of 2021 along with the full ARB and Landscaping submissions. Construction activities will commence in summer 2022, and it is anticipated that construction will last for 12-months.

Please provide a narrative of what impact the proposed replacement project will have on the subject property and the neighborhood.

We believe the proposed building is consistent with the goals of the City and do not anticipate the proposed building having a negative impact on the surrounding neighborhood. The apartment building will be a transition between the primarily residential nature of E Livingston to the east and the existing commercial to the west. The traffic impact will be minor considering the building only includes twenty-seven (27) units and thirty (30) parking spaces. The project includes one curb cut off of Francis Avenue.

I: Conditional Use Worksheet

The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.

Yes

The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.

Yes

The use will not be hazardous to or have a negative impact on existing or future surrounding uses.

Yes

The use meets or satisfies the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted.

Yes

The use does not create an undue burden on existing public facilities and services such as street, utilities, school or refuse disposal.

Yes

The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.

Yes

The use is in character and keeping and compatible with the adjacent structures and uses.

Yes

Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. Yes

Yes

Please provide a narrative for how you meet the above criteria.

The project consists of a 3-story, 34,687 square-foot residential building on approximately 0.74 acres at the northwest corner of East Livingston and Francis Avenue. The site is currently zoned Commercial Service District ("CS"). Applicant is seeking approval for a conditional use to construct 27 rental apartment units on the site. The project will bring new housing options to the Bexley community, helping to further the City's goals of creating and preserving mixed-income housing in Bexley.

The property provides a strong transition point from the predominantly commercial uses to the west and south to the residential uses to the north and east. The proposed construction will include the demolition of the two existing structures fronting East Livingston Avenue, neither of which is a historic feature of major importance. The proposed 3-story residential building engages the Livingston corridor, with off-street parking tucked behind the building. But for the conditional use request for the residential dwellings, the project meets all zoning requirements of a CS District and will meet City of Bexley requirements for perimeter screening and landscaping as well as storm water requirements. The architectural style of the building complements the Mid-Century and traditional homes while also pulling vertical and horizontal lines from the commercial business district to the west.

The proposed project will not create any additional burdens to the existing public infrastructure. The site is currently developed as a commercial use and the proposed residential use will take advantage of existing water and sewer connections where practical and feasible. The site has been designed to maximize off-street parking at a ratio of 1.11 spaces per unit, exceeding residential parking requirements for similar MUC zoning districts. The newly constructed apartments are predominantly one- and two- bedroom units for smaller households and will not create a burden on Bexley Schools. These units are, in part, replacement housing for affordable apartments lost in the Ferndale-Mayfield area due to environmental contamination.

The proposed development will not have a negative impact on the property values or the overall community economic development initiatives. The mixed-income development will enhance the Livingston Ave corridor and create high-quality new rental housing options for Bexley's essential community workforce (teachers, librarians, police, fire, service industry).

J: Home Occupation Worksheet

Business Name

--

Business Description

--

No person other than members of the family residing on the premises shall be engaged in such occupation.

--

The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

--

There shall be no change in the outside appearance of the building or premises, or other visible or nuisance evidence of the conduct of such home occupation.

--

There shall be no sales in connection with a home occupation.

--

No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood.

--

Any need for parking generated by the conduct of a home occupation shall be met off the street and other than in a required front yard. The off-street parking spaces required for the home occupation shall be maintained in addition to the space or spaces required for the residence itself.

--

Please provide a narrative for how you meet the above criteria.

Not applicable.

Attachments

 20163_2021-01-07 Livingston Elevations.pdf

Uploaded by Nicole Boyer on Jan 07, 2021 4:53 PM

 20163_2021-01-07 Livingston Plans.pdf

Uploaded by Nicole Boyer on Jan 07, 2021 4:53 PM

 2021-01-06_Livingston Landscape-updated.pdf

Uploaded by Nicole Boyer on Jan 07, 2021 4:54 PM



North side of Livingston 3.jpg

Uploaded by Nicole Boyer on Dec 17, 2020 3:25 PM

 20163_2021-01-07 Livingston Site.pdf

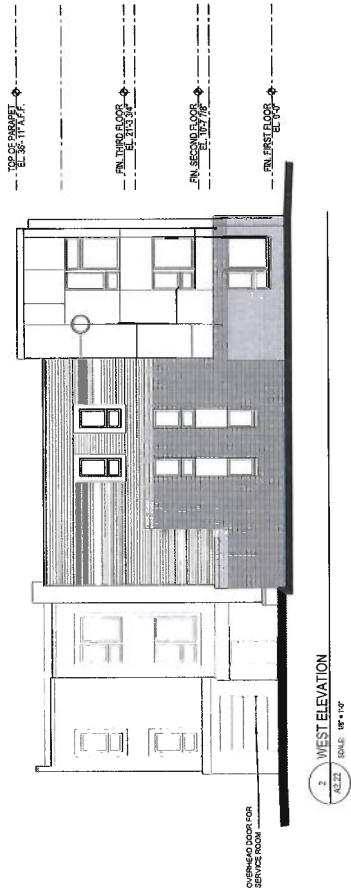
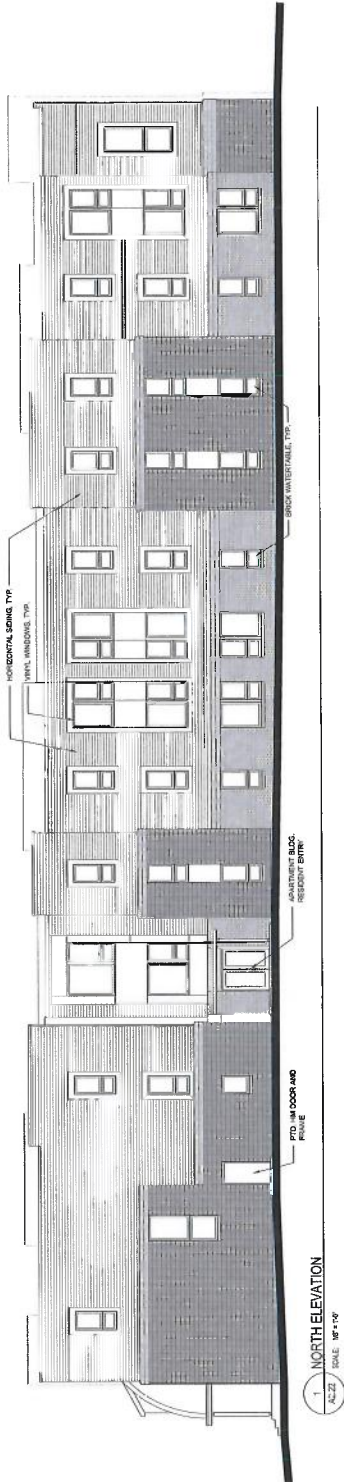
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-  Bexley Apartments_Project Summary.pdf
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-  20163_2021-01-07 Livingston Context & Matls.pdf
 Uploaded by Nicole Boyer on Jan 07, 2021 4:55 PM

History

Date	Activity
Nov 30 2020 1:55 pm	Nicole Boyer started a draft of Record BZAP-20-48
Dec 14 2020 9:54 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerName from "" to ""
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerCity from "" to "Bexley"
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerEmail from "" to ""
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerName from "" to "Sally A Woodyard"
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerPhoneNo from "" to ""
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerPostalCode from "" to "43209"
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerState from "" to "OH"
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerStreetName from "" to "E Livingston Avenue"
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerStreetNo from "" to "2300"
Dec 14 2020 9:56 pm	Nicole Boyer altered Record BZAP-20-48, changed ownerUnit from "" to ""
Dec 17 2020 8:26 pm	Nicole Boyer submitted Record BZAP-20-48
Dec 17 2020 8:26 pm	approval step Zoning Officer was assigned to Kathy Rose on Record BZAP-20-48
Dec 18 2020 6:58 pm	Kathy Rose submitted Record BZAP-20-48
Jan 07 2021 6:15 pm	Nicole Boyer added attachment Bexley Apartments_Project Summary.pdf to Record BZAP-20-48
Jan 07 2021 9:55 pm	Nicole Boyer added attachment 20163_2021-01-07 Livingston Context & Matls.pdf to Record BZAP-20-48
Jan 26 2021 7:33 pm	Kathy Rose approved approval step Zoning Officer on Record BZAP-20-48
Jan 26 2021 7:33 pm	Kathy Rose assigned approval step Design Planning Consultant to Karen Bokor on Record BZAP-20-48



ISSUE
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LIVINGSTON SITE
BLDG. ELEVATIONS

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DESIGNED BY	ENTR
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A-2.22

BEXLEY APARTMENTS

SITE 1: 4800 LIVINGSTON AVENUE
BEXLEY, OHIO

SITE 2: 4800 COLUMBIAN AVENUE
BEXLEY, OHIO



THE ARCHITECTS, ENGINEERS, PLANNERS, DESIGNERS, AND CONSULTANTS HAVE BEEN RETAINED BY THE CLIENT TO PREPARE THESE PLANS FOR THE PROJECT DESCRIBED HEREIN. THE CLIENT HAS BEEN ADVISED THAT THE ARCHITECTS, ENGINEERS, PLANNERS, DESIGNERS, AND CONSULTANTS ARE NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND FOR THE PROJECT DESCRIBED HEREIN. THE ARCHITECTS, ENGINEERS, PLANNERS, DESIGNERS, AND CONSULTANTS ARE NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND FOR THE PROJECT DESCRIBED HEREIN. THE ARCHITECTS, ENGINEERS, PLANNERS, DESIGNERS, AND CONSULTANTS ARE NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND FOR THE PROJECT DESCRIBED HEREIN.

ISSUE

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**LIVINGSTON SITE
BLDG. ELEVATIONS**

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

PROJECT #

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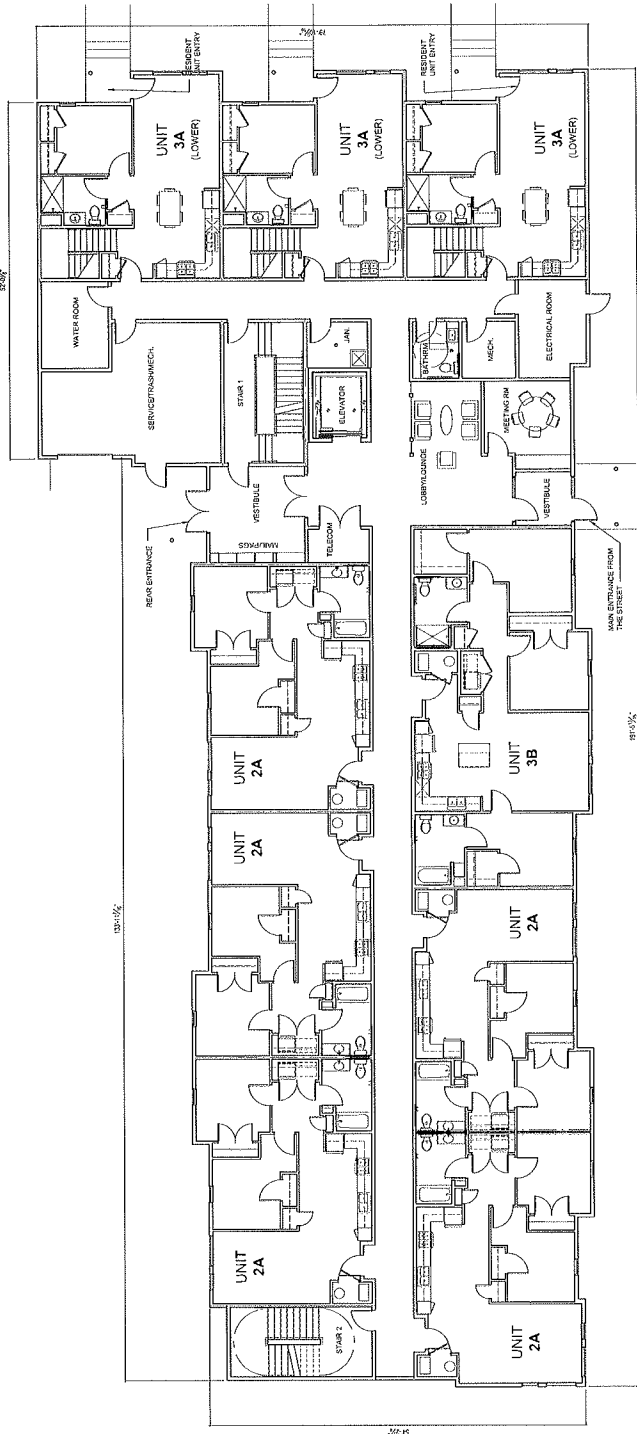
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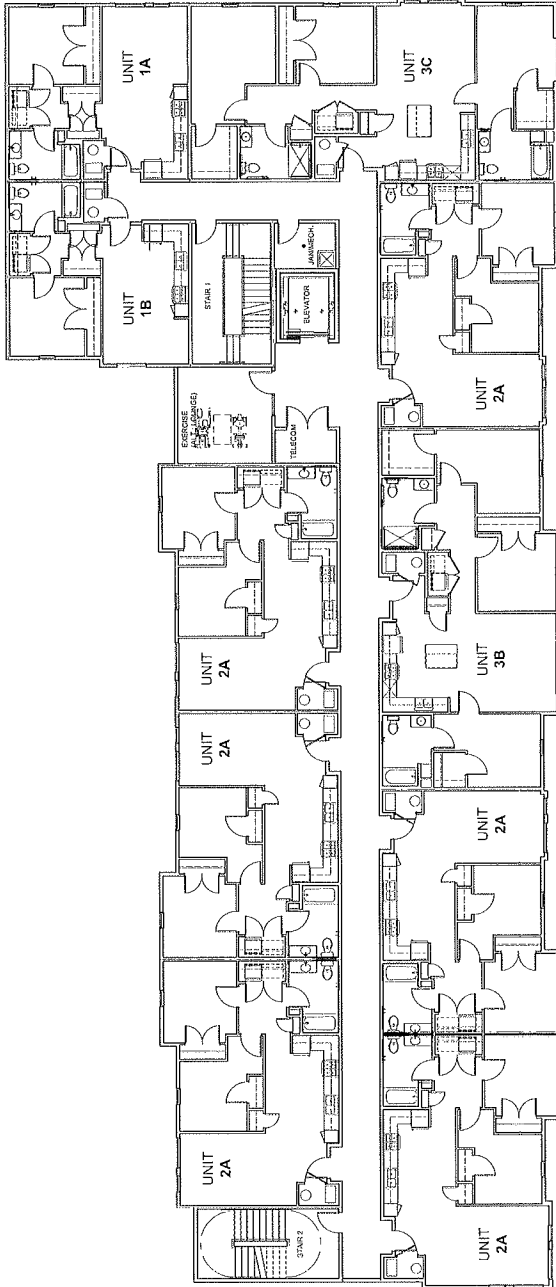
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1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"
11,482 GROSS SF

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1 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

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ISSUE

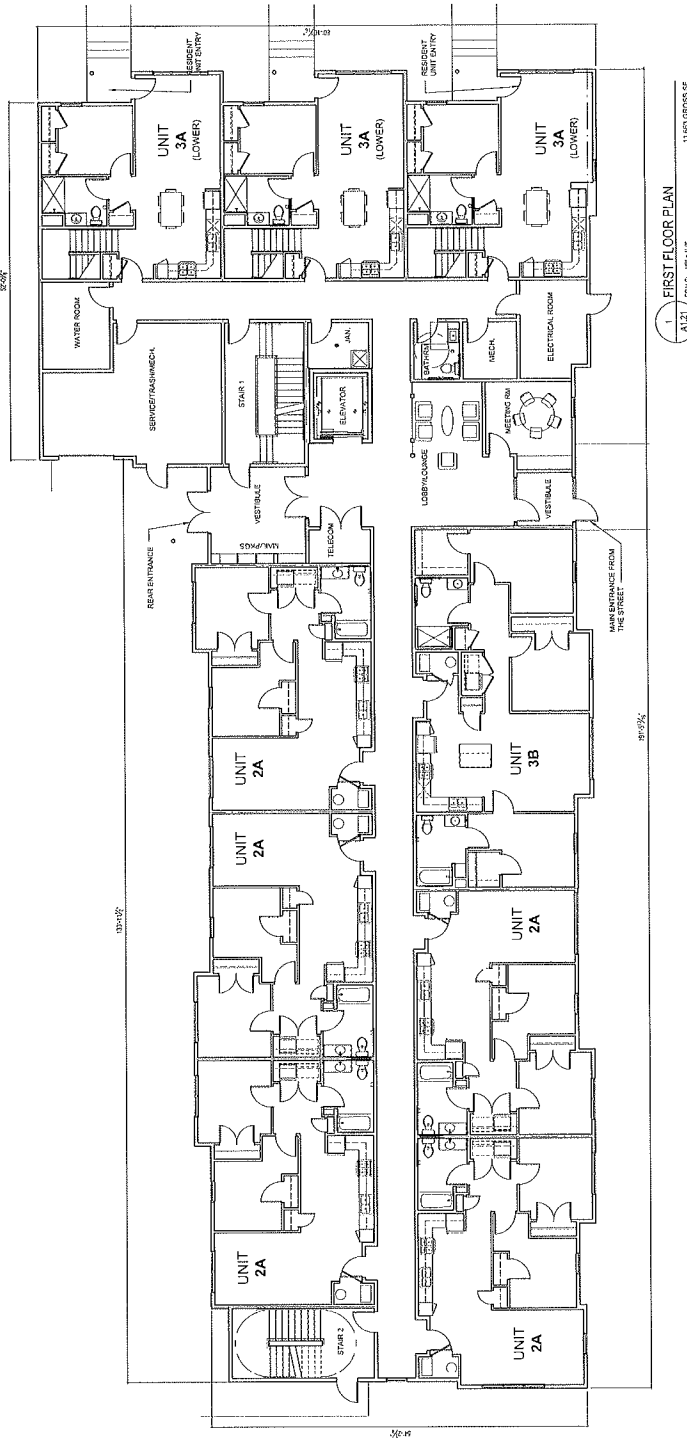
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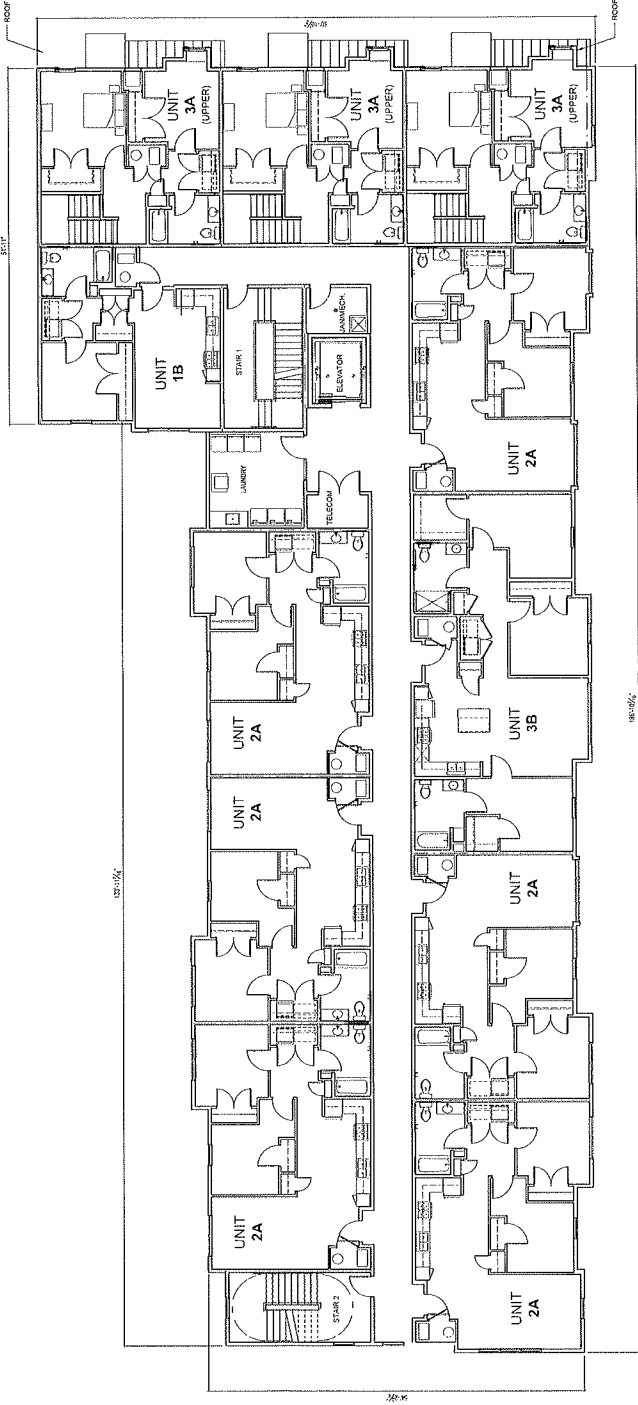
THIRD FLOOR PLAN



SCALE: 1/8" = 1'-0"
PROJECT #
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CHECKED BY
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REVISION 100

A-1.23





ISSUE

NO.	DATE	DESCRIPTION
1	01/11/12	ISSUED FOR PERMIT
2	01/11/12	ISSUED FOR PERMIT
3	01/11/12	ISSUED FOR PERMIT
4	01/11/12	ISSUED FOR PERMIT
5	01/11/12	ISSUED FOR PERMIT
6	01/11/12	ISSUED FOR PERMIT
7	01/11/12	ISSUED FOR PERMIT
8	01/11/12	ISSUED FOR PERMIT
9	01/11/12	ISSUED FOR PERMIT
10	01/11/12	ISSUED FOR PERMIT

SECOND FLOOR PLAN

PLAN

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

PROJECT # 1111 WEST 1ST AVENUE

DRAWN BY: J. R. D. L.

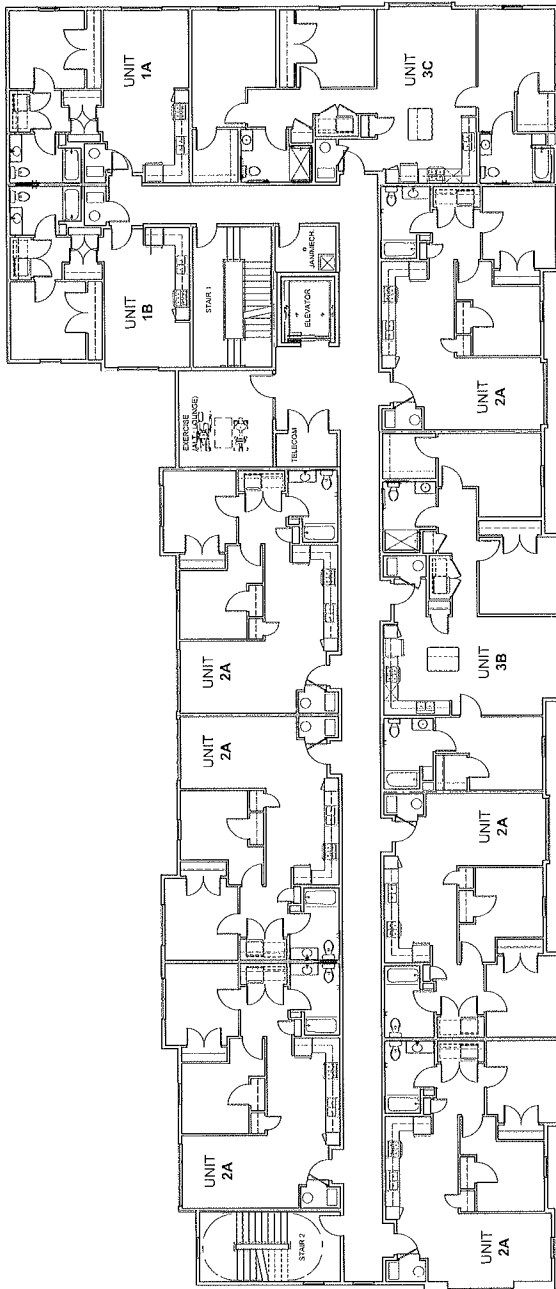
CHECKED BY: J. R. D. L.

FILE NAME: 1111 WEST 1ST AVENUE

POST DATE: 01/11/12

COMPILED BY: J. R. D. L.

A-1.22



1 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"
11,491 GROSS SF

ISSUE

NO.	DATE	DESCRIPTION
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3	01/15/10	ISSUE FOR PERMIT
4	01/15/10	ISSUE FOR PERMIT
5	01/15/10	ISSUE FOR PERMIT
6	01/15/10	ISSUE FOR PERMIT
7	01/15/10	ISSUE FOR PERMIT
8	01/15/10	ISSUE FOR PERMIT
9	01/15/10	ISSUE FOR PERMIT
10	01/15/10	ISSUE FOR PERMIT

THIRD FLOOR PLAN

PROJECT #	0112
DRAWN BY	WKS
CHECKED BY	
FILE NAME	0112.dwg
PLOT DATE	01/15/10
COMPLOT FILE NAME	0112.dwg

A-1.23

Ornamental Trees

Deciduous Shade Trees



Acer freemanii
Freeman Maple



Quercus imbricaria
Honey Locust



Ulmus 'New Horizon'
New Horizon Elm



Arbutus xalapensis
Apennine Zelkova



Amelanchier x grandiflora
Snowberry



Malus x soulangiana
Sour Apple



Syringa x lucida
Appalachian Tree Lilac

Evergreen Shrubs



Thuja occidentalis 'Spartan'
Broomed



Juniperus chinensis
Chinese Juniper



Quercus x media
New

Deciduous Shrubs



Camellia sasanqua
Summersweet



Hydrangea x hortensis
Hydrangea



Desmodium x hortensis
Virginia Sweetpea



Sorbus x domestica
Apennine Spirea

Perennials, Grasses, and Groundcover



Phlox paniculata
Japanese Phlox



Chamaecyparis x nana
Fountain Pine



Campanula x medium
Campanula



Hebe x pinnatifida
Daylily



Juniperus x horizontalis
Larch



Penstemon x hybridus
Swish Grass



Pinus x strobus
Pine

POD Design
Columbus
100 Northwood Blvd, Ste A
Columbus, Ohio 43235
p 614.233.5577
f 614.233.5577
Cincinnati
20 Village Square, Floor 3
Cincinnati, Ohio 45266
p 614.360.3006
PODdesign.net

Project Name
Bexley Family Housing
Site 1: 2300 E Livingston Ave.
Bexley, OH
Site 2: 420 N Casady Ave.
Bexley, OH

THE COMMUNITY BUILDERS
Prepared For
The Community Builders
734 Oak Street
Columbus, Ohio 43205

Project Info
Project # 20086
Client City of Columbus
By ZMA, Inc.
Scale As Shown
Revisions

Sheet Title
LIVINGSTON AND CASSADY SITES
CONCEPTUAL PLANT PALLETTE

Sheet #
L2.0

BEXLEY APARTMENTS

Bexley Apartments (the “Project”) is a collaborative effort between The Community Builders, Inc (TCB) and the City of Bexley Community Improvement Corporation (CIC), to provide new two new dynamic multifamily buildings in the community and create housing opportunities for residents of all incomes.

The Project is in conceptual design phase, this is not the final design. **At this time we are seeking a recommendation from the ARB to proceed with the requested BZAP zoning approvals with conceptual design approval.** Without BZAP approval the Project will not be able to secure competitive funding necessary to move forward with the Project beyond conceptual stage. Once the project has secured the competitive funding, announced Memorial Day 2021, the team will submit final design to ARB and the Tree Commission for full approvals.

For the last two years the TCB and the CIC have been working to secure land that would provide replacement housing for the existing housing for buildings to be demolished in the Ferndale/Mayfield area. When complete the Project will provide a mix of one-, two-, and three-bedroom units across two sites in Bexley:

- 2300 East Livingston will be a 3-story, fully residential building, providing 27 rental units.
- 420 North Cassady will be a 3-story mixed-use building with up to 3,500 square-feet of ground floor retail and 16 rental units on the upper floors

The Project is intentionally developed on two separate sites to create a sufficient number of apartments while reducing the height and footprint of the individual buildings to complement the existing neighborhood fabric. Preliminary project iterations contemplated a single larger, more dense project located solely on the 2300 East Livingston parcel; however, sensitivities to the impact to adjacent property owners as well as the overall corridor aesthetic pushed the team to seek an alternative that would allow the project to remain economically viable without negatively impacting the adjacent neighborhoods. As an infill development, the Project optimizes existing infrastructure to create development potential in ways that benefit current and future citizens. The development fits as an appropriate transitional use between the neighboring retail-commercial and residential uses at both sites.

The Project helps deliver the City’s goal of providing equitable housing opportunities for all residents. The Project provides a diverse mix of housing, with a range of rent levels and unit configurations. The average unit rent is set for a household making up to \$42,500 per year.

TCB will partner with community institutions to bring services and supports to support the 43 resident households. Through the CIC, the Project will incorporate new retail that enhances the N. Cassady corridor and will be a new amenity to the community. We anticipate that this project will create at least one full-time and one part-time employment opportunity through the Project management and operations team and more in the retail space.

LOCATION MAP:



BEXLEY APARTMENTS

SITE 1: LIVINGSTON AVENUE
BEXLEY, OHIO

SITE 2:
4074 CASADY AVENUE
BEXLEY, OHIO

PARCELS:

020-003066, -003639, -003537, 2300 E Livingston Avenue

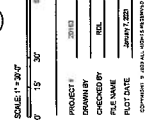
ZONING MAP:



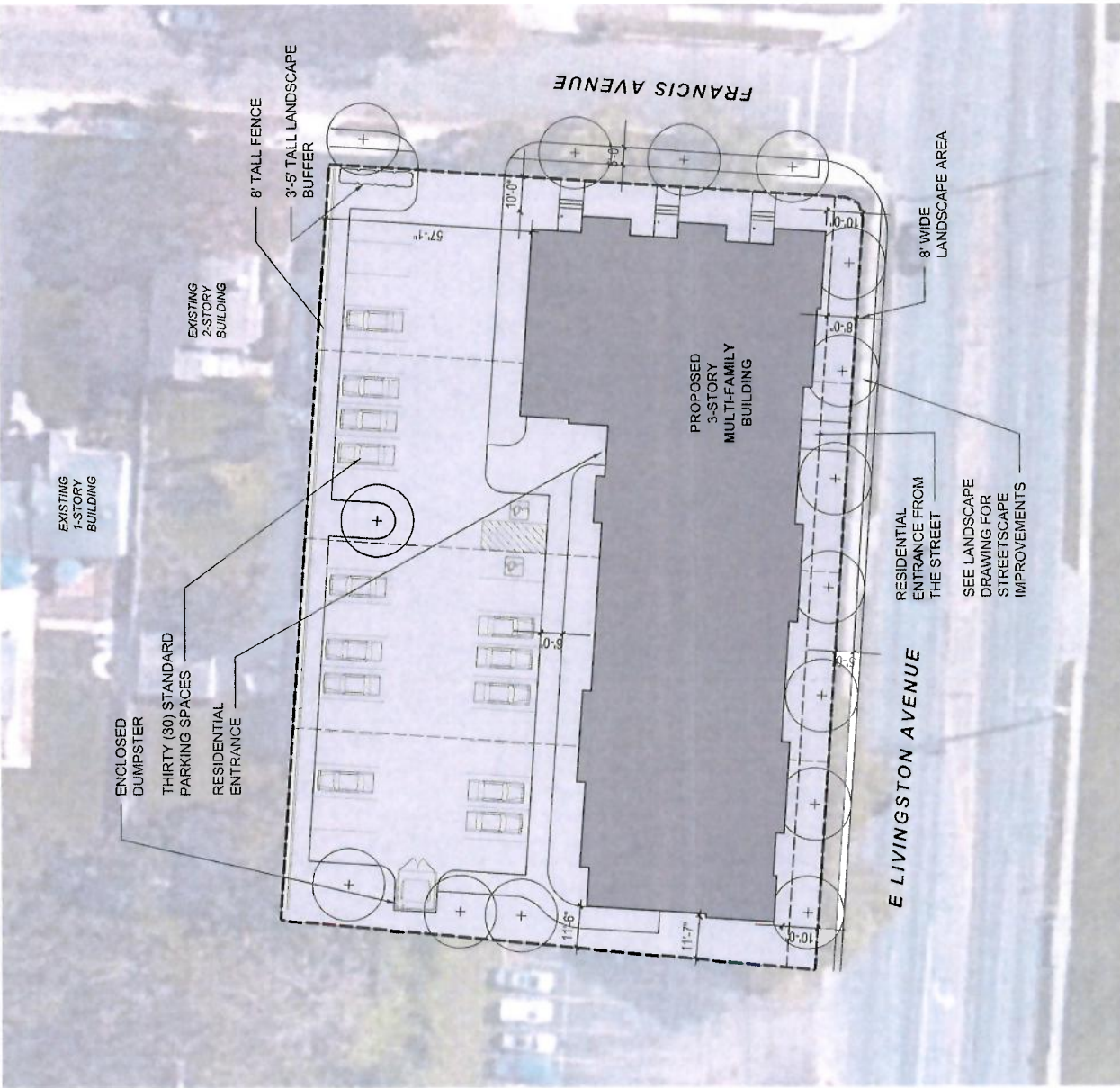
SITE DATA:

ZONING	CS (COMMERCIAL SERVICE DISTRICT)
PROPOSED USE*	FIRST FL & UPPER FL MULTI-FAMILY* & PARKING
ACREAGE	+/- 0.74 ACRE (32,250-SF)
LOT	214' WIDTH x 148' DEPTH
PROPOSED UNITS	27 UNITS
DENSITY	(3 1-BEDRMS, 17 2-BEDRMS, 7 3-BEDRMS)
HARDSCAPE	36.5 DWELLING UNITS / ACRE
LOT COVERAGE	11,708-SF (PARKING/SIDEWALK)
TOTAL FL AREA	23,371-SF, 72%
	34,687 GSF (ALL COVERED AREA)
	11,663 GSF FOOTPRINT

PROPOSED SITE PLAN



A-1.00





**PUBLIC NOTICE
CITY OF BEXLEY
ARCHITECTURAL REVIEW BOARD
BOARD OF ZONING & PLANNING**

The Bexley Architectural Review Board (ARB) will hold a Public Meeting on the following case on **Thursday, January 14, 2021, at 6:00 PM**, via zoom meeting, for the City of Bexley, 2242 E. Main Street, Bexley, Ohio. *Those cases receiving a "recommendation to the Board of Zoning and Planning" by the ARB will then move on to the Board of Zoning and Planning meeting.

The Bexley Board of Zoning and Planning (BZAP) will hold a Public Hearing on the following case on **Thursday, January 28, 2021 at 6:00 PM**, via zoom meeting, for the City of Bexley, 2242 E. Main Street, Bexley, Ohio.

You are receiving this notice because of your proximity to one of the following ARB or BZAP cases. The completed applications are on file and available for public inspection at the Bexley City Hall Monday through Friday (currently by appointment due to COVID-19 restrictions) or on the City's website at www.bexley.org one week prior to the meeting. These proceedings are open to the public. All interested persons are invited to attend. The public is strongly encouraged to use the Zoom meeting link, available at www.bexley.org for any special instruction in the event we need to make changes to our regular process or to inform you if the meeting needs to be postponed.

The APPLICANT or REPRESENTATIVE must be present at the Public Hearing. The Board may dismiss, without hearing, an application if the applicant or authorized representative is not in attendance. The Board may move to consider the application in those circumstances where dismissal without hearing would constitute a hardship on the adjoining property owners or other interested persons.

The following applications are seeking design approval and a Certificate of Appropriateness on January 14th, 2021 at 6 PM by the ARB:

<u>Application No.</u>	<u>Property Address</u>	<u>Brief Description of Project</u>
ARB-20-48	2010 E. Broad St	Added Parking on east side of building
ARB-20-74	34 N. Remington	Addition to south side of house
ARB-20-76	134 S. Ardmore	Addition to rear of house

The following applications are seeking design recommendation for a Certificate of Appropriateness to the Board of Zoning and Planning (BZAP), and will therefore be heard both at the January 14th ARB meeting as well as the January 28 BZAP meeting for a variance request:

<u>Application No.</u>	<u>Property Address</u>	<u>Brief Description of Project</u>
BZAP-20-37	2754 Sherwood	New garage
BZAP-20-41	171 S. Cassingham	1-story addition to the rear of house
BZAP-20-43	90 N. Columbia	Covered Terrace addition in front
BZAP-20-45	2121 Clifton	rear yard Deck/stairs, Terrace and landscape
BZAP-20-46	2404 Fair	2-story Addition 3'11" from garage
BZAP-20-47	50 N. Drexel	Pool house in (west) front/side yard
BZAP-20-49	100 S. Cassady	2 nd floor addition to the rear of the house.
BZAP-20-51	231 N. Drexel	additions to the detached garage
BZAP-20-48	2300 E. Livingston	Demolition & New 3-story building
BZAP-20-52	420 N. Cassady	Demolition & New 3-story building

The following applications are seeking a variance, conditional Use or Special Permit from the Board of Zoning and Planning (BZAP), and will therefore be heard at the January 28th, 2021, BZAP meeting at 6:00 PM:

<u>Application No.</u>	<u>Property Address</u>	<u>Brief Description of Project</u>
BZAP-20-42	2106 E. Main	Blade sign and window sign

A copy of this application will be available on our website 1 week prior to the meeting.

Any questions regarding an application should be emailed to Kathy Rose at: kruse@bexley.org and write **ARB** or **BZAP** in the subject line to prioritize it and insure that it is addressed prior to noon on the day of the meeting. Any other questions please call the Bexley Building Department at (614)559-4240.

Mailed by: 12-31-2020



PUBLIC NOTICE
CITY OF BEXLEY
ARCHITECTURAL REVIEW BOARD
BOARD OF ZONING AND PLANNING

The Bexley Architectural Review Board (ARB) will hold a Public Zoom Meeting on the following case on **Thursday, January 14, 2021 at 6:00 PM.** *See City of Bexley website www.bexley.org for the link on the day of the meeting.

The Bexley Board of Zoning and Planning (BZAP) will hold a Public Zoom Hearing on the following case on **Thursday, January 28, 2021 at 6:00 PM.** *See City of Bexley website www.bexley.org for the link on the day of the meeting.

The APPLICANT or REPRESENTATIVE must be virtually present at the Public Zoom Hearing. The Board may dismiss, without hearing, an application if the applicant or authorized representative is not in attendance. The Board may move to consider the application in those circumstances where dismissal without hearing would constitute a hardship on the adjoining property owners or other interested persons.

a. Application No.: BZAP-20-48

Applicant: Bexley CIC

Owner: Bexley CIC

Location: 2300 E. Livingston Ave

ARB Request: The applicant is seeking architectural review and a recommendation to the Board of Zoning and Planning, to allow a 3- story structure with residential use on the first, 2nd and 3rd floors. If approved, the existing structure would be demolished.

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.

A copy of this application is available 1 week prior to the meeting on the city website www.bexley.org if you have any questions please call the Bexley Building Department at 559-4240.

Notice Delivered: 1-11-2021



City of Bexley
Architectural Review Board

Decision and Record of Action – January 14, 2021

The City of Bexley Architectural Review Board took the following action at this meeting:

Location: 2300 E Livingston
Application No.: BZAP-20-48
Applicant: Community Builders
Owner: Community Builders
Request: The applicant is seeking architectural review and a recommendation to BZAP to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished.

MOTION: The motion to approve this application was made by the Board of Architectural Review Board.

The findings of fact and decisions of the Board for application number BZAP-20-48 for the property located at 2300 E Livingston: The Architectural Review Board recommends that a Certificate of Appropriateness should be issued by the Board of Zoning and Planning with the condition that the applicant return to the Architecture Review Board for a Certificate of Appropriateness and that the application be reviewed and approved by the Bexley Tree and Gardens Commission.

The applicant, Community Builders, agreed to the findings of fact.

VOTE: All members voted in favor.

RESULT: The application for the recommendation to BZAP for a Certificate of Appropriateness was approved with the conditions listed above.

Staff Certification: Recorded in the Official Journal this 14th day of January, 2021.

A blue ink signature of Kathy Rose, Zoning Officer.

Kathy Rose, Zoning Officer

A blue ink signature of Karen Bokor, Design Consultant.

Karen Bokor, Design Consultant

cc: Applicant, File Copy



Meeting Minutes
Tuesday, January 19, 2021
09:00 am

These minutes are intended to be interactive minutes, referencing video and audio recordings hosted at www.bexley.org.

To view and listen to the context behind the decisions taken at this meeting, please visit www.bexley.org/meetings.

Zoom Webinar link: <https://us02web.zoom.us/j/767554925>

1. Call to Order

The meeting was called to order at 6:03 pm. This meeting was recorded and is available to watch by clicking here: https://www.youtube.com/watch?v=SP_Zh0c8tik

2. Roll Call

Roll Call:

Voting Members Present: Larry Helman; Bill Heyer; Pete Scott; Peter Bardwell; and Suzanne Toney

Absent:

Excused:

Non-Voting Present:

3. Approval of Minutes from the November 5, 2020 Special ARB meeting and November 12, 2020, ARB meeting.

Peter Bardwell made a motion to Approve - '3. Approval of Minutes from the November 5, 2020 Special ARB meeting and November 12, 2020, ARB meeting.' Motion seconded by Larry Helman. **Vote 5 - 0 - passed.**

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.

4. Public Comment:

There were no public comments.

Please note, JoAnn Strasser was present for this meeting as an alternate.

5. CONSENT AGENDA

a. Application No.: ARB-20-74

Applicant: Gary Alexander

Owner: Aaron & Joanne Pickrell

Address: 34 N. Remington Rd.

ARB Request: The applicant is seeking architectural review and a Certificate of Appropriateness to allow the existing screen porch on the south side of the principal structure to be converted to living space and a 2nd floor added above.

[34 N. Remington Plans](#)

[34 N. Remington Photos](#)

[34 N. Remington App](#)

b. Application No.: ARB-20-76

Applicant: Dean Wenz

Owner: Amanda Kennedy & Luis Perez

Address: 134 S. Ardmore

ARB Request: The applicant is seeking architectural review and a Certificate of Appropriateness for a new 1-story addition to the rear of the principal structure with a 2nd floor open terrace.

[134 S Ardmore - Plans and Elevations](#)

[134 S Ardmore - Site Plan](#)

[134 S Ardmore - Photos](#)

[134 S. Ardmore App](#)

c. Application No.: BZAP-20-45

Applicant: Ryan Brothers Landscaping

Owner: Clifton Partners LLC

Address: 2121 Clifton Ave.

ARB Request: The applicant is seeking architectural review and a recommendation for a Certificate of Appropriateness to the BZAP for a deck/stair addition connecting to a proposed open terrace.

[2121 Clifton Ave site plan](#)

[2121 Clifton Ave rendering](#)

[2121 Clifton photo](#)

[2121 Clifton Aerial photo](#)

2121 Clifton Ave. landscaping2121 Clifton Ave App

Peter Bardwell made a motion to Approve - 'Motion to Approve the Consent Agenda Items' Motion seconded by Bill Heyer. **Vote 5 - 0 - passed.**

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.

6. RECOMMENDATION TO THE BOARD OF ZONING AND PLANNING:

a. Application No.: BZAP-20-37

Applicant: Scott Baker

Owner: Ryan & Michelle O'Donnell

Address: 2754 Sherwood

ARB Request: The applicant is seeking architectural review and a recommendation to the Board of Zoning and Planning for a detached garage.

2754 Sherwood Elevations Jan 5 2021

2754 Sherwood floor Plans Tue Jan 5 2021

2754 Sherwood Tabled garage Plan by BZAP

b. Application No.: BZAP-20-43

Applicant: Pete Foster

Owner: Thomas Hadley

Address: 90 N. Columbia

ARB Request: The applicant is seeking architectural review and a recommendation of a Certificate of Appropriateness to the BZAP, for a covered terrace addition to the south-east of the existing principal structure.

90 N. Columbia plans

90 N. Columbia photos

90 N. Columbia photo 2

90 N. Columbia App

c. Application No.: BZAP-20-49

Applicant: Pete Foster

Owner: Lisa Fleischer

Address: 100 S. Cassady

ARB Request: The applicant is seeking architectural review and a recommendation on a Certificate of Appropriateness to the BZAP, to allow a 2nd floor addition over the existing first floor family-room, located at the rear (east side) of the principal structure.

100 S. Cassady plans Dec 17 2020 19-48-16

[100 S cassady_photo 2](#)

[100 s. cassady_photo](#)

[100 s cassady_photo 3](#)

[100 S Cassady App](#)

d. Application No.: BZAP-20-51

Applicant: Hristana Panovska

Owner: Matthew & Abigail Grossman

Address: 231 N. Drexel

ARB Request: The applicant is seeking architectural review and a recommendation of a Certificate of Appropriateness to the BZAP, to allow an addition to the existing detached garage.

[231 N. Drexel Plan](#)

[231 N. Drexel Site Survey Mon Dec 21 2020 12-39-43](#)

[231 N. Drexel 1](#)

[231 n drexel photo 2](#)

[231 n drexel photo 3](#)

[231 n drexel photo 4](#)

[231 N Drexel App](#)

Peter Bardwell made a motion to Approve - 'Motion to Approve the Recommendations to the Board of Zoning' Motion seconded by Pete Scott. **Vote 5 - 0 - passed.**

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.

7. NEW BUSINESS

a. Application No.: BZAP-20-41

Applicant: John Hamlett

Owner: James & Kayla Petkus

Address: 171 S. Cassingham Road

ARB Request: The applicant is seeking architectural review and a recommendation for a Certificate of Appropriateness to the BZAP for a 2nd floor addition over existing family-room at the rear of the principal structure.

[171 S. Cassingham plans](#)

[171 S. Cassingham site plan](#)

171 S. Cassingham photos

Bokor reviewed staff comments with the Board, which were as follows: This application is seeking a Certificate of Appropriateness for a second-floor addition which would exist over an existing family room. Staff is comfortable with the massing but thought there were details in the project for the Board to review, which include: the windows on the side horizontal band are an odd proportion and too elongated. Staff would like the proposed windows to match the proportion of the existing windows, and to remove the proposed portico over the secondary door on the front of the home. Staff recommends approving the application with the condition that the applicant work with the Design Consultant on final design details.

Robert Raskin was sworn in. The applicant reviewed design details for this application with the Board, which were as follows: The application was revised to create better interior space, which is why the variance was created. The applicant is fine with revising the window proportions and removing the proposed portico on the side. Heyer asked if the tree would remain in the front of the home. The applicant stated that it had already been removed.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-41 for the property located at 171 S. Cassingham Road: Based on the testimony presented, the Board recommends this application to the Board of Zoning and Planning, with the conditions: 1. That the applicant provide the exterior color of the structure, 2. Revise the porte cochere, 3. Reduce the number of windows from four to three to match what already exists, and 4. That the applicant work with the City Design consultant on final design details.

The applicant understood the Findings of Fact.

Peter Bardwell made a motion to Approve - 'a. Application No.: BZAP-20-41

Applicant: John Hamlett

Owner: James & Kayla Petkus

Address: 171 S. Cassingham Road

ARB Request: The applicant is seeking architectural review and a recommendation for a Certificate of Appropriateness to the BZAP for a 2nd floor addition over existing family-room at the rear of the principal structure.' Motion seconded by Pete Scott.

Vote 5 - 0 - passed.

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.

b. Application No.: ARB-20-48

Applicant: Mike Shannon

Owner: St. Charles Preparatory School

Address: 2010 E. Broad St.

ARB Request: The applicant is seeking architectural review and approval to allow addition parking on the east side of the building, which will include underground water detention.

2010 E. Broad st. ST. CHARLES EAST PARKING Thu Aug 132010 E. Broad App

Rose reviewed staff comments with the Board, which were as follows: This application is seeking architectural review and approval for additional parking on the east side of the building, which would include water retention, and is currently on an existing nonconforming site. This application was previously before the Board of Zoning and Planning and at that time it required a variance for parking. The application was Tabled at the July 2019 BZAP meeting. The applicants returned with a new application without a variance request, expanded the parking on the east side of the facility, and proposed underground water retention and a landscape plan based on prior Board comments. If this Board finds it appropriate, deferral of the landscape plan would defer to the Tree and Public Garden Commission.

Mike Shannon, James Lower, Matt Ferris, Jim Negron, and Mike Kelly were sworn in. The applicant reviewed revisions to the project with the Board, which were as follows: The proposal is to add twenty-nine parking spaces on the east side of the facility. The previous request was to create a larger lot on the front of the building. This current proposal for parking on the east side of the facility no longer requires a variance. The additional spaces would help augment congestion. Landscaping and engineering work will be done to capture and work through storm water runoff.

Bardwell stated that a third dimension includes lighting and asked if this would be an issue for adjoining property owners. The applicant stated that the lighting would be down-facing lighting, but no additional lighting is proposed in this application. Bardwell said he was confused as to how additional parking is being proposed but there would be no additional lighting proposed as well, both for safety and illumination. Mr. Lower said presently there is lighting on top of the building that provides lighting for the current parking lot. He added that the south side of the chapel has existing lighting that would be sufficient lighting for the proposed parking spots.

Scott asked what the height would be of the row of landscaping along the east side of the lot. Rose said the landscape plan would be reviewed and approved by the Tree and Public Garden Commission. Helman added that the school had a long standing relationship with the Tree Commission and they would ensure there was proper screening in place.

Denson Parker, Jonathon Marshall, Michael Luh, Clinton Stahler, Arnold White, and Jeffrey Rosenberg were sworn in.

Denson Parker lives on Meadow Park and can see the school from his home and yard. Mr. Parker said that he was looking at the school now and there was not sufficient lighting. He said that there were no lights on the east side of the chapel. Mr. Parker also referenced the last time this application was heard by this Board and said in that the meeting, he understood that the west side of property was explored for a potential parking lot location. He asked if that was negated. The applicant said that they reviewed videos and looked into various options for creating additional parking. The school needs these spaces on the eastern part of the property and that is why they are

here.

Jonathon Marshall, resident at 31 Meadow Park, and lives east of the chapel. He has young kids and is concerned about their time spent outdoors, as well as on the property value of his home, if these spaces are added. Mr. Marshall said that he just bought his home not too long ago, but had he known a parking lot directly behind his lot, it might have changed his willingness to buy it altogether. His primary concern is safety but also has questions about drainage. He thinks this is a strange place for a driveway and that it will be tight to fit a 24' wide driveway there. He said that the chapel was built in 1937 and his home was built 1929, and the spacing has remained the same between his home and the chapel for all that time. He is concerned that the driveway and additional spaces would affect he and his family's outdoor tranquility and safety.

Michael Luh, resident at 65 Meadow Park, shared his concerns with the Board. Mr. Luh said that the presentation shows a lack of screening, and in the previous agreement there was a 75% visual barrier between the school and the homeowner's yards. He said that this was in an agreement with the school from a few years ago, and the current parking lot butts up to his property. He can see every car and hear every sound. Rose said that a hedgerow was in place for several years but is overgrown and more sparse, and that this plan is implementing more screening to mitigate that. Mr. Luh is concerned about the proposed trees on the new plan and that it looked like they are planted sitting on top of a utility easement, which contains a storm drain and the electrical and gas lines. If work needed to be done, they would have to dig up all trees to do this. He also said that the trees need to be taller to block the light. He said to look at the purpose of the ARB, which is to maintain the high character of community development. He is concerned about his property value will be damaged with a parking lot behind his home.

Clinton Stahler, resident at 44 Meadow Park, was an attendee and participant in the Board of Zoning and Planning meeting where this was discussed, and his concerns are not going to sound appropriate for architectural review. He said that this is a zoning and planning matter. He pointed out that during the meeting that the school plan needed a variance, and that they committed to the neighbors to Table the prior application and engage in continued dialogue with neighbors. Mr. Stahler said that the engineering drawings did not tell the full story and there several BZAP members who stated they would not support the idea of driveways and parking lots on the east side of building. Mr. Stahler said he understood why the school did not want to go back before BZAP, but they committed to continue dialogue with the neighbors. He added that he thought it was determined in prior discussion that character and greenspace could be maintained with the right plan in place. Currently, there are concerns about the long-term plan for the volume of usage, screening, draining, and engineering issues.

Jeffrey Rosenberg, resident who lives on Meadow Park, stated that the last Board asked for them to do this, to look at the lot's real use. He said that enrollment is down and the need for parking is down. He thinks more consideration is needed and referenced an opaque wall that was supposed to be built. He cannot believe they are not talking about lighting. He added that lights shine through his house. He is curious if the school is using this for commercial or academics.

Arnold White, resident who lives on Meadow Park, said he was not sure if this was made clear but he would like the Board to continue discussing this application. Even though efforts were made, it is not enough time to look at this adequately. He would discussion to continue until the neighbors and the school could accomplish an agreement they all could live with. He asked if the parking lot has a slope. The applicant said they placed catch basins in the renderings and would be located on the north portion in the center of drive aisle. The applicant added that there would be a field curb as well as gutter inlets on the southern portion. The east edge would be a curbed edge, which would hold water on the paved surface. Mr. White asked if it would slope towards the school. The applicant said the water would be captured with the basins and inlets were added. Mr. White said that the east portion of the parking lot was supposed to have drainage basins, but his property floods because the representations were false. Mr. White added that they no longer have a tree keep out 75% of lighting and that a tree in the easement makes no sense.

Helman said that this was an important issue and did not seem resolvable tonight. He suggested that the applicant reconsider the additional parking facing north/south and that it should go east/west. Helman also said if the drive is on the east side, to examine the relationship of the parking next to the building, then the driveway, and then review the landscaping. He added that the existing lot to the west should be looked at and reconfigured to be more efficient to gain existing parking within existing area, and because of the need that there be a grading plan tied to the drainage plan so the Board is comfortable with storm water capture and how the grade works for drainage and screening.

Bardwell said he was not yet satisfied with what he has heard related to lighting and wanted a detailed plan of what the lighting would be in addition to what exists, and what lighting-shed would be to adjoining properties. Scott asked about the existing grading and catch basin and if flooding issues are due to the drainage sizing for that catch basin. The applicant said that it falls away from the main school building and does not have enough history to know if there is flooding back there, but can speak to following the City's drain manual to provide more than what is required. Scott said it is standard practice and the applicant is required to mitigate water from entering into public waterways.

The applicant said that the school wants to be a good neighbor and is willing to Table this until the next meeting to address the Board and the public's comments and questions. The applicant requested to Table the application.

Peter Bardwell made a motion to Approve - 'Motion to Table this application.' Motion seconded by Larry Helman. **Vote 5 - 0 - passed.**

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.

c. Application No.: BZAP-20-46

Applicant: Brenda Parker

Owner: Tyler & Allizon Chamblin

Address: 2404 Fair Ave.

ARB Request: The applicant is seeking architectural review and a recommendation of a

Certificate of Appropriateness to the BZAP for a new 2-story addition to the rear of the principal structure.

2404 Fair Elevations Thu Dec

2404 Fair site plan

2404 Fair Photo 4 West

2404 Fair map from auditor

2404 Fair Ave APP

2404 Fair Alternate Exterior Elevations Wed Jan 13 2021 20-00-23

Bokor reviewed staff comments with the Board, which were as follows: The applicant responded to staff critiques with an updated plan to the proposed two-story addition 3'11" from the garage. She stated that the proposal created an uncomfortable architectural space. The ridge line of the proposed addition is taller than the existing house, making both the height and the lack of matching materials to the existing house problematic. The updated application could merit a recommendation to the BZAP, but Bokor is still concerned with the space between the structures, from an architectural perspective, and it would need a variance. If the board chooses to send this to the BZAP for a review, she requests it be done so on the condition that it is returned to the ARB for a final Certificate of Appropriateness.

Brenda Parker and Tyler Chamblin were sworn in. The applicant indicated it is a tricky property, as it is a corner lot pushed back from the street. Due to the existing two-car garage and other factors, the buildable area is limited to essentially the rear of the house. In order to obtain the interior space the owners wanted, they looked at the space

between the garage and the addition. The space is snug and they are open to discussing the option of connecting the structures. Revisions were made to soften the roof line. They also looked at adding stone on the 1st floor to tie this into the house and lowered the ridge line to make sure it was lower than other ridges. Rose said if they look to connect the structures they would still need to seek a variance because that would become one principal structure. The applicant said the owners would like to keep the garage detached. Mr. Chamblin said that the rear of the house is cramped, and this was the only space and configuration that they felt worked. Heyer said a lot of corner homes are connected to their garages, and it would be an architecturally better solution to connect the structures. He suggested it would be a better design if connected. Bardwell said he understands the need to access one yard to the other but showing this plan in two dimensions works to the detriment to the applicant because it makes it appear that the garage adjoins to the new addition. Bardwell added that he is amenable to approving this but respects Heyer's comments from an architectural standpoint and agreed that connecting them is more architecturally appropriate, if that doesn't work to the applicant's detriment from a regulatory standpoint. Scott agreed that the separation is a detriment and suggested a solution to tie the structures together to be one massing. He appreciates the hip roof because it doesn't compete with the existing roof. He indicated he will support this only with a connection to the existing garage. Helman indicated he is not worried about the extended mass and

agreed that tying two masses together is the appropriate answer.

The applicant said she will need to refer to the owner, because once the structures are connected, the owner will have no connectivity to the side yard. Helman asked if they are discussing a trellis; the applicant said an open structure to keep open space would be preferable. Bardwell suggested drawing distinctions between the visual and physical to better connect what is visually shown. Heyer asked if the issue is getting lawn equipment to the side yard, why not create a new opening into the garage that would allow someone to pass from the driveway to the side yard; to incorporate the garage instead of thinking of it as a connector. Bardwell said once the garage is physically attached, the relationship to the side yard is changed. He wants to make sure they are not pushing the applicant to something that is not more complicated from a zoning standpoint.

Rose said attaching it to the garage would put the garage 6'11" from the rear property line and it would make the principal structure non-conforming. It would become the principal structure once it's attached. Helman asked if there is clarity as to whether this is an enclosed or open space. Bokor said it makes a difference on what variance is, but now, the Board has to work with what is currently in front of them; if the request is granted by BZAP, would this design be acceptable to this Board. Bardwell suggested Tabling this for further review of a design that achieves everyone's goals. Bokor said for a zoning recommendation, it is up to the applicant to Table. She said the Board can vote on a positive or negative recommendation and send this to the BZAP, or the applicant can ask to table and come back with another solution.

The applicant said because the variance would change with attaching the garage, she agreed to Table the application. Scott asked for clarification on the code; anything that attaches a garage and the principal structure immediately becomes principal structure. Rose said they're not moving the structure closer to the property line and will double check on a minimum space in between the structures.

Peter Bardwell made a motion to Approve - 'Motion to Table the application' Motion seconded by Bill Heyer. **Vote 5 - 0 - passed.**

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.

d. Application No.: BZAP-20-47

Applicant: Todd Parker

Owner: Shylee Grossman

Address: 50 N. Drexel Ave.

ARB Request: The applicant is seeking architectural review and a recommendation of a Certificate of Appropriateness to the BZAP, to allow a Pool house in the front side yard.

[50.N.DREXEL. plans](#)

[50.N.DREXEL.14DEC2020_Thu_Dec_17_2020_14-47-03](#)

[50 N Drxel App](#)

Bokor shared the staff comments, which were as follows: this application is for an

addition to the west side yard; it is an unusual lot and Bokor provided pictures to provide context. Rose clarifies that the property's front door faces Clifton but is platted to Drexel, so technically the accessory structure is located in the front yard. Bokor indicates the hedges along the outside perimeter are so large that from the outside, one cannot see where the eaves would be in the addition. The space on the other side of the pool is too narrow for the proposed structure. The style of the house includes a variety of mid-century modern window walls and there is wood paneling throughout the exterior of the house. Her original concern was the color; the applicant speak to this.

Todd Parker was sworn in. He reiterated this is an odd site, and believes the proposed location is the proper place to put the structure, because it won't function as well if it is placed elsewhere on the property. They are using a folding door system to mimic the home's large class bay. Additionally, there are multiple materials on the house and some are in need of repair, such as the roof and exterior trim. The decision for the pool house's darker color compliments the color of the potential new roof. The applicant is willing to work with the Board on a color scheme; having landed on using paint because more natural wood tones would not be as cost efficient. The design uses architectural cues from the house and is a simple structure.

Helman said this is a tricky case, and a great civic entryway into Bexley. The only thing that aids this are the bushes, and there are some risks in terms of location. He would want to have a written letter from the owner committing to a certain bush height and vowing to replace the bushes if they fall below a certain percentage of capacity.

Scott agreed and is concerned that the location is okayed only because of the dense shrubbery. He is confused by the designs and is unsure they are architecturally accurate. Heyer concurred and discussed options that make more architectural sense. Scott also believes the top plan feels a bit heavy and believes the plan doesn't appear as developed as it needs to be. Strasser is concerned that overreliance on the hedges is a mistake, although she believes the concept is a good idea. Toney agreed with Strasser; she offers putting a front face on the back of the pool house because of where it sits on Drexel. She would also like to see the stone mimicked. Scott wants to blend the colors with the existing house. As staff, Bokor asked if this should go through the BZAP, because the crux of design depends on the placement. Toney said it can be recommended to the BZAP to be remand back to the ARB, if the BZAP agrees with the placement on the property. They would not be giving a Certificate of Appropriateness, it would go to the ARB and potentially returned to the BZAP next month. Strasser believed it is in the applicant's best interest to go in with a different design.

Bardwell said the two three dimensional views are attractive but out of context, and wants to see these in context with home and streetscape. Bokor said the staff report shows the house next to the pool house, which shows the context of the elevation with the existing house. Helman said the design should be done in such a way if hedges aren't there, the design fits and is appropriate for location. Heyer suggests the west face be stone and tied into a stone garden wall along south property northwards. Bokor asks the Board if they are comfortable sending this to the BZAP with the condition the design is refined and returned to ARB for a Certificate of Appropriateness. Bardwell requested the applicant ask for a Table.

Andrew Grossman was sworn in. He said he is flexible on the design elements and

would prefer to go to the BZAP so they can approve or deny the proposed structure location rather than Table. He indicated he won't let hedges go and is willing to bring in more mature hedges if needed; they have no problems with a condition. If the hedge were to come down, the low stone wall connected to the stone would be exposed. They want to make this look like an extension of the house.

Helman suggests thinking about the design solution. Mr. Grossman said the timing is more important to him than the process and has no problem revising the design and confirmed Bardwell's opportunity to Table is declined. Bokor is more comfortable taking this to the BZAP knowing the applicant is closer to a design solution and bringing it back for a Certificate of Appropriateness if it is approved for zoning. Bardwell had concerns about sending this to BZAP and having them remand back to this Board with design concerns. Bokor said this is the applicant's prerogative. She said this is a recommendation to the BZAP and can ask to remand back to the ARB for a final determination of a Certificate of Appropriateness. Mr. Grossman confirmed he is asking for this.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-47 for the property located at 50 N. Drexel Avenue: Based on the testimony presented, the Board finds it appropriate to recommend this application to BZAP with a remand back to the ARB for final determination of Certificate of Appropriateness.

The applicants understood the Findings of Fact.

Bill Heyer made a motion to Approve - 'd. Application No.: BZAP-20-47

Applicant: Todd Parker

Owner: Shylee Grossman

Address: 50 N. Drexel Ave.

ARB Request: The applicant is seeking architectural review and a recommendation of a Certificate of Appropriateness to the BZAP, to allow a Pool house in the front side yard.' Motion seconded by Suzanne Toney. **Vote 4 - 1 - passed.**

FOR: Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: Larry Helman.

e. Application No.: BZAP-20-48

Applicant: The Community Builders

Owner: The Community Builders

Address: 2300 E. Livingston

ARB Request: The applicant is seeking architectural review and a recommendation to BZAP to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished.

2300 E. Livingston EL Thu Dec 17 2020 15-20-37

2300 E. Livingston Floor plan

2300 E. Livingston Landscape

2300 E. Livingston App

2300 E. Livingston A1.002300 E. Livingston A1.21, A1.22 ,A1.232300 E. Livingston A-2.232300 E. Livingston A2.21, A2.22

Rose reviewed Zoning comments with the Board, which were as follows: This application is seeking a recommendation to the Board of Zoning and Planning. If approved the existing structure will be demolished and replaced with a new structure.

Bokor reviewed staff comments with the Board, which were as follows: This project is for preliminary review only to determine a recommendation to the Board of Zoning. If zoning is approved and funding is awarded, then it will return to the Architectural Review Board for architectural appropriateness. This is a multi-step process, and there will be refinement in design for the building and landscape. Part of the funding process is that final design review is demanded as well. The purpose of this Board meeting is on the aesthetics and design review only. Considerations are based on the footprint, massing, height, neighboring properties, materials, public interface, and landscape design and style. Staff worked with the applicant on the conceptual design, and this is the first stage and first presentation. The purpose of the recommendation to BZAP is based on general principles of its connection and relation to the street, as well as parking in the back of building. The overall massing is appropriate for the site, but staff would like to see the massing at the ends of the building reduced or scaled back to better relate to neighboring properties. The overall massing and placement is in accordance to what Bexley has been building to on main thoroughfares. The sample materials give the basis for discussion but are not ready for a final decision. Staff suggested natural and durable materials to tie into the neighborhood, minimizing the number of materials, the creation and use of a public interface as well as pedestrian experiences on both Livingston and Francis. There will be opportunities to work with the Tree and Public Garden Commission to develop sitting spaces, pathways, and examples of plant materials with the Tree Commission providing final review and approval. Staff supports the recommendation to the BZAP with the conditions that this application return to the ARB for a Certificate of Appropriateness and final review and approval of the landscape plan by the Tree and Public Garden Commission.

Ellen Evans, Leah Turner, Jason Makay, Bridgett Tupas, Fayed Mason, Julie (Collins) Mosca, Rick and Carol Goldhart, Bob Gibson, and Ajay Garlabody were sworn in.

Jeff Beam, Kevin Dreyfuss, and Nicole Boyler were sworn in. Mr. Beam said that Community Builders has been working with the CIC on this for two years. They are a 501(c)(3) organization focused on resident and community success. They join with local partners to implement housing and community development goals. The CIC approached them to look for new development opportunities for affordable housing and looked at multiple sites. Community Builders will be the owner of this property. Development funding sources are tied together under a tight schedule and total number of apartments to be included in the building. They are incorporating the design process into the schedule but can come back after this preliminary discussion

with a stronger design. Ms. Boyler said that this was a conceptual design and there were a lot of hurdles with the city and funding partners. The applicants would like feedback from the Board and the public to get a better handle on if they are on the right track regarding the architectural components of the project.

Bardwell said that the context was important in a small community like this. He said that the elevations were well crafted but asked what the context of this is three dimensionally. Bardwell would like to know how this fits into the Livingston and Francis streetscape. Helman said that this particular site has two identities; one that is Livingston oriented and one that is Francis oriented. He added that there are design details for this project that are not usually found on residential streets in Bexley. He suggested the applicant have a higher degree of reflection and understanding of the location to better relate the design and materiality to the site and location. The applicant said that the structure does not require a variance and falls within all zoning requirements. Bardwell said the vantage point is the context and sensitivity to Bexley, and that what is proposed could be located anywhere but what is shown is not something that understands the nature of context for Francis or Livingston and does not speak to what is valued in Bexley. The applicant said she welcomes comments to help her and Community Builders achieve that. Helman said the metal roof is odd as well as the horizontal banding. He suggested to include something that is more vertical and that would feel more residential. Heyer said that the proportions provided do not reflect the character and fit with the neighborhood, and that certain materials proposed are similar to those found on other projects that did not weather well. Helman said South Bexley is known for its porches and suggested that for a friendlier approach the applicants might want to consider one on their façade. Bardwell noted the lot sizes on Francis were larger and deeper than others in South Bexley and urged the applicants to reflect on that and to research what makes Francis different than other streets. Scott said that there were not a lot of multi-family housing options in the city and a challenge was how to do this proportionally on Livingston as well as on a residential street. He added that the form does not tie in with the community and the idea of a porch on the Francis side would offer a more pedestrian-feel, and that the overall massing is appropriate for Livingston. Scott added that the design can be successful but does not think the drop down cornices are successful and that they lessen the quality of the building materials. He suggested to simplify the details and allow the quality of the materials to stand out. Helman would like the applicants to maintain the character of the neighborhood in each side of the building. Toney suggested creating a similar look to row houses as well as incorporating porches for the residents to use.

Jason Mackay, resident at 980 College, lives on the northwest side of this building, and said that it looks almost like a retirement home. He thinks some good influence would be of brownstones and likes the idea of separating pieces in the design as a tie-in to a classic brownstone style. A lighting plan is also important to him.

Leah Turner, resident at 993 Francis Avenue, lives within 200 feet of this building and shares a lot line with the current property. She has seen a lot of change in this area since moving in. Initially there were quite a few rentals and now the neighborhood is filled with families and homeowners. She wishes she had known about this project sooner instead of two years into it. As far as the architectural part, she does not think that the flat roof is attractive and does not look anything like what is in the neighborhood. She thinks the design looks like a motel, understands the use and

species to include in the creation of outdoor spaces for maximum benefit but does not think they will be used by local pedestrians because of the traffic on Livingston.

Julie Mosca, resident at 987 Francis, lives next to Mrs. Turner. Mrs. Mosca is apprehensive of the height and relationship to her home. She has, and likes, her large and private backyard. It is distressing to her to lose the comfort outside because of a third story building and asked what will be done to mitigate the loss of property of adjacent homes in the neighborhood. The applicant said she understood Mrs. Mosca's concern and can show how the building is sited. She can show in context and relationship to other structures in the community, and would be happy to have that drawn for future meetings to show in context.

Bridgett Tupes, resident at 2316 Livingston, said that this project could provide real value but if it was done with community involvement and engagement. She asked to Table this application because she was not given enough notice. Hers arrived today. In terms of open greenspaces, this proposal does not provide one, and is higher than adjacent properties. Mrs. Tupes said that the footprint would remove trees and greenery and is skeptical a walking path could happen on its grounds. She recommends to Table and take the effort to reflect the current landscape.

Ellen Evans, resident at 965 Francis, said that she is a long-time resident of the city, and that the building itself is an improvement to what saw before but there is nothing that distinguishes this building from apartments built farther up Main Street or behind Parsons and Livingston. She said that they are all the same materials, shapes, colors, and there is nothing distinctive to identify it is located in Bexley. She would like the applicants to attempt to give scale on the Francis Avenue side, which is not the way this is articulated or developed. It does not look residential and is not fitting in this end of Bexley and is not a style conducive to the area. She is not opposed to have the building step back and have a human scale appear on Francis Ave side. On the Livingston side she is concerned about that it is so close to the street and corner, and could be difficult to turn from Francis onto Livingston. She thinks it is an oversized building for the location/site.

The applicant said that she had not filled out walking paths on the site but are proposing public sidewalks and landscaping for a softer feel and to match Main Street requirements. The applicant said she is interested in the idea of enhancing the landscape for a more pleasant pedestrian corner. Rose said in terms of height and district the structure meets all of the criteria.

Anna and Fehd Massen, residents at 994 Francis Ave, are not against increasing housing density and improvement and vibrancy to this intersection. Their concerns are the site lines on the current proposal and the negative impact in terms of privacy. Mrs. Massen said that it would affect her solar exposure and outdoor enjoyment. She hopes the applicant reconsiders the footprint and design of the building and redevelop it into a two-story building. She asked the applicants if a two-story building would be considered, with 30 parking spots for 27 units.

The applicants said that they were in listening mode tonight but have been working on this effort for two years. They were recently in contact about this site and discussed purchasing it in December of 2020. They want to work hard to be accommodating, and parking is something they will work though in the zoning process. They also want to

make sure that any excess parking and visitors can be accommodated at this location. They have a program they need to meet and self-edited from a 4-story building to a 3-story building.

Rick Goldhart, resident at 998 Francis Ave, said that he loves the trees. He enjoys gardening and looking at the old trees. He thinks this proposal looks like a hotel, that it does not have character, and does not look like Bexley at all. He is concerned because is this project all residential with no greenspace for kids to play. He said that it is an active intersection where people go for walks and take their dogs.

Ajay Garlapati, resident at 981 Francis, said that a higher building would provide minimal sunlight to the other homes, which is not known for this section of the city. He said that this structure stands out and would have a negative impact on traffic, pedestrian traffic, and crime. Melissa Garlapati said that it looks like Section 8 housing, and that the idea and project are not Bexley. The older style architecture is what attracted her and her husband to the city and they are disappointed this could happen. They are new to the area, do not think this will work, and enough issues already exist up and down Livingston. She asked how to address the impact architecturally without addressing its impact on traffic. She said other cities have apartments but did not understand why this project is proposed to go on Livingston and at this location.

The applicant said it was because Bexley is a desirable community to bring a project like this for multiple families. The zoning and massing are appropriate and this particular site became available. It is an effort in collaboration with the CIC to create more housing opportunities in this community. Helman said that good design answers for everything and hoped the applicants can go back to listen to the issues raised and revise the proposal based on that feedback. He added that the project could have a good presence on Livingston but if it is done right. Toney suggested taking the project, showing the site lines, and comparing it to other projects in Bexley so people can see the context. She added that there were other buildings being built where there were reservations about the end result, and comparisons to existing projects were helpful for people to view. Bokor added that what the applicants were asking for tonight was a recommendation to BZAP, but can add a condition to return to the ARB for a Certificate of Appropriateness and to the Tree and Public Garden Commission for landscape review and approval. Bokor said this would go to BZAP to see how the other issues could be worked out, and if so, then it would come back for architectural review, based on comments heard tonight with a substantially different design.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-48 for the property located at 2300 East Livingston: Based on the testimony presented, the Board finds it appropriate to recommend this application to the Board of Zoning and Planning, with the conditions that the applicant return to the Architectural Review Board for a Certificate of Appropriateness, and that the application be reviewed and approved by the Bexley Tree and Public Garden Commission.

The applicants understood the Findings of Fact.

Pete Scott made a motion to Approve - 'e. Application No.: BZAP-20-48
Applicant: The Community Builders
Owner: The Community Builders
Address: 2300 E. Livingston

ARB Request: The applicant is seeking architectural review and a recommendation to BZAP to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished.' Motion seconded by Larry Helman. **Vote 5 - 0 - passed.**

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.

f. Application No.: BZAP-20-52

Applicant: Bexley CIC

Owner: Bexley CIC

Address: 420 N. Cassady Avenue

ARB Request: The applicant is seeking architectural review and a recommendation to the Board of Zoning and Planning, 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.

[420 N. Cassady Landscape Plans \(updated\)](#)

[420 N. Cassady Bexley Apartments Project Summary](#)

[420 N. Cassady floor plans Mon Dec 28 2020 07-38-42](#)

[420 N. Cassady site plan Mon Dec 28 2020 07-39-03](#)

[420 N. Cassady elevations Mon Dec 28 2020 07-38-25](#)

[420 N. Cassady App](#)

[420 N. Cassady A1.01](#)

[420 N. Cassady A1.11](#)

[420 N. Cassady A2.11](#)

[420 N. Cassady A2.12](#)

Toney stated that this application ties together with the previous application but are two separate projects, and that the Board is to vote on them as individual projects.

Bokor reviewed staff comments with the Board, which were as follows: This application is for architectural review and a recommendation to the Board of Zoning and Planning. The structure is proposed as a three-story building with commercial space on the 1st floor and residential use on the 2nd and 3rd floors. The footprint adheres to the general planning principles where it pulls to the street with parking in the back. The additional retail space is a great addition to the Cassady corridor. The overall massing for the site relates to the nature of the streetscape and the height is within Code as well as the Main Street Guidelines. The Board is asked to review how it relates to the neighboring properties in design, materials, massing, and landscape features. Materials were included for feedback but are not finalized. Staff favors a material other than cultured stone. The applicants seek to create a structure for public

interface by including retail space and exterior public space. Final review and approval of plant materials and landscape plans would be by the Tree and Public Garden Commission. This application is here for a recommendation to go before the Board of Zoning and Planning, with the conditions that it return to the Architectural Review Board for a Certificate of Appropriateness, and that a landscape plan is reviewed and approved by the Tree and Public Garden Commission.

Nate Green, 377 S. Roosevelt, was sworn in. He is the Chair of the Community Improvement Corporation (CIC), which serves as the economic arm for the City. The applicant reviewed background information for the project and the CIC with the Board. The CIC engaged with and is responsible for Giant Eagle on E. Main St. and they also own Bexley Square. They have been discussing how to bring more mixed-income and multi-family living spaces into Bexley. The goals are to enhance the Cassady corridor, and this project came about in partnership with Community Builders. If approved, the building would have retail on the first floor.

Nicole Boyer was sworn in and is part of the architectural team for this project. She asked the Board members for their comments on the proposal. Helman said this was an interesting stretch of street and surrounding buildings are one-story retail space and residential homes. He added that the materials of those buildings were brick, stone, and stucco. He does not have an issue with the facade but thought brick would be a better option at the base. Bardwell said he thought this was on the right path and supported the concept but was critical that he saw nothing on screen that would distinguish this from being in Bexley, OH or another location throughout the country. He added that there was nothing reflective in the character we value in Bexley, and does not reflect the community around it. Heyer agreed, and said he repeated previous comments about concerns with the materials and their durability, as well as the changes in the roof heights. He asked if the applicant had considered horizontal bands around the base. Scott said he agreed with Helman about using brick as well as the comparison in scale between this building and the surrounding structures. He added that there is a lot of massing proposed in the west facade, and suggested using windows to bring down the scale of this building. Scott thinks this is a great first step but it feels busy in its modern approach, and suggested tying in some elements that give the building the character to tie in with the neighborhood. Toney said she agreed with the prior comments. She is happy about the project but felt that it needs more character.

Taylor Stewart, Tom Wing, Katie Jay, Aaron Hebert, Gary Jay, and Adam Lee were sworn in.

Taylor Stewart, resident at 2700 Columbus, said that she was in support of this project. She thinks that a different style roof other than flat roof would fit in better. She supports the idea of mixed-income housing in Bexley and is looking forward to diversifying housing options here. She thinks it is a great decision to take advantage of grants to help fund this project.

Tom and Serena Wing, residents at 2671 Columbus Avenue, like the idea of affordable homes in area but are concerned that there are only four 2-bedroom apartments proposed. They wondered if this would be used to transition people from the Mayfield/Ferndale apartments and asked if an environmental assessment was completed on the site. Both think the architecture of the structure does not fit in with

homes on their street. Mr. Wing said he has environmental concerns and would like to see changes to the design to blend in more with the current structures on Cassady and Columbus. In comparison to the yoga studio there is quite a bit of height difference. It would be good if the applicants could ease that transition.

Mr. Green said that there are two phases in the assessment and are completing the report of phase II testing on site. They hired a company to do that work and they will be done with that later this month. The applicant wanted to address that this is not a means for replacement of Ferndale/Mayfield was residents but they are more than welcome to live in the units. Ms. Boyer added that this was part of the reason why a first-floor retail space was proposed, to mitigate environmental concerns.

Jeremy and Katie Jay, residents at 421 Cassady Avenue, had concerns regarding this project. They feel that this property does not fit in with the surrounding area. The proposal is for a three-story building, but the surrounding buildings and structures are either a one-story or a one-and-a-half story building. They do not think that the facade is appealing and asked the applicants to consider to reduce the size of the building or change the aesthetics on the outside. They are concerned that there are only four 2-bedroom apartments and asked why have more one bedrooms than two bedrooms. They said that it does not make the building family-friendly. In terms of environmental concerns, even with residential on the two upper stories above there is still retail on the lower level. Environmental impact could affect employees, patrons, etc. They added that there are homes built up around this location and then by bringing this in, their gardens would get sheltered and natural sunlight will be reduced. The Jay's said that it is not just about how it looks but how it's affecting the neighbors around it. They asked the applicants to consider the culture of Bexley. Mrs. Jay said that it looked like a cookie cutter building, and suggested that there were enough creative people to come up with something better. Mr. Jay added that this is Cassady and not Main Street.

Aaron Hebert, resident at 2661 Columbus Avenue, is concerned with the aesthetic of the building and said that it was not an appropriate spot to put a three-story building. He agrees with the mission, but the way it is proposed does not reflect Bexley. He added that there would be a loss of light to his home from this building, and that his living room and kitchen would face this property. It would be a loss of privacy as well as impact gardening. His garage faces this property and with an increase in traffic he is not sure he could safely park in his garage. He moved here because of the rich history and sense of community, and that it is different than what you find in other cities. He said that Bexley is special, and that the neighbors need to be involved and considered. He would like it to be scaled back to a two-story building. He is concerned that the proposed retail space would be facing his living spaces. He moved to North Bexley not South Bexley for a reason. He did not want to bring Main Street to his front door. He hopes there is more engagement with the neighbors this project impacts.

Mr. Green said he understood the environmental concerns and that phase II will remediate all of that. It has to be rectified by law and done to the standards of the Ohio EPA. They have to make it safe for residential and commercial space before putting anything on this site.

Gary Jay said that he owns 421 N Cassady and agrees with the previous comments on the aesthetics. Even though it is a commercial property there are one- and two-story

family homes nearby. His father was part of the construction team that built the Stanbery Drive neighborhood, he lived at the Cassady location for decades, and owned the home for 58 years. He would like the applicants to keep the family-feel of Bexley. Mr. Jay added that from the railroad tracks all the way to Livingston, it is a family and can not stress enough that he was raised here. He asked to make sure to keep that feel. Hearing this could be the start of multi-family units going towards Delmar on Cassady, he would like to say to keep the family-feel and keep the aesthetics of the neighborhood.

Adam Lee, resident at 2654 Ruhl Ave, lives diagonal to the building. Mr. Lee said that it is large compared to everything around it. He said to stick a three-story building right next to a one-story building won't fit in with the neighborhood at all. Mrs. Lee said she would like to see the same care and quality in this project that was given to the Gramercy project. She added that this was not a reasonable size since it will sit next to small Cape Cod style homes. She is sad to see a unique, vintage building torn down and would like to see the same character and quality in this structure. Its height would block out the sun and there would be privacy issues. The Lees asked if the applicants would consider scaling the size down, but told the applicants that they appreciated the applicants' time to hear comments and consider neighborhood feedback.

Toney said that the applicants are looking for the same as in the prior application which is a recommendation to BZAP and a remand back to the ARB for a final Certificate of Appropriateness. They are not looking for approval or disapproval at this point. Toney said both projects would move forward to BZAP and if they do well, they will return to the ARB.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-52 for the property located at 420 N. Cassady Avenue: Based on the testimony presented, the Board finds it appropriate to recommend the application to the Board of Zoning and Planning, with the condition that the applicant return to the Architectural Review Board for a Certificate of Appropriateness, and that the application be reviewed and approved by the Bexley Tree and Public Garden Commission.

The applicants understood the meaning of the recommendation.

Larry Helman made a motion to Approve - 'f. Application No.: BZAP-20-52

Applicant: Bexley CIC

Owner: Bexley CIC

Address: 420 N. Cassady Avenue

ARB Request: The applicant is seeking architectural review and a recommendation to the Board of Zoning and Planning, 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.' Motion seconded by Pete Scott. **Vote 5 - 0 - passed.**

FOR: Larry Helman, Bill Heyer, Pete Scott, Peter Bardwell, and Suzanne Toney.

AGAINST: None.



Meeting Agenda
Thursday, January 28, 2021
06:00 p.m.

-
1. **Call to Order**
 2. **Roll Call**
 3. **Approval of Minutes from the December 2, 2020, Special BZAP meeting**
 4. **Public Comment** This agenda item is for general public comment for any items not on the agenda
 5. **Old Business**
 - a. Application No.: BZAP-20-37 Applicant: Scott Baker Owner: Ryan & Michelle O'Donnell Address: 2754 Sherwood Rd. BZAP Request: The applicant is seeking architectural review and approval for a detached garage. The applicant is also seeking a variance to Bexley Code Section 1252.15(e), to allow a 21' high detached garage. Please Note: This was tabled at the December 2, 2020 BZAP

2754 Sherwood Elevations Jan 5 2021

2754 Sherwood Disapproved garage Elevations

2754 Sherwood floor Plans Tue Jan 5 2021

2754 Fair APP
 - b. Application No.: BZAP-20-63 Applicant: Sullivan Builders Inc. Owner: Summit Shailesh Shah Address: 424 S. Columbia Ave. BZAP Request: The applicant is seeking architectural review and approval of modifications and changes to the original approved elevations of a new single-family home, some of which have and have not been staff approved, which may include a proposed solar panel installation.

424 South Columbia Presentation[11388]**6. New Business**

- a. Application No.: BZAP-20-40
Applicant: Signcom - Ohio State Bank
Owner: 2106 Bexley Land LLC
Address: 2106 E. Main
BZAP Request: The applicant is seeking sign review and approval of blade signage along the Main Street side of the building at the above noted location. The applicant is also seeking a variance from Bexley Code C.26 of the Main Street Guidelines which limits a projecting blade sign to 10 square feet, to allow a proposed double-faced blade sign to be 20 sq' or 4' high by 5' wide.

2106 E. Main APP

2106 E. Main Site Plan

2106 E. Main St. sign

- b. Application No.: 15739
Applicant: Quintin Ward - Easy living pools
Owner: Angela & Eric Niermeyer
Location: 481 N Drexel Avenue
BZAP Request: The applicant is seeking a 3' variance from Bexley Code Section 1252.10(a)(2), which in residential districts, accessory uses and detached structures shall be located a minimum of five feet farther back from the side street property line than the principal structure is allowed, to allow a swimming pool in the rear yard to be 27' from the north side property line.

481 N. Drexel app #15739 App

481 N. Drexel Pool Variance Site Plan Mon Nov 30 2020 10-03-34

481 N. Drexel photos Neirmeyer Variance Photo Exhibits Mon Nov 30 2020 10-03-41

- c. Application No.: BZAP-20-41 Applicant: John Hamlett Owner: James & Kayla Petkus
Address: 171 S. Cassingham Road BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over existing family-room at the rear of the principal structure. The applicant is also seeking a 2' variance from Bexley Code Section 1252.09(R-6) which requires an 8' setback from the side yard property line, to allow a 2nd floor addition over the existing 1-story structure that is 6' from the side yard property line.

171 S. Cassingham App

171 S. Cassingham site plan

171 S. Cassingham plans

171 S. Cassingham photos

- d. Application No.: BZAP-20-43 Applicant: Pete Foster Owner: Thomas Hadley Address: 90 N. Columbia BZAP Request: The applicant is seeking architectural review and approval for a covered terrace addition to the south-east of the existing principal structure. The applicant is also seeking 2 variances; the first variance is from Bexley Code Section 1252.09 (R-2) Zoning) which requires an 85' (average) front yard setback along Clifton Avenue, to allow the proposed covered porch to be 69' from the front property line. The second variance is from Bexley Code Section 1252.15(g) which indicates accessory structures and uses shall be permitted only in the rear yard, to allow a 7'x10' proposed pool in the east side yard.

90 N. Columbia App90 N. Columbia plans90 N. Columbia photos90 N. Columbia photo 2

- e. Application No.: BZAP-20-49
Applicant: Pete Foster
Owner: Lisa Fleischer
Address: 100 S. Cassady
BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over the existing first floor family-room, located at the rear (east side) of the principal structure. The applicant is also seeking a variance from Bexley code Section 1252.09(R-6 Zoning), which requires an 8' setback from the side yard property line, to allow an addition over the existing family-room that is located 6'8" from the south side property line.
- f. Application No.: BZA-20-46
Applicant: Brenda Parker
Owner: Tyler & Allizon Chamblin
Address: 2404 Fair Ave.
BZAP Request: The applicant is seeking architectural review approval for a new 2-story addition to the rear of the principal structure. The applicant is also seeking a variance from Bexley Code Section 1252.15(g)...detached garages shall not be located less than ten feet from a principal structure to allow a proposed 2-story addition to the rear of the principal structure to be 3'11" from the detached garage. The applicant has also submitted an Option "B" variance request from Bexley Code Section 1252.09(R-6 Zoning) which requires a rear yard setback of 25' and a side yard setback of 8' to allow a 2-story addition to the rear of the principal structure that would attach to the existing detached garage which is located 6'11" from the rear yard property line and 3' from the side yard property line and would become part of the principal structure.

2404 Fair Ave APP

[2404 Fair site plan](#)

[2404 Fair floor plan](#)

[2404 Fair Ave rendering](#)

[2404 Fair Alternate Exterior Elevations Wed Jan 13 2021 20-00-23](#)

[2404 Fair Alternate w Connector Wed Jan 20 2021 11-18-10](#)

[2404 Fair photo](#)

[2404 Fair photo 2](#)

[2404 Fair photo 2](#)

[2404 Fair map from auditor](#)

g. Application No.: BZAP-20-45

Applicant: Ryan Brothers Landscaping

Owner: Clifton Partners LLC

Address: 2121 Clifton Ave.

BZAP Request: The applicant is seeking architectural review and approval for a 120sq' deck/stair addition connecting to a proposed 480sq' open terrace. The applicant is also seeking a variance from Bexley Code Section 1252.09(R-3 Zoning) which limits building lot coverage to 25% and overall hardscape and building lot coverage to 50%, to allow the building lot coverage to be 49.9% and the overall building plus hardscape footprint to be 91%

[2121 Clifton Aerial photo](#)

[2121 Clifton Ave App](#)

[2121 Clifton Ave site plan](#)

[2121 Clifton Ave rendering](#)

[2121 Clifton photo](#)

[2121 Clifton Ave. landscaping](#)

h. Application No.: BZAP-20-47

Applicant: Todd Parker

Owner: Shylee Grossman

Address: 50 N. Drexel Ave.

BZAP Request: The applicant is seeking architectural review and approval to allow a Pool house in the front, side yard. The applicant is also seeking a variance from Bexley Code Section 1252.15(g) accessory structures shall be permitted only in the rear yard, to allow a proposed pool house to be in the front, side yard, 26'9" from the front (west) property line and 5'4" from the south side property line. The applicant may opt to present an attached version of the pool house with the connection of a low stone

wall between the pool house and the principal structure, which would then be a variance from Bexley Code Section 1252.09 (R-3 Zoning) which requires a 12' side yard setback and a 30' or average existing dwelling setback (whichever is greater) setback from the front yard property line, to allow the pool house addition to be located 26'9" from the front property line and 5'4" from the side yard property line.

50 N Drxel APP

50.N.DREXEL.plans

50 N. Drexel.elevation

50 N. Drexel revised plan

- i. Application No.: BZAP-20-51 Applicant: Hristana Panovska Owner: Matthew & Abigail Grossman Address: 231 N. Drexel BZAP Request: The applicant is seeking architectural review and approval to allow an addition to the existing detached garage. The applicant is also seeking a variance from Bexley Code Section 1252.15(a) which limits an accessory structure to thirty-five (35%) of the building footprint of the principal structure or 624sq', whichever is greater, to allow a 440sq' addition to the existing 560sq' detached garage.

231 N Drexel App

- j. Application No.: BZAP-20-48
Applicant: Community Builders
Owner: Sally Woodyard
Address: 2300 E. Livingston
BZAP Request: The applicant is seeking architectural review and approval to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished. The applicant is also seeking a Conditional Use approval in the Commercial Service District, to allow residential use on all levels of this 3-story structure.

2300 E. Livingston A1.00

2300 E. Livingston A1.21, A1.22 ,A1.23

2300 E. Livingston A-2.23

2300 E. Livingston Floor plan

2300 E. Livingston EL Thu Dec 17 2020 15-20-37

2300 E. Livingston Landscape

2300 E. Livingston App

elevations for 2300 Livingston

- k. Application No.: BZAP-20-52 Applicant: Bexley CIC Owner: Bexley CIC Address: 420 N. Cassady Avenue BZAP Request: 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 in accordance with Bexley Code Section 1262.02 which requires 1 space per residential unit and additional spaces based on the commercial use and square footage to allow 14 spaces for 16 Residential Units and up to 3,600sq'of commercial space on first floor.

[420 N. Cassady Landscape Plans \(updated\)](#)

[420 N. Cassady A1.01](#)

[420 N. Cassady A1.11](#)

[420 N. Cassady Bexley Apartments Project Summary](#)

[420 N. Cassady A2.12](#)

[420 N. Cassady 2021-01-07 Elevations\[11634\]](#)

7. Other Business

- a. Application No.: Exempt Applicant: Kenny Brown Owner: Kenny Brown Address: 2062-2068 E. Main ARB Request: The applicant is seeking approval of a façade grant for proposed up-lighting of the building located at the Northwest corner of S. Drexel Avenue and E. Main Street.

[2262 E. Main accent lighting facade grant additional materials](#)

[Facade Grant Application packet](#)

8. Adjourn



Bexley Board of Zoning and Planning Planning Staff Report – January 28, 2021

Conditional Use and Certificate of Appropriateness: 2300 E. Livingston Avenue

Application #: BZAP-20-48

Location: 2300 E. Livingston Avenue

Zoning: Commercial Services District (CS)

Request:

Conditional use approvals:

- The applicant is seeking conditional use approvals in the Commercial Service District, to allow residential use on the first floor of this 3-story structure and to allow residential use above the first floor of this 3-story structure.

Certificate of appropriateness:

- The applicant is seeking architectural review and approval to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. Demolition approval for the existing structure.

Applicant: Bexley CIC

Owner: Bexley CIC

A. STAFF RECOMMENDATION

Staff recommends approval of the conditional use approval as per the review criteria (1226.12), and a certificate of appropriateness for architectural review as per the design standards in a CS District (1254.12). This application was heard by the Architectural Review Board, which recommended a certificate of appropriateness with conditions.

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

B. BACKGROUND



The site is located on the northwest corner of E. Livingston Avenue and Francis Avenue.

Zoning: The project is located in the Commercial Services District (CS) (1254.05).

C. CONSIDERATIONS

Site Impacts

The site design is appropriate for a mixed-use corridor, with the building sited adjacent to the roadway and parking located to the rear. The Commercial Services (CS) District site development regulations and design standards have largely been met.

Commercial Service (CS) District Site Development Regulations

The CS district regulations (*1154.10*) are as follows:

Lot Requirements

- The lot size is 32,250 square feet, in excess of the minimum requirement of 10,000 square feet: standard is met.
- The lot width is 210 feet, in excess of the minimum requirement of 100 feet: standard is met.

Setbacks

- The front setback is 10 feet, within the required range of 10-20 feet: standard is met.
- The rear setback is 57 feet, in excess of the minimum requirement of 25 feet: standard is met.
- There is no side yard setback requirement in this district. For the information of the BZAP, the side yard setback on the line is 10 feet on both sides, with the eastern lot abutting the right-of-way due to the position as a corner site.

Height

- The proposed structure is 3 stories and 34' 7" in height. The code allows 3 stories and a maximum height of 45': standard is met (*1154.10*).

Commercial Service (CS) District Design Standards

The proposed development meets the standards of applicability for review under this section (*1254.12(a) through (e)*). The application has been evaluated with regard to the applicable design standards as follows:

CS District Design Standards		Met / Not Met
(f)	A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel.	Met
(g)	The width of a principal building along a primary building frontage shall be a minimum of sixty (60) percent of the lot width.	Met
(h)	A primary building frontage shall incorporate a primary entrance door	Met
(i)	A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage	Generally met
(j)	For a primary building frontage of a commercial use, a minimum of 40 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the	n/a

	primary building frontage a minimum distance of ten feet.	
(k)	Any drive-thru, pickup window, or canopy shall be attached to the principal building and be located behind or to the side of the building.	n/a
(l)	All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building	To be determined
(m)	A minimum 8-foot front yard landscape area shall be established, as measured from the north right-of-way line of Livingston Avenue. The front yard shall be planted with live vegetation and a shade tree(s) (in addition to any street tree requirements), except for paved areas expressly designed for vehicular and pedestrian use. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.	Generally met – further review needed by T+PG
(n)	At the time of planting a new shade tree shall have a minimum two-inch caliper trunk and new shrubs for screening shall have a minimum height of 24-inches, and be maintained at that height or greater.	To be determined – further review needed by T+PG
(o)	All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to City Staff approval. The installation and operation of an irrigation system may be required for any planting area. In such cases, the irrigation system must remain operable.	To be determined – further review needed by T+PG
(p)	The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Main Street Design Guidelines.	To be determined – further review needed by T+PG
(q)	A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section 1264.05 .	Met – fence details needed
(r)	A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a wall or fence (excluding chain link, wire mesh or other similar material), or a continuous row of shrubs to a minimum height of 36 inches (24 inches at time of planting) and a maximum height of five feet. Screening shall be maintained to provide opacity of not less than 75 percent when in leaf.	Met – fence details needed
(s)	Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster.	Met – enclosure details needed
(t)	Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view to the height of the equipment	Met
(u)	The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.	Met
(v)	When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.	Met
(w)	Parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more in gross floor area.	Met

Parking

The Commercial Services (CS) District has had a unique role in the city of Bexley, serving as a transition from residential single-family areas to the auto-oriented commercial uses adjacent to the I-70 access ramps. The result was a series of more auto-oriented businesses to the west, that gradually transition to less auto-intensive commercial uses to the east.

This requested use further promotes that transition by proposing a multi-story residential use on the site of previous commercial use at the end of that commercial district. The result is, if granted as a conditional use, residential in a district that doesn't expressly have parking standards for residential in a mixed-use corridor setting. As is typical, this requires a look to other comparable sections of the code for guidance. As such, the standard for Mixed Use Commercial seems the most applicable to determine the appropriate zoning requirement for parking and be reasonably applied to this evolving mixed-use corridor. The requirement for residential in the MUC District is 1 space per unit (1262.02) which results in a requirement of 27 parking spaces for this proposed 27-unit development project. The site plan provides 30 spaces, in excess of the requirement.

Conditional Use Criteria

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

From (1226.12(b): The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves all the following factors are met:

Conditional Use Criteria	
(a)	The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
(b)	The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
(c)	The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
(d)	The property, and any proposed modifications, meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.
(e)	The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
(f)	The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.

- (g) The use is in character and keeping and compatible with the adjacent structures and uses.
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Staff recommends that the criteria have been met for conditional use allowing residential on the first and upper stories of the proposed 3-story building according to the following:

- (a) Livingston Avenue is predominantly residential to the east of this site throughout Bexley, consistent with adopted plans.
- (b) This land use is more similar to the uses to the rear (north) and east of the site than the previous use.
- (c) This use will not be hazardous. Impacts should be equal or less intense than an operating business at this site, as per those permitted in the CS District.
- (d) See above in Site Considerations regarding code provisions.
- (e) The use does not create an undue burden on public facilities.
- (f) The use is consistent with the City's economic goals and will not decrease property values. This multi-story new construction will be a significant investment in the site.
- (g) The use is compatible with adjacent structures and uses. Multiple story buildings of greater height than proposed are permitted on this site.
- (h) No natural, scenic or historic features exist on the site.

D. ADDITIONAL COMMENTS

Architectural Review Board Recommendation

The ARB reviewed the application at their January 14, 2021 meeting and made the following recommendations:

- That a Certificate of Appropriateness should be issued by the Board of Zoning and Planning with the condition that the applicant return to the Architecture Review Board for a Certificate of Appropriateness; and
- That the application be reviewed and approved by the Bexley Tree and Public Gardens Commission

E. RECOMMENDED CONDITIONS

Should the Board of Zoning and Planning choose to act on the conditional use requests, staff recommends the following conditions:

1. The applicant returns to the ARB to receive a Certificate of Appropriateness, including review of architecture, mechanicals screening, fence and enclosure details.
2. The application 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 January 28, 2021, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff.

**Video of Bexley Architectural Review Board of Zoning and Planning Meeting
on January 28, 2021**

Watch at <https://www.youtube.com/watch?v=-Zvn1Liks0c>
from 4:40:30 through 6:53:45



Meeting Minutes
Thursday, January 28, 2021
06:00 pm

These minutes are intended to be interactive minutes, referencing video and audio recordings hosted at www.bexley.org.

To view and listen to the context behind the decisions taken at this meeting, please visit www.bexley.org/meetings.

1. Call to Order

The meeting started at 6:09 pm. Here is a link to the recorded meeting on YouTube: <https://www.youtube.com/watch?v=-Zvn1Liks0c>

2. Roll Call

Roll Call:

Voting Members Present: Ryan Schick; Alisssha Mitchell; Sean Turner; Heidi Wagner-Dorn; Rick Levine; and Bob Behal

Absent:

Excused:

Non-Voting Present:

3. Approval of Minutes from the December 2, 2020, Special BZAP meeting

Sean Turner made a motion to Approve - '3. Approval of Minutes from the December 2, 2020, Special BZAP meeting' Motion seconded by Alisssha Mitchell. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alisssha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

4. Public Comment This agenda item is for general public comment for any items not on the agenda

Catherine Cunningham reviewed the proper procedure with the number of voting members in attendance.

Mr. Joel Greff asked why the Board of Zoning and Planning rules and guidelines were not posted. Rose said they were posted but the City is in process of merging the old and new websites, and should be posted as of now. Mr. Greff said the most accurate were posted for the Architectural Review Board meeting on January 9th, 2020. Rose said she will follow up.

Levine asked a procedural question. He is an alternate and not a regular member. In the Code, alternate members can only participate if there was not a quorum present. He asked if he should participate tonight. Rose said that three regular members were not able to attend this evening and were replaced with alternates; who can discuss and vote on applications in situations like this. Rose added that all members are contacted to see who is available to attend the meeting. If a regular member can not attend, she follows up with an alternate member to see if they are able to attend in place of a regular member. Behal asked that regular members notify Rose as soon as they can to let her know if they will be able to attend a meeting. He added that it was not helpful to the alternates to be called on the day of the meeting and have them scrambling to attend.

5. Old Business

- a. Application No.: BZAP-20-37 Applicant: Scott Baker Owner: Ryan & Michelle O'Donnell Address: 2754 Sherwood Rd. BZAP Request: The applicant is seeking architectural review and approval for a detached garage. The applicant is also seeking a variance to Bexley Code Section 1252.15(e), to allow a 21' high detached garage. Please Note: This was tabled at the December 2, 2020 BZAP

2754 Sherwood Elevations Jan 5 2021

2754 Sherwood Disapproved garage Elevations

2754 Sherwood floor Plans Tue Jan 5 2021

2754 Fair APP

Rose reviewed background information with the Board for this application. This application was before the Board at the December 2nd, 2020 BZAP meeting. The applicant was requesting an addition to the home as well as a detached garage. The variance request was to allow the garage to be 23' in height. Code limits the garage to 20' in height. Part of the application was approved but the garage was Tabled. Modifications were made to the ridge height and is now proposed to be 21' in height. This application went before the Architectural Review Board for a recommendation to this Board for the current design and is now here to revisit the variance request.

Scott Baker and Michelle O'Donnell were sworn in. The applicants reviewed background information for this application with the Board. The Board thought that the design was okay but that the height needed to be reduced. The applicants reduced the height to 21' and revised and lowered the interior space. Turner asked if cubic feet came into play. Rose said the height exceeded the ridge height limit and that was why the applicants were requesting a variance. Levine asked if approval was based on the story and height limit. Rose said it was. She added that the limit is 20' in height and the original submission exceeded that limit. The height has been shrunk down but still remains 1' above the height limit. Behal said that the two concepts of story and height

are intertwined and confusing. The design was fine in terms of elevation from an architectural standpoint but the height is not okay because the limit in the city is 20' in height. Rose said that the height was reduced in the center but exceeded the volume. Ms. Cunningham said that if this is the case, there would need to be a variance for the volume as well as the ridgeline. Rose said a second story would be considered a story if it was two-thirds or more of the volume than the story below. The applicant said that the second floor is larger than two-thirds and is closer to four-fifths. Mrs. O'Donnell said that when this application was discussed last month, she and the applicant had not thought to address this. They spent time addressing the height but not the volume. Turner said he wanted to make sure if a variance was granted, to be sure it was granting for both things the applicants were asking for. Bokor added that the ARB recommended this application in the positive to this Board and were satisfied with the architecture. Ms. Cunningham said that the ARB was not considering the volume in their discussion. Turner said if one is needed he did not see it indicated in the application. The applicant said the square footage of the garage is proposed to be 618sqft' with the second floor a little over 90 percent of the first floor area. Bokor added a garage Code working group was in process of discussing these very things. Rose added that the application does exceed one-story in height in volume and exceeds the 20' height limit.

Behal said that there were normally seven people on the Board and tonight there were six, which would require four votes in the affirmative to approve the application. He added that the applicant has the option to Table but is able to bring the application to a vote with the six members present.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-37 for the property located at 2754 Sherwood Road: Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.15(e) to allow the proposed detached garage to be over two-thirds the volume of the story below, and that the height can exceed the 20' height limit, taking it to 21' in height, and that the approval should be in substantial conformance with the renderings dated January 28th, 2021.

The applicants understood the Findings of Fact.

Alissha Mitchell made a motion to Approve - 'a. Application No.: BZAP-20-37

Applicant: Scott Baker

Owner: Ryan & Michelle O'Donnell

Address: 2754 Sherwood Rd.

BZAP Request: The applicant is seeking architectural review and approval for a detached garage. The applicant is also seeking a variance to Bexley Code Section 1252.15(e), to allow a 21' high detached garage. Please Note: This was tabled at the December 2, 2020 BZAP' Motion seconded by Sean Turner. **Vote 5 - 1 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, and Rick Levine.

AGAINST: Bob Behal.

b. Application No.: BZAP-20-63 Applicant: Sullivan Builders Inc. Owner: Summit Shailesh

Shah Address: 424 S. Columbia Ave. BZAP Request: The applicant is seeking architectural review and approval of modifications and changes to the original approved elevations of a new single-family home, some of which have and have not been staff approved, which may include a proposed solar panel installation.

424 South Columbia Presentation[11388]

Joe Miller, Brian Kent Jones, Matt Sullivan, Lekha Shah, and Summit Shah were sworn in.

Rose reviewed background information with the Board. This application has been going on for a while. There were contractor issues and now a new contractor took over the job. Plans and elevations were reviewed, and the applicants were informed that changes had been made that had to be readdressed. A few of the changes were not approved and a few had been worked on with staff to address. New plans were submitted to reveal changes and work continued on the interior of the home until the exterior modifications could be reviewed. The applicants are working with staff to resubmit the changes.

Mr. Miller, attorney representing the homeowners, reviewed background information for this application with the Board. A Certificate of Appropriateness was issued in 2018. The application was approved at that time and found that this house satisfied Code, before changes were made by the previous contractor without the city's or owner's consent. The owners have done everything they could to go back to the original design. They accept that this is a different situation and are asking for the Board to evaluate the differences from the 2018 approval and whether the changes now make the structure appropriate. The owners want the home that was approved in 2018. The Board will also hear from the new builder what the changes are and how they remain appropriate.

Mrs. Shah wanted to thank the Board and the community. She and her husband have two daughters and are originally from Dublin, OH. They fell in love with this community and want to make their forever home here. They purchased the property in 2017, and the house had been vacant and needed demolished. They hired someone to design home and before construction and demolition, they met with neighbors and assured them if there were any issues they would work to resolve them. They received the Certificate of Appropriateness for the original design but later found out the contractor did not build according to the original plan. Changes were made by the contractor and the Shah's did not know. The contractor made modifications from the design perspective and the owners were told that the approvals were acquired. The contractor ended up not communicating modifications with the city, an example being the side porch, to get the changes approved. The owners found out that others have had similar experiences with the same prior contractor. Currently they are working with different contractors to help restore certain aspects of the original 2018 approval. The owners want to be respectful to the process, the Board, and the neighbors.

Mr. Miller added that they spent 2020 working with the city. The Architectural Review Board did not provide a positive recommendation and there was a consensus on conditions for approval. Comparing the original approval to the current renderings, there are slight changes to the window grids and the height of the home, a subtle difference to the front door and garage door, the side entry, the wall around pool, and

a skylight that is not visible to the public. Mr. Jones said that the current changes proposed are consistent within the block the structure is located on. Mr. Sullivan said that the as-built height was determined by a hired surveyor did a site survey after the ARB meeting. Concerns were made about grade so they went back and pulled the 2018 plan and it was found that the structure was not physically built higher. They determined the height of the house by locating the closest point to the floor of the garage and measured. The driveway is at the approved height and was measured with a laser. Mr. Miller said this was shared with staff and asked if this can be remedied. Mr. Sullivan said that the roofing package would be expensive and comparable to building a new home. Behal asked if doing a demolition would impact the integrity of the remaining structure and if there was any chance for damage. Mr. Sullivan said there could be unplanned and unforeseen problems and it would be like rebuilding a house inside of a house. Rose added that in this zoning district 2 ½ stories should not exceed 40', and this structure is under the allowable height and does not require a variance.

Mr. Jones said that it is compatible within the context of the building code and the subdivision of lots in this area. The structure sits on a lot that is commensurate with larger homes. Mr. Miller said that the owners are not seeking to change the front door but the changes will include a limestone band and corrections made to the columns and beams. Mr. Sullivan said that is correct and goes back to the original design. The limestone lentils and bands will be included on the pool and was successful. He added that the remaining limestone was ordered and in transit. Mr. Miller confirmed the beams would be modified as requested. Mr. Sullivan said that is correct. The same with taking the garage door and side entry back to the original 2018 design. Mr. Miller asked about the wall and fence on the south elevation of the home. Mr. Sullivan said it would be the wrought iron fence design from 2018. The wall was built for two reasons: One, to visually block the pool area between the home and the neighbor to the south, and the second reason was because the pool and deck were built at grade to the interior of the home and the wall will contain the spoils from construction. In the current plan, foliage is proposed to protect the view of the neighbor from the pool wall. Code requires a 4' wall built around the pool for safety reasons. Mr. Miller wanted to confirm that changes were made that were necessary for code compliance. Mr. Sullivan said that was correct, and drainage had been tied in to the primary drain line and will go to the storm water system on the street.

Dorn asked how close the retaining wall is to the neighbor's driveway. Mr. Sullivan said close to the property line but it has not been surveyed. Rose added that under Code it would be allowed up to the property line as long as it doesn't cross the property line. Mr. Miller stated that the ARB wanted to make sure the skylights were not visible from the street. Mr. Jones said that they were not. Mr. Miller asked about the other issues that the owners corrected. Mr. Sullivan said that the pool house was rotated and the ridge line faced perpendicular to the street, which were approved by staff, and the grade from the street to the garage and is within inches of the original distance approved. The landscaping is on point and the solar panels are to be located on a flat roof. Rose said the solar panels are typically reviewed by staff as long as they are not proposed on the right-of-way on the structure, but staff wanted to be transparent and add in the request that they will not be visible from the street. Mr. Sullivan added that the brick lentils were installed, removed, and replaced with limestone. Landscaping was included at the suggestion of the ARB so they could see the home depicted with landscaping included. The owners took the feedback to heart and included a more

traditional landscape proposal than a modern one. They want to let the neighbors know they are willing to do what they can to accommodate their concerns. Mitchell asked to clarify that the prior contractor made change orders without the homeowner's knowledge. Mr. Miller said that was correct.

Angela Yach, David Westin, Jim Arnold, and Stuart Young were sworn in.

Jim Arnold, representative for Alan and Carol Radnor, voiced their concerns for this application. The Radnors live two homes to the north on S. Columbia. Mr. Arnold recounted that the vote in the ARB meeting on November 5th, 2020 was not to recommend a Certificate of Approval for the modifications. Discussions at that meeting were the same content heard in this meeting tonight. The vote was unanimous against the modifications and to not grant a Certificate of Appropriateness. The owners asked to overrule the ARB's decision. The ridgeline does not have to be above the permissible height because it does not conform, and was not approved. Drawing a line from the south property to the ridgeline on the proposed home shows it being several feet higher. Mr. Arnold said that the owners made it clear they do not believe a remedy is to tear off the roof. Staff explained the floor plane is higher than grade, and Mr. Arnold read statements verbatim from the ARB in relation to the grading. It is 5' to 6' higher than expected. They originally thought it was only a couple of feet taller than the surrounding houses but in reality it is much larger than what was depicted. Mr. Arnold stated that adding more dirt and landscaping won't change the height of the roof, and the neighbors should not be made to suffer from what the other contractor did. He added that the home should be built in conformity with the original Certificate of Appropriateness and follow the recommendations from the ARB not to modify.

David Westin, resident at 399 S. Columbia, provided his concerns for this application to the Board. He understands that this is a nightmare for the owners but that it is also a nightmare for the neighbors. Currently Mr. Westin is doing large improvements but said that he is responsible for how it ends up. He does not go with the comment that it is just a sad story. He would like to hold the owners accountable for the original expectation and would like them to comply with the original plans. Mr. Westin added that the modifications that were considered minor significantly alter the look of the house, and that it is a much larger house and is grossly disproportionate. He agrees that the changes are still within Bexley Code but if the BZAP agrees with this proposal then they are devaluing the ARB. That would essentially allow an owner to throw any set of plans to the ARB and then the owners can build whatever they want after that, and will make the ARB irrelevant. Mr. Westin added that there are two other homes built but this project disregards the regulations and processes in place. The height of the roof keeps changing and is not what was approved. He understands the system but had the house been built as-approved it would not be here before this Board today. The approved plan was not followed and now it is out of compliance but was continued to be built. He would like them to be held accountable now.

Behal said that this Board is not here to make political decisions but to make building, zoning, and planning decisions. He asked the public to keep their comments to three minutes. He added that they are aware of the situation and would like to concentrate on the physical architecture of the building.

Angela Yach, resident at 2240 Bryden Road, said she had emailed pictures to the city taken of this property from her home. Rose said she received them and had forwarded

them to the Chair of this Board. Ms. Yach said that she can look out her window and see three houses ahead, the last house in the photos was of this house. She has issues with its height. She was told it was approved at 36.5' but that is not where it is now and that the ridgeline was not built as approved. She added that she feels this will result in reduced site lines, privacy, and contribute to light pollution to her home. She has windows on the south side of her home, and how this structure was built out now allows lights to flood into her backyard. Her main concern is the height of the house and stated that it looked like it was almost a half-story taller than its neighbors. She is asking this Board not to approve the changes, and stated that the ARB agreed with its neighbors. She added that no one is taking ownership and the issues need conclusion.

Stuart Young, resident at 435 S. Columbia, had a few quick questions he wanted to ask. He wanted to confirm that the plan did not include a circular drive. Rose said he was correct, there is no circular drive requested and it was not approved in the original submission. Mr. Young then brought up the ridgeline that was approved in the 2018 rendering, which was comparable to the neighboring homes to the north and south, but what was built is not conforming. He added that in the November 2020 ARB meeting, they did not recommend a Certificate of Appropriateness be issued for this plan. He added that if this Board issues a Certificate of Appropriateness and overrule the ARB, it would be significant. He said that if the other changes do not require ARB approval, then the ARB would no longer be required and owners can build to whatever height they choose.

Rose asked Mr. Young if he knew the ridge height on his home, because the neighboring lots are smaller than the Shah's lot. Mr. Young's lot is more comparable in size and comparing houses to the north and south of this residence is comparing this lot to smaller lots. Mr. Young said he did not have the measurements and that he feels that what has been built is not in line and is disproportionate.

Jodie Westin, resident at 399 S. Columbia, was sworn in. Mrs. Westin asked about the roof line and other applications that have had to come back for verification. Rose said they look at the height to determine the variance involved, but there is a change from the original design and that is what is being discussed in this meeting. Mrs. Westin asked about the drawings. Behal said normally the Board receives a proposed design or set of specs, but they do not usually see an as-built structure and asked the applicants to give the Board an idea of how the home sits in respect to the surrounding homes. Even though members drive by to see the site with their own eyes, he said that it is helpful to hear from neighbors in surrounding homes what the structure looks like.

Charlie Hire, resident at 436 S. Columbia, was sworn in. Mr. Hire is concerned about drainage from the new house going into his driveway. He said he noticed a drainage system was built in the plan and he thinks it will solve any potential drainage problems. He would like assurance that the owner will work to take care of it if it does not solve a drainage problem.

Mr. Miller said there was no evidence that owners went rogue. He added that the architect said it was proportional and appropriate and that the height was approximately 18" over the 2018 approved proposal, and that it meets standards compatible with the neighborhood. Ms. Cunningham said that the original Certificate of Appropriateness was determined by this Board, the BZAP, and not the ARB. The

variance for the circular drive was denied. In 2018, the variance to the pool or pool house was due to it encroaching into the side yard. Tonight, four members would need to vote in the affirmative for this proposal to pass. Behal clarified that once it comes to this Board, the BZAP, they can agree with the recommendation from the ARB, add conditions, or disagree with the recommendations. Ms. Cunningham confirmed the options cited were correct. She added that this Board can consider all of those options as well as opt to remand the proposal back to the ARB. Behal confirmed that this Board has discretion over the ARB. Ms. Cunningham said it did, but with an obligation to consider the ARB and their recommendations. Behal stated that this Board always does. Ms. Cunningham added that this Board has the right to make a decision and include conditions. Dorn asked if in the original approval if the grading was approved. Rose said that the house is not in its finished stage and that the applicant used the garage floor because it is finished and at grade. Dorn said she was concerned that the grade on the lot is higher than the grade on surrounding lots. She said it would make the house start at a higher level. Mr. Sullivan said the grade on the 2018 rendering was marked and was in the approval. Mr. Miller said that the code can't be applied differently to a different grade on the lot and that the actual grade was what was approved in 2018. He added that if the neighbor's house is on a lower grade and make this house appear higher, it can not apply to the owners of this residence. Mitchell asked what the process was for a change order and asked if the owners saw restitution for the cost on things that were changed without their knowledge or approval. Mr. Miller said their claim s being evaluated. Mitchell asked if they continued to build the home without seeking any sort of action. Mr. Miller said that was correct.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-63 for the property located at 424 S. Columbia Avenue: Based on the testimony presented, and the revised plans presented on January 28th, 2021, the Board finds that an amended Certificate of Appropriateness should be issued, with the following conditions: 1. That the landscape plan, updated with mature trees and softening of the fence and the property line to the south, as determined by the city's Landscape Consultant, 2. That the window lintels be reworked in limestone per the original submittal, 3. That the columns be detailed to accurately reflect post and beam construction, 4. That the garage doors be installed per approved submission with more carriage-like design, 5. That the solar panels proposed which will be limited to flat roof areas be included with this approval, and 6. That otherwise the plan be in substantial conformance with the revised plans submitted and reviewed by the Board on January 28th, 2021.

The applicants understood the Findings of Facts.

Ryan Schick made a motion to Approve - 'b. Application No.: BZAP-20-63

Applicant: Sullivan Builders Inc.

Owner: Summit Shailesh Shah

Address: 424 S. Columbia Ave.

BZAP Request: The applicant is seeking architectural review and approval of modifications and changes to the original approved elevations of a new single-family home, some of which have and have not been staff approved, which may include a proposed solar panel installation.' Motion seconded by Alissha Mitchell. **Vote 2 - 4 - failed.**

FOR: Heidi Wagner-Dorn, and Bob Behal.

AGAINST: Ryan Schick, Alissha Mitchell, Sean Turner, and Rick Levine.

6. New Business

a. Application No.: BZAP-20-40

Applicant: Signcom - Ohio State Bank

Owner: 2106 Bexley Land LLC

Address: 2106 E. Main

BZAP Request: The applicant is seeking sign review and approval of blade signage along the Main Street side of the building at the above noted location. The applicant is also seeking a variance from Bexley Code C.26 of the Main Street Guidelines which limits a projecting blade sign to 10 square feet, to allow a proposed double-faced blade sign to be 20 sq' or 4' high by 5' wide.

2106 E. Main APP

2106 E. Main Site Plan

2106 E. Main St. sign

Rick Levine recused himself from the discussion and vote for this application.

Jim Hartley was sworn in.

Rose reviewed background comments for this application with the Board. This application is to allow a blade sign on the south side of the building. Blade signs are limited to 10sqft and the proposed sign is 20sqft, which would be located on the south side of the door. The window sign and wall sign were approved and meet code. The blade signs exceeds the size allowed. The applicant is seeking a variance to allow a 20sqft blade sign to be installed.

The applicant provided details for the proposal with the Board. The business has no identification on E. Main Street. The city suggested the applicant look at other examples of blade signs on E. Main Street. The applicant used a local real estate business's sign as influence in the creation of this blade sign. The proposed sign is minimalist and would not obstruct pedestrian traffic on the sidewalk. Behal asked if the inspiration sign was approved. Rose said it may have been by the Main Street Commission, and that the sign does encroach into the city's right-of-way. Behal said that the Bexley Graphics Commission mandated blade signs have a dark background with light numbers and lettering. Rose said that was still policy. The applicant said he was not aware that was the norm but this proposal could be modified to meet that. Behal asked to condition that the sign would be a dark background with light lettering for consistency. Dorn asked if this size is proposed to be the same size as the inspiration sign down the street. The applicant said it is proposed to be the exact same size. Behal asked why this could not be shrunk down and formatted to fit the 10sqft maximum size allowed. The applicant said it was based off of the inspiration sign, which was 20sqft. Mitchell said signage was important to any business and Schick agreed it was a good attraction for a small business.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-40 for the property located at 2106 E. Main Street: Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1260.05(f), referencing C.26 in the Main Street Guidelines, to allow a blade sign on the south side of the building, to be 20sqft, with the condition that it be converted to light letters on a dark background.

The applicant understood the Findings of Fact.

Sean Turner made a motion to Approve - 'a. Application No.: BZAP-20-40

Applicant: Signcom - Ohio State Bank

Owner: 2106 Bexley Land LLC

Address: 2106 E. Main

BZAP Request: The applicant is seeking sign review and approval of blade signage along the Main Street side of the building at the above noted location. The applicant is also seeking a variance from Bexley Code C.26 of the Main Street Guidelines which limits a projecting blade sign to 10 square feet, to allow a proposed double-faced blade sign to be 20 sq' or 4' high by 5'wide.' Motion seconded by Ryan Schick. **Vote 5 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, and Bob Behal.

AGAINST: None.

RECUSED: Rick Levine.

b. Application No.: 15739

Applicant: Quintin Ward - Easy living pools

Owner: Angela & Eric Niermeyer

Location: 481 N Drexel Avenue

BZAP Request: The applicant is seeking a 3' variance from Bexley Code Section 1252.10(a)(2), which in residential districts, accessory uses and detached structures shall be located a minimum of five farther back from the side street property line than the principal structure is allowed, to allow a swimming pool in the rear yard to be 27' from the north side property line.

481 N. Drexel app #15739 App

481 N. Drexel Pool Variance Site Plan Mon Nov 30 2020 10-03-34

481 N. Drexel photos Neirmeyer Variance Photo Exhibits Mon Nov 30 2020 10-03-41

Rick Levine returned to the meeting.

Rose reviewed background information with the Board. This application is for a proposed addition on the rear of the home, as well as a pool in the rear yard. The pool can meet the setback but the owners wanted to match it up with the addition on the back of the house. The applicant is requesting a variance to be 27' from the property line instead of 30'.

Brian Griffith and Angela Niemeyer were sworn in. The applicants reviewed

information for this proposal with the Board. A covered porch would be installed with the addition. The gable for the porch addition created the feel and fit for outdoor living space and the yard would look balanced if the center line of the pool was in line with the gable feature. The privacy fence would remain and public view would be screened.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. 15739 for the property located at 481 N. Drexel Avenue: Based on the testimony presented, the Board finds it appropriate to grant a 3' variance from Bexley Code Section 1252.10(a)(2), to allow a proposed swimming pool to be 27' from the north side property line.

The applicants understood the Findings of Fact.

Rick Levine made a motion to Approve - 'b. Application No.: 15739

Applicant: Quintin Ward - Easy living pools

Owner: Angela & Eric Niermeyer

Location: 481 N Drexel Avenue

BZAP Request: The applicant is seeking a 3' variance from Bexley Code Section 1252.10(a)(2), which in residential districts, accessory uses and detached structures shall be located a minimum of five farther back from the side street property line than the principal structure is allowed, to allow a swimming pool in the rear yard to be 27' from the north side property line.' Motion seconded by Sean Turner. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- c. Application No.: BZAP-20-41 Applicant: John Hamlett Owner: James & Kayla Petkus Address: 171 S. Cassingham Road BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over existing family-room at the rear of the principal structure. The applicant is also seeking a 2' variance from Bexley Code Section 1252.09(R-6) which requires an 8' setback from the side yard property line, to allow a 2nd floor addition over the existing 1-story structure that is 6' from the side yard property line.

[171 S. Cassingham App](#)

[171 S. Cassingham site plan](#)

[171 S. Cassingham plans](#)

[171 S. Cassingham photos](#)

Rose reviewed background information with the Board. This proposal is for a 2nd floor addition to be built on top of an existing family room. The applicant is also requesting a 2' variance from Bexley Code Section 1252.09(R-6) to allow the addition to be built over the existing structure, which is 6' from the side yard property line. Code requires an 8' setback from the side yard property line.

Bokor reviewed architectural comments with the Board. This application received a positive recommendation from the ARB with the condition that the applicant work with the Design Consultant on final design details, which the applicant agreed to.

Robert Raskin was sworn in. The applicant reviewed information for this application with the Board. He agreed with the conditions stated in his meeting with the ARB. Behal asked if this would be built on top of something that is existing. The applicant said that is correct. The owners would like to build a new addition on top of an existing 1st floor structure. Levine said the existing first floor addition looked new. He asked if the owners received a variance for that. The applicant said yes and by the previous homeowner. Dorn asked what the conditions included. Bokor said window proportion, placement, and massing.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-41 for the property located at 171 S. Cassingham Road: The Board accepts the recommendations from the Architectural Review Board with conditions. Based on the testimony presented, the Board finds it appropriate to grant a 2' variance from Bexley Code Section 1252.09(R-6) Zoning, with the condition that the applicant work with the Residential Design Consultant on final design details in accordance with the ARB recommendation for a Certificate of Appropriateness.

The applicant understood the Findings of Fact.

Sean Turner made a motion to Approve - 'c. Application No.: BZAP-20-41

Applicant: John Hamlett

Owner: James & Kayla Petkus

Address: 171 S. Cassingham Road

BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over existing family-room at the rear of the principal structure. The applicant is also seeking a 2' variance from Bexley Code Section 1252.09(R-6) which requires an 8' setback from the side yard property line, to allow a 2nd floor addition over the existing 1-story structure that is 6' from the side yard property line.' Motion seconded by Heidi Wagner-Dorn. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- d. Application No.: BZAP-20-43 Applicant: Pete Foster Owner: Thomas Hadley Address: 90 N. Columbia BZAP Request: The applicant is seeking architectural review and approval for a covered terrace addition to the south-east of the existing principal structure. The applicant is also seeking 2 variances; the first variance is from Bexley Code Section 1252.09 (R-2) Zoning) which requires an 85' (average) front yard setback along Clifton Avenue, to allow the proposed covered porch to be 69' from the front property line. The second variance is from Bexley Code Section 1252.15(g) which indicates accessory structures and uses shall be permitted only in the rear yard, to allow a 7'x10' proposed pool in the east side yard.

90 N. Columbia App

90 N. Columbia plans90 N. Columbia photos90 N. Columbia photo 2

Rose reviewed background information with the Board for this application. This location is a corner lot and the front yard faces Clifton Avenue. The applicant is asking for a variance to allow a proposed covered porch to be 69' from the front property line. The applicant is also asking for a variance from Bexley Code 1252.15(g) to allow the installation of a 7' x 10' on the east side of the property line.

Pete Foster was sworn in. The applicant reviewed information for this application with the Board. The applicant said that this was an odd lot and the owners would like to have a covered terrace on the south side of the proposed nook, which would be created with the proposed improvements. Creating this nook would gain symmetry on the main level. The addition sits back from the farthest southern point of the house.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-43 for the property located at 90 N. Columbia Avenue: The Board accepts the recommendation of the Architectural Review Board, which they approved with the condition that the applicant work with the Design Consultant on any minor modifications. Based on the testimony presented, the Board finds it appropriate to grant a 16' variance from Bexley Code Section 1252.09(R-2) Zoning to allow a covered terrace to encroach into the front yard setback, and also a variance from Bexley Code Section 1252.15(g) to allow a 7' x 10' pool in the east side yard as presented in plans on January 28th, 2021.

The applicant understood the Findings of Fact.

Ryan Schick made a motion to Approve - 'd. Application No.: BZAP-20-43

Applicant: Pete Foster

Owner: Thomas Hadley

Address: 90 N. Columbia

BZAP Request: The applicant is seeking architectural review and approval for a covered terrace addition to the south-east of the existing principal structure. The applicant is also seeking 2 variances; the first variance is from Bexley Code Section 1252.09 (R-2) Zoning) which requires an 85' (average) front yard setback along Clifton Avenue, to allow the proposed covered porch to be 69' from the front property line. The second variance is from Bexley Code Section 1252.15(g) which indicates accessory structures and uses shall be permitted only in the rear yard, to allow a 7'x10' proposed pool in the east side yard.' Motion seconded by Rick Levine. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

e. Application No.: BZAP-20-49

Applicant: Pete Foster

Owner: Lisa Fleischer

Address: 100 S. Cassady

BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over the existing first floor family-room, located at the rear (east side) of the principal structure. The applicant is also seeking a variance from Bexley code Section 1252.09(R-6 Zoning), which requires an 8' setback from the side yard property line, to allow an addition over the existing family-room that is located 6'8" from the south side property line.

Pete Foster remained sworn in from the previous application.

Rose reviewed background information with the Board for this application. The proposed second floor addition would go on top of an existing first floor family room.

Bokor stated that this application was recommended for approval from this Board by the Architectural Review Board as a consent agenda item. The ARB was in favor of the design.

The applicant reviewed background information for this application with the Board. He wanted to clarify that at some point the existing first floor structure had been added on to the home. The house was originally built too close to the property line. This structure is non-conforming and the neighbor's structure is non-conforming. Rose said she received a positive email, received by the applicant from a neighbor of this property and forwarded to the city, supporting this proposal. The applicant said that the details are intended to match the existing, with slight variations from the old siding to the new siding.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-49 for the property located at 100 S. Cassady Avenue: The Board accepts the positive recommendation of the Architectural Review Board. Based on the testimony presented, the Board finds it appropriate to grant the 1'4" variance from Bexley Code Section 1252.09 (R-6) Zoning to allow a second floor addition over the existing first floor.

The applicant understood the Findings of Fact.

Alissha Mitchell made a motion to Approve - 'e. Application No.: BZAP-20-49

Applicant: Pete Foster

Owner: Lisa Fleischer

Address: 100 S. Cassady

BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over the existing first floor family-room, located at the rear (east side) of the principal structure. The applicant is also seeking a variance from Bexley code Section 1252.09(R-6 Zoning), which requires an 8' setback from the side yard property line, to allow an addition over the existing family-room that is located 6'8" from the south side property line.' Motion seconded by Sean Turner. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine,

and Bob Behal.

AGAINST: None.

f. Application No.: BZA-20-46

Applicant: Brenda Parker

Owner: Tyler & Allizon Chamblin

Address: 2404 Fair Ave.

BZAP Request: The applicant is seeking architectural review approval

for a new 2-story addition to the rear of the principal structure. The applicant is also seeking a variance from Bexley Code Section 1252.15(g)...detached garages shall not be located less than ten feet from a principal structure to allow a proposed 2-story addition to the rear of the principal structure to be 3'11" from the detached garage. The applicant has also submitted an Option "B" variance request from Bexley Code Section 1252.09(R-6 Zoning) which requires a rear yard setback of 25' and a side yard setback of 8' to allow a 2-story addition to the rear of the principal structure that would attach to the existing detached garage which is located 6'11" from the rear yard property line and 3' from the side yard property line and would become part of the principal structure.

2404 Fair Ave APP

2404 Fair site plan

2404 Fair floor plan

2404 Fair Ave rendering

2404 Fair Alternate Exterior Elevations Wed Jan 13 2021 20-00-23

2404 Fair Alternate w Connector Wed Jan 20 2021 11-18-10

2404 Fair photo

2404 Fair photo 2

2404 Fair photo 2

2404 Fair map from auditor

The applicant was not present for this application. There was no discussion or vote. The Board moved to the next agenda item.

g. Application No.: BZAP-20-45

Applicant: Ryan Brothers Landscaping

Owner: Clifton Partners LLC

Address: 2121 Clifton Ave.

BZAP Request: The applicant is seeking architectural review and approval for a 120sq' deck/stair addition connecting to a proposed 480sq' open terrace. The applicant is also seeking a variance from Bexley Code Section 1252.09(R-3 Zoning) which limits building lot coverage to 25% and overall hardscape and building lot

coverage to 50%, to allow the building lot coverage to be 49.9% and the overall building plus hardscape footprint to be 91%

[2121 Clifton Aerial photo](#)

[2121 Clifton Ave App](#)

[2121 Clifton Ave site plan](#)

[2121 Clifton Ave rendering](#)

[2121 Clifton photo](#)

[2121 Clifton Ave. landscaping](#)

Pat Ryan was sworn in.

Rose reviewed background information with the Board for this application. The site is a higher grade in the center in the rear yard. The proposed steps would be coming out the back deck and some leading to the terrace. The footprint and site development exceeds the building. Some changes have been made to the proposed landscape, but staff finds it appropriate with the condition that the Landscape Consultant review any landscape changes or modifications.

The applicant reviewed details about the application with the Board. Currently in the back yard there is an unusable 20 x 20 pad of concrete. The applicant is proposing to remove it and turn the back yard into more usable space. There would be a series of drains installed to service runoff. Tuner asked what the height of the fireplace unit would be and its distance to the fence. The applicant stated it would be 9' tall and 14' from the property line. Foliage is proposed to use as screening. Rose added that this plan was shared with the neighbor and they had no complaints. Bokor added that this application was approved as a consent agenda item in the Architectural Review Board meeting.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-45 for the property located at 2121 Clifton Avenue: The Board accepts the positive recommendation from the Architectural Review Board for a Certificate of Appropriateness. Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.09(R-3) to allow the building foot coverage to be 50 percent, and to allow the overall lot coverage to be 91 percent, in accordance with the plans submitted on January 28th, 2021, with the condition that the landscape plan is further subject to review and approval by the Landscape Consultant.

The applicant understood the Findings of Fact.

Sean Turner made a motion to Approve - 'g. Application No.: BZAP-20-45
Applicant: Ryan Brothers Landscaping
Owner: Clifton Partners LLC

Address: 2121 Clifton Ave.

BZAP Request: The applicant is seeking architectural review and approval for a 120sq' deck/stair addition connecting to a proposed 480sq' open terrace. The applicant is also seeking a variance from Bexley Code Section 1252.09(R-3 Zoning) which limits building lot coverage to 25% and overall hardscape and building lot coverage to 50%, to allow the building lot coverage to be 49.9% and the overall building plus hardscape footprint to be 91%' Motion seconded by Heidi Wagner-Dorn.

Vote 6 - 0 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

h. Application No.: BZAP-20-47

Applicant: Todd Parker

Owner: Shylee Grossman

Address: 50 N. Drexel Ave.

BZAP Request: The applicant is seeking architectural review and approval to allow a Pool house in the front, side yard. The applicant is also seeking a variance from Bexley Code Section 1252.15(g) accessory structures shall be permitted only in the rear yard, to allow a proposed pool house to be in the front, side yard, 26'9" from the front (west) property line and 5'4" from the south side property line. The applicant may opt to present an attached version of the pool house with the connection of a low stone wall between the pool house and the principal structure, which would then be a variance from Bexley Code Section 1252.09 (R-3 Zoning) which requires a 12' side yard setback and a 30' or average existing dwelling setback (whichever is greater) setback from the front yard property line, to allow the pool house addition to be located 26'9" from the front property line and 5'4" from the side yard property line.

50 N Drxel APP

50.N.DREXEL. plans

50 N. Drexel.elevation

50 N. Drexel revised plan

Todd Parker and Andrew Grossman were sworn in.

Rose reviewed background information for this application with the Board. This is a corner lot that faces Clifton but the address is Drexel and is platted to Drexel. This application was before the Architectural Review Board to discuss the design and modifications were made to the original plan based on that meeting.

Bokor reviewed design comments with the Board. This application was heard by the Architectural Review Board for a recommendation to come to this Board. Comments from the ARB members included redesigning the architecture to match the original house in the event screening shrubbery is ever removed. The applicants have made modifications to the design based on the ARB's feedback, and needs to go back to the ARB for further architectural review. There are not a lot of options for the placement of a pool house on this lot.

The applicant discussed the proposal with the Board. The design has been modified to match the existing home. Stone is proposed on the west wall facing Drexel. This new version indicates the window on the west elevation looks like a door. The site is odd in that the address is Drexel but the front door faces Clifton. The proposed structure will appear like a gatehouse from Drexel.

Mr. Grossman said that he and his wife installed the existing shrubbery and that it provides privacy from street and pedestrian traffic. They intend to maintain it.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-47 for the property located at 50 N. Drexel Avenue: Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.15(g) to allow a pool house in the south side yard, and Bexley Code Section 1252.09(R-3) Zoning to allow the pool house to be 26'9" from the front west property line, with the condition that the applicant return to the Architectural Review Board for final design review and approval.

The applicants understood the Findings of Fact.

Alissha Mitchell made a motion to Approve - 'h. Application No.: BZAP-20-47

Applicant: Todd Parker

Owner: Shylee Grossman

Address: 50 N. Drexel Ave.

BZAP Request: The applicant is seeking architectural review and approval to allow a Pool house in the front, side yard. The applicant is also seeking a variance from Bexley Code Section 1252.15(g) accessory structures shall be permitted only in the rear yard, to allow a proposed pool house to be in the front, side yard, 26'9" from the front (west) property line and 5'4" from the south side property line. The applicant may opt to present an attached version of the pool house with the connection of a low stone wall between the pool house and the principal structure, which would then be a variance from Bexley Code Section 1252.09 (R-3 Zoning) which requires a 12' side yard setback and a 30' or average existing dwelling setback (whichever is greater) setback from the front yard property line, to allow the pool house addition to be located 26'9" from the front property line and 5'4" from the side yard property line.' Motion seconded by Heidi Wagner-Dorn. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- i. Application No.: BZAP-20-51 Applicant: Hristana Panovska Owner: Matthew & Abigail Grossman Address: 231 N. Drexel BZAP Request: The applicant is seeking architectural review and approval to allow an addition to the existing detached garage. The applicant is also seeking a variance from Bexley Code Section 1252.15(a) which limits an accessory structure to thirty-five (35%) of the building footprint of the principal structure or 624sq', whichever is greater, to allow a 440sq' addition to the existing 560sq' detached garage.

231 N Drexel App

Hristana Panovska was sworn in.

Rose and Bokor reviewed staff comments with the Board. This application is for a proposed addition to an existing detached garage. The applicant is asking for a variance from Bexley Code Section 1252.15(a) which limits an accessory structure to be 35 percent of the footprint of the principal structure. The porch is proposed to be covered, not enclosed. There were a few details staff recommended changing, which the applicant agreed to. The Architectural Review Board voted for this application as a consent agenda item, noting for the applicant to comply with changes worked on with staff. There was no condition for this to return to the ARB but design changes would be reviewed by staff.

The applicant reviewed information for this application with the Board. The porch addition would accommodate a future pool. The open porch would have a small covering and a decorative pergola. It would exceed the allowable limit of an accessory structure by one percent. The location is private and screened by mature trees. Rose added that it would be an open structure.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-51 for the property located at 231 N. Drexel Avenue: The Board accepts the recommendation from the Architectural Review Board. Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.15(a) to allow a 440sqft open addition, with the condition that minor architectural changes to the columns and arches be subject to final design review by the Residential Design Consultant.

The applicant understood the Findings of Fact.

Ryan Schick made a motion to Approve - 'i. Application No.: BZAP-20-51

Applicant: Hristana Panovska

Owner: Matthew & Abigail Grossman

Address: 231 N. Drexel

BZAP Request: The applicant is seeking architectural review and approval to allow an addition to the existing detached garage. The applicant is also seeking a variance from Bexley Code Section 1252.15(a) which limits an accessory structure to thirty-five (35%) of the building footprint of the principal structure or 624sq', whichever is greater, to allow a 440sq' addition to the existing 560sq' detached garage.' Motion seconded by Sean Turner. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- j. Application No.: BZAP-20-48
Applicant: Community Builders
Owner: Sally Woodyard
Address: 2300 E. Livingston

BZAP Request: The applicant is seeking architectural review and approval to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished. The applicant is also seeking a Conditional Use approval in the Commercial Service District, to allow residential use on all levels of this 3-story structure.

2300 E. Livingston A1.00

2300 E. Livingston A1.21, A1.22, A1.23

2300 E. Livingston A-2.23

2300 E. Livingston Floor plan

2300 E. Livingston EL Thu Dec 17 2020 15-20-37

2300 E. Livingston Landscape

2300 E. Livingston App

elevations for 2300 Livingston

Alissha Mitchell recused herself from the discussion and vote for this application and the next application.

Bokor provided background information for this application with the Board. This application was before the Architectural Review Board for a recommendation to the Board of Zoning and Planning, with the condition that it be remanded back to the ARB for full design review. Behal confirmed that this Board is not looking at the design, only the zoning and variance issues. Bokor said that the ARB did not support this unless the condition was included that all design review was remanded back to them.

Jason Sudy reviewed the staff report with the Board. Mr. Sudy said to note that this is in a Commercial Service District and is unique in the city. It is an auto-friendly district and other businesses on Livingston tended to be heavy traffic commercial businesses. He wanted to convey to everyone that there is a wide berth of allowed zoning permitted uses, not always considered by neighbors to live near these properties, but that this is a unique situation. This location is at the end of a Commercial Service District and boundaries a residential section. The applicants are asking for a Conditional Use approval. This district is designed to be more geared toward auto use and recently more mixed use design standards were used for this approach. The applicant needs a Conditional Use approval on the first and upper floors. They also require a Certificate of Appropriateness approval based on the design site, architecture, and other elements. He added that this should be sent back to the ARB and Tree and Public Garden Commission. Mr. Sudy said there were key points for the Board to consider, which included site development regulations for this district, setback requirements, and height limitations. This property's height is proposed to be 45', which meets the city's standards. There are also design standards for consideration, one of the most important being the design in the different districts. Standards have been met in accordance with Bexley Code Section 1254.12. Final landscaping should be returned to the Tree and Public Garden Commission. The

applicant has committed to include a landscape plan as well as a fence, but will need to include other final details for items such as dumpster enclosures. Only Commercial Services can ask for permitted uses, and Conditional Uses are for residential requests. There is no standard specifically outlined for this district. The closest example would be a Mixed Use Commercial district. In terms of parking, following the criteria for an MUC, it allows for 30 parking spaces for 27 units. Staff feels the applicants have met the Conditional Use criteria in the Bexley's Code Section 1226.12(b)(a)(h). Mr. Sudy then proceeded to read them verbatim. He added that staff recommends all plans, if approved, be in conformance as seen in tonight's meeting, held on January 28th, 2021. Levine asked if there was a tax abatement for this project. Mr. Sudy said he was not sure. Schick asked if parking is included with all development. He wanted to ensure there would not be any on-street parking. Mr. Sudy said it would be on-site.

Nicole Boyer, Jeff Beam, Kevin Dreyfuss, and MJ Kavourias were sworn in. Mr. Beam said that The Community Builders have been working on two projects with the CIC for two years and are excited to be moving forwards. The Community Builders is a 501(c)(3) non-profit, who develop, own, and manage developments in other locations that are similar to this proposal. They join with local partners and stay invested in the community as stakeholders. The Columbus team focuses on housing opportunities and affordability. They investigated a number of sites with the CIC and feel that this is a good transitional location where residential and commercial meet. TCB and the CIC are partners on both projects but each has a single owner and the land ownership would function differently.

Nate Green and Sarah Gold from the CIC were sworn in. Mr. Green is president of the CIC and is also a Bexley resident. The CIC is the development arm of the city, and all members are appointed by City Council. The CIC was involved in the moving of City Hall, the Giant Eagle Project, and they own Bexley Square and several other properties within the city. The CIC is involved in this location as a partner, but not a monetary partner. The CIC is involved in the proposal for the 420 N. Cassady project. They will be the owner and operator of the commercial space proposed on its ground floor. The CIC and TCB have been working together for two years and these two locations recently became available in the past couple of months. Sarah Gold said the CIC is happy to partner with TCB. In 2018, the CIC put out a request for information with developers to locate opportunities. The CIC is a local presence and cares about the work they do in the city. The TCB brings expertise for mixed-income housing and the CIC brings expertise to the commercial component of the projects.

Nicole Boyer provided an overview of what the project is. It is for mixed-income housing for a range of demographics in economics and composition. The request for approval tonight is the first step in a multiple step process. This step would help secure project funding. The outreach to the community was not done earlier because they did not have site control until December of 2020. The ARB was the first time this application was seen. Construction would not begin until potentially in Spring of 2022. An architectural firm in NE Ohio has been working with TCB for several years and have experience designing for the Columbus area. This project is proposed to include 27 units in three stories. Schick asked what the miles per hour is facing the building on Livingston. The applicant said 35 mph. Schick asked about the safety of having children in that location. Behal said there were single-family homes along Livingston that housed families.

Ellen Evans, resident at 965 Francis Avenue, was sworn in. Ms. Evans said that it is a misnomer that 30 cars will feed 27 units and that there would not be on-street parking on Francis. She said that the street is a major artery to Capital University. Ms. Evans said that if there were parking on both sides of the street it would not be safe. She questions that much traffic at the Livingston/Francis corner, which she added is already congested enough. Adding this property would add more traffic to the current flow, and it is already difficult to turn left from Francis onto Livingston. She questioned how the noise from the street would affect this property, and added that she can hear the traffic from inside her own home. She said that this is a difficult situation to make it truly livable. She has no problem that it is affordable housing, but would like something developed that blends better with its neighborhood.

Peg Horvath, resident at 959 Francis Avenue, was sworn in. Ms. Horvath said that she has lived in apartments before and felt that they will not find that there are only three couples with two cars in a building with 27 units. She lives two houses down from Pleasant Ridge and has experienced the same traffic issues as Ms. Evans. She thinks it is ridiculous to put that many units at this location. She would like to see bigger units proposed, but even if it was shrunk down to 21 units, it would still have more cars.

Dustin Snow, resident at 990 Francis, was sworn in. Mr. Snow said that parking is a large concern. He asked for someone to reference the Code used for parking for this project. Mr. Sudy said for this district for a Conditional Use there was no specific requirement for parking. What was used for this project was Bexley Code Section 1262.02(c), as amended by Council. Mr. Snow is curious how parking can be managed in a city like Bexley, where less than 5 percent of residents own cars. He asked if this location provides adequate parking so Francis Avenue will not be used for on-street parking. He added that he does not see the Code that applies to allow parking, how that works, and that he thinks it is a reasonable request to consider, not a mandatory requirement, to continue the discussion with the neighbors. Turner asked if that information was available at City Hall. Rose said it was and can be sent via email.

Bridget Tupes, resident at 2316 Livingston, was sworn in. Ms. Tupes is concerned about the location's proposed setback from Livingston. She has seen numerous homes and garages hit by cars and has serious concerns for pedestrians walking along Livingston as well as those proposed to live on the first floor of this property. She said that Livingston is different than Main or Broad in that there is a delineation from commercial and residential. She added that she did not receive notice for the ARB about this proposal until the day of the meeting, and echoes the concerns of her neighbors.

Dawn Holmes, resident at 906 Pleasant Ridge, was sworn in. Schick stated if residents did not receive sufficient notice to proceed with care tonight. He made a Motion to Table the discussion to provide proper notice to the public. No second was made. The Motion to Table did not pass. Ms. Holmes continued to state her concerns for this project. She said that it was a three story building that is surrounded by one-and-a-half story homes. She said there is a dramatic difference and creates an imbalance. The number of units proposed would add 50 to 80 additional residents in one spot. She said if it were scaled down it would fit in better with the neighborhood. Rose said residents not within a 300' radius did not receive notice. Behal said Ms. Holmes already gave testimony.

Ajay Garlapati, resident at 981 Francis Avenue, was sworn in. Mr. Garlapati said that he and his wife looked at the proposal and do not like the parking proposal, and that not everything was stated on the website. He and his family live within a 300' range of this location and he did not get notice until the day of the meeting. He said that the structure of the building is different than the rest of the surrounding buildings. He said that traffic is dangerous on Livingston, and he would like more information on the relationship between the CIC and TCB. He asked if anyone else had a financial relationship with this proposal. Melissa Garlapati was sworn in. Mrs. Garlapati said she had many concerns of the building development itself. She researched TCB and found other locations in Ohio and Kentucky, and recommended Council research on the building development of the TCB. She named a property in Kentucky and asked if TCB managed it. The applicants said they did not. Mrs. Garlapati said she read multiple reviews from tenants in other TCB developments and did not think it was a good idea to mix seniors with children.

Jason Mackay, resident at 980 College Avenue, was sworn in. Mr. Mackay said that he did not receive the first notice but did receive one on January 13th for the ARB meeting. He said he walks his dog by this property every day and did not see a sign in front of this property until the day of the ARB meeting. He said there are 27 units proposed, potentially 58 bedrooms, and 30 parking spots. He said the project is too dense architecturally. Just because it meets Code does not mean it needs to meet it. He thinks the setback is inappropriate for the space and is too close to the street. It is dangerous. He said people would have to drive instead of walk to get to close attractions. He said that there are kids who live along these two streets but they have backyards. For this application the current renderings show the building looking directly into other people's backyards. He thinks lighting is a concern, understands there is a timeline for funding but suggested not to approve the application without conditions. He thinks this would be great for Bexley but wished a meeting with the applicants had taken place before.

Roger Singletary was sworn in. Mr. Singletary has concerns similar to his neighbors. He referenced the MORPC website which indicated this location has a high number of accidents. A student was hit while crossing Livingston and traffic was detoured to the residential streets. No officers were sent. He is glad to hear comments about a greenspace being set up but noted that is difficult for young children to play there without supervision. He also wanted to point out that he did not receive notification for ARB until January 13th. He did state that he does not think it will decrease local property values.

Anna Massen, resident at 984 Francis, was sworn in. Schick said that there were numerous instances of improper notice and to exercise caution moving forward with the discussion. Behal said he was not sure it made sense to stop the process of listening. Rose said that the first notice was sent to residents in 200' of the property, which is per Code, but a second notice was sent out which extended to 300' as a courtesy, which is not required for Code. Catherine Cunningham said that the notice sent for BZAP was received on time. Ms. Massen continued and said that she is not against increasing housing density, that Council approved this as an ordinance, and that Bexley is a special place to live. She referenced South Bexley Neighborhood Association's involvement in shedding light on the Livingston Avenue issues and dangers and said this section was one to avoid for pedestrians. She said that children living in this area is dangerous at this intersection. She added that there are true

single-family homes with kids but that they have yards to play in. She said it is difficult to envision residents from this building walking to Schneider Park, and to understand that not everyone has a car. She also suggested having a shadow study done because the height of the building could block the sun.

Phil Mascari, resident at 805 Pleasant Ridge, was sworn in. He had two quick questions. He said that if the demographics included teachers and librarians it could also include felons and sex offenders. He asked if the Board members would be willing to be responsible for whatever crime might come about due to these new units. The applicant stated that they have screening for potential residents in place, but people have a legal right to rent a unit, and adding that Fair Housing can not discriminate.

Leah Turner, resident at 993 Francis, was sworn in. Ms. Turner said she never received notice and is within 200' of the property. She said nothing in the diagram mitigates people looking at her property all day long. She said that because of the parking design the lights will go straight into her property. She said that there is no substantial landscaping, and to reduce the size so it looks like it fits in with the neighborhood.

The applicant said that on the current site condition there is a 6' fence that the parking lot abuts. They are proposing to install an 8' fence with a small grass buffer as a barrier. The fence is proposed to be taller and is intended to block and buffer headlights. Jason Sudy said that an 8' tall fence is required in Zoning and specific standards to any MUC property that backs up to a residential area, and is non-negotiable. In regards to the design and materials, that will be discussed as they move through the process. The applicants said they will continue to tweak the parking area and landscaping with multiple parties throughout the process.

Todd Kellner, resident at 854 Francis Avenue, was sworn in. Mr. Kellner said that a project with this impact should reach beyond those with 200' standing and include all of the residents on Francis Avenue. He said that there is one opportunity to develop this correctly and from what he heard tonight there is a lack of ownership of the CIC on this site. He would like answers in relation to rental terms because short-term rentals are a big concern. He wanted to reiterate that this is a 58 bedroom building, that families have vehicles, and four on property is smaller than the average parcel on Francis. He said that they are missing the mark on this project and more voices need to be heard.

Schick said they have heard a lot of testimony tonight and asked to Table. Bokor said there were two more people waiting to speak and to hear the people who are left.

Henry Gruesen, resident at 984 Francis Avenue, was sworn in. Mr. Gruesen said he received ARB notice the day before the meeting. He talked to people who know his concerns but this sounds like a money-grab for the developers. He is concerned about parking, that his street is a public street and typically offers two on-street parking spaces for single-family homes. He said to consider two spots per unit proposed, that 58 bedrooms could potentially be 58 cars. He said that replacement housing for Ferndale-Mayfield residents has been a thorn in the city's side for years, and police are called out there quite often. He said affordable housing has not been good and would increase crime in his area.

Julie Mosca, resident at 987 Francis Avenue, was sworn in. Ms. Mosca received

notification for the ARB meeting the day before the meeting, and there was no sign in front of this property until the day of that meeting. She said that the inclusion of greenspace was nice to hear but she has never walked her children to Schneider Park from her home. She said having access to local attractions is nice, but if this is an affordable housing proposal, how affordable is it to access those same attractions.

Behal asked the Board to consider the best way to handle the situation after hearing from presenters and residents. Shick said to Table it for one month if the neighbors agree to that. Turner said that he agreed with Tabling but wanted to respect the applicant's time. Schick offered to start with parking. Turner said parking was an issue at this location. The applicants said that they brought data about parking from other properties. Behal said the BZAP was not the right forum for this kind of situation and it sounded more suited for an open discussion where the applicants can engage with the public to answer them. He said for now to focus on the proposal they are looking at tonight. Dorn said she agreed with parking concerns and concerns about density, as well as safety issues with first floor units on Livingston especially if there are children in those units. Dorn suggested making the units bigger or having two stories for residential and the first floor to be mixed-use, and for it to be more compatible with the neighborhood.

Behal entertained Schick's motion to Table the application. Dorn seconded the Motion.

The applicant said a flyer had been created with his contact information and offering for a public meeting, but only a few people showed up for that. He is willing to have more open discussion as the project advances.

Ms. Cunningham wanted to remind the Board that this is a quasi-judicial hearing and why residents with standing are important. She cautioned the members to discuss this outside of the hearing process. She said notification for this meeting was timely and if notification had not been received members from the public would not have been present for this meeting. She said that there was a lot of discussion related to the ARB, that they request this application return to them, and that both Boards offer ways to be present in their meetings. She added that the application is not re-noticed when it is Tabled, but the information is available on the city's website and included in the Minutes.

Ryan Schick made a motion to Table - 'j. Application No.: BZAP-20-48

Applicant: Community Builders

Owner: Sally Woodyard

Address: 2300 E. Livingston

BZAP Request: The applicant is seeking architectural review and approval to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished. The applicant is also seeking a Conditional Use approval in the Commercial Service District, to allow residential use on all levels of this 3-story structure.' Motion seconded by Heidi Wagner-Dorn. **Vote 5 - 0 - passed.**

FOR: Ryan Schick, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

RECUSED: Alissha Mitchell.

k. Application No.: BZAP-20-52 Applicant: Bexley CIC Owner: Bexley CIC Address: 420 N.

Cassady Avenue BZAP Request: 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 in accordance with Bexley Code Section 1262.02 which requires 1 space per residential unit and additional spaces based on the commercial use and square footage to allow 14 spaces for 16 Residential Units and up to 3,600sq'of commercial space on first floor.

[420 N. Cassady Landscape Plans \(updated\)](#)

[420 N. Cassady A1.01](#)

[420 N. Cassady A1.11](#)

[420 N. Cassady Bexley Apartments Project Summary](#)

[420 N. Cassady A2.12](#)

[420 N. Cassady 2021-01-07 Elevations\[11634\]](#)

Nate Green asked to Table this application for now as well.

Jason Sudy reviewed background information for this application with the Board. This proposal is a similar circumstance with a different criteria and additional elements. This application needs a Certificate of Appropriateness but in this situation there is no Conditional Use, but would need a parking variance based on the 16 residential units proposed. On-street parking is a possibility at this location, but the challenge is finding where those spaces would be. There would be 14 on-site spaces, but other than that the proposal has met the design standards for its district.

The applicants discussed the proposal with the Board. The CIC has a contract to purchase the property. The property has undergone Phase I and Phase II of an environmental study. The ground floor would be commercial and apartments would be on the top two floors. Behal asked how many retail spaces would be located on the ground floor. The applicants said they have not determined that yet. Behal asked if the building would face Cassday and parking would be in the back. The applicant said it would. Dorn asked the applicants to address parking. The applicants stated they have data around comparable projects. On average, 80 percent of the lot is full but the applicants will come back with better data on that number. They applicant said that 12 spaces are on site and two more on-site for employees or residents. Cassady has on-street spaces available for parking that are not in front of people's homes and they would like to take advantage of that. Sarah Gold said that per Code, 23 spaces are required. They are providing on-site parking and additional on-street parking, and would provide 24 spaces total between the two.

Jeremy Ray, resident at 421 N. Cassady, was sworn in. Mr. Ray is concerned about parking and asked where they came up with that being enough spaces, especially not knowing what the business is. He said there would have to be parking for customers, and thinks that there would be too much on-street parking for this project. Mr. Ray said that Cassady is a main corridor for all of Bexley and Cassady is not wide enough for parking on both sides of the street. He said ambulances have been up and down

the street a few times and the city should have a plan in place to accommodate parking for this project. He added that the crosswalks were terrible on N. Cassady, and said that these two projects feel rushed.

Taylor Stewart, resident at 2700 Columbus Avenue, was sworn in. Ms. Stewart said it was not true that families just starting out have two to three cars. She said having a mixed-use space would increase her property value and provided a needed service in the area. She does not think crime is going to be a problem in relation to this project.

Katie Jay, resident at 421 N. Cassady, was sworn in. Mrs. Jay said she was also concerned about emergency vehicles being able to get through, as well as the crosswalks on N. Cassady. She said it is dangerous for kids walking to school to cross Cassady. Mrs. Ray said there will not be enough places for visitors to park and could end up parking on her side of the street, directly across from this property. She added that she did not think it was fair to make residents already living there to have to park on the street to bring their groceries in the house. She added that this area is designed to be more of a residential area and she and her family moved to N. Bexley so they did not have to live so close to commercial sections of the city. She said that Bexley is unique and that the creative people involved in this project can come up with something better.

Aaron Hebert, resident at 2261 Columbus Avenue, was sworn in. Mr. Hebert's major concern is getting in and out of his garage. Having this property would increase traffic and congestion in his area. Parking on Cassady has been a problem in the past but is getting better, however what is proposed is not enough spaces and will add to parking congestion. He said the count does not include customers for the retail space, or for visiting family and friends. He said that it creates a lack of privacy, and also mentioned what happens if the retail space does not monitor their trash receptacles. He noted other current businesses along Cassady have receptacles that are overflowing. He said the heart is in the right place but there are things to work through for this project.

Sabrina Reynolds, resident at 2671 Columbus Avenue, was sworn in. Ms. Reynolds said that there are a lot of kids in the neighborhood and she is worried about increased activity. She asked where will the kids at this location go for greenspace. She said that this is a large proposal for the space, and she would like to access information for the contaminated demolition and construction sites.

Matthew Brown, resident at 2596 Stanbery Drive, was sworn in. Mr. brown said that most homes around this location do not have driveways and parking is mostly on-street. The alleys are tight and there is barely enough room for a truck to get through. He said that it would be difficult to have two-way traffic in the alleys. He said people will speed up and down Cassady and parking will overflow onto the side streets. Mr. Brown thinks that pulling the building all the way to the street and having parking in the rear is out of place, and encouraged for parking in front of the business like the other commercial spaces on Cassady.

Adam Lee, resident at 2654 Ruhl Avenue, was sworn in. Mr. Lee said that he is concerned about parking for this location. He said that it is next to small, single-family homes as well as a yoga studio. He said that even though there are not events held there right now, the yoga studio is allowed to hold events there. The future events will require more parking with overflow on residential side streets. He moved here from

the Short North because of variances like this passing there. He had trouble parking and moved here to avoid that.

Behal asked the applicant if he made a Motion to Table. Mr. Green said that he did. He would like to Table the application and bring something back to address the neighbor's concerns.

Sean Turner made a motion to Table - 'k. Application No.: BZAP-20-52

Applicant: Bexley CIC

Owner: Bexley CIC

Address: 420 N. Cassady Avenue

BZAP Request: 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 in accordance with Bexley Code Section 1262.02 which requires 1 space per residential unit and additional spaces based on the commercial use and square footage to allow 14 spaces for 16 Residential Units and up to 3,600sq'of commercial space on first floor.' Motion seconded by Heidi Wagner-Dorn.

Vote 5 - 0 - passed.

FOR: Ryan Schick, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

RECUSED: Alissha Mitchell.

7. Other Business

- a. Application No.: Exempt Applicant: Kenny Brown Owner: Kenny Brown Address: 2062-2068 E. Main ARB Request: The applicant is seeking approval of a façade grant for proposed up-lighting of the building located at the Northwest corner of S. Drexel Avenue and E. Main Street.

2262 E. Main accent lighting facade grant additional materials

Facade Grant Application packet

Mayor Kessler presented information for this proposal with the Board. The applicant applied for grant funding to go towards the cost of this improvement. Funding for façade grants on 35% of the cost on improvement, and some funding was appropriated in the 2020 budget for that purpose. The Mayor requested BZAP to review and see if it looks like it would be an improvement to the façade. The proposal is for up-lighting the front of the building. That improvement can be allowed by staff. It would be a soft white light on the north west corner of Drexel and Main, on the south façade facing Main and east facade facing Drexel. Examples are included and are akin to the Gateway on E. Main Street. The city would like to know if BZAP finds this an appropriate use of funds. This is not a design or variance approval but strictly a review for facade funds. Behal said he thinks it is a perfect location for facade lighting, provides good visibility, and is a good idea. Mayor Kessler said this is a minor amount of funding, like the funding for window boxes which were through a facade grant program we well.

Behal asked the members for an up or down vote.

Vote all in favor: Ryan Schick, Heidi Wagner-Dorn, Sean Turner, Rick Levine, Bob Behal
Recused: Alissha Mitchell

Opposed: None

The facade grant was approved.

The meeting ended at 1:50 am.

8. Adjourn



PUBLIC NOTICE
CITY OF BEXLEY

BOARD OF ZONING AND PLANNING

The Bexley Board of Zoning and Planning (BZAP) will hold a Public Zoom Hearing on the following case on **Thursday, February 25, 2021 at 6:00 PM.** *See City of Bexley website www.bexley.org for the link on the day of the meeting.

The APPLICANT or REPRESENTATIVE must be virtually present at the Public Zoom Hearing. The Board may dismiss, without hearing, an application if the applicant or authorized representative is not in attendance. The Board may move to consider the application in those circumstances where dismissal without hearing would constitute a hardship on the adjoining property owners or other interested persons.

- a. Application No.: BZAP-20-48
Applicant: Bexley CIC
Owner: Bexley CIC
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.

A copy of this application is available 1 week prior to the meeting on the city website www.bexley.org if you have any questions please call the Bexley Building Department at 559-4240.

Notice Delivered: 2-11-2021



PUBLIC NOTICE
CITY OF BEXLEY

BOARD OF ZONING AND PLANNING

The Bexley Board of Zoning and Planning (BZAP) will hold a Public Zoom Hearing on the following case on **Thursday, February 25, 2021 at 6:00 PM.** *See City of Bexley website www.bexley.org for the link on the day of the meeting.

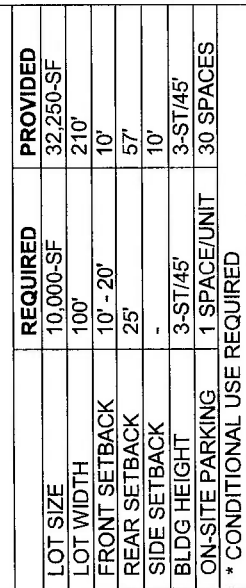
The APPLICANT or REPRESENTATIVE must be virtually present at the Public Zoom Hearing. The Board may dismiss, without hearing, an application if the applicant or authorized representative is not in attendance. The Board may move to consider the application in those circumstances where dismissal without hearing would constitute a hardship on the adjoining property owners or other interested persons.

- a. 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.

A copy of this application is available 1 week prior to the meeting on the city website www.bexley.org if you have any questions please call the Bexley Building Department at 559-4240.

Mailed by: 2-11-2021





Board of Zoning and Planning Meeting Agenda

Thursday, February 25, 2021

6:00 PM

-
- 1) **Call to Order**
 - 2) **Roll Call of Members**
 - 3) **Presentations/Special Guests**
 - 4) **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.
 - 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 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.
 - 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.

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).

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.

B) Application No.: BZAP-20-46

Applicant: Brenda Parker

Owner: Tyler and Allizon 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.

7) **Adjourn**



2300 E Livingston Avenue

Board of Zoning and Planning

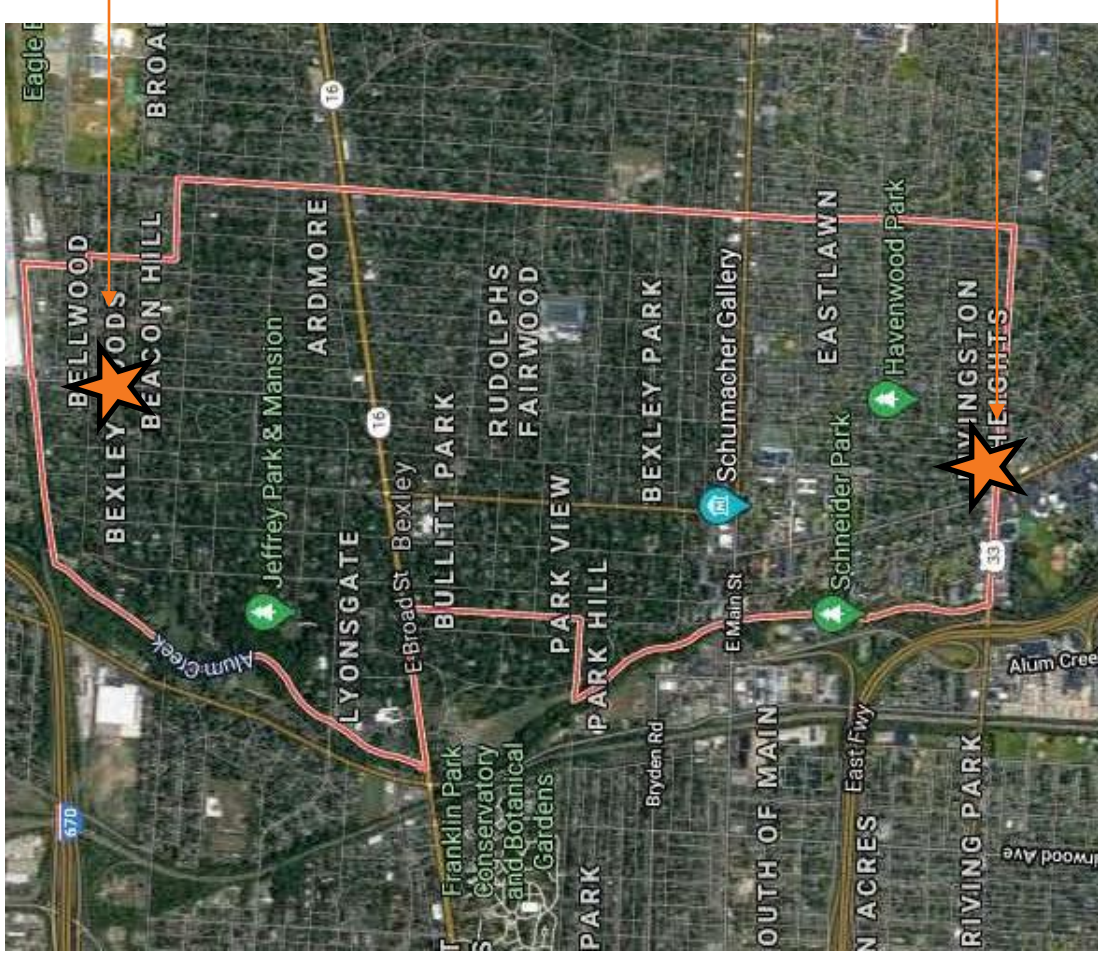
Bexley Apartments – Scattered Site Development

420 N Cassady

- 16 Apartment Units
- ~2,500 SF Retail

2300 E Livingston

- 27 Apartment Units

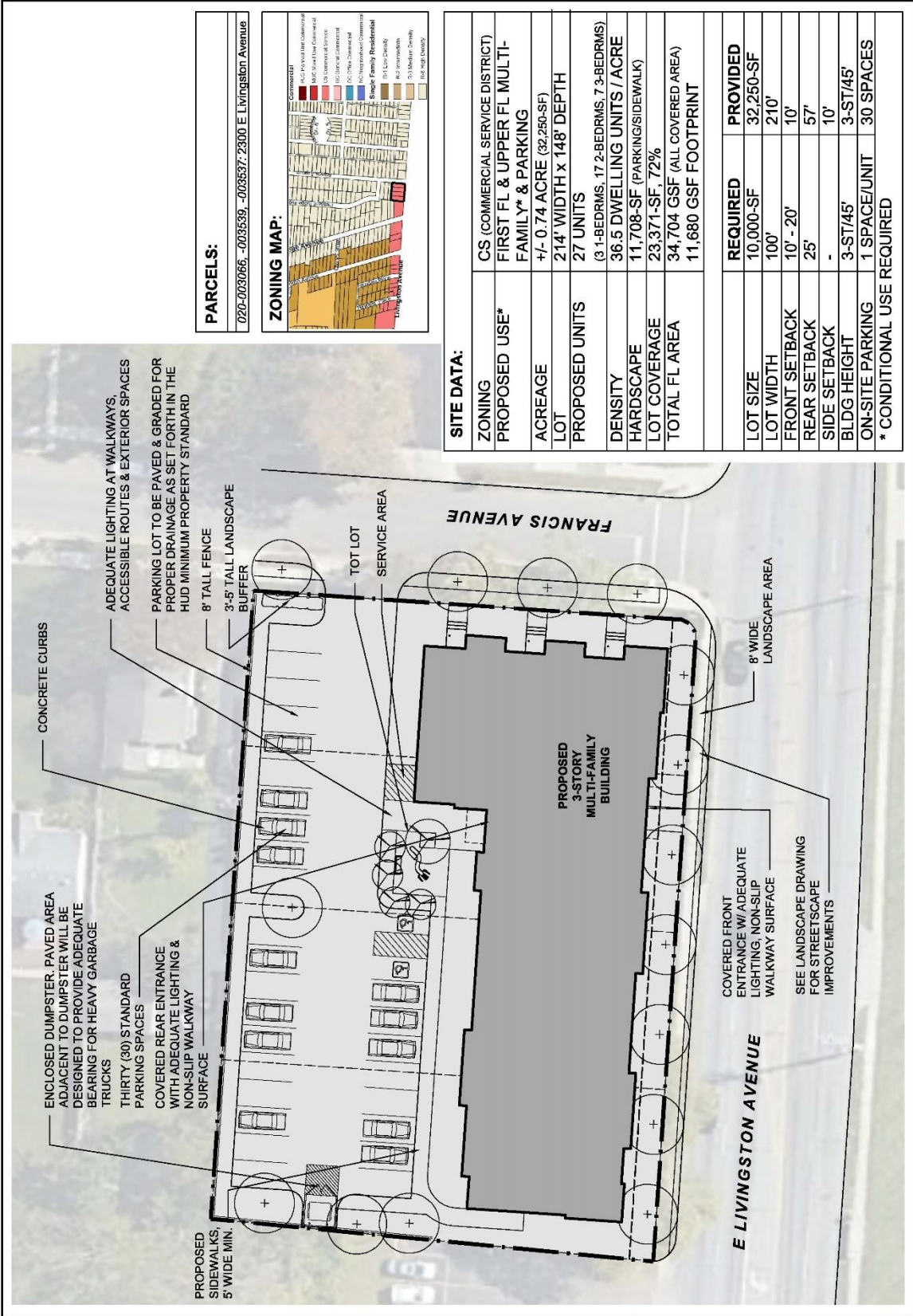


Community Engagement Efforts

- Four Q&A Meetings
- Meetings have included 5 TCB team members across Development, Property Management and Community Life
- 15+ Direct One-on-one Meetings
 - One-on-one and/or Small Group Meetings
 - Call, Meeting or Direct Email Exchanges with 95+ Different Bexley Residents (Over 65 Households)
- Written FAQ Distributed to 48 Neighboring Homes
 - Updated FAQ will be Distributed to Neighboring Homes and Community Groups in Early March



Requesting Approval for Permitted Conditional Use for Residential in CS Zoning District



Conditional Use Criteria (Bexley Code 1226.12(b))

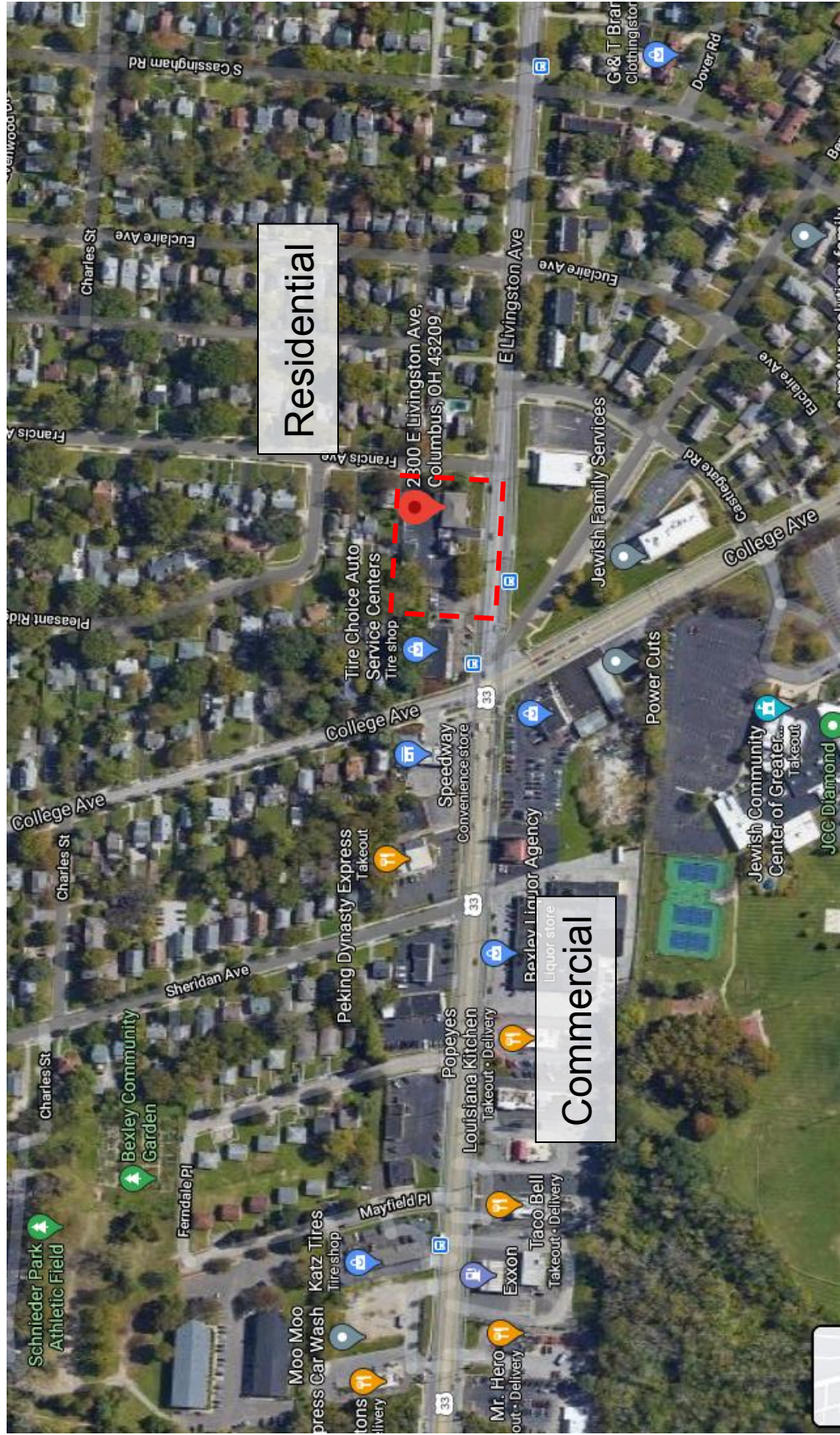
1. The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
2. The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
3. The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
4. The use meets or satisfies the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted.
5. The use does not create an undue burden on existing public facilities and services such as street, utilities, school or refuse disposal.
6. The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
7. The use is in character and keeping and compatible with the adjacent structures and uses.
8. Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

1. The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.

- The proposed residential use aligns with community goals to bring new mixed-income housing opportunities:
- **City of Bexley Diversity Equity & Inclusion Strategy (2020)**
 - Goal #3: Create an Inclusive Greater Bexley Community
 - “Continue to encourage the CIC in their efforts to identify affordable housing opportunities for people with low incomes as part of new development (including but not limited to rezoning and rehabbing current and future building and projects) as well as on its own”
- **City of Bexley Strategic Plan (2013)**
 - “Our vision is a Bexley that is a top-tier community of extremely high quality and excellence that is...centered on families of all kinds”
 - Work Towards Meaningful Redevelopment of Livingston Avenue
 - Ensure affordable housing options continue to be available for residents in the area.
- Committed to continue working with Architectural Review Board to ensure the project design meets the **Main Street Guidelines**

Conditional Use Criteria (Bexley Code 1226.12(b))

2. The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.



3. **The use will not be hazardous to or have a negative impact on existing or future surrounding uses.**
 - The proposed residential use is a conditionally permitted use in the CS District.
 - This use is less intensive than other permitted uses in the CS District in use, traffic and parking:
 - Fast Casual Restaurant
 - Car Wash
 - Auto Repair Shop
 - Convenience Store
 - The project has completed a Phase I ESA and will complete any necessary environmental remediations should they be necessary.

Traffic/Transportation Fast Facts

- Development to provide 31 on-site parking spaces
- Development will remove access to Livingston Avenue
 - Eliminating 2 existing curb cuts
- Comparison of proposed use to permitted uses based on Commercial Service zoning designation
- Trip Generation & Peak Parking Demand Analysis based on Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition and Parking Generation Manual, 5th Edition

Trip Generation Comparison

Land Use	Size	AM Peak Total Trips	PM Peak Total Trips	Weekday Total Trips
221 – Multifamily Housing (Mid-Rise) <i>Conditional Use</i>	27 Dwelling Units	9	13	146
851 – Convenience Market <i>Permitted Use</i>	5,000 SF	312	245	3,810
943 – Automobile Parts & Service Center <i>Permitted Use</i>	5,000 SF	10	12	82
930 – Fast-Casual Restaurant <i>Permitted Use</i>	5,000 SF	10	71	1,576
947 – Self-Service Car Wash <i>Permitted Use</i>	4 Wash Stalls	32	32	1,432

Trip Generation & Peak Parking Demand Analysis based on Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition and Parking Generation Manual, 5th Edition

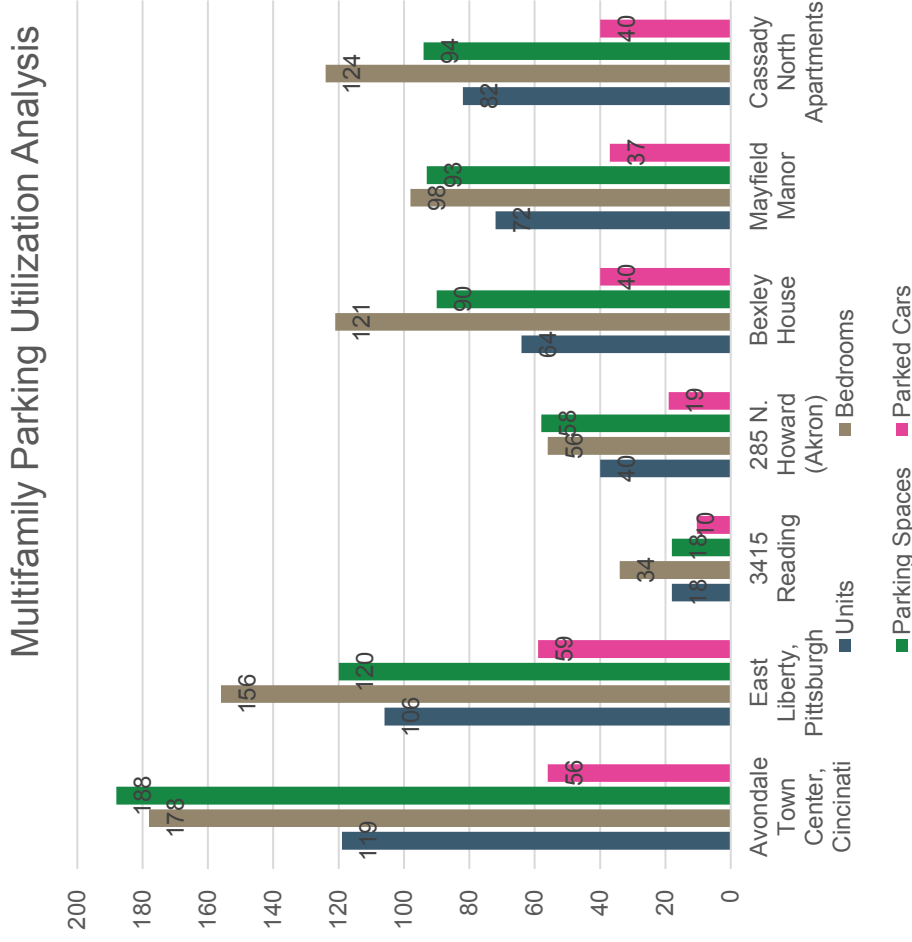
Peak Parking Demand Comparison

Land Use	Size	Peak Parking Demand (vehicles)	Peak Parking Timeframe
221 – Multifamily Housing (Mid-Rise) Conditional Use	27 Dwelling Units	27	10:00pm to 5:00am
223 – Affordable Housing Conditional Use	27 Dwelling Units	27	10:00pm to 5:00am
851 – Convenience Market Permitted Use	5,000 SF	27 (small sample)	Not Available
943 – Automobile Parts & Service Center Permitted Use	5,000 SF	8	10:00am to 4:00pm
930 – Fast-Casual Restaurant Permitted Use	5,000 SF	48	12:00pm to 1:00pm
947 – Self-Service Car Wash Permitted Use	5,000 SF	Not Available	Not Available

Trip Generation & Peak Parking Demand Analysis based on *Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition* and *Parking Generation Manual, 5th Edition*

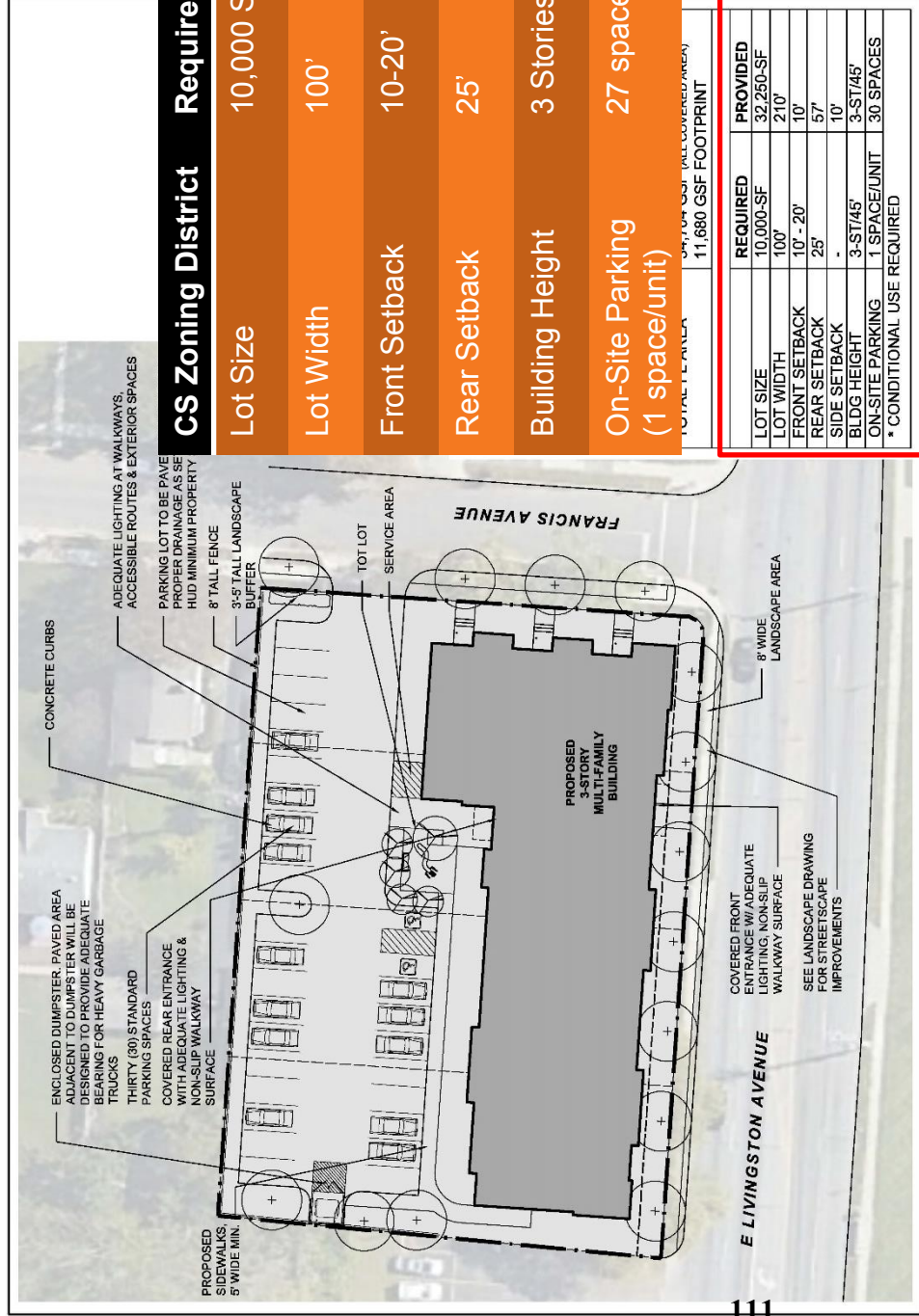
3. The use will not be hazardous to or have a negative impact on existing or future surrounding uses.

- Counted traffic morning, mid-day, evening and weekends for a week.
- Average parking utilization compared to number of units
 - TCB 0.51 cars/unit
 - Bexley 0.54 cars/unit
- Average parking utilization compared to number of bedrooms
 - TCB 0.35 cars/bedroom
 - Bexley 0.34 cars/bedroom



Conditional Use Criteria (Bexley Code 1226.12(b))

4. The use meets or satisfies the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted.



4. The use meets or satisfies the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted.

FENCE IMAGERY



PLANT SCREEN IMAGERY



TOT LOT IMAGERY



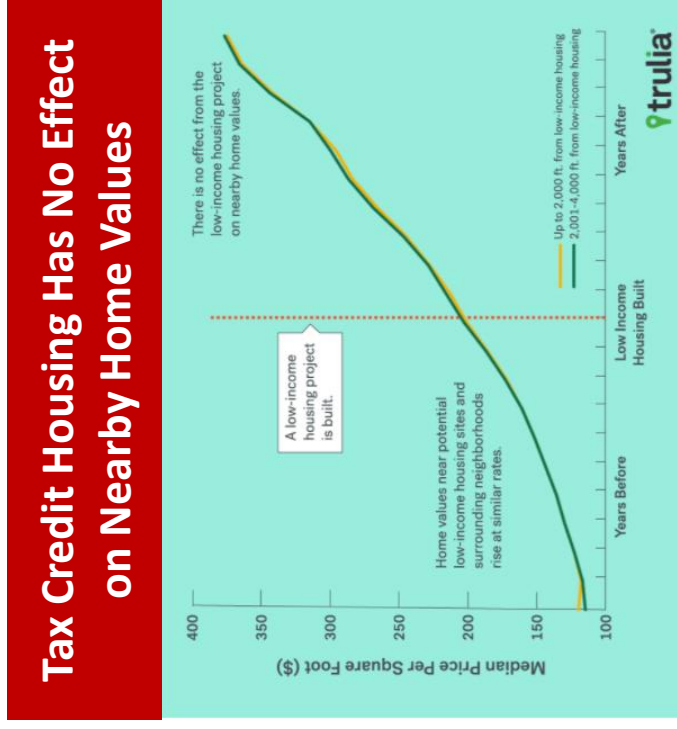
- 5. The use does not create an undue burden on existing public facilities and services such as street, utilities, school or refuse disposal.**
- The proposed development will utilize existing water and sewer connections where practical and feasible.
 - The site has been designed to maximize off-street parking at a ratio of 1.11 spaces per unit, exceeding residential parking requirements for similar MUC zoning districts.
 - No anticipated impact to school district capacity.

6. The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- The proposed residential use aligns with the City's goals of equitable housing development and the redevelopment of Livingston Avenue
 - **City of Bexley Strategic Plan (2013)**
 - *"Our vision is a Bexley that is a top-tier community of extremely high quality and excellence that is...centered on families of all kinds"*
 - Work Towards Meaningful Redevelopment of Livingston Avenue
 - Ensure affordable housing options continue to be available for residents in the area

6. The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.

- Multiple national research papers have found that the construction of Tax Credit housing has no effect, positive or negative, on adjacent home values...especially in markets with limited housing stock and high home values
- The research suggests that the type of affordable housing matters **less than** the quality of the properties' design, management, and maintenance.

*"Don't Put it Here! Does Affordable Housing Cause Nearby Property Values to Decline",
(Furman Center of New York University)*



"There Doesn't Go the Neighborhood: Low-Income Housing Has No Impact on Nearby Home Values" (November, 2016. Trulia.com)

7. The use is in character and keeping and compatible with the adjacent structures and uses.

- The new 3-story residential building engages the Livingston corridor.
 - Provides a transition from commercial density corridor to single-family home
 - Off-street parking and resident gathering space tucked behind the building
- But for the conditional use request for the residential dwellings, the project meets all zoning requirements of a CS District and will meet City of Bexley requirements for perimeter screening and landscaping as well as storm water requirements.
- The architectural style of the building will complement the mid-century and traditional homes while also pulling vertical and horizontal lines from the commercial business district to the west.

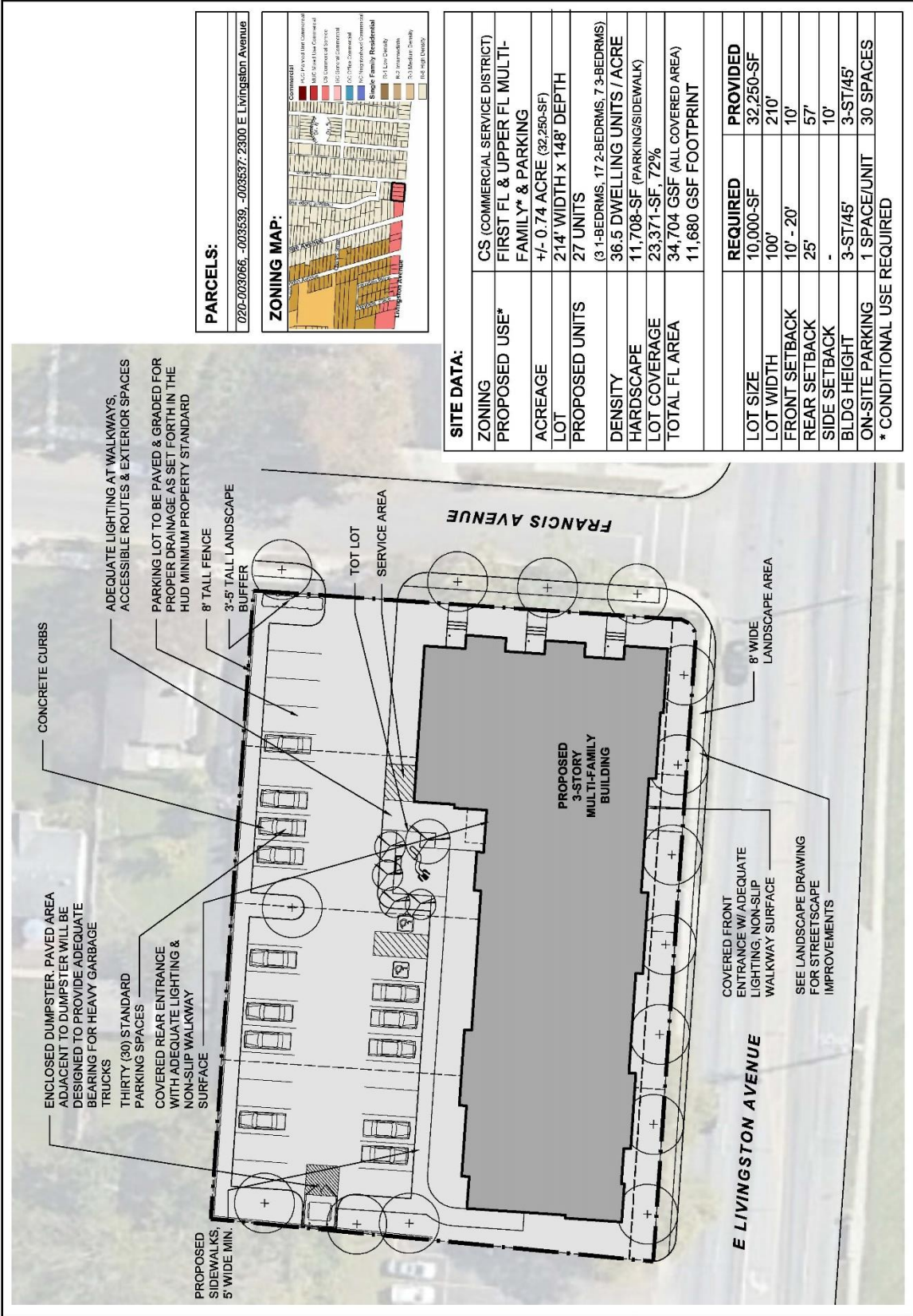
Conditional Use Criteria (Bexley Code 1226.12(b))

8. Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The proposed development will include the demolition of the existing Woodyard Funeral Home and adjacent single-family home fronting East Livingston Avenue, **neither of which is of historic significance or major importance.**



Requesting Approval for Permitted Conditional Use for Residential in CS Zoning District



NAME

ADDRESS



(DUSTIN SNOW)

2-24-21

990 FRANCIS AVE

Hilana Beshay



My commission Expires: 9/27/21



{ SIGNATURES }

NAME

Jessie Turner 2.24.21

ADDRESS

County of Franklin)
State of Ohio)

Came before me Jessie Turner and signed
in my presence.

Natalie M Vawter
Notary Signature



Natalie M Vawter
Notary Public - State of Ohio
My Commission Expires 1.17.2022

{ SIGNATURES }

NAME

L. Turner

2-24-21

ADDRESS

*County of Franklin
State of Ohio*

Came before me Leah Turner and signed in my presence.

Natalie M. Vawter *2-24-21*
Notary Signature



Natalie M Vawter
Notary Public - State of Ohio
My Commission Expires 1-17-2023

{ SIGNATURES }

NAME

ADDRESS

Ajay Garlapati

981 Francis Ave
Columbus, OH 43209

Ajay M
2-24-21

Ajay Garlapati appeared before me in Dublin, OH on 2/24/2021
and is personally known to me.

Jared R. Nolan
2/24/2021



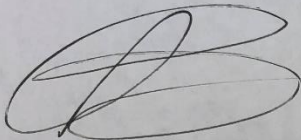
JARED R NOLAN
Notary Public, State of Ohio
My Commission Expires
November 14, 2023

{ SIGNATURES }

1262.02 MINIMUM NUMBER OF SPACES REQUIRED (Red indicates amended items from 2020)

A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

USE		REQUIRED OFF-STREET PARKING SPACES
(a)	Residential in districts R-1, R-2, R-3 and R-6	Two 2 spaces per dwelling unit
(b)	Residential in district R-12	1.5 spaces per <u>dwelling unit</u>
(c)	<u>Residential in district MUC</u>	<u>1 space per dwelling unit</u>
(d)	High-intensive commercial uses, including eating and drinking places, barber and beauty shops, quick service food stores, cafeteria and similar uses	One space per 250 square feet of net floor area
(de)	Low-intensive commercial uses, including home furnishings and large item display establishments	One space per 500 square feet of net floor area
(ef)	Special commercial uses with unique parking characteristics, e.g. hotel, theater or bowling alley	Based on substantiated user estimates, but in no case less than one space per 500 square feet of net floor area
(fg)	Retail sales, service or office uses, not classified above	One space per 300 square feet of net floor area
(gh)	Public and quasi-public uses	One per 5 seats in any public assembly area, or 1 space per 400 square feet of net floor area if no assembly area exists.



Bridgette Tapes
2316 S. Livingston Ave.
Cols. OH 43209

NAME

ADDRESS

Fehd Massen

994 Francis Ave.

~~John Massen~~

Julie Mosca

987 Francis Ave

~~John Mosca~~
(signing off a, b, c, d, g, h only)

JOHN MOSCA

987 FRANCIS AVE

~~John Mosca~~

Jason MacKay

980 College Ave

~~Jason MacKay~~

Timothy O. Madison

956 Pleasant Ridge

TIFFANY CANTFIELD

970 FRANCIS AVE

~~Tiffany Cantfield~~

Metissa Earlapatzi
~~Melissa Earlapatzi~~

981 Francis Ave.

{ SIGNATURES }

CONDITIONAL USE

The proposed project at 2300 E Livingston Avenue is requesting 2 conditional uses for the current Commercial Service district (CS), one for residential use on the first floor, and another for residential use on floors above the first floor (ordinance 1254.09). The Bexley code (1226.12) clearly states when a conditional use request can be approved. Bexley's code is clear on the circumstance that a conditional use is to be approved by BZAP. To reiterate, phrases like, "if, and only if", "intent of the zoning district in which the property is located", "harmoniously with adjacent uses and structures", and finally "if the applicant PROVES the following factors are met", are used. This project does not meet the requirements to be granted TWO conditional uses.

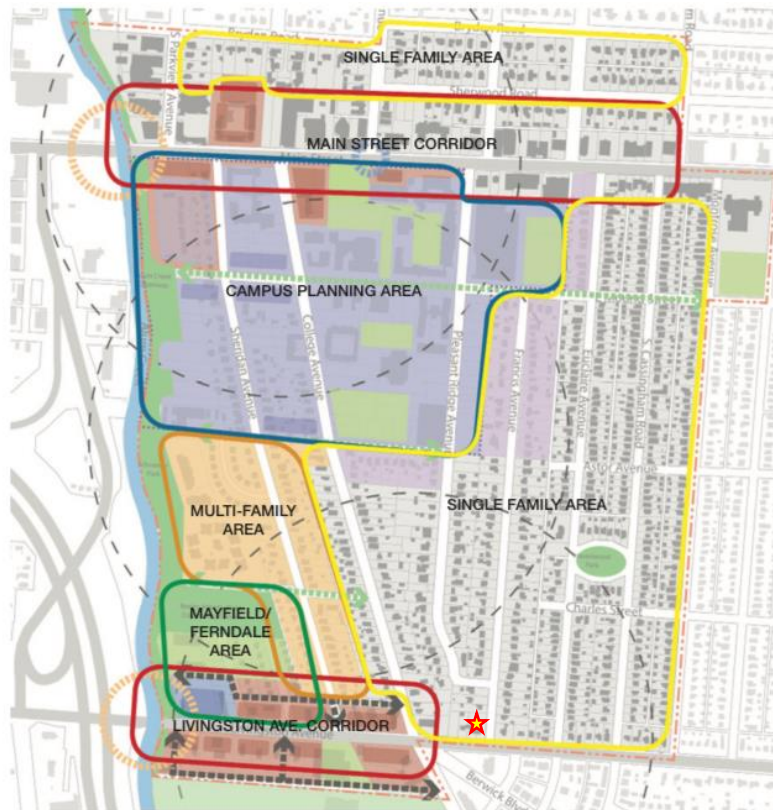
Below is the code followed by reasons for each letter (a-h) as to why the criteria are not met. This is evidence that BZAP shall not approve these two conditional use requests for this project, as is.

1226.12 CONDITIONAL USES

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves all the following factors are met:

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.*
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.*
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.*
- (d) The property and any proposed modifications meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.*
- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.*
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.*
- (g) The use is in character and keeping and compatible with the adjacent structures and uses.*
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance*

- (a) Southwest Bexley's Master Plan (Southwest Bexley Strategic Framework) is not being followed in both terms of use and placement. Below are two maps from this plan ★ indicates 2300 E Livingston). All multi-family and affordable housing is west of College Ave and ALL of the first floor uses are commercial for every building incorporating multifamily housing along Livingston Ave. The plan further supports the idea of first floor commercial use along Livingston Ave stating, *"new buildings should be multi story and mixed use with street activating commercial use at the street level and affordable and market rate housing as part of the floors above"*. Twice, outlined options specify to, *"limit housing east of Pleasant Ridge Avenue to single family housing"*. Not one single option suggests first floor, let alone in entirety, multifamily housing along Livingston. The proposed project completely ignores SW Bexley Master Plan.

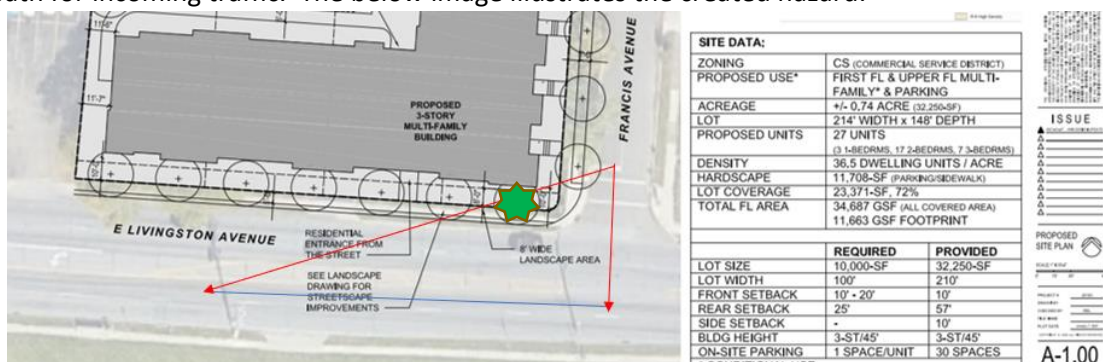


Southwest Bexley Strategic Framework Focus Areas



(b) This project will negatively impact the use of the surrounding single family residential neighborhood. Multiple times, the SW Bexley Master Plan talks about the importance of protecting SW Bexley's single family fabric stating, "over-crowded housing poses a threat to the character of the single family neighborhood". According to the radius covering the households in standing, and based on and the # of bedrooms in those homes, the bedroom density for the area will be over doubled. Furthermore, the density listed on the applicant's A-1.00 print for the project (36.5 dwelling units/acre) is about 12 times that of Bexley's current density (4752 households and 1561.6 acres in 2019). This project is exactly what the SW Bexley plan was trying to protect the single family area from.

(c) Access to Livingston Ave will become hazardous due to the obstruction of view this proposed building will create. There is no evidence that Columbus has been worked with and a traffic control devise is being placed to allow for safe travel between Francis Ave and Livingston Ave. Furthermore, the current curb-cut on Livingston Ave is being removed per the proposed plans. This hazard will be further increased with street parking filling up Francis Ave, narrowing the path for incoming traffic. The below image illustrates the created hazard:



NOTE: Currently, one of the proposed trees (marked by ★) would further obstruct this line of sight.

With a vehicle traveling at the Speed Limit (35 MPH), you have 7 seconds during a left turn from Francis onto Livingston before a vehicle just out of sight when you start the turn travels the distance shown by the blue line (360ft). A vehicle would be crossing 2 lanes and entering into the lane it's turning into and with 7 seconds before a collision, if the oncoming vehicle doesn't see the turning vehicle and slam on the breaks in time. This is absurd and absolutely creates a hazardous situation.

(d) See Page 5 of this document.

(e) There has been no evidence of adequate funding for Bexley's schools to offset the burden of an increase in students that this project will cause. The applicant has the duty to PROVE these things and have yet to do so. Another burden will be on emergency services that currently use Francis Ave as a gateway into Bexley. With street parking filling up the portion of Francis Ave between Livingston Ave and Pleasant Ridge, it will be hard, if even possible, for the large fire trucks to use their standard path into certain areas of Bexley.

- (f) No evidence has been provided that this project will not reduce property values. A study at Stanford looking at impacts of affordable housing projects on surrounding property values concluded, “construction in neighborhoods with a median income above \$54,000 leads to housing price declines.” Bexley’s median household income is above \$54,000.
- (g) The proposed project has yet to submit a structural plan that is compatible with the adjacent structures. If BZAP were to approve this use without sending it back to ARB first to make sure compatible plans are submitted, then BZAP is overlooking this requirement and the code states that ALL the factors must be met for approval:

*“Such uses shall only be approved if the applicant proves **all** the following factors are met”*

One notable aspect, aside from aesthetics, that has been missing from the submitted plans is a green space on the property. Homes in Bexley, including multifamily, have green space. Francis Ave is a street that is know for the longer lots that provide an above average green space when compared to most of South Bexley. Providing no green space, shows the lack of interests this project has in creating compatibility and harmony with the other residential use of the area.

- (h) Bexley is a community known for its trees. So much so, Bexley was the first city in the United States to be accredited as an Arboretum by Morten Register of Arboreta. According to Morten:

“The key feature of the Bexley Arboretum is its street trees. This tree canopy adds to the community’s beauty, creates a pedestrian friendly setting, absorbs carbon dioxide while releasing oxygen, filters pollutants...”

The current “street trees” on this property, particularly on the Francis Ave side, are very old and set Bexley apart from the surrounding Columbus area. Removal of these trees would make this property blend in with some Columbus areas, but not Bexley and certainly not Francis Ave. Keeping these old trees, a feature of major importance in Bexley, should be part of any future plan at this site.

PARKING

Commercial Service (CS) and Mixed Used Commercial (MUC) are two separate districts with their own set of regulations per the Bexley codified ordinance (CHAPTER 1254); however, Bexley ordinance 1262.02c, an MUC, is being used to justify parking of 1/unit for this project.

REMINDER: It took ~4 years for the review and approval of the 2020 amendments to be added to the codified ordinance that changed 1262.02(c) to include the specification of “Residential in district MUC” and if the INTENT was for this code to apply to district CS, the amendment would have stated that. The City, without due process, can’t change this code and apply it to any district they see fit.

According to Bexley’s codified ordinances, here are additional reasons why this parking requirement doesn’t fit this project and there was never INTENT in the code for it to be used for the CS district:

1254.03 MIXED USE COMMERCIAL DISTRICT (MUC).

The purpose of this District designated by the symbol "MUC" in this zoning code and on the official zoning map is to allow and encourage a strong local shopping and business center in the City.

This project has zero commercial use and no shopping/business aspects. When looking at parking requirements in code 1262.03, that is an important aspect because both uses have different parking space requirements that are to be added together when calculating the number of spaces.

1262.03 CALCULATING THE NUMBER OF SPACES REQUIRED.

Required off-street parking spaces shall be calculated in accordance with the following provisions:

(a) Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements unless the types and character of uses are demonstrated to be compatible as evidenced in a submitted parking plan to the BZAP.

As seen in the N Cassady “sister” project (below), there is a requirement of 1 space/250sqft for the commercial portion. As a result of this mixed use, off street parking is directly increased on the lot and the total # would be well over 1.5 spaces/unit, without a variance.

SITE DATA:		
ZONING	MUC (MIXED-USE COMMERCIAL)	
PROPOSED USE	RETAIL, UPPER FL MULTI-FAMILY, & PARKING	
ACREAGE	+/- 0.39 ACRE (16,850-SF)	
LOT	140' WIDTH x 120' DEPTH	
PROPOSED UNITS	16 UNITS (12 1-BEDRMS, 04 2-BEDRMS)	
DENSITY	41.0 DWELLING UNITS / ACRE	
HARDSCAPE	5,584-SF (PARKING/SIDEWALK)	
LOT COVERAGE	13,420-SF, 80%	
TOTAL FL AREA	22,447 GSF (ALL COVERED AREA)	
INCL. 520-SF EXPANSION	7,833 GSF FOOTPRINT	
	REQUIRED	PROVIDED
FRONT SETBACK	0' - 15'	0'
REAR SETBACK	10'	42'
SIDE SETBACK		14'
CEILING HEIGHT	3-ST	3-ST
ON-SITE PARKING		
RESIDENTIAL	1/UNIT (16)	14 OFF-ST *
RETAIL (3,650-SF)	1/250-SF (15)	
TOTAL	31 SPACES	14 SPACES *
25% REDUCTION FOR ON-ST PARKING = 23 SPACES		
* VARIANCE		

ISSUE

PROPOSED SITE PLAN

SCALE: 1" = 30'

PROJECT # 2020-0000

DESIGNED BY [signature]

DRAWN BY [signature]

CHECKED BY [signature]

DATE 08/03/2021

PROJECT # 2020-0000

A-1.01

1254.05 COMMERCIAL SERVICE DISTRICT (CS).

This District, designated by the symbol "CS" in this Zoning Code and on the official zoning map, is an area of the City that is presently developed for primarily quick-stop commercial service use. While quality development standards are encouraged, it is acknowledged that this district allows individual site off-street parking and convenient automobile access. Its use should be protected from conflicting activities and incompatible scales. Where occurring at the border of the City, development standards should reflect those of adjacent community development practices where appropriate.

The proposed project is far from “quick stop commercial” use AND Columbus (the adjacent community) development standards for the min # of spaces states:

***3312.49 Minimum number of parking spaces required. (*COLUMBUS CODE)**

The number of off-street parking spaces required for various uses shall be no less than as set forth in the parking requirements tables...

Table 1. Parking requirements for residential uses

LAND USE	SPACES MINIMUM	SPACES MAXIMUM	BICYCLE PARKING
RESIDENTIAL USES			
1, 2, or 3 dwelling units	2 per unit	NA	NA
4 or more dwelling units	1.5 per unit	NA	Yes
Rest home, nursing home, or home for the aging	0.75 per unit	NA	Yes
Civic spaces, plazas, clubhouses, and recreational areas	NA	NA	Yes

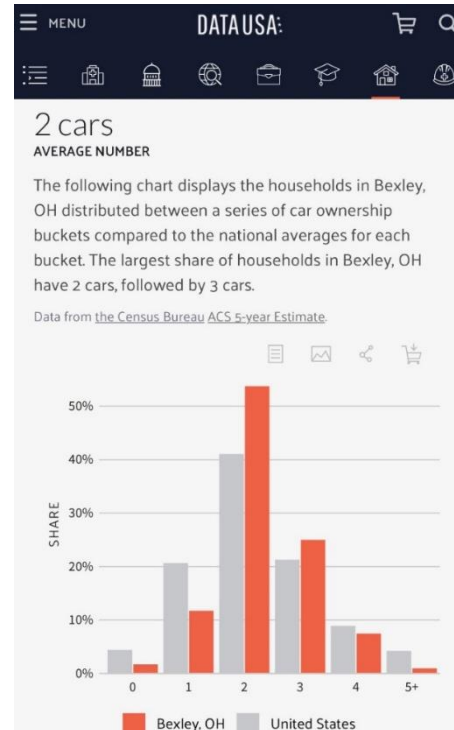
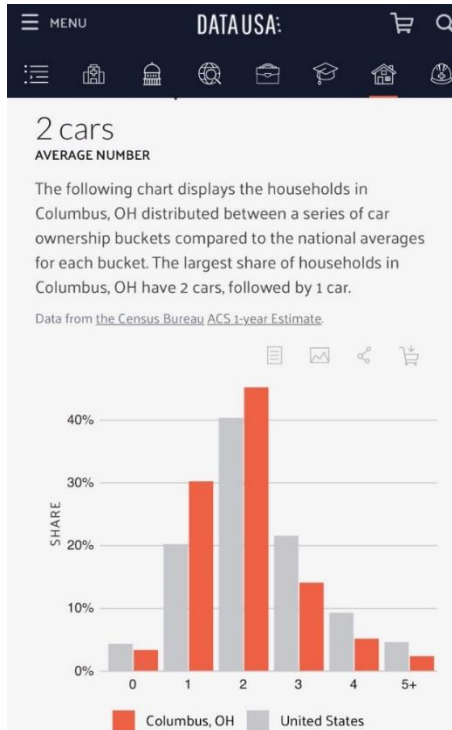
Therefore, when applying the “adjacent development practices” per COLUMBUS CODE 3312.49, the proposed project, again, falls short for adequate parking.

1226.12 CONDITIONAL USES.

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves the following factors are met:

This project doesn't meet factor (d) in relation to the parking requirements.

Below is evidence to support, even IF a variance should be requested, the proposed number of spaces is not adequate.



Using this data, a suggested number of parking spaces (based off of the number of vehicles that would be owned by 27 households) can be calculated as shown below:

COLUMBUS			
Cars/Household	%	units/27 units	# of Cars
0	3.3%	0.89	0.00
1	30.0%	8.10	8.10
2	45.0%	12.15	24.30
3	14.0%	3.78	11.34
4	5.1%	1.38	5.51
5+	2.3%	0.62	3.11
Total Vehicles @ 27units			52

BEXLEY			
Cars/Household	%	units/27 units	# of Cars
0	1.6%	0.43	0.00
1	12.0%	3.24	3.24
2	54.0%	14.58	29.16
3	25.0%	6.75	20.25
4	7.4%	2.00	7.99
5+	0.9%	0.23	1.15
Total Vehicles @ 27units			62

As shown above, the proposed lot with 28 spaces (not including the 2 handicap space) would be 24 cars short with the Columbus cars/household averages and 34 cars short with Bexley's. These numbers suggest the need to double the current number of spaces to accommodate for the tenants and have an allowance for visitors. Hypothetically, assuming not a single family owns more than 2 cars, the above data is changed to remove all the 3, 4 & 5+ Cars/Household's percentages and add them to the 1 car/household's percentage. As you can see below, the proposed lot would STILL be significantly short on parking spaces.

COLUMBUS			
Cars/Household	%	units/27 units	# of Cars
0	3.3%	0.89	0.00
1	51.4%	13.88	13.88
2	45.0%	12.15	24.30
3	0.0%	0.00	0.00
4	0.0%	0.00	0.00
5+	0.0%	0.00	0.00
Total Vehicles @ 27units			38.2

BEXLEY			
Cars/Household	%	units/27 units	# of Cars
0	1.6%	0.43	0.00
1	45.3%	12.23	12.23
2	54.0%	14.58	29.16
3	0.0%	0.00	0.00
4	0.0%	0.00	0.00
5+	0.0%	0.00	0.00
Total Vehicles @ 27units			41.4



On the map above, there are 6 on-street areas (A-F) that are currently used for parking (North on Francis Ave and all of Pleasant Ridge is posted permit parking, there is no parking on Livingston Ave). Measurements were taken of each area to determine the maximum number of vehicles (using the average length of Ohio most popular cars at about 16 ft) that could legally park in each area based on Bexley code 452.03*. Below are those findings:

A: 3
B: 0
C: 3
D: 1
E: 2
F: 9

TOTAL ON-STREET PARKING SPACES: 18 MAXIMUM

With the current homes using these street parking areas and Capitol students who don't want to pay for parking but don't have closer non-permit parking areas, there isn't room for "overflow" from the proposed apartment building.

***PROHIBITED STANDING OR PARKING PLACES:**

- 5ft from driveways
- 10ft from fire hydrants
- 20ft from crosswalk at an intersection
- 30ft from stop sign

As evident, not only would the current proposed number of parking spaces place undue burdens on neighbors and future tenants, it would be arbitrary to allow code 1262.02(c) to be applied to this project.

Referenced Bexley Ordinances & Zoning Map

1226.12 CONDITIONAL USES

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves all the following factors are met:

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (d) The property and any proposed modifications meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.
- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- (g) The use is in character and keeping and compatible with the adjacent structures and uses.
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval. A Conditional Use permit may be revoked by BZAP if the Board finds the conditions of approval of the existing Conditional Use permit are not met or maintained, the property ceases to be operated as an approved Conditional Use, or the continuance of the Conditional Use would pose a substantial risk to the public health, safety

CHAPTER 1254 COMMERCIAL & INSTITUTIONAL DISTRICT REGULATIONS

- 1254.01 Establishment and intent generally.
- 1254.02 Compliance with regulations.
- 1254.03 Mixed Use Commercial District (MUC).
- 1254.04 General Commercial District (GC).
- 1254.05 Commercial Service District (CS).
- 1254.06 Main Street District (MS).
- 1254.07 Open Space District (OS).
- 1254.08 Campus Planning District (CP).
- 1254.09 Identification of uses.
- 1254.10 District regulations.
- 1254.11 Mixed Use Commercial (MUC) design standards.
- 1254.12 Commercial Service District (CS) design standards.
- 1254.13 Main Street District (MS) design standards.
- 1254.14 Main Street District special permits.
- 1254.15 Side yards in commercial areas.
- 1254.16 Erection of more than one principal structure on a lot.
- 1254.17 Accessory uses and structures in Commercial and Institutional Districts.
- 1254.18 Development within a common commercial facility.

1254.09 IDENTIFICATION OF USES

Uses specifically listed for one district but not included in another are intentionally omitted from the latter; uses specifically listed as Conditional Uses but not included as permitted uses are intentionally omitted as permitted uses. Uses not specifically defined in this Zoning Code carry their customary meanings. Questions of definition pertaining to uses allowed shall be decided by the Board of Zoning and Planning based on the intent of this Zoning Code and the intent of any district in question. Uses not listed as permitted or conditional in the following table are prohibited. Permitted uses are designated by "P" and Conditional Uses by "C" below:

ZONING DISTRICT USES – COMMERCIAL / INSTITUTIONAL						
USES	MUC	CS	GC	CP: ZONE 1	CP: ZONE 2	OS
Retail sales to include general merchandise, food, apparel and accessories, home furnishings and equipment, drug stores, gift and specialty shops, sporting goods, office supplies and hardware	P	P	P	-	P	-
Retail services to include photographic studios, dry cleaners, barber and beauty shops, and small item repair services	P	P	P	-	P	-
Retail sales providing a special convenience service	-	C	-	-	-	-
Automotive repair	-	C	C	-	-	-
Automotive service stations / car wash	-	C	-	-	-	-
Restaurant	P	P	C	-	P	-
Tavern	P	C	-	-	P	-
Beverage / liquor store	C	-	-	-	C	-
Administrative, business, professional and similar office uses	P	P	P	-	P	-
Dwelling units on first floor	C	C	-	-	C	C
Dwelling units above first floor	P	C	-	-	P	C
Essential services	P	P	P	P	P	P
Accessory structures	P	P	P	P	P	P
Outdoor facility in association with other permitted use as specified in Main Street Guidelines	P	-	-	-	-	-
Outdoor facility in association with permitted use	-	C	C	-	-	-
Drive-through or outdoor facility in association with a non-food permitted use other than outdoor display	C	C	-	-	-	-
Drive-through in association with food service, where permitted by Bexley City Charter	-	C	-	-	-	-
Hotel or motel	C	C	-	-	C	-
Commercial parking lot	C	-	C	-	C	-
Other commercial or office uses similar to permitted uses and fulfilling intent of the district	C	C	C	-	C	-
Bed and Breakfast	C	-	-	-	C	-
Public uses	C	C	C	C	C	P
Boarding House	-	-	-	C	-	-
Quasi-public uses	C	C	C	-	C	P
Public service facility	C	C	C	C	C	C
Commercial amusement and recreation	C	C	C	-	-	-

ZONING DISTRICT USES – COMMERCIAL / INSTITUTIONAL						
USES	MUC	CS	GC	CP: ZONE 1	CP: ZONE 2	OS
Funeral homes	C	C	C	-	C	-
Campus uses	-	-	-	P	P	-
R-6 permitted uses (see Chapter 1252)	-	-	-	P	-	-
R-12 permitted uses (see Chapter 1252)	-	-	-	P	-	-
Institutional uses associated with campus uses	-	-	-	C	-	-

* P = Permitted Use; C = Conditional Use

1262.02 MINIMUM NUMBER OF SPACES REQUIRED (Red indicates amended items from 2020)

A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

USE	REQUIRED OFF-STREET PARKING SPACES
(a) Residential in districts R-1, R-2, R-3 and R-6	Two 2 spaces per dwelling unit
(b) Residential in district R-12	1.5 spaces per <u>dwelling</u> unit
(c) Residential in district MUC	1 space per dwelling unit
(ed) High-intensive commercial uses, including eating and drinking places, barber and beauty shops, quick service food stores, cafeteria and similar uses	One space per 250 square feet of net floor area
(de) Low-intensive commercial uses, including home furnishings and large item display establishments	One space per 500 square feet of net floor area
(ef) Special commercial uses with unique parking characteristics, e.g. hotel, theater or bowling alley	Based on substantiated user estimates, but in no case less than one space per 500 square feet of net floor area
(fg) Retail sales, service or office uses, not classified above	One space per 300 square feet of net floor area
(gh) Public and quasi-public uses	One per 5 seats in any public assembly area, or 1 space per 400 square feet of net floor area if no assembly area exists.

Bexley Zoning Map

Commercial

- PUC Planned Unit Commercial
- MUC Mixed Use Commercial
- CS Commercial Service
- GC General Commercial
- OC Office Commercial
- NC Neighborhood Commercial

Single Family Residential

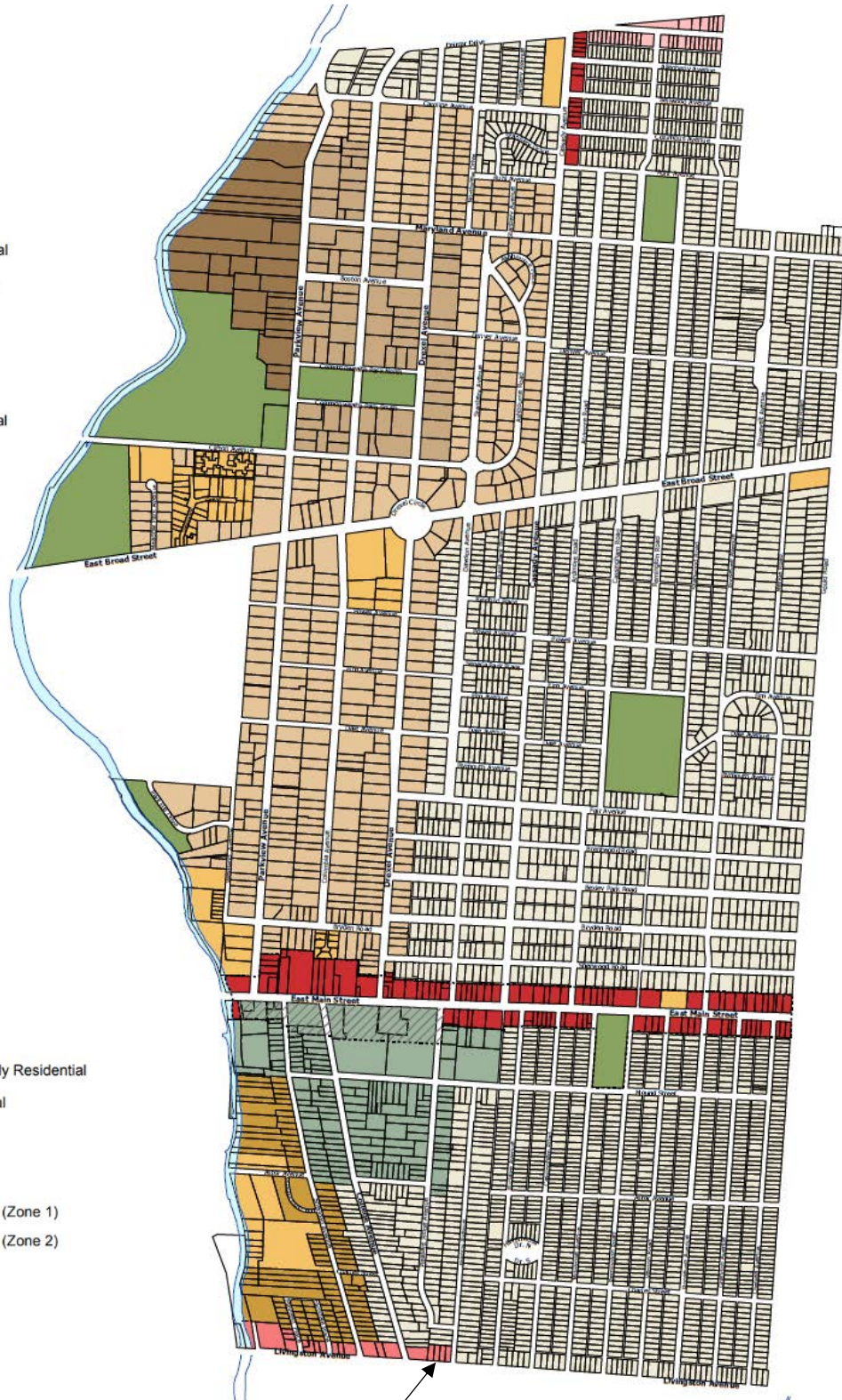
- R-1 Low Density
- R-2 Intermediate
- R-3 Medium Density
- R-6 High Density

Multi-Family Residential

- R-12 Low Density Multi-Family Residential
- PUR Planned Unit Residential

Park & Institutional

- OS Open Space District
- CP Campus Planning District (Zone 1)
- CP Campus Planning District (Zone 2)



***2300 E Livingston Ave (CS District)**

RESOLUTION 06 - 20

By: Monique Lampke

A resolution adopting amendments to the City of Bexley Strategic Plan in order to incorporate action items from the 2019 diversity and inclusion strategy

WHEREAS, the Charter of the City of Bexley and Chapter 264.01 of the Codified Ordinances of the City of Bexley requires the Mayor of Bexley to prepare and submit to Bexley City Council a strategic plan for the City of Bexley; and

WHEREAS, the current Bexley Strategic Plan was prepared by the Mayor and adopted by City Council on November 19, 2013; and

WHEREAS, Chapter 264.02 of the Codified Ordinances of the City of Bexley specifies that updates to the Strategic Plan be submitted to Council for review, public comment, and adoption; and

WHEREAS, the Mayor will be launching the process of a comprehensive update of the Strategic Plan in 2020, but desires in the interim to amend the current plan to incorporate the goals and action items outlined in the 2019 Diversity and Inclusion strategy;

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

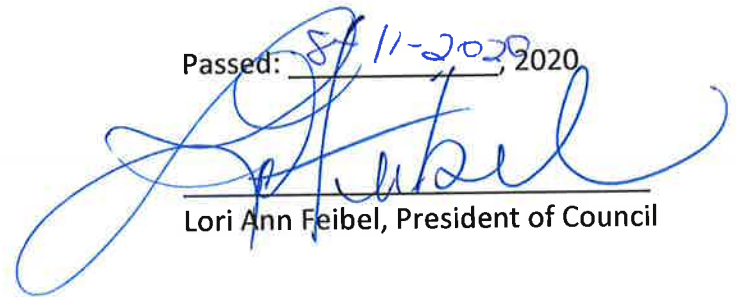
Section 1.

Pursuant to Chapter 264.03 of the Codified Ordinances, City Council hereby approves and adopts the incorporation of the 2019 Diversity and Inclusion Goals and Action Items into the Strategic Plan, attached to and incorporated into this Resolution as Exhibit A.

Section 2.

That this Resolution shall go into effect and be in force from and after the earliest period allowed by law.

Passed: 8-11-2020, 2020


Lori Ann Feibel, President of Council

Attest: 

Clerk of Council

Approved: Aug 11, 2020


Ben Kessler, Mayor

First Reading: 6-9-20

Second Reading: 6-23-20

Third Reading: 8-11-20

Bexley Diversity, Equity & Inclusion Strategy

Amendment to Bexley Strategic Plan

Mission

Bexley's Diversity, Equity & Inclusion mission is to partner with all community stakeholders and to implement internal reforms in order to increase diversity and cultivate a welcoming and inclusive Bexley.

Vision

A welcome and diverse Bexley community where all are included, feel safe and connected, and are fully valued.

Goals

Goal One: Welcoming New Residents

Establish a 'New Residents Welcoming Committee' and 'Welcome Packet' that promote Bexley as a welcoming, diverse, equitable and inclusive environment for all, and that includes diverse, equitable and inclusive language, imaging, branding and logo.

Goal Two: Police/Community Relations

Strengthen Bexley Police Community Relations: Address perceptions and realities of how Bexley Police protect and serve the Community. Expand and encourage forward-thinking community engagement between the Bexley Police Department and residents, with a focus on transparency, bilateral communication and reaching segments of the community that have historically been vulnerable to bias.

Goal Three: Create an Inclusive Greater Bexley Community

Encourage Open and Welcoming Bexley

Goal Four: Reforming Internal City Policies and Operations

Review internal policies and operating procedures in order to increase awareness and practice of diversity, equity, and inclusion practices, including expanding training around implicit bias and empathy; striving to increase the diversity of city staff and the membership of city boards, commissions, and committees; expanding the scope of purchasing from minority-owned businesses; and increasing the transparency and accountability of operations.

Initial Action Items

Goal One Action Items: Welcoming New Residents

- Host "New Resident Welcome" events twice a year (Summer/Fall and Winter/Spring).
Action Item Responsibility: City of Bexley organizes with support from partner organizations
- Review New Residents Welcome Packet to ensure it contains unbiased and inclusive language, and that it is 'immigrant-friendly' and/or multi-lingual. Also review Packet, City of Bexley website and communications, and street banners to ensure visual representation of diversity.

Action Item Responsibility: City communications staff with consultation from diversity professionals

- Personally deliver “New Residents Welcome Packets” to new residents and ensure that tenants are included in the distribution strategy and methodology.

Action Item Responsibility: Elected officials, community ambassadors

Goal Two Action Items: Police/Community Relations

- Conduct Police / Community BBQ Cook-offs, picnics or potlucks throughout the City, including new Schneider Bexley playground, with forums for open conversation about race/bias. Include active participation from non-uniformed officers.

Action Item Responsibility: City of Bexley in partnership with BMPA

- Publicize information on Police Community Initiatives: Cops with Kids, Coffee with a Cop, Crosswalk with a Cop, Citizens Police Academy, etc. and engage D&I Collaborative Police Officer Participants in community-focused initiatives to educate residents in the reality of policing.

Action Item Responsibility: City communications staff working with Police Department

- Help improve communication regarding the police department and their organizational structures, training and activities through newsletters, the website, police staff profiles, tours of police facilities, etc.

Action Item Responsibility: City communications staff working with Police Department

Goal Three Action Items: Encourage an Inclusive Greater Bexley Community

- Advertise city events more openly in surrounding communities, and reciprocate by promoting events hosted in surrounding communities.

Action Item Responsibility: City communications staff with area organizations

- Host quarterly roundtables with advocacy groups to provide opportunities for bilateral communication amongst groups and the community.
- Increasing diversity representation across communications to promote the existing diversity in the City of Bexley: A ‘One Bexley’ D&I marketing campaign that uses City of Bexley communication mediums, and resources
 - Banners along Main Street with Bexley residents from a wide variety of diverse backgrounds with “I am Bexley” messaging on the banners.

Action Item Responsibility: Partner organizations communications staff with graphic designer

- Encourage public and private entities to be mindful of representing diversity in communications concerning the Bexley community.

Action Item Responsibility: Partner organizations communications staff

- Review existing City of Bexley periodic survey questions and add question(s) to survey that address D&I
 - Ensure that survey responses incorporate feedback from tenant populations.

Action Item Responsibility: City communications staff

- Develop community-focused education and awareness opportunities to help inform residents on how to positively interrupt and educate concerning implicit bias

Action Item Responsibility: Partner organizations

- Research and implement best and promising practices to widen the audience for community conversations about diversity, equity and inclusion
 - Conduct periodic D&I Community Forums that promote conversations on D&I topics such as “White Fragility”, Immigration, Restorative Justice Practices, Implicit Bias, etc.

Action Item Responsibility: Partner organizations

Goal Four Action Items: Hiring, Training, and City Operations

- Work to increase the diversity of city staff and the composition of individuals serving on our city boards, commissions, and committees. Perform a hiring practices audit and institute best practices in hiring and retention strategies.

Action Item Responsibility: Mayor, City Council, and Department Heads

- Make period implicit bias and empathy training required for all city staff and elected and appointed officials.

Action Item Responsibility: Mayor and City Council

- Perform a purchasing audit and create policies and procedures to expand the scope of purchasing from minority-owned businesses.

Action Item Responsibility: Mayor and Department Heads

- Ensure transparent and accountable complaint review processes and objective fact-finding for incidents of reported police bias. Continue to monitor regional and national best practices for complaint review processes.

Action Item Responsibility: Mayor/Safety Director

- Publish stats on Police encounters including citizen complaints and outcomes.

Action Item Responsibility: City communications staff working with Police Department

An aerial photograph of Bexley, Ohio, with a dashed white line outlining the city limits. The text 'SOUTHWEST BEXLEY STRATEGIC FRAMEWORK' is overlaid in large, bold, white capital letters.

SOUTHWEST BEXLEY STRATEGIC FRAMEWORK

Acknowledgments

Thanks are extended to all those who dedicated time and effort toward the completion of this Southwest Bexley Strategic Framework. Thanks to all residents, including David Greene, who actively participated in the planning process. The following people volunteered their time and served in an official capacity during this process:

Southwest Bexley Steering Committee

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Betsy Farrar, City of Bexley Resident
Connie Lewis, South Bexley Neighborhood Association
Howard Schottenstein, City of Bexley Resident
Ian Nickey, City of Bexley Resident
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Lori Ann Feibel, City of Bexley Council Strategic Chair
Mark Barbash, Chair - Southwest Bexley Steering Committee
Ron Benedick, Trinity Lutheran Seminary

EX-OFFICIO MEMBERS

Ben Kessler, City of Bexley Mayor
Dr. Mike Johnson, Bexley City Schools Superintendent
Melissa LaCroix, Bexley Board of Education
Rachel Rubin, Bexley Public Library
Tim Madison, City of Bexley Council President

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1.0 Executive Summary

Vision: Make Southwest Bexley a place of choice for people who want to live, learn, and work here, for now and into the future.

The 2003 Southwest Bexley Master Plan provided a series of recommendations for improving the Southwest Bexley area, and for improving the interface among Capital University, Trinity Lutheran Seminary, and the City of Bexley's residential neighborhoods. That planning work was followed by the 2011 Bexley Land Use Strategy, the 2013 Bexley Strategic Plan, the 2013 Alum Creek Park Plan, and the 2015 Livingston Avenue Stabilization Proposal. Building on the successes of those efforts, the 2017 Southwest Bexley Strategic Framework has identified opportunities for continued enhancement of this area of Bexley.

However, unlike the 2003 effort, the 2017 Southwest Bexley Strategic Framework is not a "Plan" and as such does not prescribe a set of policy or development recommendations to be achieved within a prescribed timeframe. Instead, this Framework outlines a vision for the neighborhood and identifies a series of strategies within which future planning, development, and policy decisions can be made. The Framework is a tool to be used for decision-making and, with inherent flexibility, it is designed to allow for changing future circumstances.

The recommended Framework strategies are an outcome of the City of Bexley working in partnership with Capital University, Trinity Lutheran Seminary, and Bexley resident organizations to identify new opportunities for improvement and cooperation in collectively improving the southwest area of the City. Through extensive dialogue and community input, the Steering Committee established the vision statement and following goals:

- Create a walkable and bikeable neighborhood
- Create a safe neighborhood
- Support economic development
- Preserve and enhance residential areas
- Improve the student living experience

- Add recreational amenities
- Embrace community diversity
- Build on the university-town synergies
- Revitalize the Livingston Avenue corridor and Mayfield/Ferndale Place area
- Preserve, enhance, and leverage the Alum Creek greenway, park, green open spaces, and the tree canopy

With the vision statement and goals in mind, a series of strategies are identified in the Southwest Bexley Strategic Framework and include Framework strategies for the following focus areas of the neighborhood:

- Single family residential areas
- Multi-family residential areas
- Main Street corridor
- Livingston Avenue corridor
- Capital University/Trinity Lutheran Seminary area
- Mayfield/Ferndale Place area

First and foremost, the Framework reinforces the campus planning district boundary (per the City of Bexley's 2016 zoning map) and reinforces the need to preserve the single-family housing character to the east and south of this boundary per the 2004 memorandum of understanding among Capital University, Trinity Lutheran Seminary, and the City of Bexley. The campus planning boundary has been expanded to the west to capture land between Sheridan Avenue and Alum Creek to allow for adequate land area to meet future University and Seminary needs.

The Framework further defines strategies and characteristics of each of the focus areas.

Acknowledging that single family housing is essential to the neighborhood, the Framework recommends that the character of the residential areas be preserved.

Likewise, the character of the multi-family areas should

be preserved. In addition, all residential areas of the neighborhood should be provided with better connectivity to the neighborhood's educational and recreational resources.

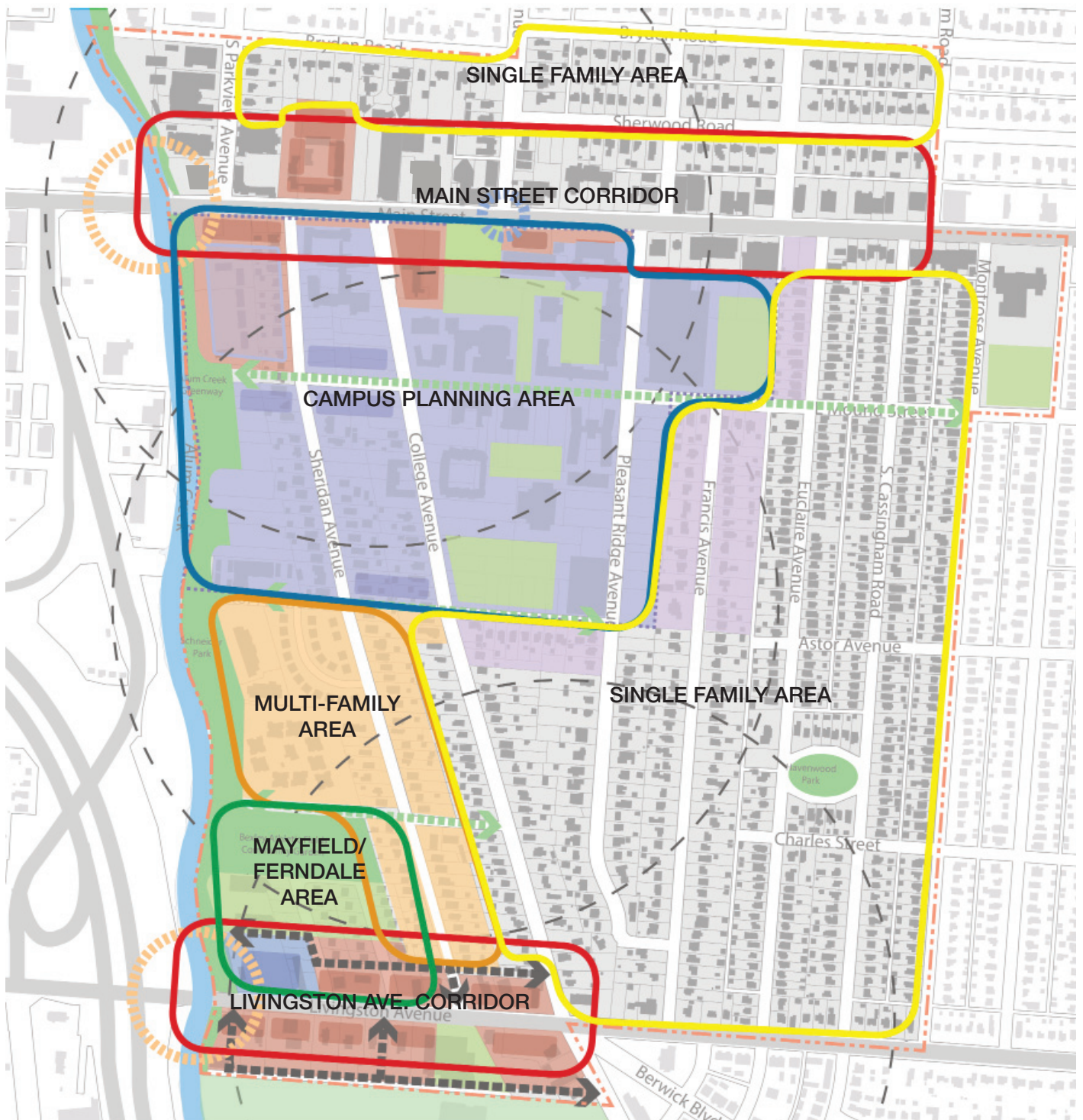
Main Street and Livingston Avenue serve as strategic "gateways" into the City of Bexley and particularly to this area of Southwest Bexley. That sense of gateway as one crosses the Main Street bridge and enters Bexley should continue to be reinforced. The Framework strategy for Main Street calls out key characteristics for this important commercial mixed use corridor that should be preserved and enhanced. Development and redevelopment along Main Street should support the aesthetic, vibrant, active, walkable environment and add uses that serve multi-generational needs, activate the street level, and provide community placemaking* opportunities.

Unlike Main Street, Livingston Avenue faces many challenges that need to be overcome in order to make this street a superior gateway experience. A fundamental challenge is that the Livingston Avenue corridor falls into two separate jurisdictions - with the City of Bexley controlling the north side and the City of Columbus controlling the south side. Therefore, strategies for improvement of this commercial corridor take into account both sides of the street and will require collaboration between the two jurisdictions. With that as an overarching strategy, the aspirational characteristics for this corridor include a beautified streetscape with a mix of uses (including affordable housing) on both sides, traffic calming measures in place, limiting curb-cuts and creating a more pedestrian friendly street environment.

The strategy for the Mayfield and Ferndale Place is intertwined with Livingston Avenue. The Mayfield and Ferndale Place area has been a focus of several previous planning studies since the 2003 Plan. This area continues to be a key focus area for the City of Bexley as it works via the Community Improvement Corporation to explore the viability of the recommendations from the previous studies. This Framework suggests continuing to explore the need for appropriate environmental and structural remediation for this area and opportunities to purposefully reinvest back in this part of the neighborhood. Land assembly and establishing physical connectivity of this area to the rest of the neighborhood should also be explored. Regardless of how the Mayfield/Ferndale Place area gets developed or redeveloped, there is a strong consensus in the Bexley community that displaced affordable housing needs to be replaced with safe, clean, and attractive affordable housing within Bexley.

With its diversity in housing and educational and civic institutions and abundance of natural and recreational resources, Southwest Bexley is a truly unique area of Bexley. The Southwest Bexley Strategic Framework capitalizes on these tremendous assets and provides strategies to make Southwest Bexley a place of choice for people wanting to live, learn and work here, for now and into the future.

**** Placemaking is the creation of inspiring and quality public places that promote community health, well-being, and aesthetics. Placemaking strategies address the context and draw inspiration from the community to provide solutions that are authentic and 'of the place.'***



Southwest Bexley Strategic Framework Focus Areas

2.0 Existing Conditions Analysis

This study is aimed at developing a Strategic Framework for Southwest Bexley to help identify opportunities for continued enhancement of this area of the City.

2.1 BACKGROUND

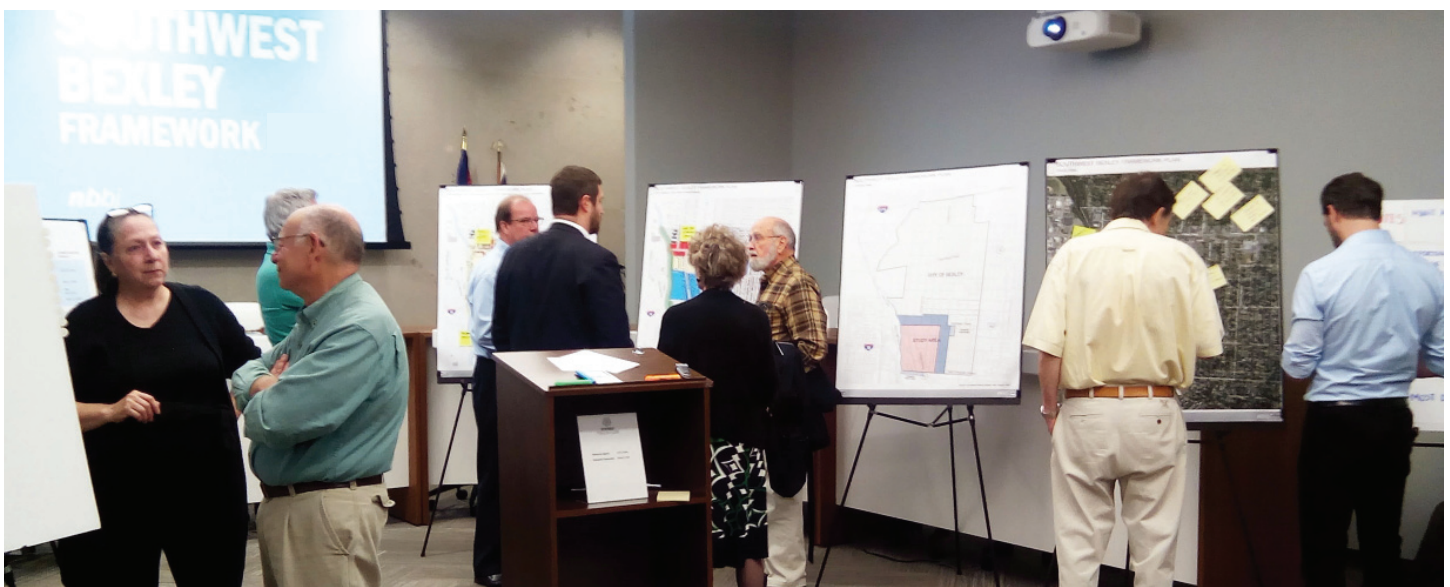
Significant amounts of investments have been made in the southwest area of Bexley over the past 14 years - going back to the 2003 Southwest Bexley Master Plan. That Plan was aimed at confronting the many challenges facing southwest Bexley, including “aging infrastructure, concerns over the tax base, and limited amounts of developable ground and minimal area of office development, a struggling commercial core, and expanding institutional uses.” That study was followed by the 2011 Bexley Land Use Strategy, the 2013 Bexley Strategic Plan, the 2013 Alum Creek Park Plan, and the 2015 Livingston Avenue Stabilization Proposal. The 2017 Southwest Bexley Strategic Framework is developed to build on the successes of these efforts and continue to identify strategies for enhancing the neighborhood in partnership with Capital University, Trinity Lutheran Seminary, the City of Bexley, and Bexley resident organizations.

2.2 PLANNING PROCESS

Spanning over nine months (September 2016 to May 2017), the planning process was designed around three primary phases: Discovery (visioning, needs, analysis), Big Picture Strategies (ideas exploration, draft Strategic Framework) and Delivery (final Strategic Framework). The process was designed to provide opportunities for the community to be engaged throughout the process ranging from in-person presentations and workshops to online surveys and feedback boards at City Hall. Stakeholder and community input opportunities included:

- Five Steering Committee meetings
- Five public meetings / open houses
- Project boards at City Hall
- Two online surveys

In addition, the community was also kept updated via the project website at: <http://www.bexley.org/swbmp>. Public presentations were posted on the website along with information regarding upcoming public meetings. Meeting



Visioning Workshop at the November 2016 Public Meeting

notifications were also sent through the Bexley Blast and residents' water bills. Resident volunteers also personally handed out fliers to Southwest Bexley residences, and direct mail was sent providing notice of the final draft workshop on May 18th.

2.3 PLANNING TASKS

To ensure the planning process met the needs of Southwest Bexley and the entire Bexley community, consensus was established regarding three key aspects: 1) the appropriate boundary for the study area; 2) rather than being treated as an update to the 2003 Southwest Bexley Master Plan, this effort was to provide fresh thinking for the future of the neighborhood while building on the success of the 2003 Master Plan; and 3) the outcome of this study would not be a "Plan" but rather a "Strategic Framework."

Two critical changes were made to the study area boundary. First, the study area boundary was expanded to the east to include Montrose Elementary School. The reasons for this were to include the school as a key asset to the neighborhood and to ensure the future strategies for Southwest Bexley allow for better and safer student and parent pedestrian and bicycle access to and from the residential areas of Southwest Bexley to Montrose Elementary School.

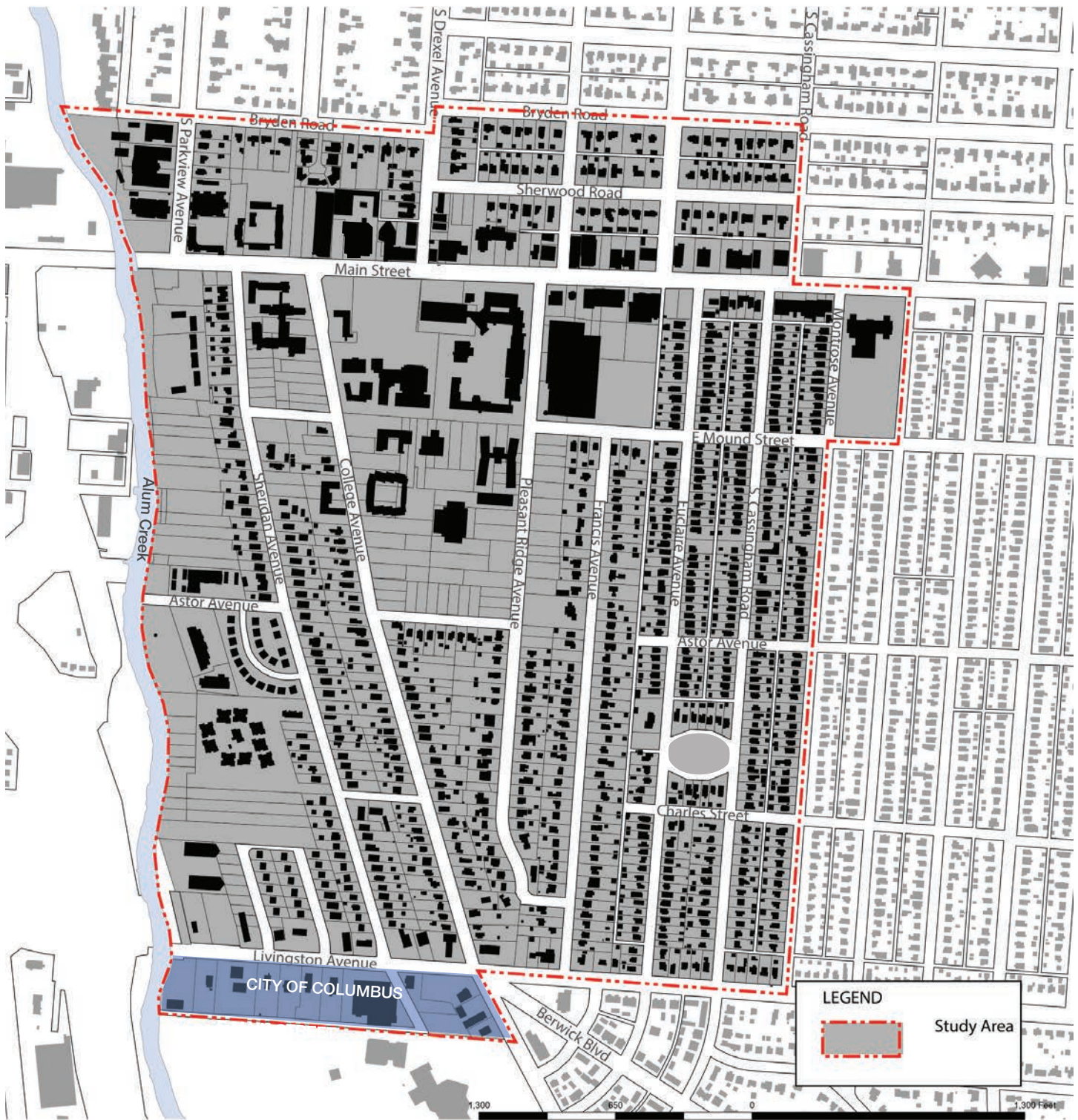
The study area boundary was also expanded to include the southern strip of development along Livingston Avenue (between Alum Creek and College Avenue). While this added area is part of the City of Columbus, it was included in this study to ensure that the strategies for improvement of the Livingston Avenue corridor were holistic and meaningful. Additionally, this area is the connective fabric between Southwest Bexley and the Jewish Community Center, which was identified as a community asset.

As a "Strategic Framework" study, this document does not recommend a fixed set of policy or development recommendations to be achieved within a prescribed timeframe. Instead, this document outlines a vision for the neighborhood and identifies a series of Framework recommendations (ideas, principles, and vision) within which future planning, development, and policy decisions can be made.

The success of this Framework will necessitate continued dialogue, open communication, and coordination among the city, the major institutions and the residents and businesses and property owners of the area.



Community Engagement at the January 2017 Open Forum



Southwest Bexley Strategic Framework Study Area

3.0 Existing Conditions and Needs

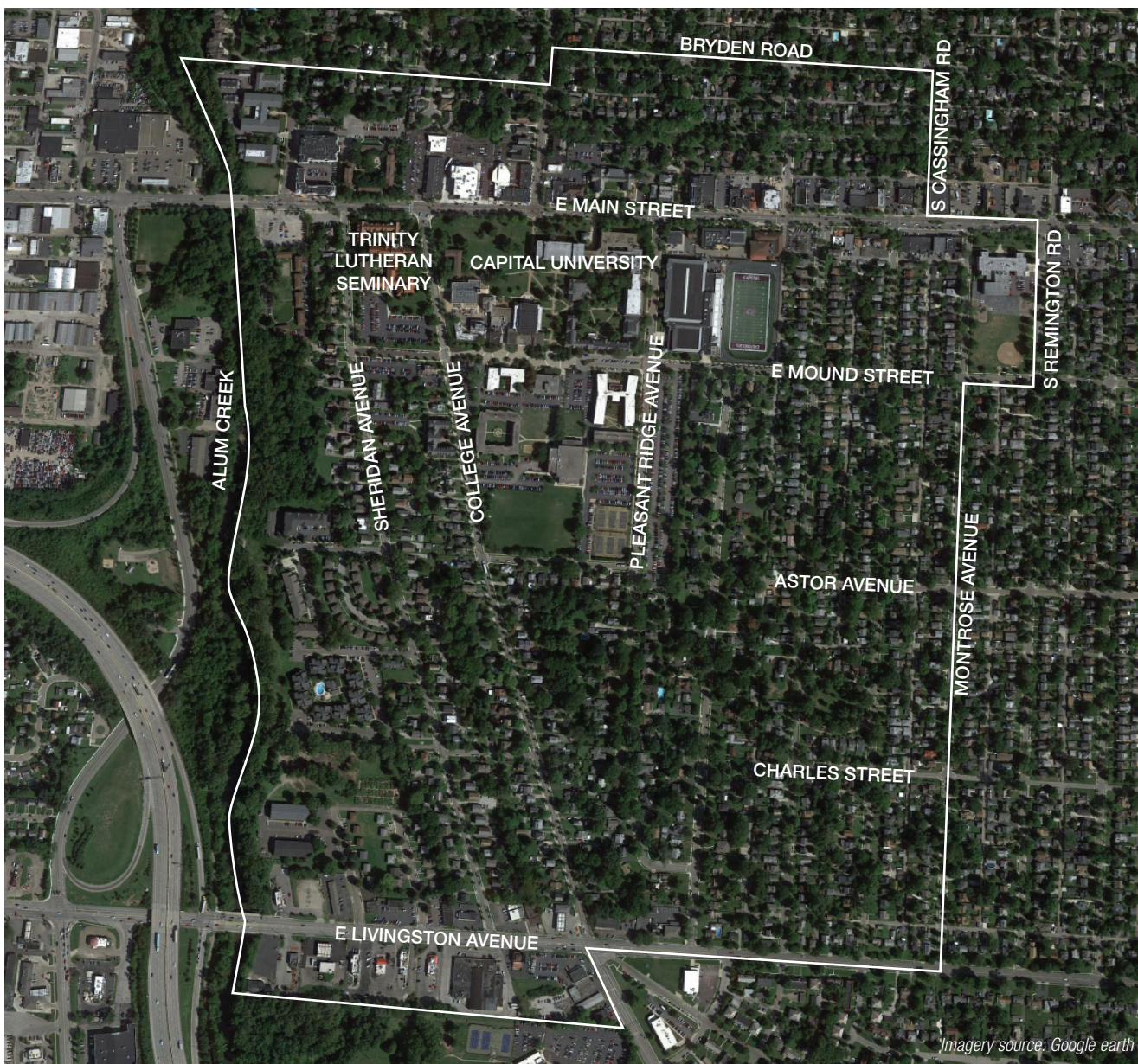
The diverse and significant institutional, civic, and residential uses make Southwest Bexley a truly unique “live-learn-work” community within Bexley.

An inventory of the existing conditions related to property ownership, land use, zoning, open space, and circulation within the Southwest Bexley study area is documented in this section.

Previous planning studies for the study area were also reviewed to ensure the Framework strategies build on those findings and recommendations. Key findings from

the studies are also documented in this chapter.

This information along with qualitative data (community aspirations, identified challenges, and opportunities for the study area) collected from the Steering Committee and the community at large served as the basis for developing goals, needs, and Framework strategies.



2016 Aerial Image of the Southwest Bexley Strategic Framework Study Area

3.1 PROPERTY OWNERSHIP

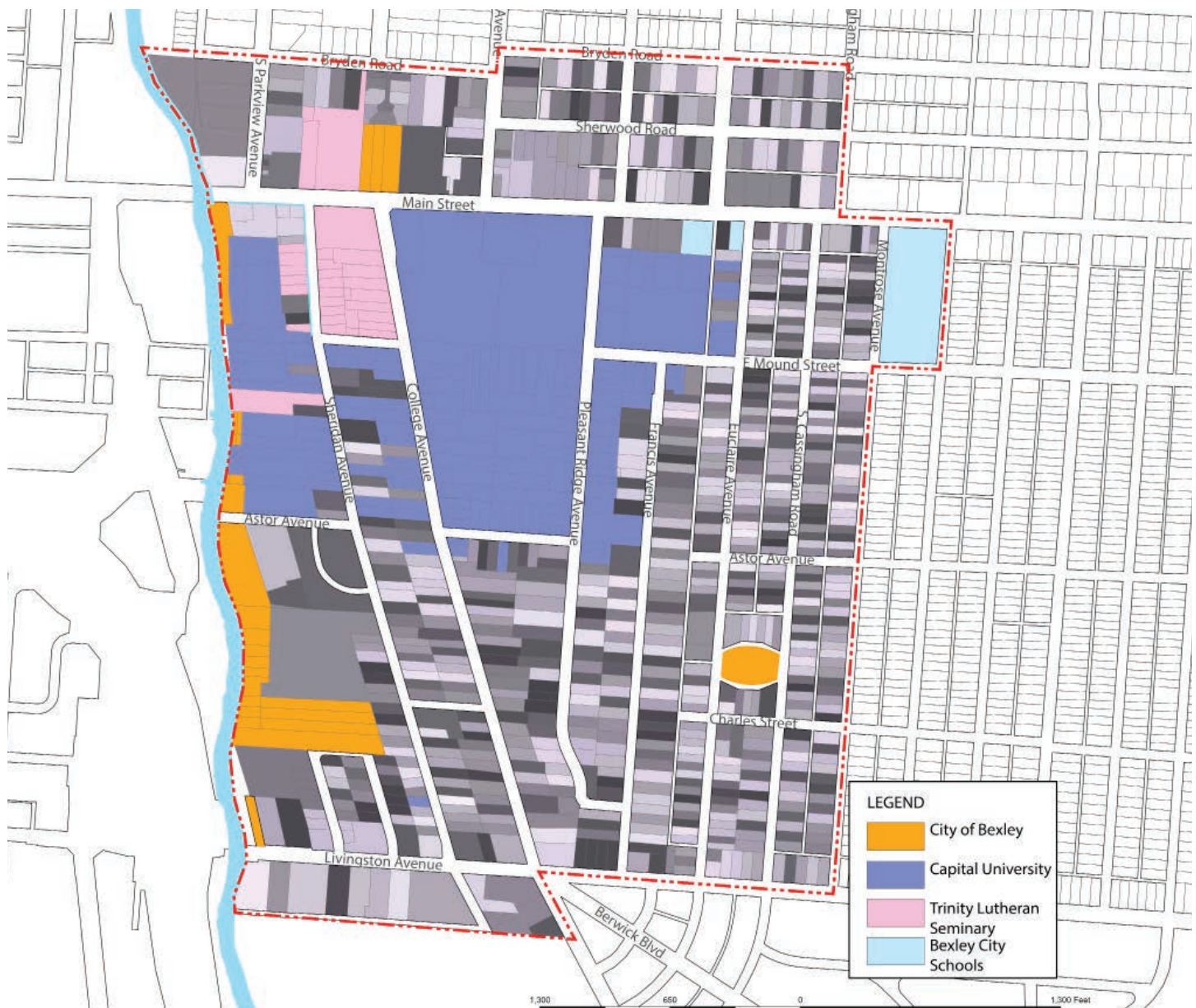
Southwest Bexley is unique in the number of institutional assets including City Hall, Bexley Public Library, Capital University, Trinity Lutheran Seminary, and Montrose Elementary School. The Jewish Community Center of Greater Columbus, though just outside of the study area, is another important asset to this neighborhood.

As seen in the property ownership map below, over a third of the study area is under civic or institutional land ownership, with Capital University/Trinity Lutheran Seminary being the largest institutional land owner.

These land owners play a significant role in the future of Southwest Bexley.

There is a large percentage of high quality, single family residences within Southwest Bexley, which also represent an important part of the fabric of the area.

Together, this diverse and significant land ownership pattern makes Southwest Bexley a truly unique “live-learn-work” community within Bexley.



Institutional and Civic Property Ownership Map

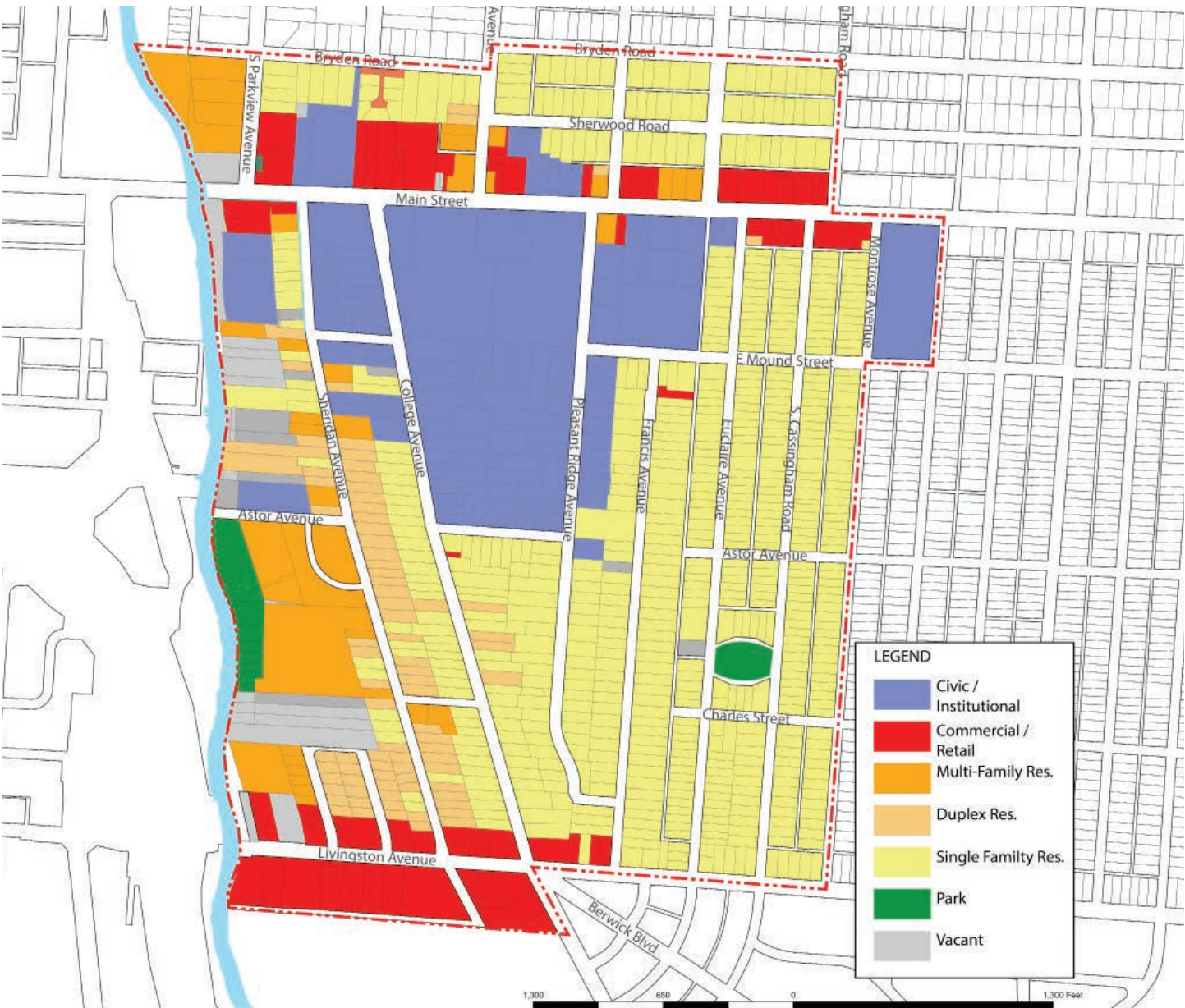
3.2 LAND USE

The land use map of the study area further exemplifies the diversity in uses within Southwest Bexley. Institutional/ civic uses and single family housing are two dominant categories of land use in this area. There is also a fair amount of multi-family housing along Sheridan Avenue and to the north of Livingston Avenue west of Sheridan Avenue.

The map also shows the land use edges shared between Capital University and the single-family residential homes

at the eastern and southern borders of Capital University.

The study area also includes portions of the two primary commercial corridors in Bexley: Livingston Avenue west of College Avenue being primarily commercial in use and Main Street being a mixed use commercial environment including community serving retail and entertainment establishments.



Land Use Map

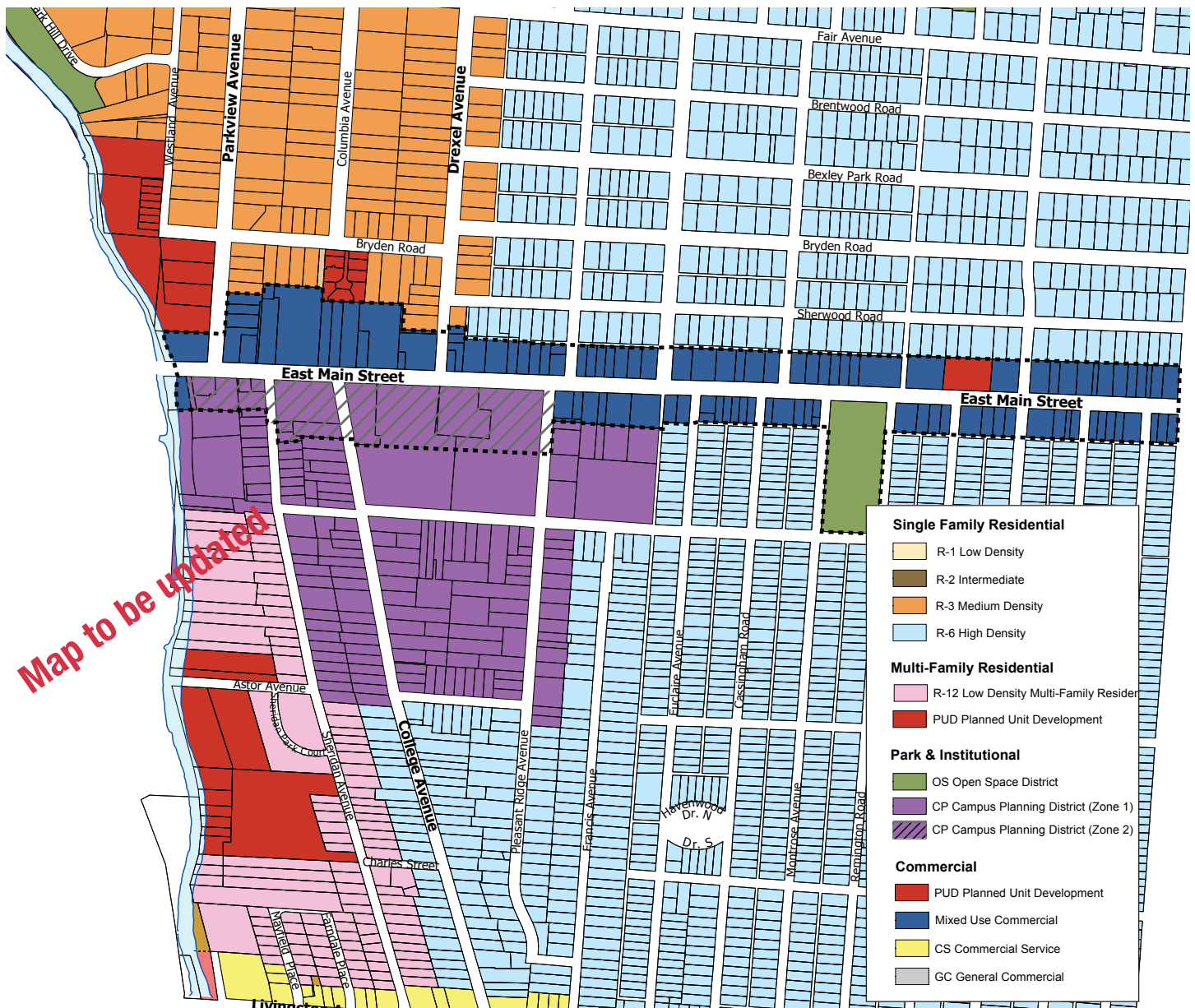
3.3 ZONING

The map below is extracted from the City of Bexley's 2016 zoning map and clearly identifies boundaries for the Campus Planning District (zone 1 and 2) and the Mixed Use Commercial District along East Main Street.

The 2015 Planning and Zoning Code clearly defines the Campus Planning District intent: "The purpose of this District is to encourage the orderly, planned growth of the Capital University and Trinity Lutheran Seminary campuses pursuant to long range planning strategies developed by the institutions in cooperation with

each other and the City and to encourage mixed use redevelopment of East Main Street."

The Zoning code also states: "The bulk of the District is located in Zone 1 where permitted uses are limited to campus uses, related institutional uses and existing residential uses. Zone 2 consists of an area adjacent to Main Street. Zone 2 is appropriate for mixed use development compatible with the redevelopment of Main Street under the Main Street Guidelines, and therefore, certain retail and commercial uses are permitted and encouraged in this zone."



Zoning Map (source: City of Bexley Zoning Map, December 2016)

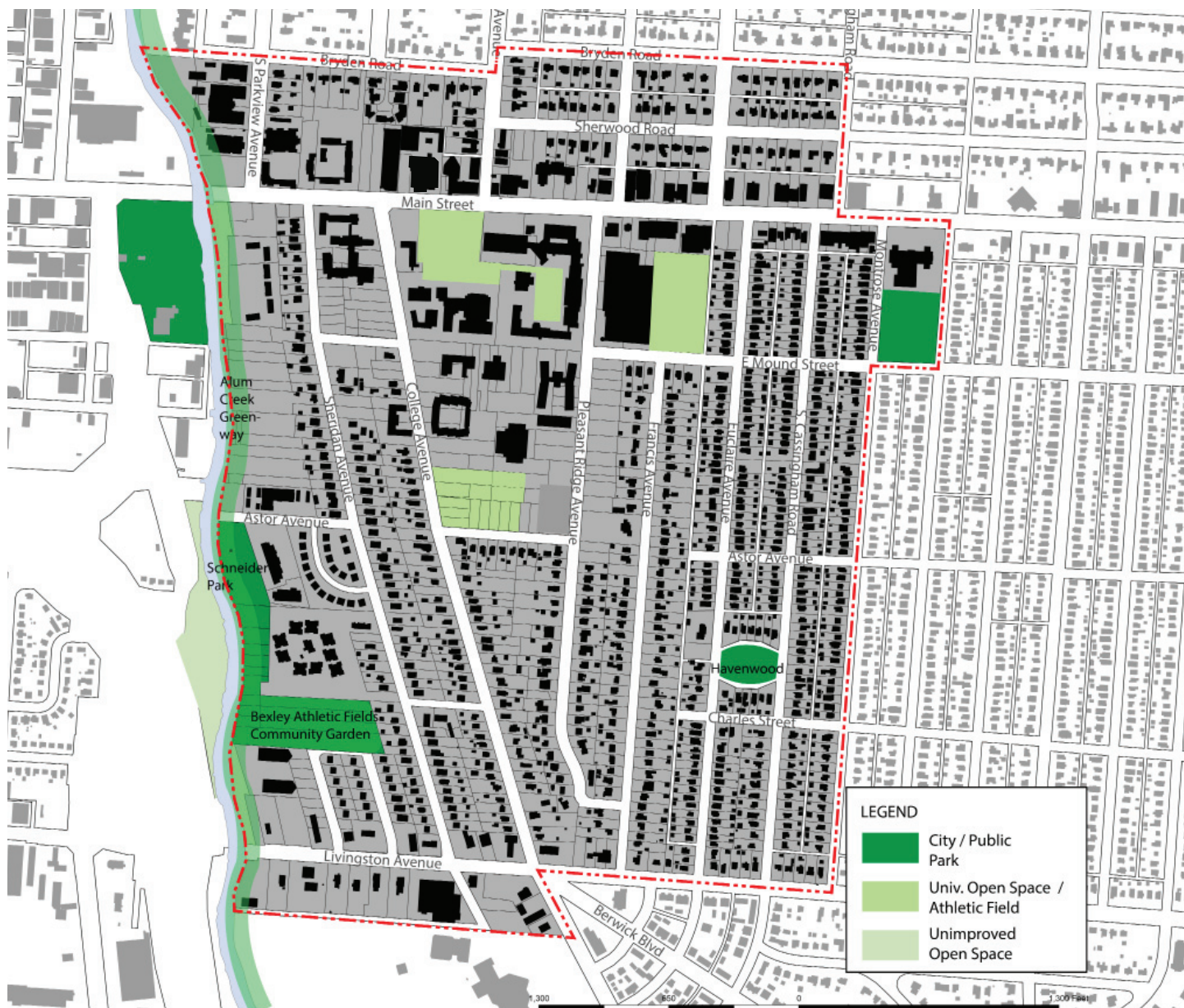
The zoning map also demarcates single family residential zones from multi-family residential zones.

3.4 OPEN SPACE

As an accredited “arboretum”, the City of Bexley, including the Southwest Bexley neighborhood, maintains a generous tree canopy that provides a “green” environment. Southwest Bexley is currently served by two neighborhood parks, Havenwood and Schneider Parks. In response to the need for additional park and recreational spaces, the City is currently developing the Bexley Athletic

Fields at Bexley Community Gardens.

Capital University’s campus also helps meet some of the open space needs for the community. The Capital Green along Main Street is a particularly cherished asset, both for the University and the Bexley community as a whole.



LEGEND

■	FEMA Flood Area - A
■	FEMA Flood Area - AE

ALUM CREEK STUDY
BEXLEY, OHIO

PRELIMINARY PARK PLAN

JANUARY 9TH 2014

BEXLEY MKSK

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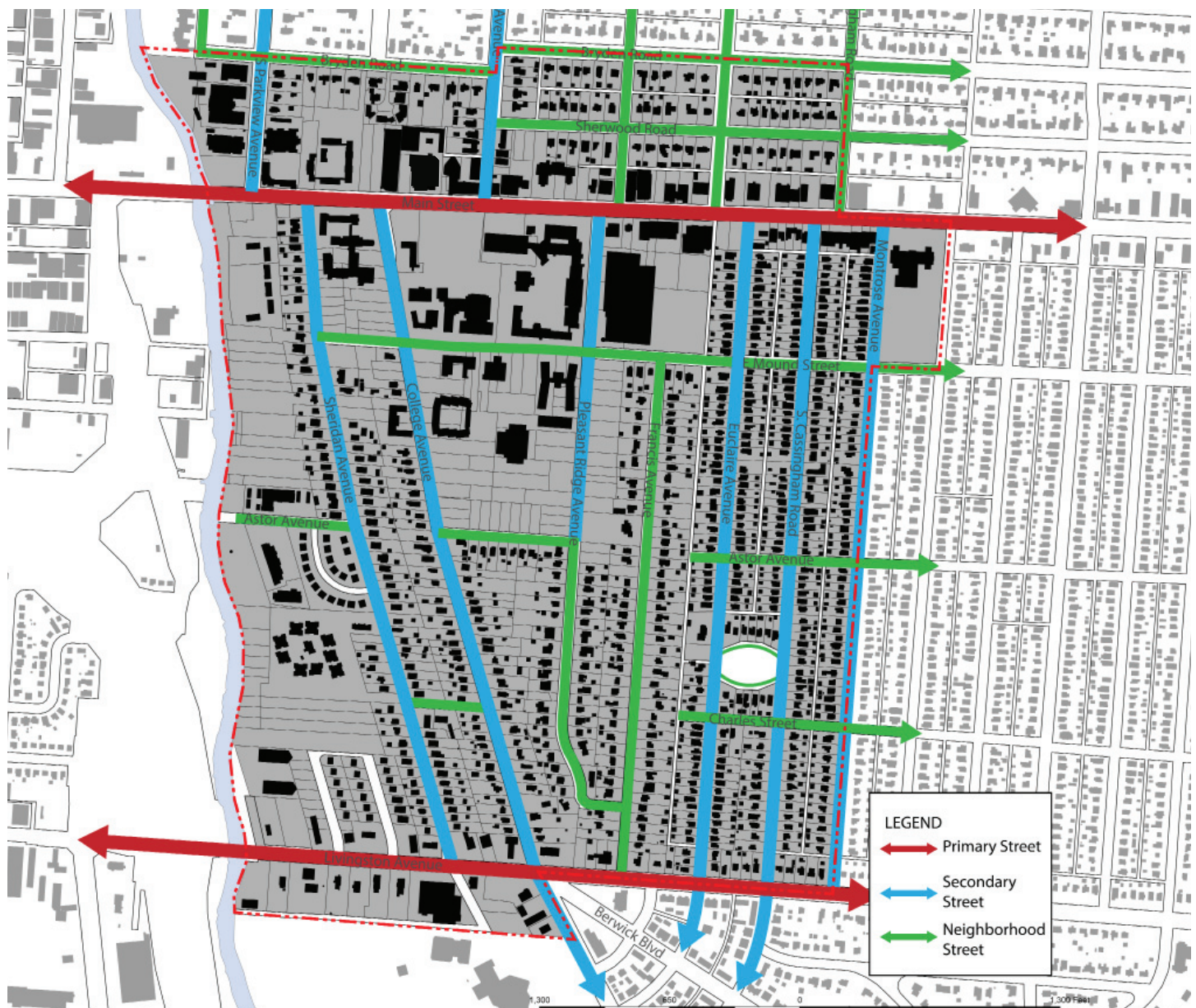
3.5 VEHICULAR AND PEDESTRIAN CIRCULATION

As shown in the vehicular circulation map below, Southwest Bexley is served by two primary east-west circulation corridors: Main Street to the north and Livingston Avenue to the south, and multiple north-south streets.

Between Main Street and Livingston Avenue, there are no additional continuous east-west streets. Mound Street stops at Sheridan Avenue and Charles Street and Astor Avenues are missing several sections. These streets also serve as pedestrian routes and bike ways, and there are no alternative pedestrian paths to supplement

the missing east-west street connections. This broken street grid hampers the walkability and bikeability of the neighborhood.

In its current condition, the incomplete east-west grid disrupts pedestrian flow through the neighborhood. So while the study area is compact and has many destinations to walk to, convenient access is lacking. This poses an especially significant challenge to families with children in the residential areas wanting to walk safely to Montrose Elementary School. The broken grid also limits pedestrian access to the Alum Creek Corridor and the parks and amenities along it.



Vehicular and Pedestrian Circulation

3.6 PAST PLANNING EFFORTS

Review of the many planning studies undertaken over the past decade provides further insight into the challenges and opportunities for the study area and sheds light on strategic investments that have been made or are proposed to be made in Southwest Bexley. Key findings/recommendations considered in the Southwest Bexley Strategic Framework effort are noted below.

2011 Bexley Land Use Strategy Recommendations

- Work towards a double-loaded East Main Street
- Use the Community Improvement Corporation to assemble Ferndale/Mayfield properties (being explored currently).
- Create Ferndale/Mayfield PUD; explore use of TIF (concept currently on hold).
- Provide neighborhood connection to Mayfield/Ferndale (efforts have begun to address this).
- Modernize Bexley's Planning and Zoning Code (completed).
- Expand City's Tax Base (target office and medical uses).
- Protect watershed and control development along Alum Creek (completed).

2013 Bexley Strategic Plan

- Pursue a joint Livingston Avenue streetscape plan with the City of Columbus.
- Work with the JCC and the Jewish Federation to identify acquisition targets in order to provide a tangible presence and entrance to the JCC from Livingston Avenue.
- Create a forum for ongoing town/gown dialogue.
- Increase available parking for Main Street.
- Specifically target high-demand uses for Bexley.
- Safety of students walking and biking to Bexley Schools is important.
- Develop uniform signage standard.
- Develop and maintain programs and activities that identify and promote Bexley as an arboretum.
- Beautification for Livingston Avenue is a long-term and large-scale proposition that involves streetscape improvements, landscaping, refined zoning standards,

and the cleanup of utility line and signage clutter.

- Create the Alum Creek Plan (plan completed).
- Increase recreation field and facility opportunities.

2013 Alum Creek Park Plan

A major emphasis of the Alum Creek Park Plan is the stabilization of the Livingston corridor, with an emphasis on the stabilization of the Mayfield and Ferndale Place area. Key improvements that benefit the Livingston Avenue corridor and Mayfield and Ferndale Place area:

- Trail and park improvement
- Athletic fields at City-owned property adjacent to Bexley Community Gardens

2015 Livingston Avenue Stabilization Proposal

Mayfield and Ferndale Place Area Challenges

- Area is a former landfill site potentially causing health and safety hazards.
- Structural (site stability) issues to development and infrastructure along with the lack of economic return have resulted in neglected property.
- Neglected property as well as inattentive landlords and tenants have fostered criminal activities.
- Fragmented ownership makes assembly difficult.

Mayfield and Ferndale Place Area Solutions

- Environmental and structural remediation of former landfill.
- Formation of Community Improvement Corporation / property assembly.
- Development options that are not purely market-driven
- Purposeful reinvestment back in this area.
- Secure long-term affordable housing in Bexley for displaced residents.

Livingston Avenue Challenges

- Older development with little versatility, limited desirability.
- Low quality of existing commercial improvements suppresses new development.
- High crime rates in Mayfield/Ferndale Place – landlord neglect, poor property upkeep, subpar living conditions

- Bexley only has control over north side of Livingston
- Mayfield/Ferndale Place – only accessible via East Livingston Avenue causing physical and social isolation from Bexley community

Recommended Priority 1: Stabilize Mayfield/Ferndale Place

- Formulate an assembly plan.
- City/CIC to acquire smaller residential properties over 10-year period.
- During holding period, reinvest rent income into property maintenance.
- Conduct site remediation / cleanup.
- Return properties to market – various scenarios.

Recommended Priority 2: Improve Livingston Avenue Corridor Public Amenities including

- Landscape
- Lighting
- Signage
- Speed Mitigation
- Recreational Amenities

Recommended Priority 3: Long-Term Livingston Avenue Goals

- Burying above-ground lines on north and south sides of Livingston Avenue.
- Removal of billboards on Livingston Avenue.
- Continue to encourage the JCC to create a front driveway and presence coming off of Livingston Avenue.



Private developer to redevelop Mayfield/Ferndale Place



Preservation of existing multi-family housing



Preservation and conversion to campus student housing use

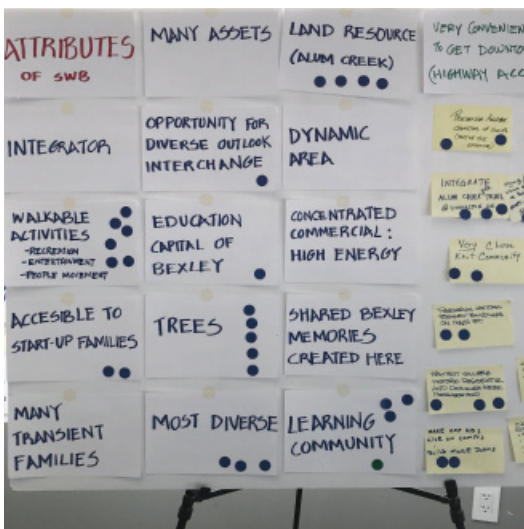
2003 Southwest Bexley Recommended Options to Stabilize Mayfield/Ferndale Place Area

(source: City of Bexley)

3.7 COMMUNITY NEEDS

Community input was vital to the 2017 Southwest Bexley Strategic Framework process and the resulting framework strategies. Here are some of the needs identified by the community:

- Dog park
- Soccer fields
- Conference center/hotel
- Preserve community garden
- Capital University to be stronger cultural center
- Don't turn houses into dorms (revise zoning code)
- Help maintain old houses
- Extend Charles Street west
- Bury utilities along Livingston Avenue
- High-end apartment condos needed
- Provide sidewalks
- Don't expand Capital University's boundaries further east
- Capital University should divest of properties along Euclidean Avenue
- More opportunities for Bexley residents on Capital University's campus
- Build bike way links / trails
- Provide / preserve affordable housing
- Better east-west access to Alum Creek
- Preserving the current design of Francis Ave without additional east/west connections.
- More open space
- Maintain sense of scale along Main Street
- Preserve historical character
- Adequate parking needed
- Add a senior center
- Designate as Historic Neighborhood
- Make Livingston Avenue "picturesque"
- Finish Astor Avenue to Sheridan Avenue
- Make destination visible from I-70
- Replace Capital University surface parking with single-family residences
- Additional playgrounds besides Montrose Elementary School
- Revitalize forgotten part of Southwest Bexley (Mayfield/Ferndale Place area)
- Make neighborhood safe, walkable, fun for families
- Maintain family neighborhoods
- Encourage vital businesses along Livingston Avenue
- Zone for three+ unrelated occupants to Boarding House and restrict that use to campus zoned area



Qualitative Data Collected from the Steering Committee and Community Between November-December 2016

3.8 2017 SOUTHWEST BEXLEY STRATEGIC FRAMEWORK GOALS

The existing conditions analysis, outcomes from previous studies, and input from the Steering Committee and community members helped formulate the following goals for the study area:

- Create a walkable and bikeable neighborhood
- Create a safe neighborhood
- Support economic development
- Preserve and enhance residential areas
- Improve the student living experience
- Add recreational amenities
- Embrace community diversity
- Build on the university-town synergies
- Revitalize the Livingston Avenue corridor and Mayfield/Ferndale Place area
- Preserve, enhance, and leverage the Alum Creek greenway, park, green open spaces, and the tree canopy



Steering Committee and Community Members Formulating Strategic Goals at the November 2016 Public Meeting

4.0 Framework Options

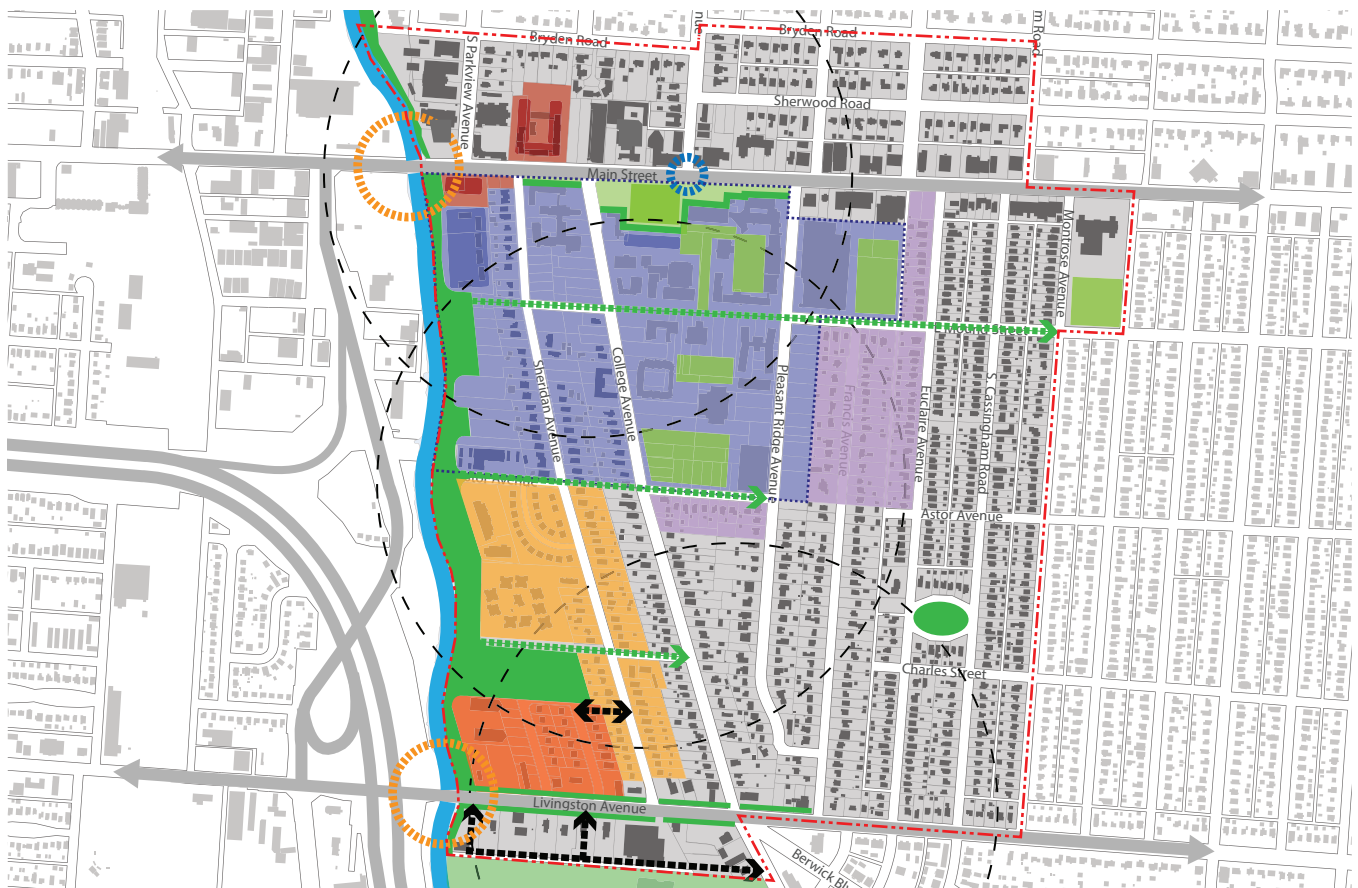
KEY IDEAS EXPLORED

Having established a common set of goals and a vision statement, and in response to the opportunities identified for enhancement of Southwest Bexley, various Framework ideas were developed that begin to address the needs and aspirations of the community. These ideas were presented under three Framework options.

Framework Draft Option A: Key Ideas

The ideas in this option closely followed the previous planning strategies proposed for Southwest Bexley.

- Reinforce Main Street as a mixed use commercial corridor
- Maintain open space as Capital University's front face on Main Street
- Preserve Capital University's Memorial Gateway
- Build Capital University's student housing west of Sheridan Avenue and north of Astor Avenue.
- Preserve single family housing fabric along Sheridan Avenue south of Main Street
- Preserve existing single family residential fabric
- Reinforce east-west Mound Street through connection
- Create east-west Astor Avenue connection from Pleasant Ridge Avenue to Alum Creek
- Reinforce Alum Creek greenway/buffer zone
- Retain Mayfield/Ferndale Place site to replace displaced affordable housing with safe, clean, and attractive affordable housing
- Create new access road south of existing Livingston Avenue businesses



Framework Draft Option A (This was an early option and is not the recommended strategy.)

Framework Draft Option B: Key Ideas

The ideas in this option take a more surgical approach to enhancements along Main Street and the Livingston Avenue corridor.

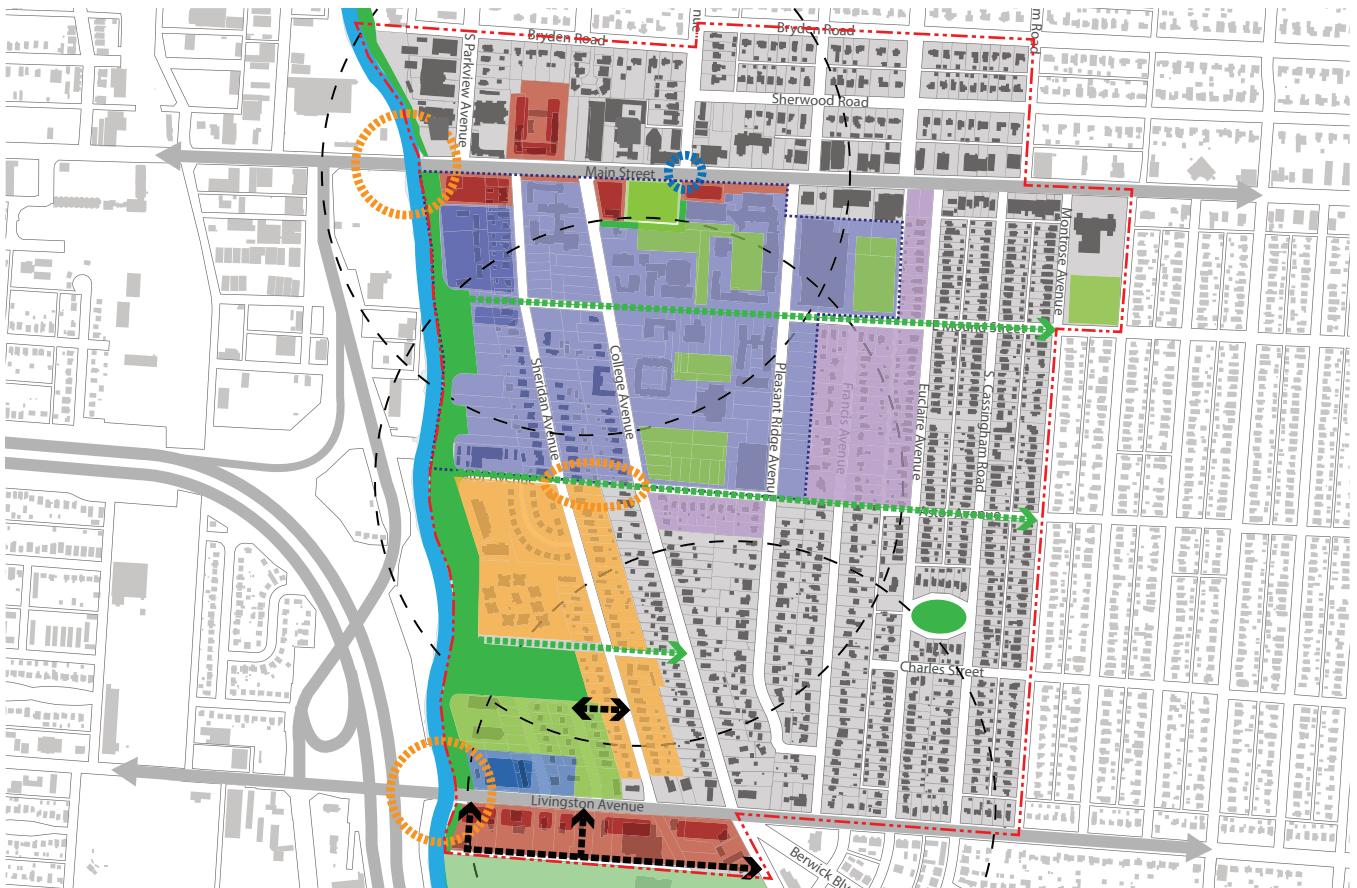
- Reinforce Main Street as a mixed use commercial corridor
- Build facilities and open space as Capital University's front face on Main Street
- Preserve Capital University's Memorial Gateway
- Build Capital University's student housing west of Sheridan Avenue and north of Astor Avenue
- Preserve single family housing fabric along Sheridan Avenue south of Mound Street
- Preserve existing single family residential fabric
- Reinforce east-west Mound St. through connection
- Create east-west Astor Ave through connection to Alum Creek
- Create east-west Charles Street connection from College Ave to Alum Creek

- Reinforce Alum Creek greenway/buffer zone
- Redevelop Mayfield/Ferndale Place site as public green space and front Livingston Ave with a recreation center/civic building
- Create a commercial mixed use overlay zone along Livingston Avenue
- Livingston Avenue mixed use buildings to include affordable housing above

Framework Draft Option C: Key Ideas

Compared to the ideas in Option B, Option C has a slightly varied approach to enhancements along Main Street and the Livingston Avenue corridor.

- Limit housing east of Pleasant Ridge Avenue to single family housing
- Reinforce Main Street as a commercial/mixed-use corridor
- Build facilities and open space as Capital University's front face on Main Street



Framework Draft Option B (This was an early option and is not the recommended strategy.)

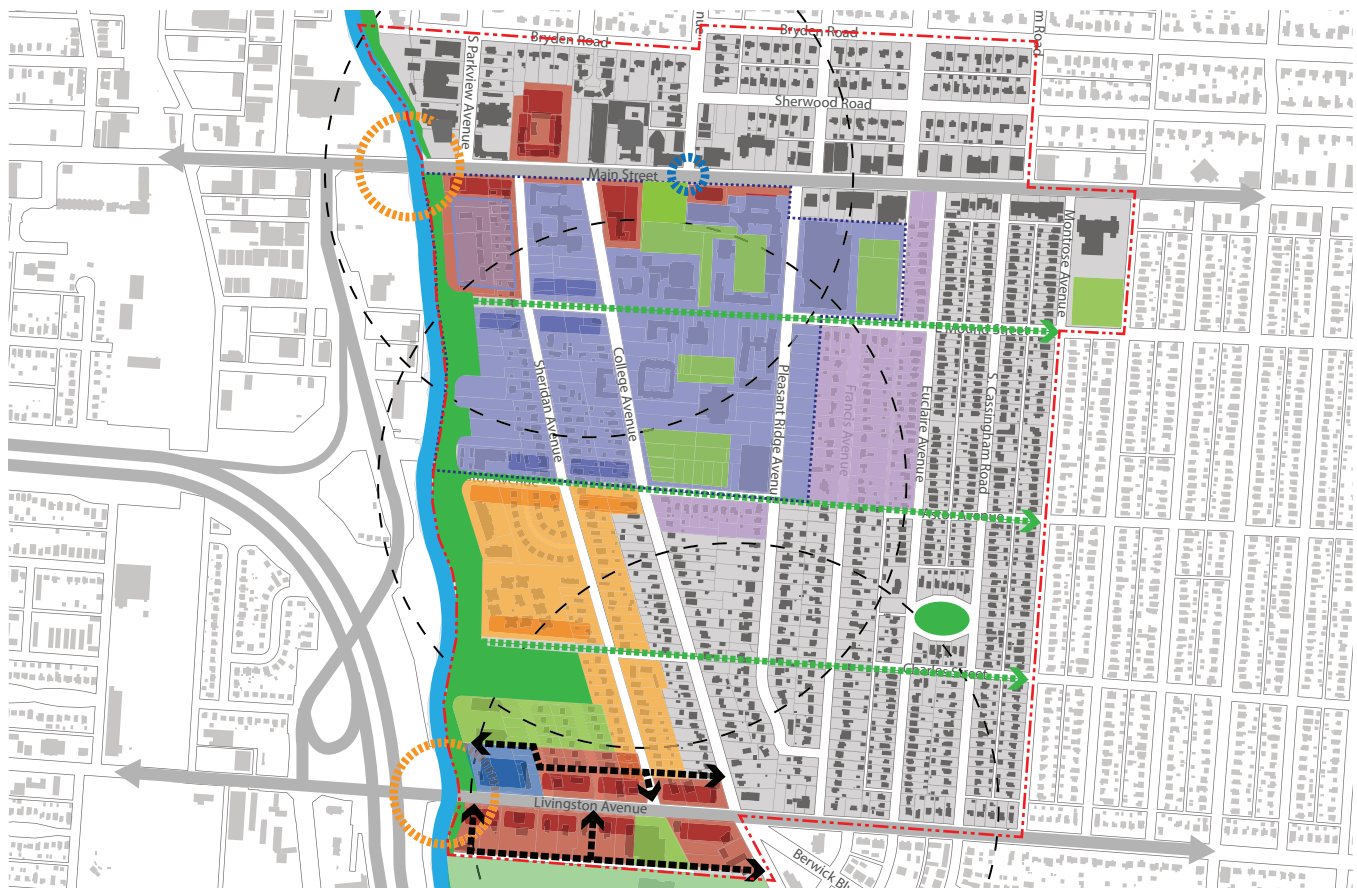
- Preserve Capital University's Memorial Gateway
- Allow market-rate family housing or student housing west of Sheridan Avenue and north of Mound Street
- Build Capital University's student housing along Mound Street between College and Alum Creek buffer
- Limit housing east of Pleasant Ridge Avenue to single family housing
- Reinforce east-west Mound Street through connection
- Create east-west Astor Avenue through connection to Alum Creek
- Create east-west Charles Street through connection to Alum Creek
- Reinforce Alum Creek greenway/buffer zone
- Redevelop Mayfield/Ferndale Place site to public green space with commercial mixed use development (including replacing displaced affordable housing with safe, clean, and attractive affordable housing above) along Livingston Avenue

- Create a commercial mixed use overlay zone along Livingston
- Create green/open space gateway to JCC

Community Feedback to Draft Framework Options

- Provide replacement of displaced affordable housing in Bexley
- Explore opportunities for shared use of parking
- Capital University's Green is a community asset
- Maintain current building scale along Main Street
- Encourage walkability
- Preserve existing single family residential fabric
- Provide for walkability/bikeability without cut-throughs on Francis

Based on community feedback, the preferred ideas from draft Options B and C became the basis for developing the preferred Framework strategy.



Framework Draft Option C (This was an early option and is not the recommended strategy.)

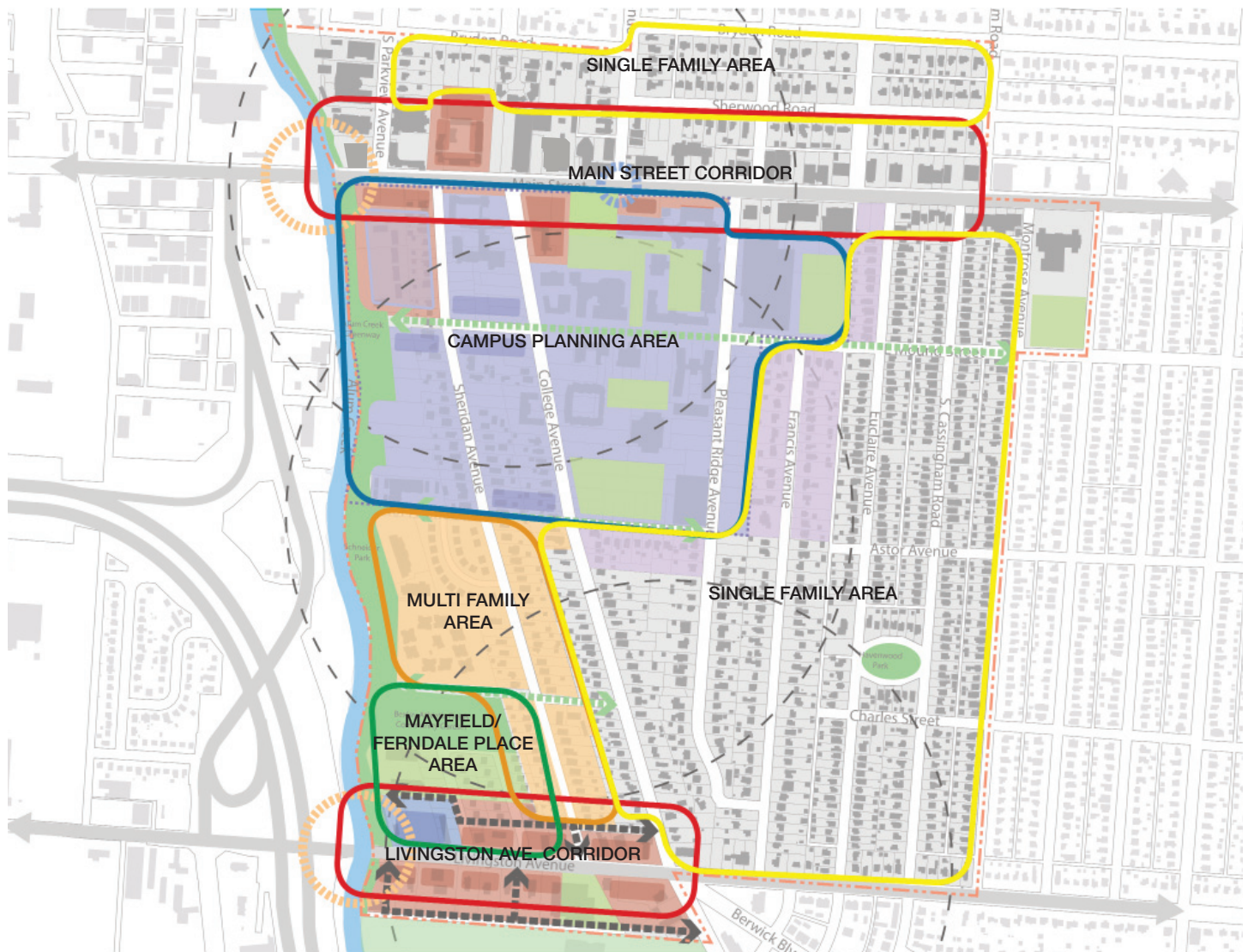
5.0 Southwest Bexley Strategic Framework Recommendations

Vision: Make Southwest Bexley a place of choice for people who want to live, learn, and work here, for now and into the future.

This section contains the official Southwest Bexley Strategic Framework map and recommended strategies. The Framework outlines a vision for the neighborhood and identifies a series of Framework strategies within which future planning, development, and policy decisions can be made. The Framework is not a “Plan” and as such does not prescribe a set of policy or development recommendations to be achieved within a prescribed timeframe.

A series of strategies is recommended in the Southwest Bexley Strategic Framework for the following focus areas of the neighborhood:

- Campus planning area
- Single family residential areas
- Multi-family residential areas
- Main Street corridor
- Livingston Avenue corridor
- Mayfield/Ferndale Place area



Framework Focus Areas

5.1 CAMPUS PLANNING AREA

The Southwest Bexley Strategic Framework reaffirms the campus planning district boundary and reinforces the need to preserve the single family housing character to the east and south of this boundary per the 2004 memorandum of understanding among Capital University, Trinity Lutheran Seminary, and the City of Bexley and the City of Bexley's 2016 zoning map.

The Campus Planning District captures adequate land area to meet university needs. It can accommodate various University uses, including student housing. The campus planning area immediately south of Main Street is considered appropriate for mixed use development, including University uses that are compatible with Main Street corridor strategies.

New University buildings along Main Street should create street activation to enhance Main Street characteristics. The Capital University "Green" will be preserved as an amenity for the University as well as the Bexley community and will contribute to the activation (vibrancy and visual interest) of Main Street.

Safe pedestrian connections within the campus planning area should continue to be enhanced.

5.2 SINGLE FAMILY RESIDENTIAL AREAS

Single family housing is a critical land use within Southwest Bexley. The character of the single family residential areas should be reinforced and preserved. As noted above, the campus planning district boundary, reinforces the need to preserve the single family housing character to the east and south of this boundary.

Over-crowded housing poses a threat to the character of the single family neighborhood. Capping the total number of unrelated occupants to three will help mitigate that issue.

Safe access and walkability to and from the residential areas to the neighborhood's educational and recreational resources should continue to be enhanced. Reinforce

Mound Street section between Pleasant Ridge Avenue and College Avenue as a neighborhood pedestrian and bike path. This is easily achievable since this is already a paved plaza which is not open to vehicles. In addition, explore Astor Avenue linkages between College Avenue and Sheridan Avenue and Charles Street west of Sheridan Avenue as a pedestrian path and bike way the Alum Creek greenway trail.

Bridge connections to connect pedestrians and bikes from the east side of Alum Creek across to the trails on the west side should be considered as per the recommendations of the 2013 Alum Creek Park Plan.

The Framework does not suggest acquiring any single family property east of College Avenue for street extensions or creating pedestrian or bike connections.

5.3 MULTI-FAMILY RESIDENTIAL AREA

Multi-family housing is important to the diversity of Southwest Bexley's residential fabric. The Framework recommends preserving the character of the multi-family area.

As noted in the single family strategy, safe access and walkability to and from the multi-family areas to the neighborhood's educational and recreational resources are important and opportunities to provide these should be explored.

Capping the total number of unrelated occupants to three per residential unit will avoid the over-crowded housing issues in the multi-family area as well.

5.4 MAIN STREET CORRIDOR

Main Street serves as a strategic “gateway” into the City of Bexley and to Southwest Bexley. That sense of gateway as one crosses the bridge and enters Bexley should continue to be reinforced on Main Street.

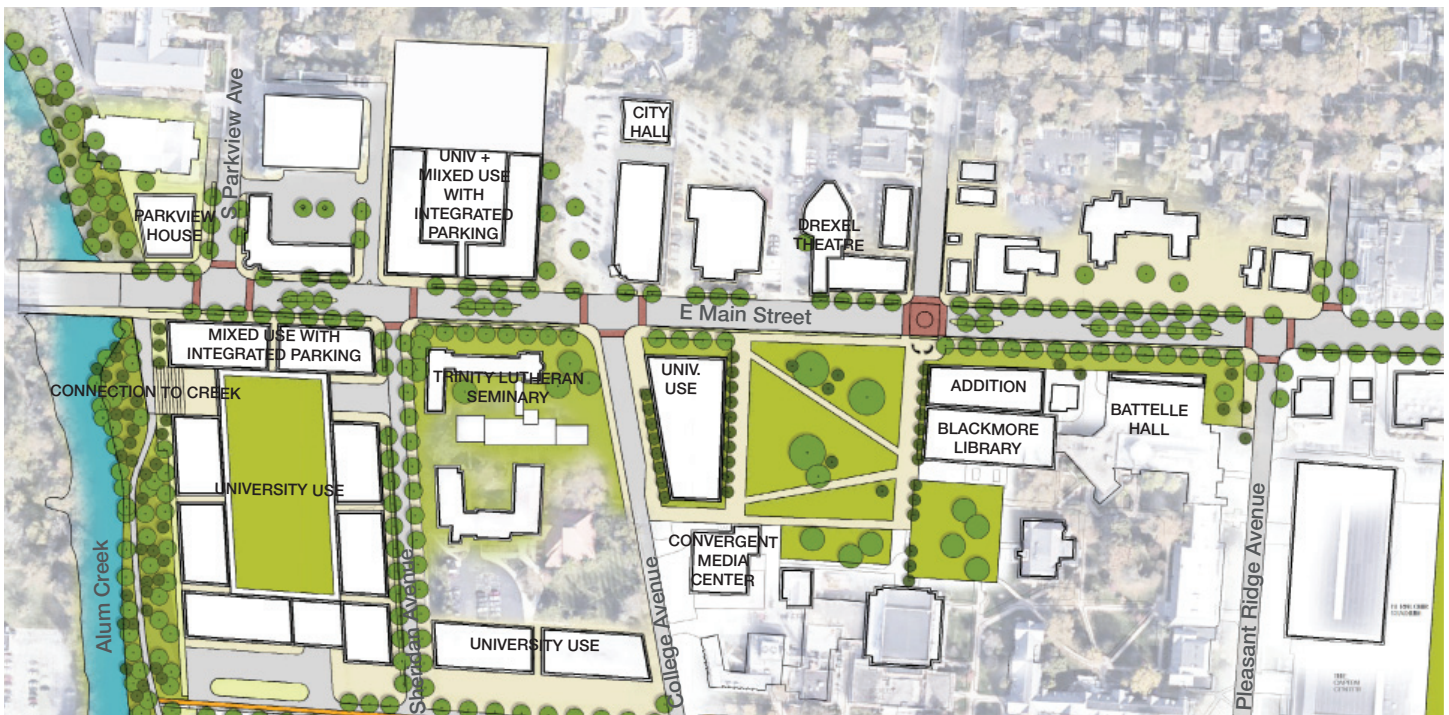
Main Street is a vibrant mixed use commercial corridor and contains some of Bexley’s historic and architecturally significant buildings. The Framework strategy for Main Street recommends that the important characteristic of this corridor be preserved and enhanced. Development and redevelopment along Main Street should support the aesthetic, vibrant, active, walkable environment and add uses that serve multi-generational needs, activate the street level, and provide community placemaking opportunities.

Shared parking solutions should also be explored as part of new development in this corridor to help meet public

and private parking needs.

The Framework allows for expansion of University uses along Main Street frontage, provided the development is compatible with Main Street corridor characteristics and will contribute to the activation (vibrancy and visual interest) of Main Street. The first floor of University building fronting Main Street will accommodate uses that are commercial in nature or public interfacing.

Based on the recommendations of the Strategic Framework, the 2004 memorandum of understanding among Capital University, Trinity Lutheran Seminary, and the City of Bexley will need to be amended.



Main Street Corridor Potential Opportunities

5.5 LIVINGSTON AVENUE CORRIDOR

Livingston Avenue is also an important “gateway” into Bexley and Southwest Bexley and the desirable Columbus neighborhood of Berwick. In its current condition this gateway entry experience is not memorable. Unlike Main Street, Livingston Avenue faces many significant challenges that need to be overcome in order to make this street a superior gateway experience.

A crucial challenge is that the Livingston Avenue corridor falls into two separate jurisdictions - with the City of Bexley controlling the north side of Livingston Avenue and the City of Columbus controlling the south side. However, meaningful improvements to a street corridor require impacting both sides of the street. Strategies for improvement of this commercial corridor therefore take into account both sides of the street, and will require collaboration between the City of Bexley and the City of Columbus.

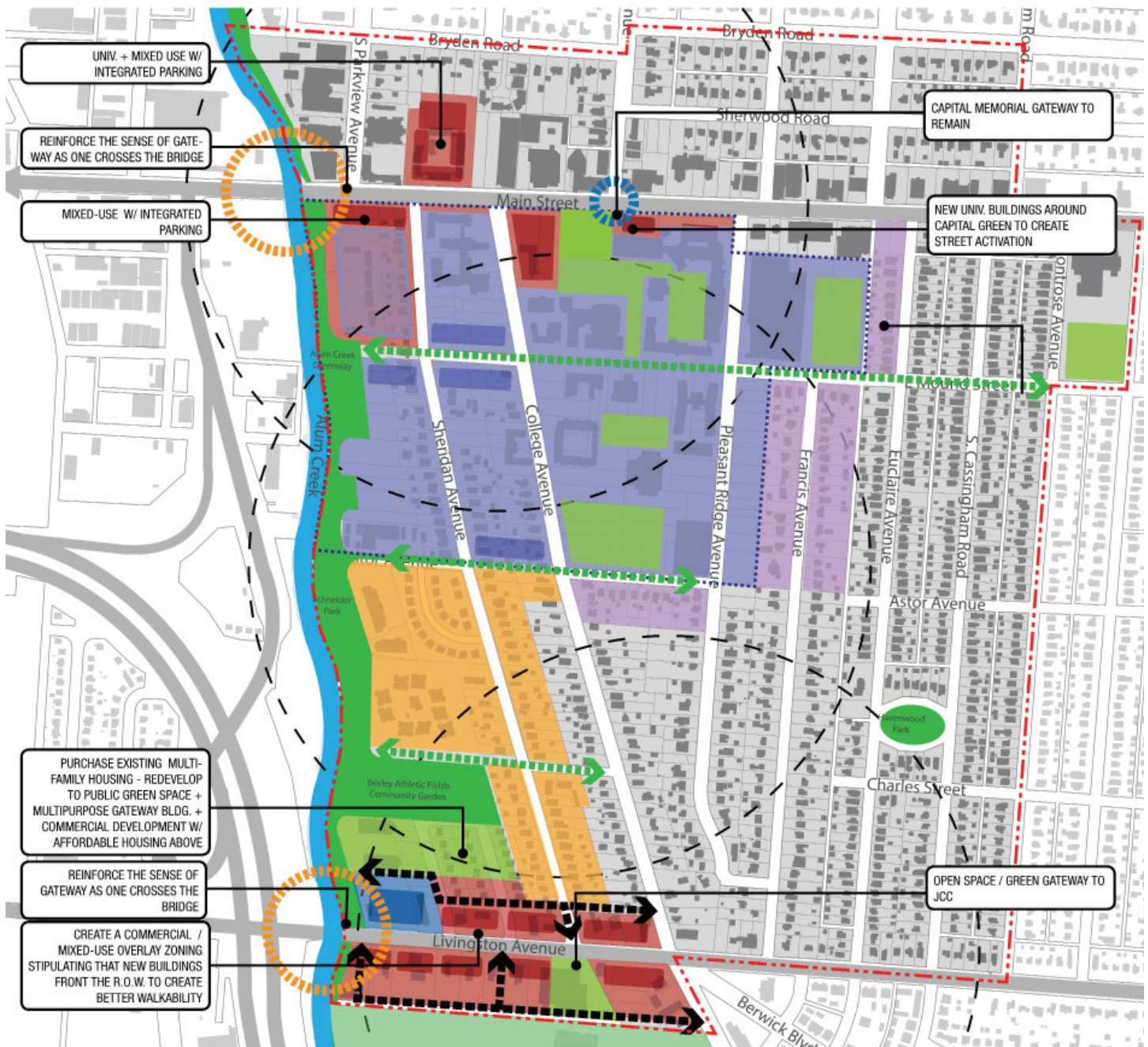
With that as an overarching premise, the recommended characteristics and Framework strategies for this corridor include substantial upgrades to the streetscape character and right-of-way aesthetics, incorporating a mix of uses (including replacing displaced affordable housing with safe, clean, and attractive affordable housing) and calming traffic measures (controlled pedestrian crossing, on street parking, etc.). Shared parking solutions should also be explored as part of new development in this corridor to help meet public and private parking needs.

Limiting the curb-cuts, by constructing access roads behind development fronting Livingston Avenue, will also create a safer vehicular corridor and a more pedestrian friendly street environment. Maps on the Franklin County Auditor’s website show that right-of-ways exist to allow for development of back access ways.

The above mentioned strategies are long-term goals



Livingston Avenue Corridor Potential Opportunities



Main Street Corridor, Livingston Avenue Corridor, and Mayfield/Ferndale Place Area Strategies

for Livingston Avenue. A first step towards that goal would be for the City of Bexley and City of Columbus collaborating to formulate a roadmap to implement the long-term strategies. In the interim, the Mayfield/Ferndale Place development/redevelopment of individual properties should align with the Livingston Avenue strategies including:

- fronting future new buildings with limited or no setbacks along Livingston;
- planning, preserving, and constructing in segments rear access roads;
- parking to the back of the development;
- designing a building or a special feature to create a “gateway” moment; and
- new buildings should be multi story and mixed-use with street activating commercial uses at the street level and affordable and market rate housing as part of the floors above.

5.6 MAYFIELD/FERNDALE PLACE AREA

The strategy for the Mayfield and Ferndale Place is intertwined with strategies recommended for Livingston Avenue. Establishing physical connectivity of this area to the rest of the neighborhood - both vehicular and pedestrian is also important.

The Mayfield and Ferndale Place area has been a focus of several previous planning studies since the 2003 Master Plan. This area continues to be a key focus area for the City of Bexley as it works with the Community Improvement Corporation to explore the viability of the recommendations from the previous studies. This Framework suggests continuing to explore the most appropriate strategy for environmental and structural remediation of this area, opportunities to purposefully reinvest back in this area and land assembly.

Regardless of how the Mayfield/Ferndale Place area gets

developed or redeveloped, there is a strong consensus in the Bexley community that displaced affordable housing needs to be replaced with safe, clean, and attractive, affordable housing within Bexley.

5.7 DECISION-MAKING TOOL

With its diversity in housing and educational and civic institutions and abundance of natural and recreational resources, Southwest Bexley is a truly unique area of Bexley. The Southwest Bexley Framework capitalizes on these tremendous assets and provides strategies to make Southwest Bexley a place of choice for people wanting to live, learn and work here, for now and into the future.

The Framework is a tool to be used for decision-making and, with inherent flexibility, it is designed to allow for changing future circumstances.

6.0 Additional Resources

Additional resources for Southwest Bexley, the 2017 Southwest Bexley Strategic Framework and related updates can be obtained at the City of Bexley and City's website at: <http://www.bexley.org/swbmp>





City of Bexley Board of Zoning and Planning

Decision and Record of Action –February 25, 2021

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

Application No.: BZAP-20-48
Applicant: Community Builders
Owner: Sally Woodyard
Address: 2300 E. Livingston
Zoning: CS - Commercial Service District
Request: The applicant is seeking a Conditional Use to allow dwelling units on all 3 floors of a proposed new 3-story building (with 27 dwelling units proposed). The applicant is also seeking architectural review and approval of the proposed 3-story structure. If approved, the existing structure would be demolished.

MOTION: The following motion to approve this application was made by Mr. Marsh and seconded by Ms. Wagner-Dorn:

The findings, conclusions and decisions of the Board for application number BZAP-20-48 for a conditional use for the property located at 2300 E. Livingston as stated by Ms. Rose: Upon consideration of the applicant's proposed conditional use and evidence and testimony before it, the Board of Zoning and Planning finds that the applicant has proven that all the criteria to grant a conditional use in accordance with Bexley Code 1226.12(a)-(h) have been met and a Conditional Use is granted to allow dwelling units on all 3 floors of this proposed new 3-story building in substantial conformance with the plans submitted to and before the Board on February 25, 2021 and the existing structure may be demolished following final approvals. The Board remands the Certificate of Appropriateness to the Architectural Review Board for final determination with the following conditions:

The final design review and approval is remanded to the Architectural Review Board for determination and issuance of a Certificate of Appropriateness.

The landscape plan is remanded to the Tree and Public Gardens Commission for determination and design approval.

That the applicant, Community Builders, and property management company continue to be engaged with the community (and its participation in the South Bexley Neighborhood Association).

The owner/property management company shall restrict the number of total permitted cars of tenants in the building to no more than thirty cars total.

The applicant, Community Builders, agreed to the conditions.

VOTE: 6 in favor; 1 opposed. The motion passes.

RESULT: A Conditional Use was approved to permit dwelling units on all 3 floors of the proposed new 3 story building in substantial conformance with the plans submitted to and before the Board on February 25, 2021. The existing structure may be demolished following all final approvals.
The Certificate of Appropriateness was remanded to the Architectural Review Board for final determination.
The Landscape Plan was remanded to the Tree and Public Gardens Commission for final determination.

Staff Certification: Recorded in the Official Journal this 25th day of February, 2021.



Kathy Rose, Zoning Officer



Karen Bokor, Design Consultant

cc: Applicant, File Copy

**Video of Bexley Board of Zoning and Planning Meeting
on February 25, 2021**

<https://www.youtube.com/watch?v=deSA0brKVu8>
from 27:15 through 3:56:25
Decision at 3:56:27



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 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 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 planner 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 not 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 Negron 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. Negrón 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. Negrón 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. They 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 Allizon 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: Alissha Mitchell, Heidi Dorn, Ryan Schick, Sean Turner, Jason Fout, Bob Behal

Against: Brian Marsh

The meeting ended at 1:57 am

7) Adjourn

**Video of Bexley Board of Zoning and Planning Meeting
on March 25, 2021**

https://www.youtube.com/watch?v=W_HG2NF2Iq0
from 3:05 to 5:00



Board of Zoning and Planning Meeting Minutes

Thursday, March 25, 2021

6:00 PM

1) Call to Order

The meeting started at 6:02 pm. The meeting was recorded live on the City's YouTube channel. Here is the link to access the video

recording: https://www.youtube.com/watch?v=W_HG2NF2Iq0

2) Roll Call of Members

Roll Call: Ryan Schick, Alissha Mitchell, Sean Turner, Jason Fout, Brian Marsh, Rick Levine, Bob Behal

3) Public Comments

There were no public comments.

4) Approval of Minutes

A) from the January 28, 2021 and February 25, 2021 Board of Zoning and Planning meeting

Motion to Approve January 28th, 2021 Minutes: Alissha Mitchell, seconded by Sean Turner

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

Motion to Approve February 25th, 2021 Minutes: Ryan Shick, seconded by Alissha Mitchell

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

5) Other Business

A) Staff Report

Rose wanted to state that BZAP-21-6 for the property located at 12 Sessions Village will not be heard this evening.

Garage zoning update

Bob Behal said that a member cannot request a reconsideration of the matter, but a Board member can.

Application No. BZAP-20-46 2404 Fair Avenue, Linda Parker, applicant, and Tyler Chamblin,

owner. This case was heard at the end of the February 25th, 2021 BZAP meeting. Behal is willing to entertain to reconsider this case. The proposal is for an addition to the rear which hooked on to the garage and was two stories in size. Rose said if the Board wanted to reconsider this application it would require a two-week notice to be sent out, but the application would not be heard at this meeting. Fout said it seemed to be a reasonable request. Behal said it is fair to say the Board and the public had been waiting for hours to discuss that case and asked if there was a Motion from the Board to reconsider it. Turner said if it is under Old Business in the next meeting, then have it listed first on the agenda.

Motion to reconsider this application: Ryan Schick, seconded by Alissha Mitchell

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

6) New Business

A) BZAP-21-21 for **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.

James Burkart was sworn in.

Rose reviewed staff comments with the Board for this application. The property owner owns the lot to the south, which currently has an 8' chain link fence and is asking to install a portion of the fence into the riparian along Alum Creek. It is allowed to go into the floodway as long as it does not get in the way of the flow, and breakaway construction can be used to allow flow and debris to move unimpeded. Staff finds this proposal in favor of the variance if it is conditioned that the bottom of the fence allows flow for debris, as well as a condition to seek approval on whatever plantings go back in the area that would be removed to allow for installation of the fence.

The applicant reviewed background information for this application with the Board. The concern for the family is security. They have had people on the property before, and the only problem they have with the proposed condition would be to have the feature where the fence is above the floodway or have a fence that rotates. Currently the site is not a pretty site, it is full of vines and over-vegetation, and they are trying to clean it up and put it back to a lawn with some native plants.

Rose asked if they would consider stopping the breakaway point and cutting the fence out of the floodway. The applicant asked if the 100-year flood is the boundary. Rose said it was the advice given from the Franklin County Soil and Water department under their fence ordinance. Behal asked if this is a situation where it could be moved to the east by ten or fifteen feet and out of the flood plane. Rose said she would have to verify that because in its current state, anything put in its way could impede that and move the flow. She said that whatever is taken out has to be replaced with something where it was removed from. The applicant said that there was no problem with erosion on the bank to the west. Rose said in a similar case, there was a 4' fence installed north of Main Street that was raised from grade to not impeded the flow. She said it

would still provide security.

Dan Sharpe, resident at 481 N. Parkview, was sworn in. Mr. Sharpe has concerns for this proposal. One is the height request variance, and the details around the riparian. He feels there is a lack of clarity on that. There was an expectation what constitutes the site plan and what was submitted only meets two of the eleven requirements. He thinks more work should be done through the Franklin County Soil and Water department to meet the riparian sensitivity. He said the existing fence is sufficient and that this proposal is elective. He said that Commonwealth Park South and Drexel has different fencing materials and landscaping and referenced the letter he submitted to the city which includes an image from his back yard. His concern is that the fence would be 1' from his outdoor living space and that it gives an industrial feel and is an imposition to his outdoor living environment.

Rose said the application was not on the website. Behal said there seemed to be quite a few issues. Rose said she emailed the County and they sent riparian setback requirements. Mr. Sharpe asked if any of the documents she received were from October 2020. Rose said yes. Behal said that the Board needs more information to make a decision in this case, and needs to have the city attorney talk about code sections. He said that if the County thinks it infringes into a 100-year waterway they would have a better idea how this is going to look. He asked the applicant if his client was willing to Table the application so more information can be gathered. Mr. Burkart said they understand the concerns of the neighbor and can make a commitment to look into moving the fence back 6' from the upper eastern edge of the property and plant materials there that makes the neighbor happy. Rose said there were concerns so Mr. Sharpe might need to work with them on spacing and species. Mr. Sharpe said he would defer to the applicant and recommended they align with the city's Arboretum status.

Motion to Table: Brian Marsh, seconded by Alissha Mitchell

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

B) BZAP-21-7 for **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.

Bob Behal recused himself for the discussion and vote for this application. Brian Marsh stepped in as Vice-Chair.

Rose wanted to mention that the neighbor to the immediate west of this property informed her he did not receive a notice and wanted to check to see if anyone else did receive a notice for this application.

Myles Hoover said that he heard the neighbors did not receive a notice and wanted to consider that and be able to review the plans in detail. He would like to Table to application.

Motion to Table: Alissha Mitchell, seconded by Jason Fout

Vote: Ryan Schick, Alissha Mitchell, Rick Levine, Sean Turner, Jason Fout, Brian Marsh

Recused: Bob Behal

C) BZAP-21-8 for **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.

Bob Behal returned to the meeting.

Joshua Predovich, Amee Bell-Wanzo, and Chris Wanzo were sworn in.

Rose reviewed background information with the Board. This is a 50'-wide corner lot and 15' from property side they are looking to add a 10'4" addition to the rear of the house. It would stay in line with the existing structure. This is proposed on the south half to the west façade and the brick patio would be located to the north of the addition. Code requires a 15' setback. Staff does not find this as excessive for a lot on the corner. The structure appears more to the north side of the lot, and if appropriate, the entrance on the north side would have a set of stairs and staff wondered if the applicant would consider adding a stoop, subject to final review by the Design Consultant.

Bokor said that the application was approved as a Consent Agenda item in ARB, and there was no discussion on this application. She talked to the applicant about the addition of a stoop and explained while it is not required by Code, it is difficult to enter and exit without a stoop. ARB recommends this application to the Board of Zoning and Planning for a Certificate of Appropriateness.

Behal said this does not look like it is extended further into the side yard than it already is and thinks it is a sensible addition. He is okay with the stoop. The applicant said they are looking to extend the patio larger, wrapping it around to the west. They might want to amend the plan to include additional hardscape. Behal asked if the applicant was okay with that being subject to approval by the Design Consultant. The applicant said he was.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-8 for the property located at 489 Northview: The Board finds upon consideration of the application, proposed variance, and evidence and testimony before it, the Board makes the following Findings of Fact and Conclusions of Law: The applicant has proven that the criteria to grant an area variance from Bexley Code Section 1226.11(c) has been met, and a variance from Bexley Code Section 1252.10(a)(1) to allow a 2' variance to allow a one-story addition, with the condition that a stoop be added as the top step from the north exit of the addition.

The applicants understood the Findings of Fact.

Motion to Approve the variances: Ryan Schick, seconded by Sean Turner

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

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-8 for the property located at 489 Northview: The Board finds that after the review of the plans and consideration of the application, evidence and testimony given, and recommendation from the Architectural Review Board, the Board finds that a Certificate of Appropriateness should be issued noting that the addition is compatible with the existing structure, subject to the conditions and minor modifications, further subject to final review and approval by the Design Consultant.

The applicants understood the Findings of Fact.

Motion to Approve the Certificate of Appropriateness: Brian Marsh, seconded by Sean Turner

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

D) BZAP-21-10 for **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 to 100 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.

Keith Moeller was sworn in.

Rose reviewed staff comments with the Board. This application is for a property located on a corner lot with the platting to College Avenue. There is an existing porch along Charles Street that is 1.3' from the south property line and is 18.7' into the side yard setback. The enclosed space is 4.4' from the south property line and encroaches 15.6' into the side yard setback. The existing porch is 18 x 9. The applicant is proposing to replace it and expand it 4'9.5" to be flush with the front façade. The stairs encroach 1' into the City's right-of-way. If the Board approves to grant the variance, it would allow the screen porch to be replaced with what is proposed in this application.

Bokor reviewed design comments with the Board. This application passed as a recommendation for a Certificate of Appropriateness as a Consent Agenda item by the Architectural Review Board. They had no issues with the architecture.

The applicant said that they are trying to update the existing porch and extending it to the corner to give the owners more room.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-10 for the property located at 887 College Avenue: Upon consideration of the application, proposed variances, and evidence and testimony before it, the Board makes the following Findings of Fact and Conclusions of Law: The applicant has proven the criteria to meet an area variance from Bexley

Code Section 1226.11(c) have been met, and a variance from Bexley Code Section 1252.10(a)(1), to allow an 18.7' variance to allow a screened porch to be placed and expanded at the existing setback, shall be granted.

The applicant understood the Findings of Fact.

Motion to Approve the Findings of Fact for the variance: Brian Marsh, seconded by Ryan Schick
Vote: Ryan Schick, Brian Marsh, Alissha Mitchell, Jason Fout, Sean Turner, Rick Levine, Bob Behal

The Findings of Fact and Conclusions of Law for Application No. BZAP-21-10 for the property located at 887 College Avenue: After review of the plans and consideration of evidence and testimony given, and a recommendation from the Architectural Review Board, the Board finds that a Certificate of Appropriateness should be issued, noting that it is compatible with the existing structure and should be approved as submitted.

The applicant understood the Findings of Fact.

Motion to Approve the Certificate of Appropriateness: Brian Marsh, seconded by Alissha Mitchell
Vote: Ryan Schick, Alissha Mitchell, Jason Fout, Sean Turner, Rick Levine, Brian Marsh, Bob Behal

7) Other Business

A) BZAP-21-6 for **12 Sessions Village**

Please Note: This Item has been removed from the Agenda as it did not require a variance and is subject to the Sessions Village Association Design Review Board per the Planned Unit Development Text.

B) **Correspondence:** A letter from Joyce D. Edelman of 2414 Fair Avenue

Request for Reconsideration Application No. BZAP-20-46; Applicant: Brenda Parker;
Owner: Tyler and Allizon Chamblin; Location: 2404 Fair Avenue.

C) Joint Livingston Avenue Plan - request for representative from BZAP for steering committee

Currently there is a joint Livingston Avenue plan in the works between the City of Columbus and the City of Bexley. Mayor Kessler read the plan and said they would like a member of BZAP on the Steering Committee. The intent is to look at the opportunity to increase traffic safety and create unified development and streetscape standards. The Steering Committee would like a BZAP member who will be a stakeholder who is passionate about claiming the corridor of three communities and connecting them. Mitchell would like to know when this starts. Behal asked if she was saying she would be willing to be the BZAP representative. Mayor Kessler said there will be a series of meetings over a nine-month period of time. Schick said he would be more than happy to assist. Turner said he would be happy to cover in a meeting if the BZAP representative is not able to attend a Steering Committee meeting. Behal asked the Board if they had any problem with nominating Mitchell to be the BZAP representative, with Schick and Turner covering for her if she cannot be at a meeting.

D) BZAP feedback on Ordinance 11-21, proposed Garage and Accessory Structure zoning

modifications

The Board discussed an ordinance before Council. Bokor walked through the background of the ordinance which is a study on accessory structures and a garage ordinance. There have been multiple revisions and the hope is to tackle the issue of detached garages in the context of the property on which it is proposed. This would relate in terms of scale to the size of the site and less concern about which district the property is located in. There is more concern of where it sits on the site and more rigorous requirements of the above the first floor space. There were codified concerns from BZAP and ARB for garages. The ordinance would tighten up the definition of a second floor and the rezoning process would ask for BZAP feedback. They are hoping to have the concept introduced to the group and in BZAP's April meeting have a chance to think about it and get formal feedback. The committee is comprised of two members from BZAP, Ryan Schick and Mike Paplow, and two members from the ARB, Bill Heyer and Larry Helman. Bokor wanted to point out that the document is not in its first reiteration but will have other versions made before it is approved. Members can read it and submit comments. Mayor Kessler read Section Four which talks about the idea that detached garages require replacement structures in order to be demolished and said that it is a change for the city. They can stand to lose detachment requirements without a replacement but discussion needs to be had about that.

Behal said members can send in comments. Mayor Kessler said there are specific definitions about removing accessory structures, one is the floor area restriction and the height restriction in terms of the creation of volume is not relevant. Rose said she wanted to ensure it is including overall measurements.

8) Adjourn

The meeting was Adjourned at 7:23 pm.

Appeal to City Council and Building Code 21-2

Your Submission

Attachments

Payment

Application Complete & Scheduled for Public Review

Board of Zoning & Planning OR City Council Review

Appeal Result

Your submission

Submitted Apr 23, 2021 at 10:03am

Contact Information

Bryan Hunt

Email address

bshunt@lovelandlaw.net

Phone Number

614-928-9107

Mailing Address

3300 Riverside Drive Suite 125, upper arlington, OH 43221

Location

2300 E LIVINGSTON AV

Bexley, OH 43209



Appellant Information

Decision Appealing *

Board of Zoning & Planning

Appellant Name(s) *

Ajay Garlapati; Timothy Mason; Fehd Massen; Anna Massen; Susan Plaisted; Dustin Snow; Tiffany Canfield; Leah Turner

Contact Address *

c/o Bryan S. Hunt, 3300 Riverside Drive, Suite 125, Upper Arlington, Ohio 43221

Contact E-Mail Address *

bshunt@lovelandlaw.net

Contact Phone Number *

(614) 928-9107

Reason for Appeal *

The Appellants' grounds for this appeal include, without limitation, the following:

- the BZAP's decision to grant the application was not supported by competent, reliable and/or admissible evidence;
- the BZAP erred by failing to give proper weight to the only evidence before it;
- the Applicant failed to prove that **all** of the factors required for a conditional use to be approved per Section 1226.12(a-h) of the Codified Ordinances of the City of Bexley, Ohio were met;
- pursuant to the Codified Ordinances of the City of Bexley, Ohio, the sought multi-family use is a prohibited use in the Community Service District or, at a minimum, it is ambiguous under the Codified Ordinances of the City of Bexley, Ohio whether the sought use is prohibited or not, and such ambiguity must be resolved before the approval of the sought conditional uses;

- the proper procedure to allow the requested use at the Property would be a rezoning of the Property to a Planned Unit Development per Chapter 1256 of the Codified Ordinances of the City of Bexley, Ohio;
- proper notice was not provided prior to one or more of the hearings involving the application for the conditional use at the Property;
- determinations made by the BZAP as to standing during one or more of the hearings were arbitrary and unlawful;
- the BZAP's decision was based upon certain statements, advice, insight and opinions provided by City Staff related to, among other things, city plans, parking, and uses in the district, that were arbitrary, included incorrect interpretations and applications of the Codified Ordinances of the City of Bexley, Ohio, and/or were otherwise misleading;
- it is unclear from the record whether one or both of the conditional uses allegedly necessary for the proposed use was/were granted by the BZAP;
- the decision is unconstitutional because it represents a taking of property without compensation;
- the decision is unconstitutional because it is based upon portions of the Codified Ordinances of the City of Bexley, Ohio that are vague and/or ambiguous;
- the decision of the BZAP was otherwise unsupported by the record, unreasonable, and/or unlawful.

How to Decision Impacts You *

Applicants are all owners of property near 2300 E. Livingston Avenue, and the decision of BZAP will impact, among other things, the use and enjoyment of their respective properties and the values of their respective properties. Further, the use will be detrimental to the neighborhood in which the Applicants reside.

Project Information

Project Name

The Community Builders - Multi-family Building

Project Address

2300 E. Livingston Avenue

Decision Date ?

02/25/2021

BEFORE THE CITY COUNCIL OF THE CITY OF BEXLEY, OHIO

Ajay Garlapati
981 Francis Avenue
Bexley, Ohio 43209,

Timothy Madison
956 Pleasant Ridge Avenue
Bexley, Ohio 43209,

Fehd Massen
994 Francis Avenue
Bexley, Ohio 43209,

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Bexley, Ohio 43209,

Dustin Snow
990 Francis Avenue
Bexley, Ohio 43209,

Tiffany Canfield
990 Francis Avenue
Bexley, Ohio 43209,

and

Leah Turner
993 Francis Avenue
Bexley, Ohio 43209,

APPELLANTS,

-vs-

City of Bexley,
Board of Zoning and Planning
2242 E. Main Street
Bexley, Ohio 43209,

APPELLEE.

**NOTICE OF APPEAL FROM THE
BOARD OF ZONING AND PLANNING
OF THE CITY OF BEXLEY**

CASE NO. BZAP – 20 – 48

Decision Rendered February 25, 2021

Minutes Approved March 25, 2021

NOTICE OF APPEAL

Pursuant to Section 1226.19(a) of the Codified Ordinances of the City of Bexley, Ohio, notice is hereby given that Ajay Garlapati, owner of the real property at 981 Francis Avenue, Bexley, Ohio 43209; Timothy Madison, owner of the real property at 956 Pleasant Ridge Avenue, Bexley, Ohio, 43209; Fehd Massen, owner of the real property at 994 Francis Avenue, Bexley, Ohio 43209; Anna Massen, owner of the real property at 994 Francis Avenue, Bexley, Ohio 43209; Susan Plaisted, owner of the real property at 718 Francis Avenue, Bexley, Ohio 43209; Dustin Snow, owner of the real property at 990 Francis Avenue, Bexley, Ohio 43209; Tiffany Canfield, owner of the real property at 990 Francis Avenue, Bexley, Ohio 43209; and Leah Turner, owner of the real property located at 993 Francis Avenue, Bexley, Ohio 43209 (collectively, “the Applicants”), appeal to the City Council of Bexley, Ohio (“City Council”) from the decision of the Bexley Board of Zoning and Planning (“the BZAP”), made on or about February 25, 2021, that granted the application of The Community Builders, c/o Nicole Boyer (“the Applicant”), for conditional uses to allow the property located at 2300 E. Livingston Avenue, Bexley, Ohio 43209 (“the Property”), to be used for multi-family housing.

STATEMENT OF ERRORS

The Appellants’ grounds for this appeal include, without limitation, the following:

1. the BZAP’s decision to grant the application was not supported by competent, reliable and/or admissible evidence;
2. the BZAP erred by failing to give proper weight to the only evidence before it;
3. the Applicant failed to prove that *all* of the factors required for a conditional use to be approved per Section 1226.12(a-h) of the Codified Ordinances of the City of Bexley, Ohio were met;

4. the Applicant failed to prove that the conditional uses will not be detrimental to the public health, safety or general welfare of the City of Bexley or the neighborhood in which it is proposed;

5. pursuant to the Codified Ordinances of the City of Bexley, Ohio, the sought multi-family use is a prohibited use in the Community Service District or, at a minimum, it is ambiguous under the Codified Ordinances of the City of Bexley, Ohio whether the sought use is prohibited or not, and such ambiguity must be resolved before the approval of the sought conditional uses;

6. the proper procedure to allow the requested use at the Property would be a rezoning of the Property to a Planned Unit Development per Chapter 1256 of the Codified Ordinances of the City of Bexley, Ohio;

7. proper notice was not provided prior to one or more of the hearings involving the application for the conditional use at the Property;

8. determinations made by the BZAP as to standing during one or more of the hearings were arbitrary and unlawful;

9. the BZAP's decision was based upon certain statements, advice, insight and opinions provided by City Staff related to, among other things, city plans, parking, and uses in the district, that were arbitrary, included incorrect interpretations and applications of the Codified Ordinances of the City of Bexley, Ohio, and/or were otherwise misleading;

10. it is unclear from the record whether one or both of the conditional uses allegedly necessary for the proposed use was/were granted by the BZAP;

11. the decision is unconstitutional because it represents a taking of property without compensation;

12. the decision is unconstitutional because it is based upon portions of the Codified Ordinances of the City of Bexley, Ohio that are vague and/or ambiguous;

13. the decision of the BZAP was otherwise unsupported by the record, unreasonable, and/or unlawful.

This appeal is proper for the foregoing reasons. Accordingly, and pursuant to Section 1226.19(j) of the Codified Ordinances of the City of Bexley, Ohio, City Council should reverse, or at a minimum vacate, the decision of the BZAP.

Respectfully submitted,

By: 
Bryan S. Hunt (0095519)
Loveland Law, LLC
3300 Riverside Drive - Suite 125
Upper Arlington, Ohio 43221
Telephone: 1-614-928-9107
Facsimile: 1-614-737-9857
E-mail: bshunt@lovelandlaw.net

*Attorney for Appellants Ajay Garlapati,
Timothy Madison, Fehd Massen, Anna Massen,
Susan Plaisted, Dustin Snow, Tiffany Canfield, and
Leah Turner*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Notice of Appeal from the Board of Zoning and Planning for the City of Bexley was submitted to the City of Bexley this 23rd day of April, 2021.

A handwritten signature in black ink, appearing to read 'Bryan S. Hunt', is written above a horizontal line.

Bryan S. Hunt (0095519)



City of Bexley

NOTICE OF FILING NOTICE OF APPEAL

BZAP APPLICATION NO. BZAP-20-48
2300 E. Livingston Avenue, Bexley, Ohio

You are hereby notified that on April 23, 2021, a Notice of Appeal of the Decision of the Bexley Board of Zoning Planning in the above Application was filed with Bexley City Council by Appellants who were not the Applicant as provided in Bexley City Code Section 1226.19(a). A copy of the Notice of Appeal filed with the City of Bexley is enclosed.

Bexley City Council shall set a date and time to hear oral argument by the parties. No new evidence or testimony may be presented. The Clerk of Council will post notice of the date, time and place of the oral argument and a summary of the appeal on the City's website at www.bexley.org at least fifteen (15) calendar days before the date of the oral argument.

The Clerk of Council will mail notice of the date, time and place of the argument and a summary of the appeal to you at least fifteen (15) calendar days before the date of the oral argument.

Bill Harvey
City of Bexley
Clerk of City Council

Mailed April 30, 2021

Mayor Ben Kessler

City Council:

Lori Ann Feibel, President
Matt Klingler
Monique Lampke
Troy Markham
Jennifer Robinson
Jessica Saad
Richard Sharp

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

(614) 559-4200

www.bexley.org

Appeal to City Council and Building Code 21-2

Your Submission

Attachments

Payment

Application Complete & Scheduled for Public Review

Board of Zoning & Planning OR City Council Review

Appeal Result

Your submission

Submitted Apr 23, 2021 at 10:03am

Contact Information

Bryan Hunt

Email address

bshunt@lovelandlaw.net

Phone Number

614-928-9107

Mailing Address

3300 Riverside Drive Suite 125, upper arlington, OH 43221

Location

2300 E LIVINGSTON AV

Bexley, OH 43209



Appellant Information

Decision Appealing *

Board of Zoning & Planning

Appellant Name(s) *

Ajay Garlapati; Timothy Mason; Fehd Massen; Anna Massen; Susan Plaisted; Dustin Snow; Tiffany Canfield; Leah Turner

Contact Address *

c/o Bryan S. Hunt, 3300 Riverside Drive, Suite 125, Upper Arlington, Ohio 43221

Contact E-Mail Address *

bshunt@lovelandlaw.net

Contact Phone Number *

(614) 928-9107

Reason for Appeal *

The Appellants' grounds for this appeal include, without limitation, the following:

- the BZAP's decision to grant the application was not supported by competent, reliable and/or admissible evidence;
- the BZAP erred by failing to give proper weight to the only evidence before it;
- the Applicant failed to prove that **all** of the factors required for a conditional use to be approved per Section 1226.12(a-h) of the Codified Ordinances of the City of Bexley, Ohio were met;
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- the BZAP's decision was based upon certain statements, advice, insight and opinions provided by City Staff related to, among other things, city plans, parking, and uses in the district, that were arbitrary, included incorrect interpretations and applications of the Codified Ordinances of the City of Bexley, Ohio, and/or were otherwise misleading;
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- the decision of the BZAP was otherwise unsupported by the record, unreasonable, and/or unlawful.

How to Decision Impacts You *

Applicants are all owners of property near 2300 E. Livingston Avenue, and the decision of BZAP will impact, among other things, the use and enjoyment of their respective properties and the values of their respective properties. Further, the use will be detrimental to the neighborhood in which the Applicants reside.

Project Information

Project Name

The Community Builders - Multi-family Building

Project Address

2300 E. Livingston Avenue

Decision Date ?

02/25/2021

BEFORE THE CITY COUNCIL OF THE CITY OF BEXLEY, OHIO

Ajay Garlapati
981 Francis Avenue
Bexley, Ohio 43209,

Timothy Madison
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Leah Turner
993 Francis Avenue
Bexley, Ohio 43209,

APPELLANTS,

-vs-

City of Bexley,
Board of Zoning and Planning
2242 E. Main Street
Bexley, Ohio 43209,

APPELLEE.

**NOTICE OF APPEAL FROM THE
BOARD OF ZONING AND PLANNING
OF THE CITY OF BEXLEY**

CASE NO. BZAP – 20 – 48

Decision Rendered February 25, 2021

Minutes Approved March 25, 2021

NOTICE OF APPEAL

Pursuant to Section 1226.19(a) of the Codified Ordinances of the City of Bexley, Ohio, notice is hereby given that Ajay Garlapati, owner of the real property at 981 Francis Avenue, Bexley, Ohio 43209; Timothy Madison, owner of the real property at 956 Pleasant Ridge Avenue, Bexley, Ohio, 43209; Fehd Massen, owner of the real property at 994 Francis Avenue, Bexley, Ohio 43209; Anna Massen, owner of the real property at 994 Francis Avenue, Bexley, Ohio 43209; Susan Plaisted, owner of the real property at 718 Francis Avenue, Bexley, Ohio 43209; Dustin Snow, owner of the real property at 990 Francis Avenue, Bexley, Ohio 43209; Tiffany Canfield, owner of the real property at 990 Francis Avenue, Bexley, Ohio 43209; and Leah Turner, owner of the real property located at 993 Francis Avenue, Bexley, Ohio 43209 (collectively, “the Applicants”), appeal to the City Council of Bexley, Ohio (“City Council”) from the decision of the Bexley Board of Zoning and Planning (“the BZAP”), made on or about February 25, 2021, that granted the application of The Community Builders, c/o Nicole Boyer (“the Applicant”), for conditional uses to allow the property located at 2300 E. Livingston Avenue, Bexley, Ohio 43209 (“the Property”), to be used for multi-family housing.

STATEMENT OF ERRORS

The Appellants’ grounds for this appeal include, without limitation, the following:

1. the BZAP’s decision to grant the application was not supported by competent, reliable and/or admissible evidence;
2. the BZAP erred by failing to give proper weight to the only evidence before it;
3. the Applicant failed to prove that *all* of the factors required for a conditional use to be approved per Section 1226.12(a-h) of the Codified Ordinances of the City of Bexley, Ohio were met;

4. the Applicant failed to prove that the conditional uses will not be detrimental to the public health, safety or general welfare of the City of Bexley or the neighborhood in which it is proposed;

5. pursuant to the Codified Ordinances of the City of Bexley, Ohio, the sought multi-family use is a prohibited use in the Community Service District or, at a minimum, it is ambiguous under the Codified Ordinances of the City of Bexley, Ohio whether the sought use is prohibited or not, and such ambiguity must be resolved before the approval of the sought conditional uses;

6. the proper procedure to allow the requested use at the Property would be a rezoning of the Property to a Planned Unit Development per Chapter 1256 of the Codified Ordinances of the City of Bexley, Ohio;

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9. the BZAP's decision was based upon certain statements, advice, insight and opinions provided by City Staff related to, among other things, city plans, parking, and uses in the district, that were arbitrary, included incorrect interpretations and applications of the Codified Ordinances of the City of Bexley, Ohio, and/or were otherwise misleading;

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13. the decision of the BZAP was otherwise unsupported by the record, unreasonable, and/or unlawful.

This appeal is proper for the foregoing reasons. Accordingly, and pursuant to Section 1226.19(j) of the Codified Ordinances of the City of Bexley, Ohio, City Council should reverse, or at a minimum vacate, the decision of the BZAP.

Respectfully submitted,

By: 
Bryan S. Hunt (0095519)
Loveland Law, LLC
3300 Riverside Drive - Suite 125
Upper Arlington, Ohio 43221
Telephone: 1-614-928-9107
Facsimile: 1-614-737-9857
E-mail: bshunt@lovelandlaw.net

*Attorney for Appellants Ajay Garlapati,
Timothy Madison, Fehd Massen, Anna Massen,
Susan Plaisted, Dustin Snow, Tiffany Canfield, and
Leah Turner*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Notice of Appeal from the Board of Zoning and Planning for the City of Bexley was submitted to the City of Bexley this 23rd day of April, 2021.



Bryan S. Hunt (0095519)



City Council Meeting Agenda

Tuesday, May 11, 2021

6:00 PM

- 1) Call to Order**
- 2) Roll Call of Members**
- 3) Pledge of Allegiance**
- 4) Discussion of City Council Appeal Case # 21-02**
- 5) Presentations/Special Guests**
 - A) Rapid5 Project - Alicia Gaston, ULI Columbus
- 6) Public Comments**
- 7) President's Report**
- 8) City Attorney Report**
- 9) Administrative Update:**
 - A) Finance Department
 - B) Police Department
 - C) Service Department
 - D) Recreation Department
 - E) Mayor's Update
- 10) Consent Agenda:**
 - A) Minutes from April 27, 2021 Meeting
- 11) Ordinances/Resolutions with visiting presenters**
 - A) Resolution 05-21: A Resolution approving the 2021 Bicycle Friendly Bexley Plan (introduced by Richard Sharp on May 11, 2021)
- 12) Third Readings:**
 - A) Resolution 04-21 approving the 2021 Havenwood Park Landscape Plan, introduced by Mr. Klingler, (Introduced on 4-13-21)
 - B) Ordinance 16-21 to amend the Capital Stadium Lights Planning Approval Conditions in

light of pandemic-based changes to Capital University's athletics schedule, in order to allow for two night-time licenses in 2021 to operate stadium lighting in which the lights are on past the hour of 9:30 pm but off prior to the hour of 11:00 pm, introduced by Ms. Saad (Introduced on April 13, 2021)

- C) Ordinance 17-21 to amend Chapter 1476, Unsafe Buildings, to include provisions for unsafe sites, introduced by Ms. Saad (Introduced on 4-13-21)

13) Second Readings:

- A) Ordinance 18-21, to appropriate \$50,000 from the General Fund for the purpose of paying legal fees in 2021, introduced by Mr. Markham (introduced on April 27, 2021)

14) First Readings:

- A) Ordinance 19-21: An ordinance to amend 262.02 (c)(13), Tuition Reimbursement, in order to allow for tuition reimbursement for employees hired after January 1, 2012 (introduced by Mr. Markham on May 11, 2021)
- B) Ordinance 21-21: An ordinance authorizing participation in the ODOT road salt contracts awarded in 2021 (introduced by Troy Markham on May 11, 2021)
- C) Ordinance 22-21: An ordinance to place proposed amendments to the City of Bexley Charter for voter approval on the November 2021 ballot (introduced by Ms. Lampke on May 11, 2021)
- D) Ordinance 23-21: **An Ordinance accepting the donation of an Access Easement, Conservation Easement and 1.175 acres of real property adjacent to and east of Alum Creek to the City of Bexley (introduced by Mr. Klingler)**
- E) Resolution 06-21: A resolution to adopt the tax budget for calendar year 2021 attached hereto as "Exhibit A" (introduced by Mr. Markham on May 11, 2021)

15) Tabled Ordinances:

- A) Ordinance 12-21, to adopt and approve the City of Bexley Electric Aggregation Plan of Operation and Governance, and to declare an emergency, introduced by Mr. Sharp (introduced on March 9, 2021).

16) Judiciary and Strategic Committee - Monique Lampke, Chair

- A) Charter Review Commission Recommendations
- B) April 27th Memo to Council
- C) April 27th Powerpoint Presentation

17) Service and Environmental Committee - Richard Sharp, Chair

18) Finance Committee - Troy Markham, Chair

19) Safety and Health Committee - Jen Robinson, Chair

20) Zoning and Development Committee - Jessica Saad, Chair

21) Recreation and Parks Committee - Matt Klingler, Chair

22) Public Comments (No Speaker Slip Required)

23) Adjourn

All agendas are subject to change.

City Council Policy for Correspondence:

All correspondence addressed to City Council or requested to be distributed to City Council by the sender is a matter of public record and will be placed on the City of Bexley Website (www.bexley.org) at Public Documents > City Council > Council Correspondence. If the subject of the correspondence is not on the Council Agenda, the sender may discuss the issue during Public Comments. If the subject of the correspondence is on the Council Agenda, the sender may discuss the issue at the time the issue is addressed during the Council meeting.

City Council Policy for Public Comments:

Members of the public are encouraged to provide comments to City Council at the following times:

For issues that are not on Council's agenda:

- At a designated public comment period near the beginning of the meeting

For items on Council's agenda (when speaker slip has been filled out in advance):

- During an ordinance or resolution that is being discussed
- Residents may submit up to two separate speaker slips per meeting
- Please note that the speaker slip must be filled out prior to entering Council chambers and must be promptly handed to the Council secretary

For items on Council's agenda (when a speaker slip has not been filled out in advance):

- During the public comment period after a motion has been made and seconded to adopt an ordinance or resolution (typically the third reading)
- During a designated public comment period at the end of the meeting

Time limits for public comments:

While City Council will not routinely impose time limits on either Agenda or Non-Agenda visitors who wish to address City Council, those commenting are asked to confine their remarks to approximately five (5) minutes and for Agenda items, to direct their comments to the subject matter being addressed in the legislation. This five minute limitation also applies to City Council members per 220.01 (rule 13).

Additional guidelines for public comments:

- Any speaker addressing Council shall provide his/her name and address.
- Undue interruption or other interference with the orderly conduct of remarks is not permitted.
- Defamatory or abusive remarks are always out of order.
- Violation of this policy may result in termination of the speaker's comments and/or removal from the meeting

BEFORE THE CITY COUNCIL OF THE CITY OF BEXLEY, OHIO

Ajay Garlapati, *et al.*,

Appellants,

vs.

City of Bexley Board of Zoning and
Planning,

Appellee.

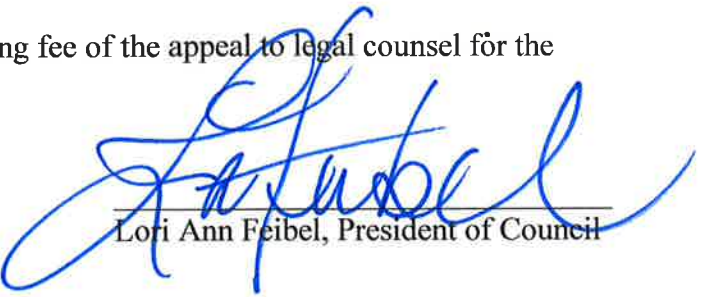
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DETERMINATION ON APPEAL

The Bexley City Council recuses itself from hearing the appeal of the Decision of the Board of Zoning and Planning in Case No. BZAP 20-48 upon appeal to Council in Appeal Case No. 21-2 due to the actual or perceived conflicts of interest of a majority of the members of Council and the appearance of impropriety in a quasi-judicial proceeding and make the following determinations:

1. The BZAP decision is the final decision of the City in the case and is subject to appeal as provided in the Bexley City Code and the Ohio Revised Code.
2. Bexley City Code Section 1226.19 provides for the appeal of decisions of BZAP to City Council and Appellants appealed the decision of BZAP in Case No. BZAP 20-48 to this Council
3. This decision of Council is the final determination made by the City in Case No. BZAP 20-48 and City Council Appeal Case No. 21-2.
4. The Clerk of Council shall promptly serve written notice of this determination of Council upon the Appellants, Applicants, their legal counsel and BZAP.
5. The City shall refund the filing fee of the appeal to legal counsel for the Appellants.

Passed May 11, 2021


Lori Ann Feibel, President of Council

**Video of Bexley City Council Meeting
on May 11, 2021**

https://www.youtube.com/watch?v=ph_t5x6ktl4
from 5:46 through 11:15



**Bexley City Council Minutes
May 11, 2021
6:00 p.m.**

City Council Members:

President Lori Ann Feibel, Matt Klingler, Monique Lampke, Troy Markham, Jen Robinson, Jessica Saad, and Richard Sharp

Elected Officials:

Mayor Ben Kessler

Summary minutes are supplemented by a full audio record of meetings. To review meeting audio, please visit www.bexley.org/meetings.

1) Call to Order

Meeting was called to order by President Feibel at 6:00 p.m.

2) Rollcall

Members Present:

President Lori Ann Feibel, Matt Klingler, Monique Lampke, Troy Markham, Jen Robinson, Jessica Saad, and Richard Sharp

Members Absent:

None

3) Pledge of Allegiance - 6:02 p.m.

4) Discussion of City Council Appeal Case #21-21

Motion made by President Feibel that the Bexley City Council recuses itself from hearing the appeal of the Decision of the Board of Zoning and Planning in Case 20-48 upon appeal to council in appeal Case No. 21-1 due to the actual or perceived conflicts of interest of a majority of the members of council and the appearance of impropriety in a quasi-judicial

Minutes from May 11th, 2021 City Council Meeting

proceeding. Motion seconded by Ms. Robinson. Mr. Sharp, Ms. Lampke, and Ms. Saad discuss. **Vote 7 – 0 PASSED**

5) Presentations/Special Guests

a) Ms. Gaston from ULI Columbus shared a presentation on the Rapid5 project, a regional vision to create one park network along the region’s waterways. President Feibel and Mayor Kessler expressed gratitude and excitement.

6) Public Comments

President Feibel said this period is for public comment to be made for items not on the agenda. She asked if anyone had comments, to please state their name and address prior to speaking.

a) **Marc Abramson, 243 S. Stanwood** - Shared document signed by 115 residents and visitors in appreciation of the Bexley Police Department.

b) **Laurie Katz, 299 S. Roosevelt** - Discussed her experience and beliefs about Section 8 Housing.

7) President's Report - President Feibel reminded Council to complete their financial statements. She and Mayor Kessler are planning a quarterly roundtable with community leaders. She applauded the Mansion construction.

8) City Attorney Report - Mr. Fishel reminded Council that the appeal of the Decision of the Board of Zoning and Planning is still subject to pending litigation and thus Council must refrain from any public conversation concerning the development; he and President Feibel discussed this.

9) Administrative Update:

a) Finance Department Update - Beecher Hale indicated there is no report.

b) Police Department Update - Chief Rinehart said he had no report other than his written report. Per Mr. Kessler’s request, Chief Rinehart gave an update on the internal review process of the May 1 incident.

c) Service Department Update - Mr. Bashore discussed the Backflow Prevention Program and the finalization of DORA signs. Mr. Sharp and Mayor Kessler discussed the Backflow Program and the Right of Way Planting ordinance.

d) Recreation Director Update - Mr. Price said he had nothing to add to his written report. He and Mayor Kessler presented the pool concept for this year, with Council questions and comments.

e) Mayor’s Report - Mayor Kessler provided highlights from his written report.

10) Consent Agenda:

a) April 27, 2021 City Council Minutes – Ms. Saad asked that minutes from the most recent Council meeting correctly spell “Koppes.”

Minutes from May 11th, 2021 City Council Meeting

Motion for adoption of the Consent Agenda by Mr. Markham, seconded by Ms. Lampke Vote 7-0 PASSED

11) Ordinances/Resolutions with visiting presenters:

12) Third Readings:

a) Resolution 04-21 approving the 2021 Havenwood Park Landscape Plan, introduced by Mr. Klingler (Introduced on 4-13-21)

Mr. Klingler shared amendments, and Council discussed.

Motion to amend of Resolution 04-21 made by Mr. Klinger. Motion seconded by Mr. Sharp. President Feibel asked for further comments from Council and the public. Amy Weiner, 908 S. Roosevelt thanked Council for their time working on this. Vote 7-0 AMENDED

Motion to pass Amended Resolution 04-21 made by Mr. Klinger. Motion seconded by Ms. Robinson. Vote 7-0 PASSED

b) Ordinance 16-21 to amend the Capital Stadium Lights Planning Approval Conditions in light of pandemic-based changes to Capital University's athletics schedule, in order to allow for two night-time licenses in 2021 to operate stadium lighting in which the lights are on past the hour of 9:30 pm but off prior to the hour of 11:00 pm, introduced by Ms. Saad (Introduced on April 13, 2021)

Motion to approve Ordinance 16-21 made by Ms. Saad. Motion seconded by Mr. Klingler. Vote 7-0 PASSED

c) Ordinance 17-21 to amend Chapter 1476, Unsafe Buildings, to include provisions for unsafe sites, introduced by Ms. Saad (Introduced on 4-13-21)

Mayor Kessler explained amendments. Council discussed.

Motion to amend Ordinance 17-21 made by Ms. Saad. Motion seconded by Ms. Robinson. Mr. Sharp, Mr. Fishel, and Mayor Kessler discussed reasonable cause and notice. Vote 7-0 AMENDED

Motion to adopt Ordinance 17-21 made by Ms. Saad. Motion seconded by Ms. Lampke. Mr. Sharp indicated a grammatical change. Vote 7-0 PASSED

13) Second Readings:

Minutes from May 11th, 2021 City Council Meeting

- a) Ordinance 18-21, to appropriate \$50,000 from the General Fund for the purpose of paying legal fees in 2021, introduced by Mr. Markham (introduced on April 27, 2021)

This item was placed on the Consent Agenda.

14) First Readings:

- a) Ordinance 19-21: An ordinance to amend 262.02 (c)(13), Tuition Reimbursement, in order to allow for tuition reimbursement for employees hired after January 1, 2012 (introduced by Mr. Markham on May 11, 2021)

Mayor Kessler discussed this ordinance.

- b) Ordinance 20-21: An ordinance to appropriate \$175,000 from the General Fund into the Grants Account for the purpose of paying for reimbursable costs associated with the Livingston Avenue Plan and Jeffrey Mansion HVAC upgrades (introduced by Mr. Markham on May 11, 2021)

Mr. Markham and Mayor Kessler explained this ordinance and Council discussed.

- c) Ordinance 21-21: An ordinance authorizing participation in the ODOT road salt contracts awarded in 2021 (introduced by Troy Markham on May 11, 2021)

- d) Ordinance 22-21: An ordinance to place proposed amendments to the City of Bexley Charter for voter approval on the November 2021 ballot (introduced by Ms. Lampke on May 11, 2021)

- i) Charter Review Commission Recommendations
- ii) April 27th Memo to Council
- iii) April 27th Powerpoint Presentation

Council and Mr. Fishel discussed these items and appropriate methods of discussion regarding this matter.

- e) Ordinance 23-21: An Ordinance accepting the donation of an Access Easement, Conservation Easement and 1.175 acres of real property adjacent to and east of Alum Creek to the City of Bexley (introduced by Mr. Klingler on May 11, 2021)

Mayor Kessler explained this ordinance and Council discussed.

- f) Resolution 05-21: A Resolution approving the 2021 Bicycle Friendly Bexley Plan (introduced by Richard Sharp on May 11, 2021)

Minutes from May 11th, 2021 City Council Meeting

This resolution was displayed on the screen and will be discussed at the next meeting. Mr. Kessler and Ms. Saad explained potential revisions to the document.

g) Resolution 06-21: A resolution to adopt the tax budget for calendar year 2022 attached hereto as "Exhibit A" (introduced by Mr. Markham on May 11, 2021)

This was discussed among Council members.

15) Tabled Ordinances:

a) Ordinance 12-21, to adopt and approve the City of Bexley Electric Aggregation Plan of Operation and Governance, and to declare an emergency, introduced by Mr. Sharp (introduced on March 9, 2021).

No action was taken on this ordinance.

b) Amended Ordinance 14-21, to re-appropriate \$180,000 from the Recreation Fund, and to appropriate \$350,000 from the Unencumbered General Fund and an additional \$150,000 from the Recreation Fund to pay for expenses related to the Jeffrey Mansion Expansion (introduced by Mr. Markham on March 30, 2021)

Motion to remove Ordinance 14-21 from the table made by Mr. Markham. Motion seconded by Mr. Klingler. Vote 7-0 REMOVED FROM TABLE

Council discussed this ordinance with Mr. Price.

Motion to adopt Ordinance 14-21 made by Mr. Markham. Motion seconded by Mr. Klingler. Vote 7-0 PASSED

16) Finance Committee Reading of Ordinances & Meetings - Troy Markham, Chair
Per Section 223.03 (d) of the City Ordinances, Mr. Fishel requested a motion to adjourn into executive session

223.03 (d) To prepare for, conduct or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

Motion for adjournment into executive session by Mr. Markham, seconded by Ms. Lampke 7-0 ADJOURNED

Motion for adjournment from executive session by Mr. Klingler, seconded by Mr. Sharp 7-0 ADJOURNED

17) Safety and Health Committee Reading of Ordinances & Meetings- Jen Robinson, Chair

Minutes from May 11th, 2021 City Council Meeting

- a) Old Business
- b) New Business
- c) Safety Committee Report – The second part of the programming leading up to Juneteenth is on May 19th and AAPI Heritage event is Friday, May 21.

18) Zoning and Development Committee Reading of Ordinances & Meeting – Jessica Saad, Chair

Zoning and Development Committee Report – The CIC met yesterday and voted into a new property management agreement with Gilbert Square at Bexley Square. The Ferndale Properties have been demolished, leveled, and seeded, and a fence is expected to go up shortly. The City closed on the 420 North Cassady building and the CIC now owns it. Finally, the Bexley Education Foundation will hold its first post-pandemic, in person meeting on Thursday, May 20.

19) Recreation and Parks Committee Reading of Ordinances & Meeting – Matt Klingler, Chair

There is nothing to report.

20) Judiciary and Strategic Committee Reading of Ordinances & Meetings – Monique Lampke, Chair

Judiciary and Strategic Committee Report – The Bexley Community Foundation has provided \$78,000 in grants to the community. The Chamber of Commerce’s food truck festival will be at Havenwood Park on May 31st.

21) Service and Environmental Committee Reading of Ordinances & Meeting - Richard Sharp, Chair

Service and Environmental Committee Report – The ESAC and Tree and Public Gardens Committee will meet next week. The historical society working on ideas. Mayor Kessler talked about AEP aggregation and explained the Board of Control voted to recommend the aggregation with some modifications to Council and then ask Council to modify.

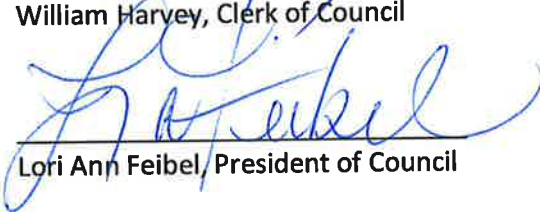
22) Public Comments (No Speaker Slip Required)

**23) Adjourn – Motion made by Mr. Klinger, seconded by Ms. Lampke. Vote 7 – 0
ADJOURNED**

Summary minutes are supplemented by a full audio record of meetings. To review meeting audio, please visit www.bexley.org/meetings.

Minutes Approved: June 8, 2021

Attest: 
William Harvey, Clerk of Council


Lori Ann Feibel, President of Council

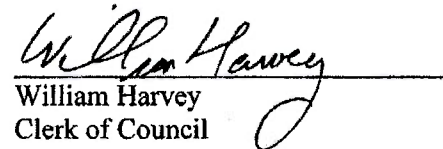
Minutes from May 11th, 2021 City Council Meeting



City of Bexley

**NOTICE OF FINAL DETERMINATION
OF BEXLEY CITY COUNCIL IN ADMINISTRATIVE APPEAL**

You are hereby notified that on May 11, 2021, the City Council of the City of Bexley made the attached final determination in the administrative appeal in *Ajay Garlapati, et al. v. City of Bexley Board of Zoning and Planning*, City Council Appeal Case No. 21-2 of the Decision of the City of Bexley Board of Zoning and Planning in Case No. BZAP-20-48.


William Harvey
Clerk of Council

With copies to:

Appellant Ajay Garlapati
Appellant Timothy Madison
Appellant Fehd Massen
Appellant Anna Massen
Appellant Susan Plaisted
Appellant Dustin Snow
Appellant Tiffany Canfield
Appellant Leah Turner
Bryan S. Hunt, attorney for the Appellants
Nicole Boyer, Applicant
Sally A. Woodward, Property Owner
David Hodges, attorney for the Applicant before BZAP
Board of Zoning and Planning

Mayor Ben Kessler

City Council:

Lori Ann Feibel, President
Matt Klingler
Monique Lampke
Troy Markham
Jennifer Robinson
Jessica Saad
Richard Sharp

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

(614) 559-4200

www.bexley.org

BEFORE THE CITY COUNCIL OF THE CITY OF BEXLEY, OHIO

Ajay Garlapati, *et al.*,

Appellants,

vs.

City of Bexley Board of Zoning and
Planning,

Appellee.

City Council Appeal Case No. 21-2

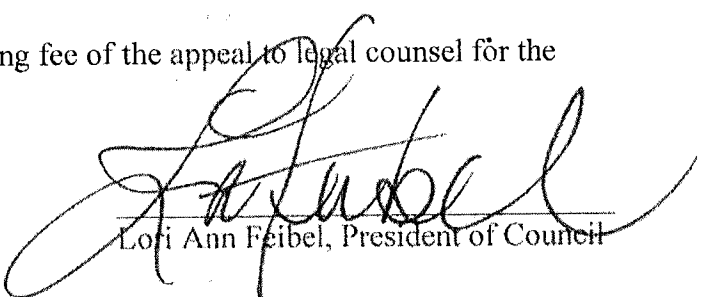
Case No. BZAP-20-48

DETERMINATION ON APPEAL

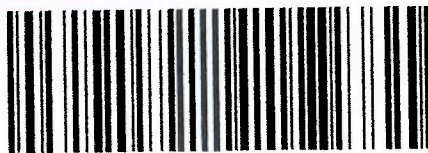
The Bexley City Council recuses itself from hearing the appeal of the Decision of the Board of Zoning and Planning in Case No. BZAP 20-48 upon appeal to Council in Appeal Case No. 21-2 due to the actual or perceived conflicts of interest of a majority of the members of Council and the appearance of impropriety in a quasi-judicial proceeding and make the following determinations:

1. The BZAP decision is the final decision of the City in the case and is subject to appeal as provided in the Bexley City Code and the Ohio Revised Code.
2. Bexley City Code Section 1226.19 provides for the appeal of decisions of BZAP to City Council and Appellants appealed the decision of BZAP in Case No. BZAP 20-48 to this Council
3. This decision of Council is the final determination made by the City in Case No. BZAP 20-48 and City Council Appeal Case No. 21-2.
4. The Clerk of Council shall promptly serve written notice of this determination of Council upon the Appellants, Applicants, their legal counsel and BZAP.
5. The City shall refund the filing fee of the appeal to legal counsel for the Appellants.

Passed May 11, 2021


Lori Ann Feibel, President of Council

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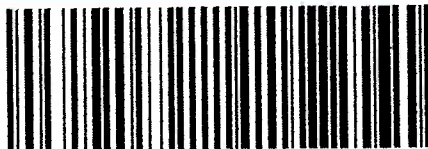
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BEFORE THE CITY COUNCIL OF THE CITY OF BEXLEY, OHIO
7020 1810 0002 1528 5345
Ajay Garlapati, *et al.*, :

Appellants,

Ajay Garlapati
981 Francis Avenue
Bexley, OH 43209

vs.

City of Bexley Board of Zoning and Planning,

City Council Appeal Case No. 21-2

Case No. BZAP-20-48

Appellee

DETERMINATION ON APPEAL

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3. This decision of Council is the final determination made by the City in Case No. BZAP : _____

4. The Clerk of Court shall determine the date of the hearing on the determination of counsel and BZA _____

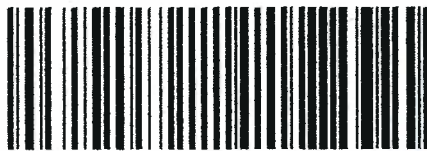
5. The City shall represent the Appellants. _____

Passed May 11, 2021

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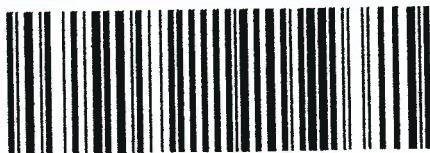
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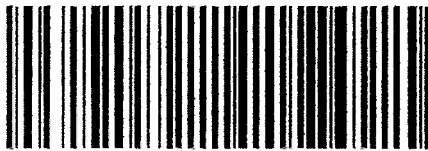
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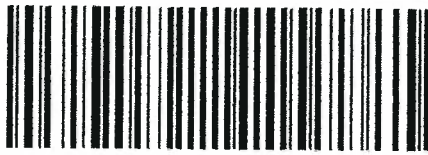
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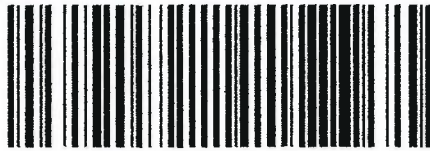
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Tiffany Canfield
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Nicole Boyer
736 Oak Street
Columbus, OH 43205

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1. Article Addressed to:

Nicole Boyer
736 Oak Street
Columbus, OH 43205



9590 9402 6525 0346 3672 74

2. Article Number (Transfer from service label)

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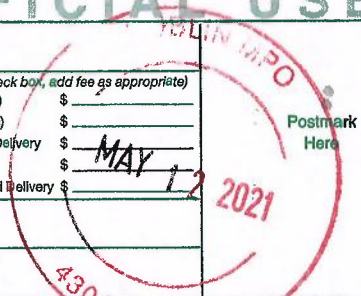
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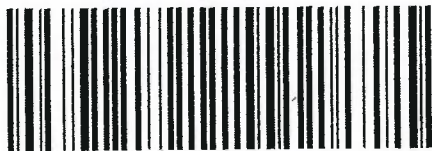
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Nicole Boyer
736 Oak Street
Columbus OH 43205

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Sally A. Woodward
2300 E. Livingston Avenue
Bexley, OH 43209

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Sally A. Woodward
2300 E. Livingston Avenue
Bexley, OH 43209



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PS Form 3800, April 2015 PSN 7530-02-000-9047

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION

LEAH AND JESSE TURNER
993 Francis Avenue
Bexley, Ohio 43209,

Appellants,

-vs-

CITY OF BEXLEY
BOARD OF ZONING AND PLANNING
2242 E. Main Street
Bexley, Ohio 43209

and

CITY OF BEXLEY
CITY COUNCIL
2242 E. Main Street
Bexley, Ohio 43209

and

CITY OF BEXLEY
2242 E. Main Street
Bexley, Ohio 43209

and

THE COMMUNITY BUILDERS
736 Oak Street
Columbus, Ohio 43205

Appellees.

Case No.

Judge

NOTICE OF APPEAL FROM AN
ADMINISTRATIVE ORDER

BZAP Case No. 20-48

City Council Appeal Case No. 21-2

NOTICE OF APPEAL FROM AN ADMINISTRATIVE ORDER

Pursuant to the provisions of Chapters 2505 and 2506 of the Ohio Revised Code, notice is hereby given that Leah Turner and Jesse Turner, of 993 Francis Avenue, Bexley, Ohio 43209, real property that is adjacent to the property that is the subject of this appeal and persons particularly damaged by the final decisions described herein, appeal to the Common Pleas Court

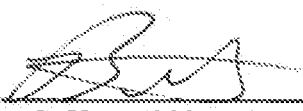
of Franklin County, Ohio, from the final decision of the Board of Zoning and Planning of the City of Bexley, Ohio ("BZAP"), rendered on February 25, 2021 (minutes approved March 25, 2021), which granted an application for conditional use applied for by The Community Builders, and the final decision of the City Council of the City of Bexley, Ohio ("City Council"), rendered on May 11, 2021, in which City Council, among other things, recused itself from hearing the timely and properly filed appeal of the underlying BZAP decision. The decisions and minutes of BZAP's decision are attached hereto as Exhibit A, and the decision of City Council is attached hereto as Exhibit B.

This appeal asserts that the decisions of BZAP and City Council were unconstitutional, illegal, unreasonable, arbitrary, capricious, and unsupported by the preponderance of substantial, reliable, and probative evidence.

This is an appeal of both questions of law and questions of fact.

Because this is an administrative appeal of a final order and not for the payment of money, no supersedeas bond is required per Ohio Revised Code § 2505.12(B).

Respectfully submitted,

By: 
 Bryan S. Hunt (0095519)
 Loveland Law, LLC
 3300 Riverside Drive - Suite 125
 Upper Arlington, Ohio 43221
 Telephone: 1-614-928-9107
 Facsimile: 1-614-737-9857
 E-mail: bshunt@lovelandlaw.net

Attorney for Appellants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Notice of Appeal was served by hand-delivery upon the following this 9th day of June, 2021:

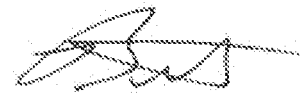
City of Bexley
Board of Zoning And Planning
2242 E. Main Street
Bexley, Ohio 43209

City of Bexley
City Council
2242 E. Main Street
Bexley, Ohio 43209

City of Bexley
2242 E. Main Street
Bexley, Ohio 43209

David Hodge, Esq.
Underhill & Hodge, LLC
8000 Walton Parkway #260
New Albany, Ohio 43054
Attorney for The Community Builders

Catherine Cunningham, Esq.
Kegler, Brown, Hill + Ritter
65 East State Street
Suite 1800
Columbus, Ohio 43215
Attorney for the City of Bexley



Bryan S. Hunt (0095519)



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

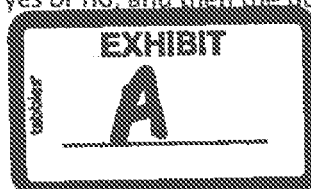
BZAP: The motion to approve amendments to the 2018 Certificate of Appropriateness, with conditions, failed with 2 votes yes and 4 votes no. The Board may, upon majority vote, reconsider their action.

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, Cassidy 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 C5 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 Cassidy 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 buy 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 o 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 relive 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

l 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 is 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 planner 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 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: Alisha 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 Allizon 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



Meeting Minutes
Thursday, January 28, 2021
06:00 pm

These minutes are intended to be interactive minutes, referencing video and audio recordings hosted at www.bexley.org.

To view and listen to the context behind the decisions taken at this meeting, please visit www.bexley.org/meetings.

1. Call to Order

The meeting started at 6:09 pm. Here is a link to the recorded meeting on YouTube: <https://www.youtube.com/watch?v=-Zvn1Liks0c>

2. Roll Call

Roll Call:

Voting Members Present: Ryan Schick; Alissha Mitchell; Sean Turner; Heidi Wagner-Dorn; Rick Levine; and Bob Behal

Absent:

Excused:

Non-Voting Present:

3. Approval of Minutes from the December 2, 2020, Special BZAP meeting

Sean Turner made a motion to Approve - '3. Approval of Minutes from the December 2, 2020, Special BZAP meeting' Motion seconded by Alissha Mitchell. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

4. Public Comment This agenda item is for general public comment for any items not on the agenda

Catherine Cunningham reviewed the proper procedure with the number of voting

members in attendance.

Mr. Joel Greff asked why the Board of Zoning and Planning rules and guidelines were not posted. Rose said they were posted but the City is in process of merging the old and new websites, and should be posted as of now. Mr. Greff said the most accurate were posted for the Architectural Review Board meeting on January 9th, 2020. Rose said she will follow up.

Levine asked a procedural question. He is an alternate and not a regular member. In the Code, alternate members can only participate if there was not a quorum present. He asked if he should participate tonight. Rose said that three regular members were not able to attend this evening and were replaced with alternates; who can discuss and vote on applications in situations like this. Rose added that all members are contacted to see who is available to attend the meeting. If a regular member can not attend, she follows up with an alternate member to see if they are able to attend in place of a regular member. Behal asked that regular members notify Rose as soon as they can to let her know if they will be able to attend a meeting. He added that it was not helpful to the alternates to be called on the day of the meeting and have them scrambling to attend.

5. Old Business

- a. Application No.: BZAP-20-37 Applicant: Scott Baker Owner: Ryan & Michelle O'Donnell Address: 2754 Sherwood Rd. BZAP Request: The applicant is seeking architectural review and approval for a detached garage. The applicant is also seeking a variance to Bexley Code Section 1252.15(e), to allow a 21' high detached garage. Please Note: This was tabled at the December 2, 2020 BZAP

2754 Sherwood Elevations Jan 5 2021

2754 Sherwood Disapproved garage Elevations

2754 Sherwood floor Plans Tue Jan 5 2021

2754 Fair APP

Rose reviewed background information with the Board for this application. This application was before the Board at the December 2nd, 2020 BZAP meeting. The applicant was requesting an addition to the home as well as a detached garage. The variance request was to allow the garage to be 23' in height. Code limits the garage to 20' in height. Part of the application was approved but the garage was Tabled. Modifications were made to the ridge height and is now proposed to be 21' in height. This application went before the Architectural Review Board for a recommendation to this Board for the current design and is now here to revisit the variance request.

Scott Baker and Michelle O'Donnell were sworn in. The applicants reviewed background information for this application with the Board. The Board thought that the design was okay but that the height needed to be reduced. The applicants reduced the height to 21' and revised and lowered the interior space. Turner asked

if cubic feet came into play. Rose said the height exceeded the ridge height limit and that was why the applicants were requesting a variance. Levine asked if approval was based on the story and height limit. Rose said it was. She added that the limit is 20' in height and the original submission exceeded that limit. The height has been shrunk down but still remains 1' above the height limit. Behal said that the two concepts of story and height are intertwined and confusing. The design was fine in terms of elevation from an architectural standpoint but the height is not okay because the limit in the city is 20' in height. Rose said that the height was reduced in the center but exceeded the volume. Ms. Cunningham said that if this is the case, there would need to be a variance for the volume as well as the ridgeline. Rose said a second story would be considered a story if it was two-thirds or more of the volume than the story below. The applicant said that the second floor is larger than two-thirds and is closer to four-fifths. Mrs. O'Donnell said that when this application was discussed last month, she and the applicant had not thought to address this. They spent time addressing the height but not the volume. Turner said he wanted to make sure if a variance was granted, to be sure it was granting for both things the applicants were asking for. Bokor added that the ARB recommended this application in the positive to this Board and were satisfied with the architecture. Ms. Cunningham said that the ARB was not considering the volume in their discussion. Turner said if one is needed he did not see it indicated in the application. The applicant said the square footage of the garage is proposed to be 618sqft' with the second floor a little over 90 percent of the first floor area. Bokor added a garage Code working group was in process of discussing these very things. Rose added that the application does exceed one-story in height in volume and exceeds the 20' height limit.

Behal said that there were normally seven people on the Board and tonight there were six, which would require four votes in the affirmative to approve the application. He added that the applicant has the option to Table but is able to bring the application to a vote with the six members present.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-37 for the property located at 2754 Sherwood Road: Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.15(e) to allow the proposed detached garage to be over two-thirds the volume of the story below, and that the height can exceed the 20' height limit, taking it to 21' in height, and that the approval should be in substantial conformance with the renderings dated January 28th, 2021.

The applicants understood the Findings of Fact.

Alissha Mitchell made a motion to Approve - 'a. Application No.: BZAP-20-37

Applicant: Scott Baker

Owner: Ryan & Michelle O'Donnell

Address: 2754 Sherwood Rd.

BZAP Request: The applicant is seeking architectural review and approval for a detached garage. The applicant is also seeking a variance to Bexley Code Section

1252.15(e), to allow a 21' high detached garage. Please Note: This was tabled at the December 2, 2020 BZAP' Motion seconded by Sean Turner. Vote 5 - 1 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, and Rick Levine.

AGAINST: Bob Behal.

- b. Application No.: BZAP-20-63 Applicant: Sullivan Builders Inc. Owner: Summit Shailesh Shah Address: 424 S. Columbia Ave. BZAP Request: The applicant is seeking architectural review and approval of modifications and changes to the original approved elevations of a new single-family home, some of which have and have not been staff approved, which may include a proposed solar panel installation.
424 South Columbia Presentation[11388]

Joe Miller, Brian Kent Jones, Matt Sullivan, Lekha Shah, and Summit Shah were sworn in.

Rose reviewed background information with the Board. This application has been going on for a while. There were contractor issues and now a new contractor took over the job. Plans and elevations were reviewed, and the applicants were informed that changes had been made that had to be readdressed. A few of the changes were not approved and a few had been worked on with staff to address. New plans were submitted to reveal changes and work continued on the interior of the home until the exterior modifications could be reviewed. The applicants are working with staff to resubmit the changes.

Mr. Miller, attorney representing the homeowners, reviewed background information for this application with the Board. A Certificate of Appropriateness was issued in 2018. The application was approved at that time and found that this house satisfied Code, before changes were made by the previous contractor without the city's or owner's consent. The owners have done everything they could to go back to the original design. They accept that this is a different situation and are asking for the Board to evaluate the differences from the 2018 approval and whether the changes now make the structure appropriate. The owners want the home that was approved in 2018. The Board will also hear from the new builder what the changes are and how they remain appropriate.

Mrs. Shah wanted to thank the Board and the community. She and her husband have two daughters and are originally from Dublin, OH. They fell in love with this community and want to make their forever home here. They purchased the property in 2017, and the house had been vacant and needed demolished. They hired someone to design home and before construction and demolition, they met with neighbors and assured them if there were any issues they would work to resolve them. They received the Certificate of Appropriateness for the original design but later found out the contractor did not build according to the original plan. Changes were made by the contractor and the Shah's did not know. The contractor made modifications from the design perspective and the owners were told that the approvals were acquired. The contractor ended up not communicating

modifications with the city, an example being the side porch, to get the changes approved. The owners found out that others have had similar experiences with the same prior contractor. Currently they are working with different contractors to help restore certain aspects of the original 2018 approval. The owners want to be respectful to the process, the Board, and the neighbors.

Mr. Miller added that they spent 2020 working with the city. The Architectural Review Board did not provide a positive recommendation and there was a consensus on conditions for approval. Comparing the original approval to the current renderings, there are slight changes to the window grids and the height of the home, a subtle difference to the front door and garage door, the side entry, the wall around pool, and a skylight that is not visible to the public. Mr. Jones said that the current changes proposed are consistent within the block the structure is located on. Mr. Sullivan said that the as-built height was determined by a hired surveyor did a site survey after the ARB meeting. Concerns were made about grade so they went back and pulled the 2018 plan and it was found that the structure was not physically built higher. They determined the height of the house by locating the closest point to the floor of the garage and measured. The driveway is at the approved height and was measured with a laser. Mr. Miller said this was shared with staff and asked if this can be remedied. Mr. Sullivan said that the roofing package would be expensive and comparable to building a new home. Behal asked if doing a demolition would impact the integrity of the remaining structure and if there was any chance for damage. Mr. Sullivan said there could be unplanned and unforeseen problems and it would be like rebuilding a house inside of a house. Rose added that in this zoning district 2 ½ stories should not exceed 40', and this structure is under the allowable height and does not require a variance.

Mr. Jones said that it is compatible within the context of the building code and the subdivision of lots in this area. The structure sits on a lot that is commensurate with larger homes. Mr. Miller said that the owners are not seeking to change the front door but the changes will include a limestone band and corrections made to the columns and beams. Mr. Sullivan said that is correct and goes back to the original design. The limestone lentils and bands will be included on the pool and was successful. He added that the remaining limestone was ordered and in transit. Mr. Miller confirmed the beams would be modified as requested. Mr. Sullivan said that is correct. The same with taking the garage door and side entry back to the original 2018 design. Mr. Miller asked about the wall and fence on the south elevation of the home. Mr. Sullivan said it would be the wrought iron fence design from 2018. The wall was built for two reasons: One, to visually block the pool area between the home and the neighbor to the south, and the second reason was because the pool and deck were built at grade to the interior of the home and the wall will contain the spoils from construction. In the current plan, foliage is proposed to protect the view of the neighbor from the pool wall. Code requires a 4' wall built around the pool for safety reasons. Mr. Miller wanted to confirm that changes were made that were necessary for code compliance. Mr. Sullivan said that was correct, and drainage had been tied in to the primary drain line and will go to the storm water system on the street.

Dorn asked how close the retaining wall is to the neighbor's driveway. Mr. Sullivan

said close to the property line but it has not been surveyed. Rose added that under Code it would be allowed up to the property line as long as it doesn't cross the property line. Mr. Miller stated that the ARB wanted to make sure the skylights were not visible from the street. Mr. Jones said that they were not. Mr. Miller asked about the other issues that the owners corrected. Mr. Sullivan said that the pool house was rotated and the ridge line faced perpendicular to the street, which were approved by staff, and the grade from the street to the garage and is within inches of the original distance approved. The landscaping is on point and the solar panels are to be located on a flat roof. Rose said the solar panels are typically reviewed by staff as long as they are not proposed on the right-of-way on the structure, but staff wanted to be transparent and add in the request that they will not be visible from the street. Mr. Sullivan added that the brick lentils were installed, removed, and replaced with limestone. Landscaping was included at the suggestion of the ARB so they could see the home depicted with landscaping included. The owners took the feedback to heart and included a more traditional landscape proposal than a modern one. They want to let the neighbors know they are willing to do what they can to accommodate their concerns. Mitchell asked to clarify that the prior contractor made change orders without the homeowner's knowledge. Mr. Miller said that was correct.

Angela Yach, David Westin, Jim Arnold, and Stuart Young were sworn in.

Jim Arnold, representative for Alan and Carol Radnor, voiced their concerns for this application. The Radnors live two homes to the north on S. Columbia. Mr. Arnold recounted that the vote in the ARB meeting on November 5th, 2020 was not to recommend a Certificate of Approval for the modifications. Discussions at that meeting were the same content heard in this meeting tonight. The vote was unanimous against the modifications and to not grant a Certificate of Appropriateness. The owners asked to overrule the ARB's decision. The ridgeline does not have to be above the permissible height because it does not conform, and was not approved. Drawing a line from the south property to the ridgeline on the proposed home shows it being several feet higher. Mr. Arnold said that the owners made it clear they do not believe a remedy is to tear off the roof. Staff explained the floor plane is higher than grade, and Mr. Arnold read statements verbatim from the ARB in relation to the grading. It is 5' to 6' higher than expected. They originally thought it was only a couple of feet taller than the surrounding houses but in reality it is much larger than what was depicted. Mr. Arnold stated that adding more dirt and landscaping won't change the height of the roof, and the neighbors should not be made to suffer from what the other contractor did. He added that the home should be built in conformity with the original Certificate of Appropriateness and follow the recommendations from the ARB not to modify.

David Westin, resident at 399 S. Columbia, provided his concerns for this application to the Board. He understands that this is a nightmare for the owners but that it is also a nightmare for the neighbors. Currently Mr. Westin is doing large improvements but said that he is responsible for how it ends up. He does not go with the comment that it is just a sad story. He would like to hold the owners accountable for the original expectation and would like them to comply with the original plans. Mr. Westin added that the modifications that were considered minor

significantly alter the look of the house, and that it is a much larger house and is grossly disproportionate. He agrees that the changes are still within Bexley Code but if the BZAP agrees with this proposal then they are devaluing the ARB. That would essentially allow an owner to throw any set of plans to the ARB and then the owners can build whatever they want after that, and will make the ARB irrelevant. Mr. Westin added that there are two other homes built but this project disregards the regulations and processes in place. The height of the roof keeps changing and is not what was approved. He understands the system but had the house been built as-approved it would not be here before this Board today. The approved plan was not followed and now it is out of compliance but was continued to be built. He would like them to be held accountable now.

Behal said that this Board is not here to make political decisions but to make building, zoning, and planning decisions. He asked the public to keep their comments to three minutes. He added that they are aware of the situation and would like to concentrate on the physical architecture of the building.

Angela Yach, resident at 2240 Bryden Road, said she had emailed pictures to the city taken of this property from her home. Rose said she received them and had forwarded them to the Chair of this Board. Ms. Yach said that she can look out her window and see three houses ahead, the last house in the photos was of this house. She has issues with its height. She was told it was approved at 36.5' but that is not where it is now and that the ridgeline was not built as approved. She added that she feels this will result in reduced site lines, privacy, and contribute to light pollution to her home. She has windows on the south side of her home, and how this structure was built out now allows lights to flood into her backyard. Her main concern is the height of the house and stated that it looked like it was almost a half-story taller than its neighbors. She is asking this Board not to approve the changes, and stated that the ARB agreed with its neighbors. She added that no one is taking ownership and the issues need conclusion.

Stuart Young, resident at 435 S. Columbia, had a few quick questions he wanted to ask. He wanted to confirm that the plan did not include a circular drive. Rose said he was correct, there is no circular drive requested and it was not approved in the original submission. Mr. Young then brought up the ridgeline that was approved in the 2018 rendering, which was comparable to the neighboring homes to the north and south, but what was built is not conforming. He added that in the November 2020 ARB meeting, they did not recommend a Certificate of Appropriateness be issued for this plan. He added that if this Board issues a Certificate of Appropriateness and overrule the ARB, it would be significant. He said that if the other changes do not require ARB approval, then the ARB would no longer be required and owners can build to whatever height they choose.

Rose asked Mr. Young if he knew the ridge height on his home, because the neighboring lots are smaller than the Shah's lot. Mr. Young's lot is more comparable in size and comparing houses to the north and south of this residence is comparing this lot to smaller lots. Mr. Young said he did not have the measurements and that he feels that what has been built is not in line and is disproportionate.

Jodie Westin, resident at 399 S. Columbia, was sworn in. Mrs. Westin asked about the roof line and other applications that have had to come back for verification. Rose said they look at the height to determine the variance involved, but there is a change from the original design and that is what is being discussed in this meeting. Mrs. Westin asked about the drawings. Behal said normally the Board receives a proposed design or set of specs, but they do not usually see an as-built structure and asked the applicants to give the Board an idea of how the home sits in respect to the surrounding homes. Even though members drive by to see the site with their own eyes, he said that it is helpful to hear from neighbors in surrounding homes what the structure looks like.

Charlie Hire, resident at 436 S. Columbia, was sworn in. Mr. Hire is concerned about drainage from the new house going into his driveway. He said he noticed a drainage system was built in the plan and he thinks it will solve any potential drainage problems. He would like assurance that the owner will work to take care of it if it does not solve a drainage problem.

Mr. Miller said there was no evidence that owners went rogue. He added that the architect said it was proportional and appropriate and that the height was approximately 18" over the 2018 approved proposal, and that it meets standards compatible with the neighborhood. Ms. Cunningham said that the original Certificate of Appropriateness was determined by this Board, the BZAP, and not the ARB. The variance for the circular drive was denied. In 2018, the variance to the pool or pool house was due to it encroaching into the side yard. Tonight, four members would need to vote in the affirmative for this proposal to pass. Behal clarified that once it comes to this Board, the BZAP, they can agree with the recommendation from the ARB, add conditions, or disagree with the recommendations. Ms. Cunningham confirmed the options cited were correct. She added that this Board can consider all of those options as well as opt to remand the proposal back to the ARB. Behal confirmed that this Board has discretion over the ARB. Ms. Cunningham said it did, but with an obligation to consider the ARB and their recommendations. Behal stated that this Board always does. Ms. Cunningham added that this Board has the right to make a decision and include conditions. Dorn asked if in the original approval if the grading was approved. Rose said that the house is not in its finished stage and that the applicant used the garage floor because it is finished and at grade. Dorn said she was concerned that the grade on the lot is higher than the grade on surrounding lots. She said it would make the house start at a higher level. Mr. Sullivan said the grade on the 2018 rendering was marked and was in the approval. Mr. Miller said that the code can't be applied differently to a different grade on the lot and that the actual grade was what was approved in 2018. He added that if the neighbor's house is on a lower grade and make this house appear higher, it can not apply to the owners of this residence. Mitchell asked what the process was for a change order and asked if the owners saw restitution for the cost on things that were changed without their knowledge or approval. Mr. Miller said their claims being evaluated. Mitchell asked if they continued to build the home without seeking any sort of action. Mr. Miller said that was correct.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-63 for the

property located at 424 S. Columbia Avenue: Based on the testimony presented, and the revised plans presented on January 28th, 2021, the Board finds that an amended Certificate of Appropriateness should be issued, with the following conditions: 1. That the landscape plan, updated with mature trees and softening of the fence and the property line to the south, as determined by the city's Landscape Consultant, 2. That the window lintels be reworked in limestone per the original submittal, 3. That the columns be detailed to accurately reflect post and beam construction, 4. That the garage doors be installed per approved submission with more carriage-like design, 5. That the solar panels proposed which will be limited to flat roof areas be included with this approval, and 6. That otherwise the plan be in substantial conformance with the revised plans submitted and reviewed by the Board on January 28th, 2021.

The applicants understood the Findings of Facts.

Ryan Schick made a motion to Approve - 'b. Application No.: BZAP-20-63

Applicant: Sullivan Builders Inc.

Owner: Summit Shailesh Shah

Address: 424 S. Columbia Ave.

BZAP Request: The applicant is seeking architectural review and approval of modifications and changes to the original approved elevations of a new single-family home, some of which have and have not been staff approved, which may include a proposed solar panel installation.' Motion seconded by Alissha Mitchell. Vote 2 - 4 - failed.

FOR: Heidi Wagner-Dorn, and Bob Behal.

AGAINST: Ryan Schick, Alissha Mitchell, Sean Turner, and Rick Levine.

6. New Business

a. Application No.: BZAP-20-40

Applicant: Signcom - Ohio State Bank

Owner: 2106 Bexley Land LLC

Address: 2106 E. Main

BZAP Request: The applicant is seeking sign review and approval of blade signage along the Main Street side of the building at the above noted location. The applicant is also seeking a variance from Bexley Code C.26 of the Main Street Guidelines which limits a projecting blade sign to 10 square feet, to allow a proposed double-faced blade sign to be 20 sq' or 4' high by 5' wide.

2106 E. Main APP

2106 E. Main Site Plan

2106 E. Main St. sign

Rick Levine recused himself from the discussion and vote for this application.

Jim Hartley was sworn in.

Rose reviewed background comments for this application with the Board. This application is to allow a blade sign on the south side of the building. Blade signs are limited to 10sqft and the proposed sign is 20sqft, which would be located on the south side of the door. The window sign and wall sign were approved and meet code. The blade signs exceeds the size allowed. The applicant is seeking a variance to allow a 20sqft blade sign to be installed.

The applicant provided details for the proposal with the Board. The business has no identification on E. Main Street. The city suggested the applicant look at other examples of blade signs on E. Main Street. The applicant used a local real estate business's sign as influence in the creation of this blade sign. The proposed sign is minimalist and would not obstruct pedestrian traffic on the sidewalk. Behal asked if the inspiration sign was approved. Rose said it may have been by the Main Street Commission, and that the sign does encroach into the city's right-of-way. Behal said that the Bexley Graphics Commission mandated blade signs have a dark background with light numbers and lettering. Rose said that was still policy. The applicant said he was not aware that was the norm but this proposal could be modified to meet that. Behal asked to condition that the sign would be a dark background with light lettering for consistency. Dorn asked if this size is proposed to be the same size as the inspiration sign down the street. The applicant said it is proposed to be the exact same size. Behal asked why this could not be shrunk down and formatted to fit the 10sqft maximum size allowed. The applicant said it was based off of the inspiration sign, which was 20sqft. Mitchell said signage was important to any business and Schick agreed it was a good attraction for a small business.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-40 for the property located at 2106 E. Main Street: Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1260.05(f), referencing C.26 in the Main Street Guidelines, to allow a blade sign on the south side of the building, to be 20sqft, with the condition that it be converted to light letters on a dark background.

The applicant understood the Findings of Fact.

Sean Turner made a motion to Approve - 'a. Application No.: BZAP-20-40

Applicant: Signcom - Ohio State Bank

Owner: 2106 Bexley Land LLC

Address: 2106 E. Main

BZAP Request: The applicant is seeking sign review and approval of blade signage along the Main Street side of the building at the above noted location. The applicant is also seeking a variance from Bexley Code C.26 of the Main Street Guidelines which limits a projecting blade sign to 10 square feet, to allow a proposed double-faced blade sign to be 20 sq' or 4' high by 5'wide.' Motion seconded by Ryan Schick. Vote 5 - 0 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, and Bob

Behal.

AGAINST: None.

RECUSED: Rick Levine.

b. Application No.: 15739

Applicant: Quintin Ward - Easy living pools

Owner: Angela & Eric Niermeyer

Location: 481 N Drexel Avenue

BZAP Request: The applicant is seeking a 3' variance from Bexley Code Section 1252.10(a)(2), which in residential districts, accessory uses and detached structures shall be located a minimum of five farther back from the side street property line than the principal structure is allowed, to allow a swimming pool in the rear yard to be 27' from the north side property line.

481 N. Drexel app #15739 App

481 N. Drexel Pool Variance Site Plan Mon Nov 30 2020 10-03-34

481 N. Drexel photos Neirmeyer Variance Photo Exhibits Mon Nov 30 2020 10-03-41

Rick Levine returned to the meeting.

Rose reviewed background information with the Board. This application is for a proposed addition on the rear of the home, as well as a pool in the rear yard. The pool can meet the setback but the owners wanted to match it up with the addition on the back of the house. The applicant is requesting a variance to be 27' from the property line instead of 30'.

Brian Griffith and Angela Niemeyer were sworn in. The applicants reviewed information for this proposal with the Board. A covered porch would be installed with the addition. The gable for the porch addition created the feel and fit for outdoor living space and the yard would look balanced if the center line of the pool was in line with the gable feature. The privacy fence would remain and public view would be screened.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. 15739 for the property located at 481 N. Drexel Avenue: Based on the testimony presented, the Board finds it appropriate to grant a 3' variance from Bexley Code Section 1252.10(a)(2), to allow a proposed swimming pool to be 27' from the north side property line.

The applicants understood the Findings of Fact.

Rick Levine made a motion to Approve - 'b. Application No.: 15739

Applicant: Quintin Ward - Easy living pools

Owner: Angela & Eric Niermeyer

Location: 481 N Drexel Avenue

BZAP Request: The applicant is seeking a 3' variance from Bexley Code Section 1252.10(a)(2), which in residential districts, accessory uses and detached structures shall be located a minimum of five farther back from the side street property line than the principal structure is allowed, to allow a swimming pool in the rear yard to be 27' from the north side property line.' Motion seconded by Sean Turner. Vote 6 - 0 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- c. Application No.: BZAP-20-41 Applicant: John Hamlett Owner: James & Kayla Petkus Address: 171 S. Cassingham Road BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over existing family-room at the rear of the principal structure. The applicant is also seeking a 2' variance from Bexley Code Section 1252.09(R-6) which requires an 8' setback from the side yard property line, to allow a 2nd floor addition over the existing 1-story structure that is 6' from the side yard property line.

[171 S. Cassingham App](#)

[171 S. Cassingham site plan](#)

[171 S. Cassingham plans](#)

[171 S. Cassingham photos](#)

Rose reviewed background information with the Board. This proposal is for a 2nd floor addition to be built on top of an existing family room. The applicant is also requesting a 2' variance from Bexley Code Section 1252.09(R-6) to allow the addition to be built over the existing structure, which is 6' from the side yard property line. Code requires an 8' setback from the side yard property line.

Bokor reviewed architectural comments with the Board. This application received a positive recommendation from the ARB with the condition that the applicant work with the Design Consultant on final design details, which the applicant agreed to.

Robert Raskin was sworn in. The applicant reviewed information for this application with the Board. He agreed with the conditions stated in his meeting with the ARB. Behal asked if this would be built on top of something that is existing. The applicant said that is correct. The owners would like to build a new addition on top of an existing 1st floor structure. Levine said the existing first floor addition looked new. He asked if the owners received a variance for that. The applicant said yes and by the previous homeowner. Dorn asked what the conditions included. Bokor said window proportion, placement, and massing.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-41 for the property located at 171 S. Cassingham Road: The Board accepts the recommendations from the Architectural Review Board with conditions. Based on the testimony presented, the Board finds it appropriate to grant a 2' variance from Bexley Code Section 1252.09(R-6) Zoning, with the condition that the applicant work with the Residential Design Consultant on final design details in accordance with the ARB recommendation for a Certificate of Appropriateness.

The applicant understood the Findings of Fact.

Sean Turner made a motion to Approve - 'c. Application No.: BZAP-20-41

Applicant: John Hamlett

Owner: James & Kayla Petkus

Address: 171 S. Cassingham Road

BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over existing family-room at the rear of the principal structure. The applicant is also seeking a 2' variance from Bexley Code Section 1252.09(R-6) which requires an 8' setback from the side yard property line, to allow a 2nd floor addition over the existing 1-story structure that is 6' from the side yard property line.' Motion seconded by Heidi Wagner-Dorn. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- d. Application No.: BZAP-20-43 Applicant: Pete Foster Owner: Thomas Hadley Address: 90 N. Columbia BZAP Request: The applicant is seeking architectural review and approval for a covered terrace addition to the south-east of the existing principal structure. The applicant is also seeking 2 variances; the first variance is from Bexley Code Section 1252.09 (R-2) Zoning) which requires an 85' (average) front yard setback along Clifton Avenue, to allow the proposed covered porch to be 69' from the front property line. The second variance is from Bexley Code Section 1252.15(g) which indicates accessory structures and uses shall be permitted only in the rear yard, to allow a 7'x10' proposed pool in the east side yard.

90 N. Columbia App

90 N. Columbia plans

90 N. Columbia photos

90 N. Columbia photo 2

Rose reviewed background information with the Board for this application. This location is a corner lot and the front yard faces Clifton Avenue. The applicant is asking for a variance to allow a proposed covered porch to be 69' from the front property line. The applicant is also asking for a variance from Bexley Code 1252.15(g) to allow the installation of a 7' x 10' on the east side of the property

line.

Pete Foster was sworn in. The applicant reviewed information for this application with the Board. The applicant said that this was an odd lot and the owners would like to have a covered terrace on the south side of the proposed nook, which would be created with the proposed improvements. Creating this nook would gain symmetry on the main level. The addition sits back from the farthest southern point of the house.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-43 for the property located at 90 N. Columbia Avenue: The Board accepts the recommendation of the Architectural Review Board, which they approved with the condition that the applicant work with the Design Consultant on any minor modifications. Based on the testimony presented, the Board finds it appropriate to grant a 16' variance from Bexley Code Section 1252.09(R-2) Zoning to allow a covered terrace to encroach into the front yard setback, and also a variance from Bexley Code Section 1252.15(g) to allow a 7' x 10' pool in the east side yard as presented in plans on January 28th, 2021.

The applicant understood the Findings of Fact.

Ryan Schick made a motion to Approve - 'd. Application No.: BZAP-20-43

Applicant: Pete Foster

Owner: Thomas Hadley

Address: 90 N. Columbia

BZAP Request: The applicant is seeking architectural review and approval for a covered terrace addition to the south-east of the existing principal structure. The applicant is also seeking 2 variances; the first variance is from Bexley Code Section 1252.09 (R-2) Zoning) which requires an 85' (average) front yard setback along Clifton Avenue, to allow the proposed covered porch to be 69' from the front property line. The second variance is from Bexley Code Section 1252.15(g) which indicates accessory structures and uses shall be permitted only in the rear yard, to allow a 7'x10' proposed pool in the east side yard.' Motion seconded by Rick Levine. **Vote 6 - 0 - passed.**

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

e. Application No.: BZAP-20-49

Applicant: Pete Foster

Owner: Lisa Fleischer

Address: 100 S. Cassady

BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over the existing first floor family-room, located at the rear (east side) of the principal structure. The applicant is also seeking a variance from Bexley code Section 1252.09(R-6 Zoning), which requires an 8' setback from the side yard

property line, to allow an addition over the existing family-room that is located 6'8" from the south side property line.

Pete Foster remained sworn in from the previous application.

Rose reviewed background information with the Board for this application. The proposed second floor addition would go on top of an existing first floor family room.

Bokor stated that this application was recommended for approval from this Board by the Architectural Review Board as a consent agenda item. The ARB was in favor of the design.

The applicant reviewed background information for this application with the Board. He wanted to clarify that at some point the existing first floor structure had been added on to the home. The house was originally built too close to the property line. This structure is non-conforming and the neighbor's structure is non-conforming. Rose said she received a positive email, received by the applicant from a neighbor of this property and forwarded to the city, supporting this proposal. The applicant said that the details are intended to match the existing, with slight variations from the old siding to the new siding.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-49 for the property located at 100 S. Cassady Avenue: The Board accepts the positive recommendation of the Architectural Review Board. Based on the testimony presented, the Board finds it appropriate to grant the 1'4" variance from Bexley Code Section 1252.09 (R-6) Zoning to allow a second floor addition over the existing first floor.

The applicant understood the Findings of Fact.

Alissha Mitchell made a motion to Approve - 'e. Application No.: BZAP-20-49

Applicant: Pete Foster

Owner: Lisa Fleischer

Address: 100 S. Cassady

BZAP Request: The applicant is seeking architectural review and approval to allow a 2nd floor addition over the existing first floor family-room, located at the rear (east side) of the principal structure. The applicant is also seeking a variance from Bexley code Section 1252.09(R-6 Zoning), which requires an 8' setback from the side yard property line, to allow an addition over the existing family-room that is located 6'8" from the south side property line.' Motion seconded by Sean Turner. Vote 6 - 0 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- f. Application No.: BZA-20-46
Applicant: Brenda Parker
Owner: Tyler & Allizon Chamblin
Address: 2404 Fair Ave.
BZAP Request: The applicant is seeking architectural review approval for a new 2-story addition to the rear of the principal structure. The applicant is also seeking a variance from Bexley Code Section 1252.15(g)...detached garages shall not be located less than ten feet from a principal structure to allow a proposed 2-story addition to the rear of the principal structure to be 3'11" from the detached garage. The applicant has also submitted an Option "B" variance request from Bexley Code Section 1252.09(R-6 Zoning) which requires a rear yard setback of 25' and a side yard setback of 8' to allow a 2-story addition to the rear of the principal structure that would attach to the existing detached garage which is located 6'11" from the rear yard property line and 3' from the side yard property line and would become part of the principal structure.

[2404 Fair Ave APP](#)

[2404 Fair site plan](#)

[2404 Fair floor plan](#)

[2404 Fair Ave rendering](#)

[2404 Fair Alternate Exterior Elevations Wed Jan 13 2021 20-00-23](#)

[2404 Fair Alternate w Connector Wed Jan 20 2021 11-18-10](#)

[2404 Fair photo](#)

[2404 Fair photo 2](#)

[2404 Fair photo 2](#)

[2404 Fair map from auditor](#)

The applicant was not present for this application. There was no discussion or vote. The Board moved to the next agenda item.

- g. Application No.: BZAP-20-45
Applicant: Ryan Brothers Landscaping
Owner: Clifton Partners LLC
Address: 2121 Clifton Ave.
BZAP Request: The applicant is seeking architectural review and approval for a 120sq' deck/stair addition connecting to a proposed 480sq' open terrace. The applicant is also seeking a variance from Bexley Code Section 1252.09(R-3 Zoning) which limits building lot coverage to 25% and overall hardscape and building lot coverage to 50%, to allow the building lot coverage to be 49.9% and the overall building plus hardscape footprint to be 91%

2121 Clifton Aerial photo

2121 Clifton Ave App

2121 Clifton Ave site plan

2121 Clifton Ave rendering

2121 Clifton photo

2121 Clifton Ave. landscaping

Pat Ryan was sworn in.

Rose reviewed background information with the Board for this application. The site is a higher grade in the center in the rear yard. The proposed steps would be coming out the back deck and some leading to the terrace. The footprint and site development exceeds the building. Some changes have been made to the proposed landscape, but staff finds it appropriate with the condition that the Landscape Consultant review any landscape changes or modifications.

The applicant reviewed details about the application with the Board. Currently in the back yard there is an unusable 20 x 20 pad of concrete. The applicant is proposing to remove it and turn the back yard into more usable space. There would be a series of drains installed to service runoff. Tuner asked what the height of the fireplace unit would be and its distance to the fence. The applicant stated it would be 9' tall and 14' from the property line. Foliage is proposed to use as screening. Rose added that this plan was shared with the neighbor and they had no complaints. Bokor added that this application was approved as a consent agenda item in the Architectural Review Board meeting.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-45 for the property located at 2121 Clifton Avenue: The Board accepts the positive recommendation from the Architectural Review Board for a Certificate of Appropriateness. Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.09(R-3) to allow the building foot coverage to be 50 percent, and to allow the overall lot coverage to be 91 percent, in accordance with the plans submitted on January 28th, 2021, with the condition that the landscape plan is further subject to review and approval by the Landscape Consultant.

The applicant understood the Findings of Fact.

Sean Turner made a motion to Approve - 'g. Application No.: BZAP-20-45
Applicant: Ryan Brothers Landscaping
Owner: Clifton Partners LLC

Address: 2121 Clifton Ave.

BZAP Request: The applicant is seeking architectural review and approval for a 120sq' deck/stair addition connecting to a proposed 480sq' open terrace. The applicant is also seeking a variance from Bexley Code Section 1252.09(R-3 Zoning) which limits building lot coverage to 25% and overall hardscape and building lot coverage to 50%, to allow the building lot coverage to be 49.9% and the overall building plus hardscape footprint to be 91% Motion seconded by Heidi Wagner-Dorn. Vote 6 - 0 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

h. Application No.: BZAP-20-47

Applicant: Todd Parker

Owner: Shylee Grossman

Address: 50 N. Drexel Ave.

BZAP Request: The applicant is seeking architectural review and approval to allow a Pool house in the front, side yard. The applicant is also seeking a variance from Bexley Code Section 1252.15(g) accessory structures shall be permitted only in the rear yard, to allow a proposed pool house to be in the front, side yard, 26'9" from the front (west) property line and 5'4" from the south side property line. The applicant may opt to present an attached version of the pool house with the connection of a low stone wall between the pool house and the principal structure, which would then be a variance from Bexley Code Section 1252.09 (R-3 Zoning) which requires a 12' side yard setback and a 30' or average existing dwelling setback (whichever is greater) setback from the front yard property line, to allow the pool house addition to be located 26'9" from the front property line and 5'4" from the side yard property line.

50 N Drexel APP

50 N.DREXEL. plans

50 N. Drexel.elevation

50 N. Drexel revised plan

Todd Parker and Andrew Grossman were sworn in.

Rose reviewed background information for this application with the Board. This is a corner lot that faces Clifton but the address is Drexel and is platted to Drexel. This application was before the Architectural Review Board to discuss the design and modifications were made to the original plan based on that meeting.

Bokor reviewed design comments with the Board. This application was heard by the Architectural Review Board for a recommendation to come to this Board. Comments from the ARB members included redesigning the architecture to match the original house in the event screening shrubbery is ever removed. The applicants

have made modifications to the design based on the ARB's feedback, and needs to go back to the ARB for further architectural review. There are not a lot of options for the placement of a pool house on this lot.

The applicant discussed the proposal with the Board. The design has been modified to match the existing home. Stone is proposed on the west wall facing Drexel. This new version indicates the window on the west elevation looks like a door. The site is odd in that the address is Drexel but the front door faces Clifton. The proposed structure will appear like a gatehouse from Drexel.

Mr. Grossman said that he and his wife installed the existing shrubbery and that it provides privacy from street and pedestrian traffic. They intend to maintain it.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-47 for the property located at 50 N. Drexel Avenue: Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.15(g) to allow a pool house in the south side yard, and Bexley Code Section 1252.09(R-3) Zoning to allow the pool house to be 26'9" from the front west property line, with the condition that the applicant return to the Architectural Review Board for final design review and approval.

The applicants understood the Findings of Fact.

Alissha Mitchell made a motion to Approve - 'h. Application No.: BZAP-20-47

Applicant: Todd Parker

Owner: Shylee Grossman

Address: 50 N. Drexel Ave.

BZAP Request: The applicant is seeking architectural review and approval to allow a Pool house in the front, side yard. The applicant is also seeking a variance from Bexley Code Section 1252.15(g) accessory structures shall be permitted only in the rear yard, to allow a proposed pool house to be in the front, side yard, 26'9" from the front (west) property line and 5'4" from the south side property line. The applicant may opt to present an attached version of the pool house with the connection of a low stone wall between the pool house and the principal structure, which would then be a variance from Bexley Code Section 1252.09 (R-3 Zoning) which requires a 12' side yard setback and a 30' or average existing dwelling setback (whichever is greater) setback from the front yard property line, to allow the pool house addition to be located 26'9" from the front property line and 5'4" from the side yard property line.' Motion seconded by Heidi Wagner-Dorn. Vote 6 - 0 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

- i. Application No.: BZAP-20-51 Applicant: Hristana Panovska Owner: Matthew & Abigail Grossman Address: 231 N. Drexel BZAP Request: The applicant is seeking

architectural review and approval to allow an addition to the existing detached garage. The applicant is also seeking a variance from Bexley Code Section 1252.15(a) which limits an accessory structure to thirty-five (35%) of the building footprint of the principal structure or 624sq', whichever is greater, to allow a 440sq' addition to the existing 560sq' detached garage.

231 N Drexel App

Hristana Panovska was sworn in.

Rose and Bokor reviewed staff comments with the Board. This application is for a proposed addition to an existing detached garage. The applicant is asking for a variance from Bexley Code Section 1252.15(a) which limits an accessory structure to be 35 percent of the footprint of the principal structure. The porch is proposed to be covered, not enclosed. There were a few details staff recommended changing, which the applicant agreed to. The Architectural Review Board voted for this application as a consent agenda item, noting for the applicant to comply with changes worked on with staff. There was no condition for this to return to the ARB but design changes would be reviewed by staff.

The applicant reviewed information for this application with the Board. The porch addition would accommodate a future pool. The open porch would have a small covering and a decorative pergola. It would exceed the allowable limit of an accessory structure by one percent. The location is private and screened by mature trees. Rose added that it would be an open structure.

There were no public comments.

The Findings of Fact and Conclusions of Law for Application No. BZAP-20-51 for the property located at 231 N. Drexel Avenue: The Board accepts the recommendation from the Architectural Review Board. Based on the testimony presented, the Board finds it appropriate to grant a variance from Bexley Code Section 1252.15(a) to allow a 440sqft open addition, with the condition that minor architectural changes to the columns and arches be subject to final design review by the Residential Design Consultant.

The applicant understood the Findings of Fact.

Ryan Schick made a motion to Approve - 'i. Application No.: BZAP-20-51

Applicant: Hristana Panovska

Owner: Matthew & Abigail Grossman

Address: 231 N. Drexel

BZAP Request: The applicant is seeking architectural review and approval to allow an addition to the existing detached garage. The applicant is also seeking a variance from Bexley Code Section 1252.15(a) which limits an accessory structure to thirty-five (35%) of the building footprint of the principal structure or 624sq', whichever is greater, to allow a 440sq' addition to the existing 560sq' detached garage.' Motion seconded by Sean Turner. Vote 6 - 0 - passed.

FOR: Ryan Schick, Alissha Mitchell, Sean Turner, Heidi Wagner-Dorn, Rick

Levine, and Bob Behal.

AGAINST: None.

- J. Application No.: BZAP-20-48
Applicant: Community Builders
Owner: Sally Woodyard
Address: 2300 E. Livingston
BZAP Request: The applicant is seeking architectural review and approval to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished. The applicant is also seeking a Conditional Use approval in the Commercial Service District, to allow residential use on all levels of this 3-story structure.

2300 E. Livingston A1.00

2300 E. Livingston A1.21, A1.22 ,A1.23

2300 E. Livingston A-2.23

2300 E. Livingston Floor plan

2300 E. Livingston EL Thu Dec 17 2020 15-20-37

2300 E. Livingston Landscape

2300 E. Livingston App

elevations for 2300 Livingston

Alissha Mitchell recused herself from the discussion and vote for this application and the next application.

Bokor provided background information for this application with the Board. This application was before the Architectural Review Board for a recommendation to the Board of Zoning and Planning, with the condition that it be remanded back to the ARB for full design review. Behal confirmed that this Board is not looking at the design, only the zoning and variance issues. Bokor said that the ARB did not support this unless the condition was included that all design review was remanded back to them.

Jason Sudy reviewed the staff report with the Board. Mr. Sudy said to note that this is in a Commercial Service District and is unique in the city. It is an auto-friendly district and other businesses on Livingston tended to be heavy traffic commercial businesses. He wanted to convey to everyone that there is a wide berth of allowed zoning permitted uses, not always considered by neighbors to live near these properties, but that this is a unique situation. This location is at the end of a Commercial Service District and boundaries a residential section. The applicants are asking for a Conditional Use approval. This district is designed to be more geared

toward auto use and recently more mixed use design standards were used for this approach. The applicant needs a Conditional Use approval on the first and upper floors. They also require a Certificate of Appropriateness approval based on the design site, architecture, and other elements. He added that this should be sent back to the ARB and Tree and Public Garden Commission. Mr. Sudy said there were key points for the Board to consider, which included site development regulations for this district, setback requirements, and height limitations. This property's height is proposed to be 45', which meets the city's standards. There are also design standards for consideration, one of the most important being the design in the different districts. Standards have been met in accordance with Bexley Code Section 1254.12. Final landscaping should be returned to the Tree and Public Garden Commission. The applicant has committed to include a landscape plan as well as a fence, but will need to include other final details for items such as dumpster enclosures. Only Commercial Services can ask for permitted uses, and Conditional Uses are for residential requests. There is no standard specifically outlined for this district. The closest example would be a Mixed Use Commercial district. In terms of parking, following the criteria for an MUC, it allows for 30 parking spaces for 27 units. Staff feels the applicants have met the Conditional Use criteria in the Bexley's Code Section 1226.12(b)(a)(h). Mr. Sudy then proceeded to read them verbatim. He added that staff recommends all plans, if approved, be in conformance as seen in tonight's meeting, held on January 28th, 2021. Levine asked if there was a tax abatement for this project. Mr. Sudy said he was not sure. Schick asked if parking is included with all development. He wanted to ensure there would not be any on-street parking. Mr. Sudy said it would be on-site.

Nicole Boyer, Jeff Beam, Kevin Dreyfuss, and MJ Kavourias were sworn in. Mr. Beam said that The Community Builders have been working on two projects with the CIC for two years and are excited to be moving forwards. The Community Builders is a 501(c)(3) non-profit, who develop, own, and manage developments in other locations that are similar to this proposal. They join with local partners and stay invested in the community as stakeholders. The Columbus team focuses on housing opportunities and affordability. They investigated a number of sites with the CIC and feel that this is a good transitional location where residential and commercial meet. TCB and the CIC are partners on both projects but each has a single owner and the land ownership would function differently.

Nate Green and Sarah Gold from the CIC were sworn in. Mr. Green is president of the CIC and is also a Bexley resident. The CIC is the development arm of the city, and all members are appointed by City Council. The CIC was involved in the moving of City Hall, the Giant Eagle Project, and they own Bexley Square and several other properties within the city. The CIC is involved in this location as a partner, but not a monetary partner. The CIC is involved in the proposal for the 420 N. Cassady project. They will be the owner and operator of the commercial space proposed on its ground floor. The CIC and TCB have been working together for two years and these two locations recently became available in the past couple of months. Sarah Gold said the CIC is happy to partner with TCB. In 2018, the CIC put out a request for information with developers to locate opportunities. The CIC is a local presence and cares about the work they do in the city. The TCB brings expertise for mixed-income housing and the CIC brings expertise to the commercial component of the

projects.

Nicole Boyer provided an overview of what the project is. It is for mixed-income housing for a range of demographics in economics and composition. The request for approval tonight is the first step in a multiple step process. This step would help secure project funding. The outreach to the community was not done earlier because they did not have site control until December of 2020. The ARB was the first time this application was seen. Construction would not begin until potentially in Spring of 2022. An architectural firm in NE Ohio has been working with TCB for several years and have experience designing for the Columbus area. This project is proposed to include 27 units in three stories. Schick asked what the miles per hour is facing the building on Livingston. The applicant said 35 mph. Schick asked about the safety of having children in that location. Behal said there were single-family homes along Livingston that housed families.

Ellen Evans, resident at 965 Francis Avenue, was sworn in. Ms. Evans said that it is a misnomer that 30 cars will feed 27 units and that there would not be on-street parking on Francis. She said that the street is a major artery to Capital University. Ms. Evans said that if there were parking on both sides of the street it would not be safe. She questions that much traffic at the Livingston/Francis corner, which she added is already congested enough. Adding this property would add more traffic to the current flow, and it is already difficult to turn left from Francis onto Livingston. She questioned how the noise from the street would affect this property, and added that she can hear the traffic from inside her own home. She said that this is a difficult situation to make it truly livable. She has no problem that it is affordable housing, but would like something developed that blends better with its neighborhood.

Peg Horvath, resident at 959 Francis Avenue, was sworn in. Ms. Horvath said that she has lived in apartments before and felt that they will not find that there are only three couples with two cars in a building with 27 units. She lives two houses down from Pleasant Ridge and has experienced the same traffic issues as Ms. Evans. She thinks it is ridiculous to put that many units at this location. She would like to see bigger units proposed, but even if it was shrunk down to 21 units, it would still have more cars.

Dustin Snow, resident at 990 Francis, was sworn in. Mr. Snow said that parking is a large concern. He asked for someone to reference the Code used for parking for this project. Mr. Sudy said for this district for a Conditional Use there was no specific requirement for parking. What was used for this project was Bexley Code Section 1262.02(c), as amended by Council. Mr. Snow is curious how parking can be managed in a city like Bexley, where less than 5 percent of residents own cars. He asked if this location provides adequate parking so Francis Avenue will not be used for on-street parking. He added that he does not see the Code that applies to allow parking, how that works, and that he thinks it is a reasonable request to consider, not a mandatory requirement, to continue the discussion with the neighbors. Turner asked if that information was available at City Hall. Rose said it was and can be sent via email.

Bridget Tupes, resident at 2316 Livingston, was sworn in. Ms. Tupes is concerned about the location's proposed setback from Livingston. She has seen numerous homes and garages hit by cars and has serious concerns for pedestrians walking along Livingston as well as those proposed to live on the first floor of this property. She said that Livingston is different than Main or Broad in that there is a delineation from commercial and residential. She added that she did not receive notice for the ARB about this proposal until the day of the meeting, and echoes the concerns of her neighbors.

Dawn Holmes, resident at 906 Pleasant Ridge, was sworn in. Schick stated if residents did not receive sufficient notice to proceed with care tonight. He made a Motion to Table the discussion to provide proper notice to the public. No second was made. The Motion to Table did not pass. Ms. Holmes continued to state her concerns for this project. She said that it was a three story building that is surrounded by one-and-a-half story homes. She said there is a dramatic difference and creates an imbalance. The number of units proposed would add 50 to 80 additional residents in one spot. She said if it were scaled down it would fit in better with the neighborhood. Rose said residents not within a 300' radius did not receive notice. Behal said Ms. Holmes already gave testimony.

Ajay Garlapati, resident at 981 Francis Avenue, was sworn in. Mr. Garlapati said that he and his wife looked at the proposal and do not like the parking proposal, and that not everything was stated on the website. He and his family live within a 300' range of this location and he did not get notice until the day of the meeting. He said that the structure of the building is different than the rest of the surrounding buildings. He said that traffic is dangerous on Livingston, and he would like more information on the relationship between the CIC and TCB. He asked if anyone else had a financial relationship with this proposal. Melissa Garlapati was sworn in. Mrs. Garlapati said she had many concerns of the building development itself. She researched TCB and found other locations in Ohio and Kentucky, and recommended Council research on the building development of the TCB. She named a property in Kentucky and asked if TCB managed it. The applicants said they did not. Mrs. Garlapati said she read multiple reviews from tenants in other TCB developments and did not think it was a good idea to mix seniors with children.

Jason Mackay, resident at 980 College Avenue, was sworn in. Mr. Mackay said that he did not receive the first notice but did receive one on January 13th for the ARB meeting. He said he walks his dog by this property every day and did not see a sign in front of this property until the day of the ARB meeting. He said there are 27 units proposed, potentially 58 bedrooms, and 30 parking spots. He said the project is too dense architecturally. Just because it meets Code does not mean it needs to meet it. He thinks the setback is inappropriate for the space and is too close to the street. It is dangerous. He said people would have to drive instead of walk to get to close attractions. He said that there are kids who live along these two streets but they have backyards. For this application the current renderings show the building looking directly into other people's backyards. He thinks lighting is a concern, understands there is a timeline for funding but suggested not to approve the application without conditions. He thinks this would be great for Bexley but wished a meeting with the applicants had taken place before.

Roger Singletary was sworn in. Mr. Singletary has concerns similar to his neighbors. He referenced the MORPC website which indicated this location has a high number of accidents. A student was hit while crossing Livingston and traffic was detoured to the residential streets. No officers were sent. He is glad to hear comments about a greenspace being set up but noted that is difficult for young children to play there without supervision. He also wanted to point out that he did not receive notification for ARB until January 13th. He did state that he does not think it will decrease local property values.

Anna Massen, resident at 984 Francis, was sworn in. Schick said that there were numerous instances of improper notice and to exercise caution moving forward with the discussion. Behal said he was not sure it made sense to stop the process of listening. Rose said that the first notice was sent to residents in 200' of the property, which is per Code, but a second notice was sent out which extended to 300' as a courtesy, which is not required for Code. Catherine Cunningham said that the notice sent for BZAP was received on time. Ms. Massen continued and said that she is not against increasing housing density, that Council approved this as an ordinance, and that Bexley is a special place to live. She referenced South Bexley Neighborhood Association's involvement in shedding light on the Livingston Avenue issues and dangers and said this section was one to avoid for pedestrians. She said that children living in this area is dangerous at this intersection. She added that there are true single-family homes with kids but that they have yards to play in. She said it is difficult to envision residents from this building walking to Schneider Park, and to understand that not everyone has a car. She also suggested having a shadow study done because the height of the building could block the sun.

Phil Mascari, resident at 805 Pleasant Ridge, was sworn in. He had two quick questions. He said that if the demographics included teachers and librarians it could also include felons and sex offenders. He asked if the Board members would be willing to be responsible for whatever crime might come about due to these new units. The applicant stated that they have screening for potential residents in place, but people have a legal right to rent a unit, and adding that Fair Housing can not discriminate.

Leah Turner, resident at 993 Francis, was sworn in. Ms. Turner said she never received notice and is within 200' of the property. She said nothing in the diagram mitigates people looking at her property all day long. She said that because of the parking design the lights will go straight into her property. She said that there is no substantial landscaping, and to reduce the size so it looks like it fits in with the neighborhood.

The applicant said that on the current site condition there is a 6' fence that the parking lot abuts. They are proposing to install an 8' fence with a small grass buffer as a barrier. The fence is proposed to be taller and is intended to block and buffer headlights. Jason Sudy said that an 8' tall fence is required in Zoning and specific standards to any MUC property that backs up to a residential area, and is non-negotiable. In regards to the design and materials, that will be discussed as they move through the process. The applicants said they will continue to tweak the

parking area and landscaping with multiple parties throughout the process.

Todd Kellner, resident at 854 Francis Avenue, was sworn in. Mr. Kellner said that a project with this impact should reach beyond those with 200' standing and include all of the residents on Francis Avenue. He said that there is one opportunity to develop this correctly and from what he heard tonight there is a lack of ownership of the CIC on this site. He would like answers in relation to rental terms because short-term rentals are a big concern. He wanted to reiterate that this is a 58 bedroom building, that families have vehicles, and four on property is smaller than the average parcel on Francis. He said that they are missing the mark on this project and more voices need to be heard.

Schick said they have heard a lot of testimony tonight and asked to Table. Bokor said there were two more people waiting to speak and to hear the people who are left.

Henry Gruesen, resident at 984 Francis Avenue, was sworn in. Mr. Gruesen said he received ARB notice the day before the meeting. He talked to people who know his concerns but this sounds like a money-grab for the developers. He is concerned about parking, that his street is a public street and typically offers two on-street parking spaces for single-family homes. He said to consider two spots per unit proposed, that 58 bedrooms could potentially be 58 cars. He said that replacement housing for Ferndale-Mayfield residents has been a thorn in the city's side for years, and police are called out there quite often. He said affordable housing has not been good and would increase crime in his area.

Julie Mosca, resident at 987 Francis Avenue, was sworn in. Ms. Mosca received notification for the ARB meeting the day before the meeting, and there was no sign in front of this property until the day of that meeting. She said that the inclusion of greenspace was nice to hear but she has never walked her children to Schneider Park from her home. She said having access to local attractions is nice, but if this is an affordable housing proposal, how affordable is it to access those same attractions.

Behal asked the Board to consider the best way to handle the situation after hearing from presenters and residents. Schick said to Table it for one month if the neighbors agree to that. Turner said that he agreed with Tabling but wanted to respect the applicant's time. Schick offered to start with parking. Turner said parking was an issue at this location. The applicants said that they brought data about parking from other properties. Behal said the BZAP was not the right forum for this kind of situation and it sounded more suited for an open discussion where the applicants can engage with the public to answer them. He said for now to focus on the proposal they are looking at tonight. Dorn said she agreed with parking concerns and concerns about density, as well as safety issues with first floor units on Livingston especially if there are children in those units. Dorn suggested making the units bigger or having two stories for residential and the first floor to be mixed-use, and for it to be more compatible with the neighborhood.

Behal entertained Schick's motion to Table the application. Dorn seconded the

Motion.

The applicant said a flyer had been created with his contact information and offering for a public meeting, but only a few people showed up for that. He is willing to have more open discussion as the project advances.

Ms. Cunningham wanted to remind the Board that this is a quasi-judicial hearing and why residents with standing are important. She cautioned the members to discuss this outside of the hearing process. She said notification for this meeting was timely and if notification had not been received members from the public would not have been present for this meeting. She said that there was a lot of discussion related to the ARB, that they request this application return to them, and that both Boards offer ways to be present in their meetings. She added that the application is not re-noticed when it is Tabled, but the information is available on the city's website and included in the Minutes.

Ryan Schick made a motion to Table - 'j. Application No.: BZAP-20-48

Applicant: Community Builders

Owner: Sally Woodyard

Address: 2300 E. Livingston

BZAP Request: The applicant is seeking architectural review and approval to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. If approved, the existing building will be demolished. The applicant is also seeking a Conditional Use approval in the Commercial Service District, to allow residential use on all levels of this 3-story structure.' Motion seconded by Heidi Wagner-Dorn. Vote 5 - 0 - passed.

FOR: Ryan Schick, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

RECUSED: Alissha Mitchell.

- k. Application No.: BZAP-20-52 Applicant: Bexley CIC Owner: Bexley CIC Address: 420 N. Cassady Avenue BZAP Request: 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 in accordance with Bexley Code Section 1262.02 which requires 1 space per residential unit and additional spaces based on the commercial use and square footage to allow 14 spaces for 16 Residential Units and up to 3,600sq'of commercial space on first floor.

420 N. Cassady Landscape Plans (updated)

420 N. Cassady A1.01

420 N. Cassady A1.11

420 N. Cassady Bexley Apartments Project Summary

420 N. Cassady A2.12

420 N. Cassady 2021-01-07 Elevations[11634]

Nate Green asked to Table this application for now as well.

Jason Sudy reviewed background information for this application with the Board. This proposal is a similar circumstance with a different criteria and additional elements. This application needs a Certificate of Appropriateness but in this situation there is no Conditional Use, but would need a parking variance based on the 16 residential units proposed. On-street parking is a possibility at this location, but the challenge is finding where those spaces would be. There would be 14 on-site spaces, but other than that the proposal has met the design standards for its district.

The applicants discussed the proposal with the Board. The CIC has a contract to purchase the property. The property has undergone Phase I and Phase II of an environmental study. The ground floor would be commercial and apartments would be on the top two floors. Behal asked how many retail spaces would be located on the ground floor. The applicants said they have not determined that yet. Behal asked if the building would face Cassday and parking would be in the back. The applicant said it would. Dorn asked the applicants to address parking. The applicants stated they have data around comparable projects. On average, 80 percent of the lot is full but the applicants will come back with better data on that number. They applicant said that 12 spaces are on site and two more on-site for employees or residents. Cassady has on-street spaces available for parking that are not in front of people's homes and they would like to take advantage of that. Sarah Gold said that per Code, 23 spaces are required. They are providing on-site parking and additional on-street parking, and would provide 24 spaces total between the two.

Jeremy Ray, resident at 421 N. Cassady, was sworn in. Mr. Ray is concerned about parking and asked where they came up with that being enough spaces, especially not knowing what the business is. He said there would have to be parking for customers, and thinks that there would be too much on-street parking for this project. Mr. Ray said that Cassady is a main corridor for all of Bexley and Cassady is not wide enough for parking on both sides of the street. He said ambulances have been up and down the street a few times and the city should have a plan in place to accommodate parking for this project. He added that the crosswalks were terrible on N. Cassady, and said that these two projects feel rushed.

Taylor Stewart, resident at 2700 Columbus Avenue, was sworn in. Ms. Stewart said it was not true that families just starting out have two to three cars. She said having a mixed-use space would increase her property value and provided a needed service in the area. She does not think crime is going to be a problem in relation to this project.

Katie Jay, resident at 421 N. Cassady, was sworn in. Mrs. Jay said she was also concerned about emergency vehicles being able to get through, as well as the

crosswalks on N. Cassady. She said it is dangerous for kids walking to school to cross Cassady. Mrs. Ray said there will not be enough places for visitors to park and could end up parking on her side of the street, directly across from this property. She added that she did not think it was fair to make residents already living there to have to park on the street to bring their groceries in the house. She added that this area is designed to be more of a residential area and she and her family moved to N. Bexley so they did not have to live so close to commercial sections of the city. She said that Bexley is unique and that the creative people involved in this project can come up with something better.

Aaron Hebert, resident at 2261 Columbus Avenue, was sworn in. Mr. Hebert's major concern is getting in and out of his garage. Having this property would increase traffic and congestion in his area. Parking on Cassady has been a problem in the past but is getting better, however what is proposed is not enough spaces and will add to parking congestion. He said the count does not include customers for the retail space, or for visiting family and friends. He said that it creates a lack of privacy, and also mentioned what happens if the retail space does not monitor their trash receptacles. He noted other current businesses along Cassady have receptacles that are overflowing. He said the heart is in the right place but there are things to work through for this project.

Sabrina Reynolds, resident at 2671 Columbus Avenue, was sworn in. Ms. Reynolds said that there are a lot of kids in the neighborhood and she is worried about increased activity. She asked where will the kids at this location go for greenspace. She said that this is a large proposal for the space, and she would like to access information for the contaminated demolition and construction sites.

Matthew Brown, resident at 2596 Stanbery Drive, was sworn in. Mr. brown said that most homes around this location do not have driveways and parking is mostly on-street. The alleys are tight and there is barely enough room for a truck to get through. He said that it would be difficult to have two-way traffic in the alleys. He said people will speed up and down Cassady and parking will overflow onto the side streets. Mr. Brown thinks that pulling the building all the way to the street and having parking in the rear is out of place, and encouraged for parking in front of the business like the other commercial spaces on Cassady.

Adam Lee, resident at 2654 Ruhl Avenue, was sworn in. Mr. Lee said that he is concerned about parking for this location. He said that it is next to small, single-family homes as well as a yoga studio. He said that even though there are not events held there right now, the yoga studio is allowed to hold events there. The future events will require more parking with overflow on residential side streets. He moved here from the Short North because of variances like this passing there. He had trouble parking and moved here to avoid that.

Behal asked the applicant if he made a Motion to Table. Mr. Green said that he did. He would like to Table the application and bring something back to address the neighbor's concerns.

Sean Turner made a motion to Table - 'k. Application No.: BZAP-20-52

Applicant: Bexley CIC

Owner: Bexley CIC

Address: 420 N. Cassady Avenue

BZAP Request: 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 in accordance with Bexley Code Section 1262.02 which requires 1 space per residential unit and additional spaces based on the commercial use and square footage to allow 14 spaces for 16 Residential Units and up to 3,600sq'of commercial space on first floor.' Motion seconded by Heidi Wagner-Dorn. Vote 5 - 0 - passed.

FOR: Ryan Schick, Sean Turner, Heidi Wagner-Dorn, Rick Levine, and Bob Behal.

AGAINST: None.

RECUSED: Alissha Mitchell.

7. Other Business

- a. Application No.: Exempt Applicant: Kenny Brown Owner: Kenny Brown Address: 2062-2068 E. Main ARB Request: The applicant is seeking approval of a façade grant for proposed up-lighting of the building located at the Northwest corner of S. Drexel Avenue and E. Main Street.

2262 E. Main accent lighting facade grant additional materials

Facade Grant Application packet

Mayor Kessler presented information for this proposal with the Board. The applicant applied for grant funding to go towards the cost of this improvement. Funding for façade grants on 35% of the cost on improvement, and some funding was appropriated in the 2020 budget for that purpose. The Mayor requested BZAP to review and see if it looks like it would be an improvement to the façade. The proposal is for up-lighting the front of the building. That improvement can be allowed by staff. It would be a soft white light on the north west corner of Drexel and Main, on the south façade facing Main and east facade facing Drexel. Examples are included and are akin to the Gateway on E. Main Street. The city would like to know if BZAP finds this an appropriate use of funds. This is not a design or variance approval but strictly a review for facade funds. Behal said he thinks it is a perfect location for facade lighting, provides good visibility, and is a good idea. Mayor Kessler said this is a minor amount of funding, like the funding for window boxes which were through a facade grant program we well.

Behal asked the members for an up or down vote.

Vote all in favor: Ryan Schick, Heidi Wagner-Dorn, Sean Turner, Rick Levine, Bob Behal Recused: Alissha Mitchell

Opposed: None

The facade grant was approved.

The meeting ended at 1:50 am.

8. Adjourn

BEFORE THE CITY COUNCIL OF THE CITY OF BEXLEY, OHIO

Ajay Garlapati, <i>et al.</i> ,	:	
	:	
Appellants,	:	City Council Appeal Case No. 21-2
	:	
vs.	:	
	:	
City of Bexley Board of Zoning and Planning,	:	Case No. BZAP-20-48
	:	
Appellee.	:	

DETERMINATION ON APPEAL

The Bexley City Council recuses itself from hearing the appeal of the Decision of the Board of Zoning and Planning in Case No. BZAP 20-48 upon appeal to Council in Appeal Case No. 21-2 due to the actual or perceived conflicts of interest of a majority of the members of Council and the appearance of impropriety in a quasi-judicial proceeding and make the following determinations:

1. The BZAP decision is the final decision of the City in the case and is subject to appeal as provided in the Bexley City Code and the Ohio Revised Code.
2. Bexley City Code Section 1226.19 provides for the appeal of decisions of BZAP to City Council and Appellants appealed the decision of BZAP in Case No. BZAP 20-48 to this Council
3. This decision of Council is the final determination made by the City in Case No. BZAP 20-48 and City Council Appeal Case No. 21-2.
4. The Clerk of Council shall promptly serve written notice of this determination of Council upon the Appellants, Applicants, their legal counsel and BZAP.
5. The City shall refund the filing fee of the appeal to legal counsel for the Appellants.

Passed May 11, 2021

[Signature]
Lori Ann Feibel, President of Council



IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION

LEAH AND JESSE TURNER
993 Francis Avenue
Bexley, Ohio 43209,

Appellants,

-vs-

CITY OF BEXLEY
BOARD OF ZONING AND PLANNING
2242 E. Main Street
Bexley, Ohio 43209

and

CITY OF BEXLEY
CITY COUNCIL
2242 E. Main Street
Bexley, Ohio 43209

and

CITY OF BEXLEY
2242 E. Main Street
Bexley, Ohio 43209

and

THE COMMUNITY BUILDERS
736 Oak Street
Columbus, Ohio 43205

Appellees.

Case No.

Judge

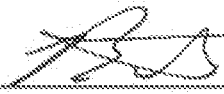
PRAECIPE FOR THE RECORD

TO: City of Bexley
Board of Zoning and Planning
2242 E. Main Street
Bexley, Ohio 43209

City of Bexley
City Council
2242 E. Main Street
Bexley, Ohio 43209

PLEASE TAKE NOTICE that pursuant to the provisions of Chapters 2505 and 2506 of the Ohio Revised Code, you are instructed and directed to file with the Clerk of the Common Pleas Court of Franklin County, Ohio, a complete copy of the record of all proceedings which have occurred from the date of application through the hearing conducted or thereafter, before the City of Bexley Board of Zoning and Planning in Case No. 20-48 and City Council Appeal Case No. 21-2, relating to property located at 2300 E. Livingston Avenue, Bexley, Ohio 43209. The record must be filed within forty (40) days of the date of filing of the Notice of Appeal in this action. The record should be filed with the Clerk of the Franklin County Common Pleas Court at their office 373 South High Street, Columbus, Ohio 43215.

Respectfully submitted,

By: 
 Bryan S. Hunt (0095519)
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 Upper Arlington, Ohio 43221
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Attorney for Appellants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Praecipe for the Record was served by hand-delivery upon the following this 9th day of June, 2021:

City of Bexley
Board of Zoning and Planning
2242 E. Main Street
Bexley, Ohio 43209

City of Bexley
City Council
2242 E. Main Street
Bexley, Ohio 43209

Catherine Cunningham, Esq.
Kegler, Brown, Hill + Ritter
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Attorney for The Community Builders



Bryan S. Hunt (0095519)



City of Bexley Board of Zoning and Planning

Decision and Record of Action –February 25, 2021

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

Application No.: BZAP-20-48
Applicant: Community Builders
Owner: Sally Woodyard
Address: 2300 E. Livingston
Zoning: CS - Commercial Service District
Request: The applicant is seeking a Conditional Use to allow dwelling units on all 3 floors of a proposed new 3-story building (with 27 dwelling units proposed). The applicant is also seeking architectural review and approval of the proposed 3-story structure. If approved, the existing structure would be demolished.

MOTION: The following motion to approve this application was made by Mr. Marsh and seconded by Ms. Wagner-Dorn:

The findings, conclusions and decisions of the Board for application number BZAP-20-48 for a conditional use for the property located at 2300 E. Livingston as stated by Ms. Rose: Upon consideration of the applicant's proposed conditional use and evidence and testimony before it, the Board of Zoning and Planning finds that the applicant has proven that all the criteria to grant a conditional use in accordance with Bexley Code 1226.12(a)-(h) have been met and a Conditional Use is granted to allow dwelling units on all 3 floors of this proposed new 3-story building in substantial conformance with the plans submitted to and before the Board on February 25, 2021 and the existing structure may be demolished following final approvals. The Board remands the Certificate of Appropriateness to the Architectural Review Board for final determination with the following conditions:

The final design review and approval is remanded to the Architectural Review Board for determination and issuance of a Certificate of Appropriateness.

The landscape plan is remanded to the Tree and Public Gardens Commission for determination and design approval.

That the applicant, Community Builders, and property management company continue to be engaged with the community (and its participation in the South Bexley Neighborhood Association).

The owner/property management company shall restrict the number of total permitted cars of tenants in the building to no more than thirty cars total.

The applicant, Community Builders, agreed to the conditions.

VOTE: 6 in favor; 1 opposed. The motion passes.

RESULT: A Conditional Use was approved to permit dwelling units on all 3 floors of the proposed new 3 story building in substantial conformance with the plans submitted to and before the Board on February 25, 2021. The existing structure may be demolished following all final approvals.
The Certificate of Appropriateness was remanded to the Architectural Review Board for final determination.
The Landscape Plan was remanded to the Tree and Public Gardens Commission for final determination.

Staff Certification: Recorded in the Official Journal this 25th day of February, 2021.



Kathy Rose, Zoning Officer



Karen Bokor, Design Consultant

cc: Applicant, File Copy

1226.12 CONDITIONAL USES.

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves all the following factors are met:

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (d) The property and any proposed modifications meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.
- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- (g) The use is in character and keeping and compatible with the adjacent structures and uses.
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval. A Conditional Use permit may be revoked by BZAP if the Board finds the conditions of approval of the existing Conditional Use permit are not met or maintained, the property ceases to be operated as an approved Conditional Use, or the continuance of the Conditional Use would pose a substantial risk to the public health, safety and welfare. A Conditional Use permit shall not be revoked without providing notice to the permit holder and the opportunity to be heard. A Conditional Use permit shall automatically expire if it ceases operation for more than one year.

(Ord. 29-16. Passed 11-15-16; Ord. 08-20. Passed 7-14-20.)

1226.19 APPEALS TO COUNCIL.

Every final order, adjudication, or decision of Bexley Board of Zoning and Planning (hereinafter "Board") may be appealed by the applicant or any Bexley property owner that is directly and adversely affected by such decision to Bexley City Council for review and determination as follows:

(a) A written notice of appeal utilizing the form prescribed by the Mayor of the City of Bexley (the "Notice of Appeal") shall be filed with the Clerk of City Council within thirty (30) calendar days after the written decision of the Board is journalized and the minutes of the meeting are approved. A Notice of Appeal shall set forth the decision of the Board appealed from and the errors complained of by the appellant. Any claimed errors that are not identified in the Notice of Appeal shall be waived. If the appellant is the applicant, the Clerk of City Council shall serve the Notice of Appeal on the property owners that were entitled to notice of the Board hearing by regular mail upon receipt of the Notice of Appeal. If the appellant is not the applicant, the Clerk of City Council shall serve the applicant by certified mail upon receipt of the Notice of Appeal, and shall serve the property owners that were entitled to notice of the Board hearing by regular mail upon receipt of the Notice of Appeal.

(b) The fee for filing a Notice of Appeal shall be Two Hundred Fifty Dollars (\$250.00) which shall be paid at the time of the filing of the Notice of Appeal.

(c) Upon receipt of the filing of a Notice of Appeal, the Clerk of City Council shall notify the Clerk of the Board from which an appeal has been taken who shall file with the Clerk of Council the record of the proceedings, and all relevant background or other information that was before or taken into consideration by the Board in making the order, adjudication, or decision being appealed within fourteen (14) calendar days of receiving the Notice of Appeal from the Clerk of Council.

(d) Bexley City Council shall examine the record of decision and hear oral argument by the parties within thirty (30) calendar days of receiving the Notice of Appeal, unless the following apply:

(1) If Bexley City Council is in summer recess at the time of receiving Notice of Appeal, Council shall hear argument within sixty (60) calendar days of receiving the Notice of Appeal.

(2) If there is an agreement between the appellant, the appellee, and the City Attorney, an extension may be granted.

(3) Other good cause as determined by Bexley City Council.

(e) The Clerk of Council shall give written notice of the oral argument at least fifteen (15) calendar days in advance of the date of the argument to the appellant and appellee by certified mail or personal service and all persons required to be notified of the hearing on the application before the Board appealed from by regular mail. At least fifteen (15) calendar days before the date of the oral argument the Clerk of Council shall post notice on the City's website. The notice shall state the time and place of the argument and a summary of the appeal.

(f) The appellant or appellee is permitted, but not required, to file a brief on the merits of the appeal. No reply brief or memorandum contra brief shall be permitted. All briefs must be served and filed no later than seven (7) calendar days before the oral argument except by leave of Council. Such brief may not exceed fifteen (15) pages in length, double-spaced, at no less than a 12-point font. The Clerk of Council shall provide the other parties copies of any filed briefs.

(g) At the argument, the appellant and appellee shall present the appeal based upon the following procedures:

(1) No new evidence or testimony may be presented.

(2) Argument shall be presented by appellant and appellee in the form of oral argument only and shall be limited to twenty (20) minutes each side. Oral argument shall be based upon the assignments of error submitted with the Notice of Appeal. If more than one (1) appeal is filed, the appeals may be consolidated and each side shall be allowed a total of twenty (20) minutes for argument or such other time as may be determined by Bexley City Council.

(h) If upon oral argument, consideration of the record and decision of the Board, and briefs filed pursuant to section (f), Council finds that Appellant has failed to prove, by clear and convincing evidence, the decision of the Board appealed from is not supported by the record or is unreasonable or unlawful, it shall affirm the same.

(i) Council shall give deference to the findings and conclusions of the Board being appealed from and shall not substitute its judgment for the judgment of the Board.

(j) Consistent with its findings, Council may affirm, reverse, vacate, or modify the order, adjudication, or decision of the Board. The concurrence of two-thirds of the members of Council at the argument on appeal is required for Council to reverse, vacate or modify any decision of the Board. Absent such a two-thirds majority of the members of Bexley City Council at the argument on appeal, the decision of the Board is affirmed.

(k) The decision of Council shall be subject to appeal as provided in the Ohio Revised Code.

(l) Bexley City Council shall issue written Findings of Fact and Conclusions of Law within thirty (30) calendar days after the hearing and serve them on all parties.

(m) In any appeal to Council, Bexley City Council may consider and determine any motions filed, make procedural determinations, and for good cause continue or amend any of the periods or deadlines provided in this section except for the time for filing the Notice of Appeal, which cannot be enlarged or altered.

(n) This section supersedes any references to appeals to Council in the Bexley City Ordinances that are inconsistent herewith.

(Ord. 29-16. Passed 11-15-16.)

BEFORE THE CITY COUNCIL OF THE CITY OF BEXLEY, OHIO

Fehd Massen, *et al.*,

Appellants,

v.

City of Bexley Board of Zoning and
Planning,

Appellee.

APPEAL # 21-2

BZAP CASE NO. 20 – 48

Decision Rendered February 25, 2021

Minutes Approved March 25, 2021

APPELLANTS' MERIT BRIEF

Now come the appellants herein, Fehd Massen, Anna Massen, Susan Plaisted, Dustin Snow, Tiffany Canfield, and Leah Turner (“Appellants”), by and through counsel, and submit the following as their Appellants’ Brief in support of their appeal.

I. INTRODUCTION

Appellants bring this appeal pursuant to Section 1226.19 of the City Code¹ to challenge the decision of the Bexley Board of Zoning and Planning (“BZAP”) rendered on February 25, 2021, that granted the application of The Community Builders (“TCB”) for conditional uses that would allow dwelling units on the first and upper floors of a building in a commercially-zoned district (“the Decision”). Appellants are all Bexley property owners that are directly and adversely affected by the Decision. The Property that is the Subject of the Decision is owned by Sally A. Woodyard, and it is currently used as a funeral home, although a single-family residence is located on the Property as well. Additionally, the Property is zoned as a Commercial Service District in the City of Bexley (“the City”).

¹ The term “City Code” shall mean the Codified Ordinances of the City of Bexley, Ohio.

As set forth herein, and as Appellants will further demonstrate at the oral argument currently scheduled for December 15, 2021, BZAP's decision was made in error because it is not supported by the record and is unreasonable and unlawful. Accordingly, City Council for the City of Bexley ("City Council") should reverse BZAP's decision, or at a minimum vacate the decision and remand this matter back to BZAP for further proceedings.

II. BACKGROUND

On or about January 26, 2021, TCB filed an application with the City seeking, among other things, approval for conditional uses to allow dwelling units on the first floor and dwelling units above the first floor of a proposed 3-story, 34,687 square-foot residential building that would be constructed on the Property ("the Development"). (TCB Cond. Use App.). The Development would result in the construction of a high-density multi-family use on the Property with a building consisting of twenty seven (27) apartment units (a combination of three (3) one-bedroom units; seventeen (17) two-bedroom units; and seven (7) three-bedroom units, for a total of fifty-eight (58) bedrooms), and only thirty (30) parking spaces, all on less than an acre of land. *Id.* There would be no commercial use of the Property. *Id.*

TCB's application initially went before the Bexley Architectural Review Board ("the ARB") on January 14, 2021, for architectural review and to obtain a recommendation for BZAP. (Pub. Not. of Bexley ARB and BZAP). After its review, the ARB recommended that BZAP issue a Certificate of Appropriateness on the condition that TCB return to the ARB for a Certificate of Appropriateness and that the application be reviewed by the Bexley Tree and Gardens Commission. (Det. and Rec. of Action of ARB). The ARB made no findings and offered no opinion regarding the conditional use aspects of TCB's application. *Id.* Accordingly, TCB's application was scheduled to be heard by BZAP on January 28, 2021.

On January 28, 2021, BZAP conducted a virtual hearing on TCB's application for the conditional uses. (Vid. of Jan. 28, 2021 BZAP Meeting²; Mins. of BZAP Jan. 28, 2021 Meeting). Aside from the members of BZAP, City staff and consultants, and TCB's representatives, fifteen residents from the area near the Property appeared and provided testimony. *Id.* In general, all of the neighboring residents had concerns with the Development as it had been proposed, ***and no neighboring residents showed up to voice support for the Development.*** *Id.* The neighbors' concerns focused on traffic, parking, safety, scale and density, property values and privacy, much of which arose from the fact that the incredibly dense multifamily Development would be constructed immediately adjacent to a lower-density, single-family residential neighborhood already burdened by scarce on-street parking and comprised mainly of single-story homes. Further, concerns were raised about the location of the Development being along Livingston Avenue, a major thoroughfare on the edge of the City where accidents commonly occur, in light of the likelihood of several children occupying the property. *Id.* Many of the neighbors who testified at the hearing also raised issues related to receiving inadequate notice of hearings and the inability to access the City's current code of ordinances. *Id.* Ultimately, after many hours of testimony, BZAP tabled the application until the next meeting. *Id.*

On February 25, 2021, BZAP conducted a second virtual hearing on TCB's application for the conditional uses. At this hearing, Jason Sudy provided statements to BZAP on the application which, in essence and among other things, advocated that the Development met the conditional use criteria contained in the City Code and that it would conform to the applicable

² Video of the January 28, 2021 BZAP meeting is available at <https://www.youtube.com/watch?v=-Zvn1Liks0c>

development standards.³ (Vid. of Feb. 25, 2021 BZAP Meeting⁴; Mins. of BZAP Feb. 25, 2021 Meeting). Representatives of TCB also appeared – with legal counsel this time – and just as in the January 28th hearing, many neighboring residents appeared (upwards of 15 individuals again, many of whom also attended the prior meeting) who voiced their concerns which, in large part, mirrored the issues they had previously raised about the Development. ***Just as in the prior meeting, too, no neighboring property owners appeared and testified in support of the Development.***

Notwithstanding TCB's failure to adequately show by a preponderance of substantial, reliable and probative evidence that all of the criteria necessary for a conditional use to be approved were met, and notwithstanding the numerous, overwhelmingly negative and consistent concerns and opposition voiced by the many neighboring property owners, BZAP granted TCB's requests for the conditional uses.

As set forth herein, BZAP erred in approving the conditional uses because, among other things: i.) one or more of the criteria necessary to be granted a conditional use were not met; ii.) granting the conditional uses effectively resulted in a de-facto rezoning of the Property in contradiction to the terms of the City Code; and iii.) the decision to allow only thirty (30) parking spaces – indeed, a significant component of the Development identified by the neighbors, and certain members of BZAP, as a serious concern – was arbitrary and unreasonable. For these reasons, the Decision must be reversed or vacated.

³It appears that Mr. Sudy was never sworn in prior to providing his testimony at either hearing before BZAP, and thus his statements should not be considered evidence in any sense, let alone substantial, reliable or probative evidence properly presented before BZAP to be considered in its decision.

⁴ Video of the February 25, 2021 BZAP meeting is available at <https://www.youtube.com/watch?v=deSA0brKVu8>

III. LAW AND ARGUMENT

- A. *BZAP erred in granting TCB's application for conditional use permits because TCB failed to establish several of the elements required to be granted a conditional use.*

Conditional uses are uses that are allowed in a zoning code, but due to their nature they may have a significant impact and thus require an administrative hearing for approval. Stuart Meck et al., *Ohio Planning and Zoning Law* § 9:11 (2018 Edition). In issuing a conditional zoning certificate, a board is governed by whatever terms and conditions are imposed by the controlling ordinance. *Id.* at § 9:12.

Pertinent here, the granting of conditional uses in the City is governed by Section 1226.12 of the City Code, which provides, in pertinent part, as follows:

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved ***if, and only if***, it meets the intent of this Zoning Code ***and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code.*** The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if ***the applicant*** proves ***all*** the following factors are met:

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (d) The property and any proposed modifications meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.

- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- (g) The use is in character and keeping and compatible with the adjacent structures and uses.
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(emphasis added).

Section 1226.12 of the City Code makes several things clear. First, there are numerous factors and considerations, including factors and considerations other than those delineated in subsections a through h of the section, which must be met in order for a conditional use to be granted. Second, **all** of the factors and considerations must be met. Third, it is the applicant's obligation to establish that all of the factors are met. In this case, several of the considerations and criteria contained in Section 1226.12 of the City Code were not proven by the applicant, TCB. Thus, BZAP's decision to grant its conditional use requests was error.

As identified above, Section 1226.12 of the City Code mandates that a "proposed [conditional] use shall be approved if, and only if, it meets the intent of [the] Zoning code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all of other provisions of [the] Zoning Code." The Development does not pass muster here in this regard.

The Property is zoned as a Commercial Service District, which is defined in the Commercial and Institutional District Regulations (i.e. Chapter 1254) of the City Code. Section 1254.01 of the City Code states that "the specific intent of each Commercial, Institutional and Mixed-Use zoning district shall be as follows in this chapter," and Section 1254.05 of the City

Code [Commercial Service District (CS)] specifically describes the district as “an area of the City that is presently developed for primarily quick-stop commercial service use... Its use should be protected from conflicting activities and incompatible scales.”

Despite being located in a Commercial Service District, the Development’s use – as permitted by the conditional uses granted by BZAP – will effectively convert the property solely into a residential use district for high-density multifamily housing; indeed, the Development will contain no commercial activity whatsoever. Accordingly, it is impossible to find, and there is no evidence that TCB proved or that BZAP did indeed find, that the conditional uses sought by TCB would result in a use that meets the “intent” of the **commercial district** in which the Property is located.

This is not to say that dwelling units on the first and/or upper floors of a building in a Commercial Services District as conditionally permitted by Section 1254.09 of the City Code would always violate the intent of the district. But, how can it possibly be that the Development (an approximately 35,000 square foot multifamily housing project consisting only of one, two and three bedroom apartments on less than an acre of land and containing no commercial use) “meets the intent” of a commercially zoned district intended primarily for quick-stop commercial use? The answer is that it doesn’t, and thus the conditional uses should not have been granted in this case.

Aside from that fundamental issue, several other criteria required for the issuance of a conditional use were not established by TCB.

First, TCB failed to show that the use would be consistent with the goals and policies of any adopted plans of the City, including, but not limited to, the Main Street Guidelines. Rather than looking to any plan specifically pertaining to the development and use of land in the City

along Livingston Avenue, TCB turned to certain goals and statements in city initiatives that are applicable in a general sense to operations in the City as a whole (i.e. parts of the City of Bexley Diversity Equity & Inclusion Strategy and the City of Bexley Strategic Plan). (TCB's Hearing Exs.). Meanwhile, the Southwest Bexley Master Plan (Southwest Bexley Strategic Framework), the plan which most directly and appropriately applies to development and land use along Livingston Avenue and at the Property, was completely ignored. (Opponents' Hearing Exs.).

Second, TCB failed to show that the use will not have a negative impact on neighboring land uses and the larger community because of differences between the proposed use and existing uses in the community. During the hearing, TCB, rather than showing that the Development would not negatively impact neighboring land uses and the larger community, engaged in misdirection by merely alleged that the Development would act as a transition point between commercial and residential uses and opined, without any expert testimony, that the Development would be a less intensive use compared to other permitted uses in the Commercial Services District. (Party Meeting Exs.; 57:31 – 59:14 of Feb. 25th Hearing Video). But these contentions do not address the subjects of this second factor and fail to show that the Development will not have a negative impact on neighboring land uses. Conversely, substantial evidence was presented to BZAP that the project would likely have a negative impact on neighboring land uses.

Third, TCB failed to show that the use will not be hazardous or have a negative impact on existing or future land uses. Just as with the previous factor, TCB attempted to skirt the issue by stating that the use was a conditional use, opining that it would be a less intensive use (mainly in regards to parking only), and mentioning that an environmental assessment had been completed. (TCB's Meeting Exs.; 59:21 – 1:06:08 of Feb. 25th Meeting Video]. But these things, again, do

not address this third factor's criteria and fail to show that there will be not be any hazardous nor negative impact on existing or future land uses. Meanwhile, significant evidence was presented that such results would occur. (Mins. of Jan. 28th and Feb. 25th BZAP Meetings).

Fourth, TCB failed to prove that the use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact. Here, TCB failed to provide any reliable evidence by means of any direct or expert testimony that the Development would not decrease property values or have a negative economic impact on the surrounding properties. (TCB's Meeting Exs.; 1:09:59 – 1:12:05 of Feb. 25th Meeting Video). Instead, TCB cited two studies that home values may not be negatively impacted, but in doing so it provided no support or the reliability of those studies and it did not connect or explain how the findings in those studies would translate to like results for this project. *Id.*

Fifth, TCB failed to prove that the proposed use would be in character and keeping and compatible with the adjacent structures and uses. In consistent fashion, TCB danced around the actual elements in this factor and instead focused upon utterly irrelevant red herrings. (TCB's Meeting Exs.; 1:12:06 – 1:13:22 of Feb. 25th Meeting Video). Particularly, whether the Development will be a transition point or will be in conformance with the development standards in the City Code, as discussed by TCB, are irrelevant points as to whether it is compatible with adjacent structures and uses. Furthermore, given that TCB would be required to return to the ARB for further architectural review, how could BZAP determine by a preponderance of the evidence that the Development in its final form would be in character and compatible with adjacent structures? Absent some clairvoyant ability, it is not possible.

As shown here, TCB clearly failed to prove that all of the criteria necessary to be granted a conditional use were met. Therefore, BZAP erred in granting the requested conditional uses, and its decision should be reversed or vacated.

B. Granting the conditional uses effectively rezoned the property in contravention to the Bexley Code and in a manner analogous to unlawful spot zoning.

As stated several times herein, the Property is located in a Commercial Services District, which is intended for quick-stop commercial service use. By granting both conditional uses sought by TCB and allowing the Development to proceed, however, BZAP effectively converted a district designated by law as primarily for commercial use (albeit with dwelling units conditionally permitted), to an entirely residential district consisting solely of high-density multi-family housing and no commercial use. Aside from the fact that this de facto “rezoning” violates the intent of this particular district, it also runs afoul of other parts of the City Code as well.

In particular, the ordinances governing residential districts in the city are found in Chapter 1252 of the City Code, entitled Residential District Regulations. In that chapter, the Bexley Code identifies the various types of residential districts found in the City: a.) low density single-family residential district (R-1) (Section 1252.03); intermediate density single-family residential district (R-2) (Section 1252.04); medium density single-family district (R-3) (Section 1252.05); medium-high density single family residential district (R-6) (Section 1252.06); and low density multifamily residential district (R-12) (Section 1252.07). Interestingly, there is no district in the Bexley Code that explicitly provides for intermediate, medium, or high density multifamily development. Instead, each of the residential districts provides, in essence, that any development or redevelopment of a higher residential density than allowed under the existing development standards should generally only be allowed by planned unit development and in appropriate locations.

Here, rather than requiring TCB to rezone the Property to allow for the intended use through an amendment to the zoning map, the City and BZAP allowed TCB to utilize the conditional use process to circumvent the established intent found in the City Code which requires the Property to be rezoned for the proposed high density multifamily residential use.

Moreover, BZAP's decision to allow only high density multifamily development on the Property is closely analogous to unlawful spot zoning. The Ohio Supreme Court has defined "spot zoning" as "the singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character." *Willott, et al. v. Village of Beachwood, et al.*, 175 Ohio St. 557, 197 N.E.2d 201 (1964) paragraph two of the syllabus. While BZAP certainly did not rezone the property by amending the City's zoning code or map, its decision did effectively result in allowing a use on the Property that is entirely different from any other Commercial Service District in the City, as well as the area surrounding the Property.

For the foregoing reasons, BZAP's decision should be reversed or vacated.

C. BZAP's decision to only require thirty (30) parking spaces as a part of the Development was arbitrary and in contravention to the applicable law.

One concern raised by numerous neighboring residents, as well as certain members of BZAP, was whether the number of parking spaces proposed for the Development was sufficient. For 27 dwelling units (consisting, again, of one, two and three bedroom apartments), TCB proposed to provide thirty (30) parking spaces, and BZAP ultimately approved that amount of parking.

During both the January 28th and February 25th hearings, Mr. Sudy stated that the City Code does not explicitly state the number of parking spaces for residential use in a Commercial Service District, but it was his opinion that a Mixed Use Commercial district's requirement of one space per dwelling unit (see Section 1262.02 of the Bexley Code) was a fair and reasonable

standard to look to for guidance.⁵ Mr. Sudy's opinion, however, was arbitrary and unreasonable, and alternative standards in the Bexley Code that are clearly more applicable and appropriate under the circumstances were ignored.

Mixed Use Commercial Districts are intended to allow and encourage a strong local shopping and business center in the City, and mixed-use development should be allowed and encouraged in the districts. Section 1254.03 of the City Code. The Mixed Use Commercial District is very specifically meant to promote mixed-use residential, commercial, office and pedestrian-oriented retail development. *Id.* Just as with the Commercial Services District, a commercial use is intended in the Mixed Use Commercial District under the City Code.

However, as already explained herein, the Development contemplates no commercial use on the Property. Thus, looking outside of the Commercial Services District to another commercially-oriented district in the City Code for guidance on parking (or any other standard) is misplaced and makes no sense, especially for this issue given the different parking needs and patterns present for residential and commercial uses. Rather, the more appropriate source would be to look to other residential districts in the City Code which, per Section 1262.02, require that 1.5 to 2 spaces per dwelling unit should be provided (it is noteworthy that the residential areas to the east and north of the Property are predominantly R-6 districts (medium-high intensity single-family residential), which require 2 spaces per dwelling unit).

Alternatively, the Commercial Service District language contained in the City Code explicitly offers even another possibility. It states, in pertinent part, "[w]here occurring at the border of the City, development standards should reflect those of adjacent community development practices where appropriate." Section 1254.05 of the City Code. In this case, the

⁵ As noted before, Mr. Sudy was not sworn in prior to providing his testimony, and thus any statements or testimony from him carry little, if any, evidentiary weight.

Development is located on the border of the cities of Bexley and Columbus along a busy corridor. For a use of the type proposed in the Development, i.e. 4 or more dwelling units, Columbus would require 1.5 spaces per dwelling unit. Section 3312.49 of the Columbus Code of Ordinances. Given that parking standards for Commercial Service Districts are not explicitly provided in the City Code, it would be most appropriate – especially given the location of the development – to reflect the parking standards found in Columbus for similar developments. The similarity between Columbus’s parking standards for residential uses and those of Bexley even further supports the logic in using the 1.5 spaces per dwelling unit standard.

Thus, there are clearly more appropriate and applicable districts (i.e. residential districts) to look to for guidance on the number of parking spaces that should be required for the Development, an entirely residential project, and each of these would require more parking spaces than the amount proposed by TCB. Therefore, the decision to apply the parking requirements applicable to the Mixed Use Commercial Districts in the City to the Development was arbitrary and unreasonable. Moreover, given that parking was such a large concern of the neighboring residents and several BZAP members, this arbitrary and unreasonable decision undercuts the entire decision to grant the conditional uses. Accordingly, BZAP’s decision should be reversed or vacated.

IV. CONCLUSION

For the foregoing reasons, the Appellants respectfully ask City Council to reverse or vacate the decision of the Bexley Board of Zoning and Planning that granted The Community Builder’s request for conditional uses on the Property.

Additionally, Appellants hereby explicitly reserve the right to raise any additional issues set forth in the Notice of Appeal filed on April 23, 2021, at the oral argument of this appeal in accordance with Section 1226.19 of the City Code.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was electronically filed with the City of Bexley and served upon the following by electronic mail this 7th day of December, 2021:

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**ADMINISTRATIVE APPEAL BEFORE THE CITY COUNCIL
OF THE CITY OF BEXLEY**

AJAY GARLAPATI, et al.. <i>Appellants,</i>	:	ADMINISTRATIVE APPEAL FROM THE CITY OF BEXLEY BOARD OF ZONING AND PLANNING
v.	:	
CITY OF BEXLEY BOARD OF ZONING AND PLANNING, et al.,	:	Bexley City Council Case No. 21 - 2 BZAP Case No. 20 - 48 2300 E. Livingston Avenue, Bexley, Ohio 43209
<i>Appellee.</i>	:	

**BRIEF IN SUPPORT OF AFFIRMING BZAP’S DECISION, SUBMITTED BY
APPLICANT, THE COMMUNITY BUILDERS**

I. STATEMENT OF THE FACTS

The Community Builders, a non-profit organization, (“TCB” or “Applicant”) is a national leader in the development, ownership and management of mixed income and affordable housing (See 2/25/21 BZAP Hearing 00:50:15-00:53:49). On January 26, 2021, TCB submitted an application to the City of Bexley requesting a conditional use permit and a certificate of appropriateness to build a mixed-income, multi-family building consisting of 27 dwelling units at 2300 E. Livingston Avenue in Bexley, Ohio (“Property”) (See TCB's Application). The Property is in a Commercial Services Zoning District (“CS District”) in a mixed-use corridor: a transition area from single-family residential to the east to commercial development to the west (See TCB's Application, BZAP Staff Report & TCB’s BZAP Presentation). TCB is in contract to purchase the Property, and it intends to tear down the existing single-family residence and funeral home at the site (See TCB’s Application). BCC¹ 1254.09 provides that “dwelling units on first floor” and

¹ “BCC” refers to the Codified Ordinances of the City of Bexley.

“dwelling units above first floor” are conditionally permitted in a CS District. No variances are required, and the site will comply with all CS District regulations as interpreted and administered by the City of Bexley (See TCB's Application & BZAP Staff Report). Subject to conditions, Planning Staff is supportive of TCB's request (See BZAP Staff Report).

On January 24, 2021, the Architectural Review Board (“ARB”), unanimously approved a recommendation to BZAP for a Certificate of Appropriateness, subject to conditions, including a final design review and approval (See ARB Decision and Record of Action). On January 28, 2021, TCB appeared before BZAP on the application, and after approximately a two-hour hearing, the application was tabled by BZAP to give additional notice to the neighbors (See 1/28/21 BZAP Hearing 04:40:30-06:53:45 & 1/28/21 BZAP Hearing Minutes). Thereafter, on February 11, 2021, another Notice was mailed out for the February 25, 2021 BZAP hearing (See 2/11/21 Public Notice).

At the February 25, 2021 BZAP hearing, which lasted approximately three and a half hours, BZAP members were presented with a Staff Report and oral summary from City's Planner Jason Sudy (See 2/25/21 BZAP Hearing 00:29:00-00:37:49). Then, BZAP heard testimony from TCB's representatives, Attorney David Hodge, Nicole Boyer, and Jeff Beam, as well as expert testimony from Traffic Engineer Drew Laurent and Professor Rachel Kleit, an expert on mixed-income communities. The Applicant utilized a power point to go over BCC 1226.12(a)-(h) and articulate reasons why the project meets the criteria (See 2/25/21 BZAP Hearing 00:45:46-01:18:32 & TCB's BZAP Presentation). After that, Bexley residents with standing (and some without) were given the opportunity to be heard and present evidence, which they did (See 2/25/21 BZAP Hearing 00:27:15-03:56:27). Based on extensive evidence, BZAP approved the application by a vote of 6-1, subject to certain conditions (See 2/25/21 BZAP Hearing 00:27:15-03:56:27 & 2/25/21

BZAP Decision). Dissatisfied with BZAP’s decision, on or about April 23, 2021, Appellants filed this appeal to Bexley City Council (“Council”).

II. STANDARD OF REVIEW

In accordance with BCC 1226.19(h), in order to prevail on an administrative appeal before Council, Appellants must prove by clear and convincing evidence that the decision of the BZAP is not supported by the record or is unreasonable or unlawful. If Appellants fail to meet their burden of proof, BCC 1226.19(h) provides that Council “shall affirm” the decision.

“The standard of ‘clear and convincing evidence’ is defined as ‘that measure or degree of proof which is more than a mere preponderance of the evidence,’ but not to the extent of such certainty as is required ‘beyond a reasonable doubt.’” *State v. Schiebel*, 55 Ohio St. 3d 71, 74, 564 N.E.2d 54 (1990). **Council shall give deference to the findings and conclusions of BZAP** being appealed from and **shall not substitute its judgment for the judgment of the Board**. BCC 1226.19(i) (Emphasis added). Pursuant to BCC 1226.19(j), concurrence of two-thirds of the members of Council is required to reverse, vacate or modify any decision of the Board. Absent such a two-thirds majority, the decision of the BZAP is affirmed.

III. ARGUMENT

None of the statements of error asserted by Appellants provide a sufficient basis for reversing, vacating or modifying the decision of BZAP. To prevail, Appellants must prove their case not by mere preponderance of the evidence, but by clear and convincing evidence. BZAP properly interpreted the law, and its decision is reasonable and supported by the record. Accordingly, BZAP’s decision must be affirmed.

A. Appellants’ Statement of Error No. 1

Appellants erroneously assert that BZAP’s decision was not supported by competent, reliable and/or admissible evidence. TCB’s representatives, David Hodge, Nicole Boyer and Jeff Beam, provided sworn testimony, explaining the details of the project and how the criteria under

BCC 1226.12 was met (See 2/25/21 BZAP Hearing 00:28:00-00:31:04, 00:45:46-01:13:30). Further, Drew Laurent, a traffic engineer, testified about a traffic and parking impact study he completed for the site (See 2/25/21 BZAP Hearing 00:59:25-1:03:53). Lastly, Rachel Kleit, a Professor of City and Regional Planning at Ohio State, testified in support as well (See 2/25/21 BZAP Hearing 01:14:22-01:18:32). TCB's evidence must be treated as competent and reliable because it was subject to questioning at the hearing and not proven otherwise.

Appellants' assertion that BZAP relied on inadmissible evidence is inaccurate. The Ohio Rules of Evidence do not directly apply in administrative proceedings. *Plain Local Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision*, 130 Ohio St.3d 230, 2011-Ohio-3362, 957 N.E.2d 268, ¶ 20. "Statements or evidence that would be excluded as hearsay elsewhere are admissible in an administrative proceeding where they are not inherently unreliable and are sufficient to constitute substantial, reliable, and probative evidence." *MNH Truck Leasing Co., LLC v. Dir., Ohio Dept. of Job & Family Servs.*, 10th Dist. Franklin Nos. 16AP-301, 2017 Ohio 442, 2017 WL 496697, ¶12. "[T]he crucial question in determining whether an administrative agency acted improperly in considering hearsay evidence is not whether such evidence was in fact considered, but whether such evidence was considered in an arbitrary fashion." *Concerned Citizens of Spring Valley v. Spring Valley Twp. Bd. of Zoning Appeals*, 2d Dist. Greene No. 01 CA 0059, 2002-Ohio-540. BZAP was permitted to rely on hearsay as long as it was not done in an arbitrary fashion. Here, BZAP liberally allowed both sides to present evidence in favor of their respective positions. Therefore, reliance on hearsay evidence was not inappropriate.

B. Appellants' Statement of Error No. 2

Appellants falsely assert that BZAP did not give proper weight to the evidence before it. Appellants want Council to declare that unsubstantiated opinion testimony of neighbors at the BZAP hearing should have been given more weight than data presented by TCB's representatives

and expert witnesses. “Public comment at an adjudicatory hearing does not rise to the level of ‘reliable, probative, and substantial evidence’ unless ‘there are facts included as part of those opinions’” *Lofts v. The City of Kent Planning Commission*, 11th Dist. Portage No. 2018-P-0004, 2018-Ohio-5342. In *Kent*, the court determined that a planning commission’s decision was not supported by competent and credible evidence due to its reliance on unsubstantiated and speculative public comments over expert evidence and the features of the site plan. *Id.* BZAP properly weighed the evidence and gave more weight to expert witness testimony and data presented by the Applicant.

C. Appellants’ Statement of Error No. 3

Appellants inaccurately assert that TCB failed to prove all of the factors under BCC 1226.12(a)-(h) (See attached TCB’s Exhibit A). BZAP properly concluded that TCB’s development meets the intent of the Zoning Code and CS district and fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. BCC 1254.09 provides that “dwelling units on first floor” and “dwelling units above first floor” may be conditionally permitted. “When an ordinance is unambiguous and conveys a clear meaning, a court must only read and follow the words of the ordinance.... “[A] court must adhere to the plain language of the statute or ordinance unless an ambiguity exists”... If ambiguity exists, “courts must strictly construe restrictions on the use of real property in favor of the property owner.”” *Bierlein v. Grandview Heights Bd. of Zoning Appeals Grandview Heights*, 10th Dist. Franklin No. 18AP-874, 2020-Ohio-1395, 153 N.E.3d 817. The CS District unambiguously conditionally permits TCB’s proposed use. However, even if ambiguity existed, BZAP properly strictly construed such restrictions in favor of the Applicant.

Further, BZAP reasonably determined that the proposed use is consistent with the goals and policies of any adopted plans of the City, including Main Street Guidelines. (Emphasis added).

The project aligns with the Main Street Guidelines because it will include a parking area in the rear, a 10' setback from the corridor, and incorporate encouraged architectural design (See 2/25/21 BZAP Hearing 01:12:15-01:13:30 & TCB's BZAP Presentation). The use is further supported by the City's Diversity, Equity, and Inclusion Strategy Plan Goal #3 which is to create an inclusive Greater Bexley Community by encouraging CIC in their efforts (such as here) to identify affordable housing opportunities for people with low incomes as part of new development (See 2/25/21 BZAP Hearing 00:54:05-00:57:28, 00:45:46-00:50:07 & TCB's BZAP Presentation). Lastly, the project is supported by City of Bexley Strategic Plan which provides, "Our vision is a Bexley that is a top-tier community of extremely high quality and excellence that is...centered on families of all kinds" and encourages meaningful redevelopment of Livingston Avenue and affordable housing options (See 2/25/21 BZAP Hearing 00:54:05-00:57:28 & TCB's BZAP Presentation). BZAP properly concluded that the project is consistent with several adopted plans.

Also, BZAP properly concluded that the use will not have a negative impact on neighboring land uses and the larger community because of the differences between the proposed use and existing uses. Appellants are owners of six single-family homes, and all except one are on Francis Avenue. They represent only a segment of the neighboring land uses and are not representative of the larger community. BZAP objectively considered the criteria and correctly recognized the Property as located in a transition between residential and commercial development (See 2/25/21 BZAP Hearing 00:57:30-00:59:20, TCB's Application & TCB's BZAP Presentation). Further, the proposed use is more similar to Appellants' use (and the uses to the north and east) than the previous funeral home (See Staff Report). Lastly, by expert testimony, TCB demonstrated that alternative uses which are **permitted by right** in the CS District, **such as auto centers and fast-food establishments**, are more likely to have a negative impact due to their nature as high-trip

generating uses (See 2/25/21 BZAP Hearing 00:57:30-01:03:53, 02:10:21-02:17:34). BZAP correctly concluded that BCC 1226.12(b) was met.

Further, BZAP appropriately determined that TCB's use will not be hazardous or have a negative impact on existing or future land uses. First, the construction will comply with all environmental requirements (See 2/25/21 BZAP Hearing 00:59:25-01:00:30). Second, Appellants' parking concerns are unfounded. Mr. Laurent's traffic study shows the peak parking for a multi-family development at 10pm-5am, while for other permitted uses, such as a fast casual restaurant, it's during the day and more parking is needed (See 2/25/21 BZAP Hearing 01:00:50-01:03:53 & TCB's BZAP Presentation). Further, TCB studied a cross section of properties they manage in comparable markets and counted the parked cars at different times for one week. The data was compared to parking data for similar apartment buildings in Bexley and the conclusion was that the average parking utilization per number of units for Bexley apartments is 0.54 cars/unit, and for comparable TCB's properties, it is 0.51 cars per unit. Also, the average parking utilization compared to the number of bedrooms is 0.34 cars per bedroom in Bexley, and for TCB's properties, it is 0.35 cars per bedroom (See 2/25/21 BZAP Hearing 01:03:55-01:06:20 & TCB's BZAP Presentation). TCB's study further found that while the average number of parking spaces for the Bexley apartments is 1.29 per unit, **the utilization rate is 42%**, suggesting that 1.29 parking spaces per unit is more parking than necessary (See 2/25/21 BZAP Hearing 01:03:55-01:06:20, 02:17:50-02:22:17 & TCB's BZAP Presentation). TCB evidence provided a proper basis for BZAP's conclusion.

Additionally, BZAP properly found that the Property and any proposed modifications meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements. The site will comply with all required regulations and design standards (See TCB's Application & Staff

Report). Also, TCB will meet the parking space requirement by providing 30 parking spaces while 27 are required (See 2/25/21 BZAP Hearing 01:06:10-01:08:36). Appellants may disagree with the parking standard applied, but BCC 1254.09 does not give guidance on which parking standard should be applied in a CS District when residential uses are conditionally approved. It was reasonable for BZAP to rely on the Residential - Mixed Use Commercial District parking standard considering existing zoning, the nature of the project, and its location in a mixed-use corridor (See 2/25/21 BZAP Hearing 00:36:00-00:38:50).

Also, BZAP properly concluded that the proposed use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal. The development will utilize existing water and sewer connection where feasible (See 2/25/21 BZAP Hearing 01-08:45-01:09:20). Further, the site has been designed to maximize off-street parking at a ratio of 1.11 spaces per unit, exceeding residential parking requirements for a Mixed Use Commercial District (See 2/25/21 BZAP Hearing 01:09:20-01:09:33). Also, TCB reached out to the local school board and confirmed that there is no anticipated impact on school district's capacity (See 2/25/21 BZAP Hearing 01:09:33-01:09:56). Finally, refuse will be collected by a private company so there will be no burden on public refuse services (See 2/25/21 BZAP Hearing 02:24:23-02:27:37). BZAP's correctly concluded BCC 1226.12(e) was met.

Moreover, BZAP properly concluded that the proposed use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact. The project is consistent with City's goals of equitable housing development and redevelopment of Livingston Avenue (See 2/25/21 BZAP Hearing 01:10:00-01:12:05, 00:31:30-00:35:40, 00:38:15-00:38:50 & TCB's BZAP Presentation). Nicole Boyer presented BZAP with findings of a study referenced by National Low Income Housing Coalition and Furman Center of NYU which looked at the potential impact of affordable housing on property values and

concluded that tax credit housing has little negative or positive impact on it (See 2/25/21 BZAP Hearing 01:10:00-01:12:05 & TCB's BZAP Presentation). Rachel Kleit, an expert on mixed income housing, testified that national research shows that property values may go up when mixed income housing is properly designed, managed and maintained and that TCB is considered a "model" for quality affordable housing development (See 2/25/21 BZAP Hearing 01:14:22-01:18:32). Finally, Jeff Beam presented testimony that TCB recently researched values of homes closest to TCB's affordable housing developments in markets similar to Bexley's, as well as other affordable housing developments in Columbus, measuring home values from the date the housing was built until now. The data was compared to data for each area's respective zip code, and it showed that homes immediately adjacent to affordable housing outperformed the zip code in terms of increase in home sale value (See 2/25/21 BZAP Hearing 02:31:08-02:33:49). While Appellants may complain that TCB should have provided realtor testimony or other studies, the evidence presented was more than sufficient for BZAP to conclude BCC 1226.12(f) was met.

Next, BZAP reasonably determined that TCB's proposed use is in character and keeping and compatible with the adjacent structures and uses. Again, this factor is objective and considers all adjacent structures and uses, not just those represented by the Appellants. The project will conform with applicable regulations, and it is more in character with uses to the north and east of the Property than the previous funeral home use (See 2/25/21 BZAP Hearing 00:35:00-00:36:22, TCB's Application & Staff Report). The proposed use will engage Livingston Avenue and promote it as a mixed-use corridor, consistent with the City's vision for the area (See 2/25/21 BZAP Hearing 01:12:15-01:13:30, 00:36:00-00:38:50). Further, the project's architectural design will follow Main Street Guidelines (See 2/25/21 BZAP Hearing 01:12:15-01:13:30). Therefore, BZAP's conclusion that TCB satisfied the criteria was appropriate.

Lastly, BZAP correctly determined that the proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. The development will include the demolition of the existing funeral home and adjacent single-family home fronting East Livingston Avenue, neither of which is of historic significance or major importance (See 2/25/21 BZAP Hearing 01:13:32-01:13:55). BZAP properly found that BCC 1226.12(h) was met.

D. Appellants' Statement of Error No. 4

Appellants inaccurately assert that TCB failed to prove that the conditional uses will not be detrimental to the public health, safety or general welfare of the City of Bexley or the neighborhood in which it is proposed. BCC 1226.12 provides, “[t]his Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves [factors listed in Section 1226.12(a)-(h)].” By demonstrating at the BZAP hearing how all of the factors under BCC 1226.12 have been satisfied, TCB has also proven that the use will not be detrimental to the public health, safety, or general welfare.

E. Appellants' Statement of Error No. 5

Appellants assert that the proposed use is prohibited in the CS District, or in the alternative, the law is ambiguous, and therefore, it was improper for BZAP to review and approve the application. First, nowhere in the CS District regulations does it state that multi-family use is a prohibited use. Second, BCC 1254.09 is not ambiguous but clearly states “dwelling units on first floor” and “dwelling units above first floor” - plural “units” - may be conditionally permitted. The regulations clearly contemplate multi-unit development. While Appellants may conveniently prefer that BZAP skirt its obligation to review TCB’s application, BCC Sections 1220.02(b) and

1226.12 make it abundantly clear that BZAP has the sole authority to determine Conditional Use Permit requests. BZAP properly acted in accordance with its legal authority in reviewing and approving TCB's application.

F. Appellants' Statement of Error No. 6

Appellants assert that BZAP erred by not requiring a rezoning of the Property to a Planned Unit Development (PUD). The statement naively disregards the constitutionally protected right of the property owner to use the property as permitted by law. Pursuant to a purchase agreement, TCB is asserting the rights of the owner. Here, BCC 1254.09 unambiguously conditionally allows "dwelling units on first floor" and "dwelling units above first floor" in a CS District. TCB, Bexley's Zoning Staff and BZAP reasonably agree that this is the correct reading of Bexley City Code. However, even if ambiguity existed, real property restrictions must be strictly construed in favor of the property owner, or in this case, TCB. *Bierlein v. Grandview Heights Bd. of Zoning Appeals Grandview Heights*, 10th Dist. Franklin No. 18AP-874, 2020-Ohio-1395, 153 N.E.3d 817. The CS District unambiguously conditionally allows the proposed use. The Applicant has a constitutionally protected right to pursue a conditional use permit for the Property, and it would have been unlawful for BZAP to require otherwise.

G. Appellants' Statement of Error No. 7

Appellants assert that proper notice was not provided prior to one or more of the hearings involving the application. The City of Bexley mails out notices for public meetings via USPS within the required timeframe; however, it does not control when or if those notices are delivered. On December 31, 2020, notices were mailed out with the agenda for the January 14, 2021 ARB meeting and January 28, 2021 BZAP hearing (See 12/31/20 Public Notice). On January 11, 2021, second notices were mailed out with site specific information for the upcoming meetings (See 1/11/21 Public Notice). The meeting details along with the agenda were also posted on the City's

website in advance, and in fact, many neighbors appeared at both meetings. However, out of abundance of caution, BZAP tabled the January 28, 2021 hearing when some of the neighbors in attendance complained about the notice (See 1/28/21 BZAP Hearing 04:40:30-06:53:45 & 1/28/21 BZAP Hearing Minutes). Thereafter, on February 11, 2021, the City mailed out notices for the February 25, 2021 BZAP hearing and posted the meeting information and agenda on its website (See 2/11/21 BZAP Hearing Notice). The residents who were most upset about the notice were in attendance at the February BZAP hearing, and any notice issues that may have existed at the January BZAP hearing were corrected by the re-issuance of the notice.

H. Appellants' Statement of Error No. 8

Appellants assert that the determinations by BZAP as to standing were arbitrary and unlawful. Pursuant to BCC 1226.19, any Bexley property owner that is directly and adversely affected by BZAP's decision has standing to appeal to Bexley City Council. At both BZAP hearings, BZAP liberally allowed members of the public to speak on the matter even though some speakers, including some of the Appellants, never demonstrated how they are directly and adversely affected. TCB's counsel objected on the record to the testimony of all speakers without standing, and that objection is reiterated here (See 2/25/21 BZAP Hearing 02:10:30-02:11:44). Considering that BZAP did not withhold from Appellants or others with standing the opportunity to be heard, Appellants' assertion provides no ground to overturn BZAP's decision.

I. Appellants' Statement of Error No. 9

Appellants erroneously claim that BZAP's decision was based upon certain statements, advice, insight and opinions provided by City Staff that were arbitrary, included incorrect interpretations and applications of the law and/or were otherwise misleading. City Staff, including Jason Sudy, properly interpreted and applied the zoning regulations as they relate to TCB's project, based on policy and plain language of the Bexley City Code (See 2/25/21 BZAP Hearing 00:29:00-

00:37:49 & Staff Report). TCB's proposed use is conditionally permitted under BCC 1254.09. Further, per BCC 1226.12(a), the project conforms with the Main Street Guidelines as well as other adopted plans. Lastly, the parking standards applied are reasonable in light of the zoning and the site's location in a mixed-use corridor (See 2/25/21 BZAP Hearing 00:36:00-00:38:50). City Staff's statements, advice, insight and opinions do not provide a basis for reversing or vacating BZAP's decision.

J. Appellants' Statement of Error No. 10

Appellants assert that it is unclear from the record whether one or both of the conditional uses were granted by BZAP. This is incorrect as the record clearly shows that both of TCB's conditional use requests were granted. TCB applied for a conditional use permit in accordance with BCC 1254.09 to allow "dwelling units on first floor" and "dwelling units above first floor" in a CS District (See TCB's Application). A conditional use was approved to permit dwelling units on all 3 floors of the proposed new 3 story building in substantial conformance with the plans submitted to and before the Board on February 25, 2021 (See BZAP's Decision and Record of Action – February 25, 2021). BZAP clearly and unambiguously approved TCB's request.

K. Appellants' Statement of Error No 11

Appellants assert that the decision is unconstitutional because it represents a taking of property without compensation. The claim has no basis in the law. The Fifth Amendment to the United States Constitution provides, in part, "nor shall private property be taken for public use, without just compensation." The prohibition applies to the states as well as the federal government. *Chicago, B. & Q. R. Co. v. Chicago*, 166 U.S. 226, 239, 241, 17 S. Ct. 581 (1897).

Two types of regulatory actions are deemed to be per se takings for Fifth Amendment purposes: first, those government actions that cause an owner to suffer a permanent physical invasion of property, and second, government regulations that completely deprive an owner of "all

economically beneficial uses” of the property. *State ex rel. Shelly Materials, Inc. v. Clark Cty. Bd. of Commrs.*, 115 Ohio St.3d 337, 341, 875 N.E.2d 59 (2007). Neither of those are applicable here. The last type of a taking is a partial regulatory taking, which requires a landowner to prove that the application of the ordinance has infringed upon their rights to the point that there is no economically viable use of their land. *State ex rel. BSW Dev. Group v. Dayton*, 83 Ohio St.3d 338, 343, 699 N.E.2d 1271 (1998). Appellants cannot demonstrate a taking because there has been no physical invasion by the City, nor have they been deprived of all economically beneficial uses of their property. Lastly, there has been no regulatory taking because the conditional use approval did not deprive Appellants of any rights, let alone “all economically viable use” of their property.

L. Appellants’ Statement of Error No. 12

Appellants make an attenuated assertion that BZAP’s decision is unconstitutional because it is based upon portions of Bexley City Code that are vague and/or ambiguous. Under the tenets of due process, an ordinance is unconstitutionally vague under a void-for-vagueness analysis when it does not clearly define what acts are prohibited under it. *Grayned v. City of Rockford*, 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972). In order to defeat an assertion of unconstitutional vagueness, a law must contain explicit standards as guidance for those who apply them, thereby preventing arbitrary and discriminatory enforcement. *Id.* Here, the ordinances in question convey a clear meaning. BCC 1254.09 provides: “dwelling units on first floor” as well as “dwelling units above first floor” may be conditionally permitted in a CS District. Further, BCC 1226.12 gives an explicit standard in the form of a list of factors which must be met in order for a conditional use permit to be approved. The plain language of both ordinances is clear and the void-for-vagueness doctrine does not apply.

M. Appellants' Statement of Error No. 13

Appellants wrongly assert that the decision of BZAP was otherwise unsupported by the record, is unreasonable and/or unlawful. TCB objects to this overbroad statement of error because it fails to sufficiently specify the error Appellants seek to correct.

IV. CONCLUSION

The decision of BZAP is supported by the record, and it is reasonable and lawful. For the foregoing reasons, TCB respectfully requests that Council affirm BZAP's decision.

Respectfully submitted,

/s/ David Hodge

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1226.12 CONDITIONAL USES.

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves all the following factors are met:

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (d) The property and any proposed modifications meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.
- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- (g) The use is in character and keeping and compatible with the adjacent structures and uses.
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval. A Conditional Use permit may be revoked by BZAP if the Board finds the conditions of approval of the existing Conditional Use permit are not met or maintained, the property ceases to be operated as an approved Conditional Use, or the continuance of the Conditional Use would pose a substantial risk to the public health, safety and welfare. A Conditional Use permit shall not be revoked without providing notice to the permit holder and the opportunity to be heard. A Conditional Use permit shall automatically expire if it ceases operation for more than one year.

(Ord. 29-16. Passed 11-15-16; Ord. 08-20. Passed 7-14-20.)