



4/5/2023 | 6:00 PM

**MUNICIPAL SERVICES CENTER, COUNCIL CHAMBER
3600 TREMONT ROAD**

If you are joining through Zoom, please click the link below to join the meeting:

<https://zoom.us/j/98181639938>

Meeting ID: 981 8163 99384

1. Work Session Review

- a. 2712 Swansea Road (VAR-05-23) - To allow an addition that encroaches 1.2 inches into the 8-foot minimum side yard setback and results in building cover of 30 percent, when 29 percent is the limit.
- b. 1917 Northwest Boulevard (Hart Dental, DEV-01-23) - BZAP review of an Amended Major Site Plan application to convert an existing Avis Rental Car facility to a dental clinic.
- c. 1980 Hillside Drive - Informal review of a proposed garage addition located in the Upper Chelsea Road front yard, and swimming pool renovation, located in the Hillside Drive front yard, which would require a plat amendment to be approved by City Council.
- d. Work Session review of proposed amendments to the Unified Development Ordinance (UDO) relating to minor subdivisions/lot splits.

Authors: Alyssa Kelly, AICP, Planning Officer
Justin Milam, AICP, Senior Planner

BZAP Meeting Date: Wednesday, April 5th, 2023

Subject: Work Session review of revisions to Variance 05-23

Property Owner/Address: Saliaris, 2712 Swansea Road (zoned R-1c)

Overview

Property owner Mr. David Saliaris will be present to share updated plans for an addition, front porch, and detached garage as part of pending Variance Application 05-23. The Board reviewed the request at the March 22, 2023 hearing, where there were concerns with excess building coverage on the property. Upon request by the applicant the Board postponed the case, so that reduced building coverage options could be explored.

Since that time, the detached garage has been reduced in size from 531 square feet to 466 square feet, a 65 SF reduction. No other changes have occurred. After a review of Article 6.01 relating to yard projections, Staff has determined that a variance is not needed for the proposed front porch, as its roof overhang projects less than eight inches into the front setback.

Zoning Code Requirements

- To UDO Article 5.02(C) to permit an addition that encroaches up to 1.2 inches into the 8-foot minimum side yard setback; and
- To UDO Article 5.02(C) to permit improvements that result in building cover of ~~30.8~~ 30 percent, when 29 percent is the limit.
- ~~To UDO Article 6.01(D) to permit a front porch to encroach 14' 2" by 7 inches into the front yard setback, when a maximum of 10 foot by 5 foot projection is permitted.~~

Attachments

1. BZAP Staff Report
 2. BZAP Staff Report Pics
 3. 2712 Swansea Rd Variance Application (updated)
-

ARCH
DESIGN, LLC

PROJECT TITLE:

EXPANSION PROJECT FOR DAVE SALIARIS

GENERAL CONTRACTOR:

REVISION:

01.23.23	ZONING BOARD REVIEW
01.27.23	ZONING BOARD REVIEW
03.29.23	ZONING BOARD REVIEW

DESIGNER: AJC

APPROVED:

AD JOB NO. 0323-22

SHEET TITLE:

PROPOSED SITE PLAN

SHEET NO.

A1.0

2395.25 SF



Page 3 of 132


$$\frac{1}{8}'' = 1'-0''$$



Designing
Planning
Remodeling

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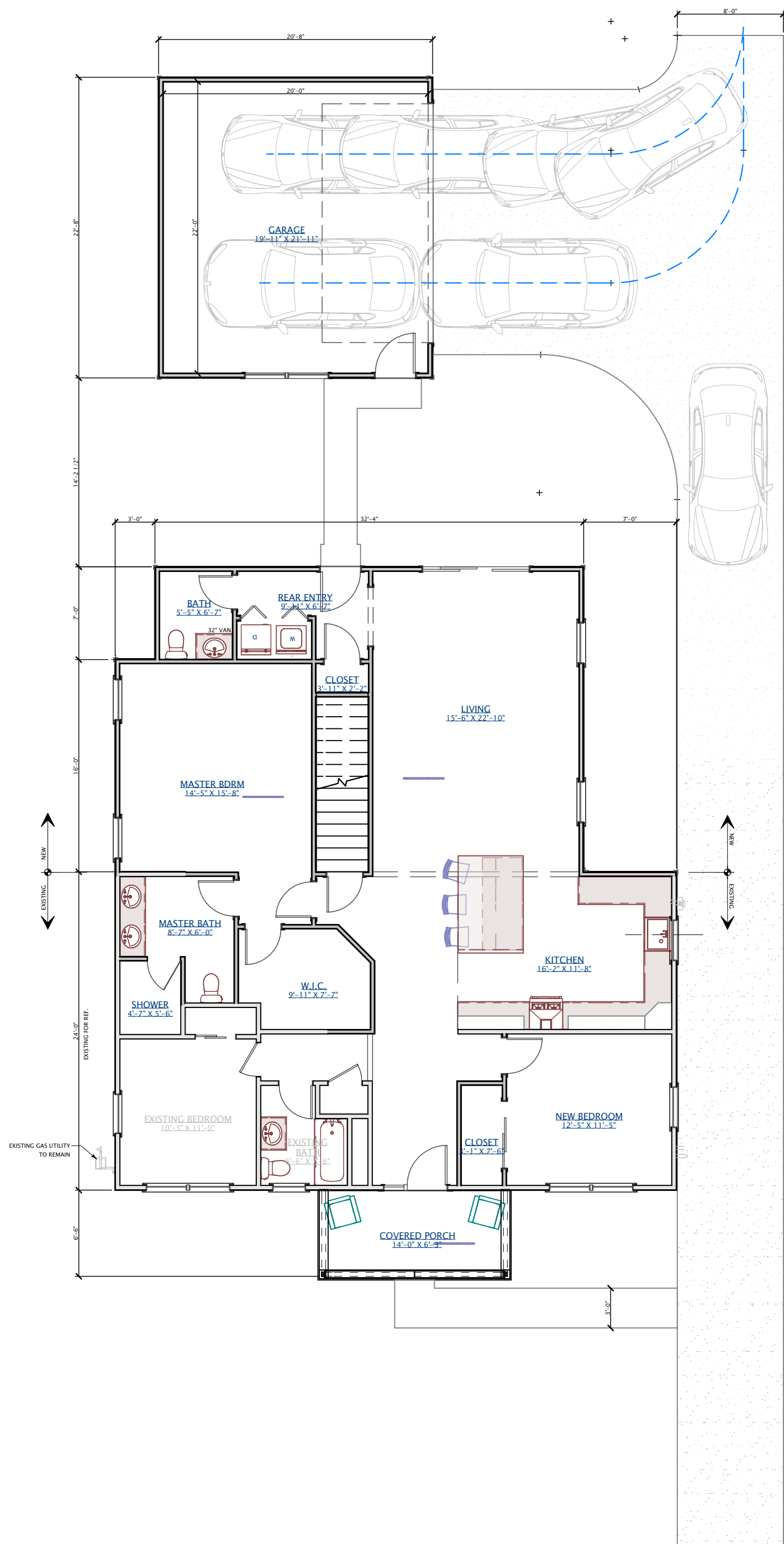
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SHEET TITLE:

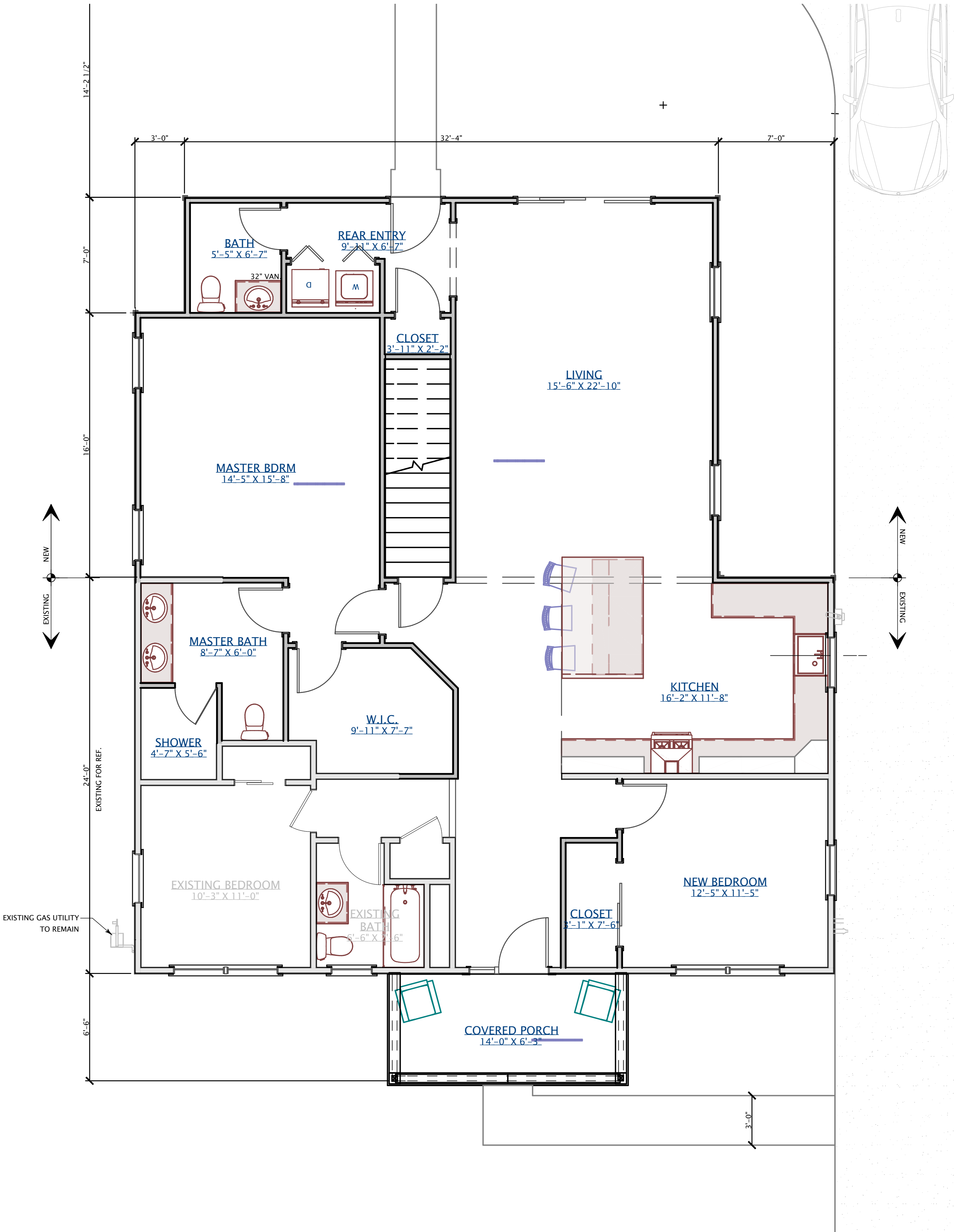
PROPOSED
FLOOR PLAN

SHEET NO.

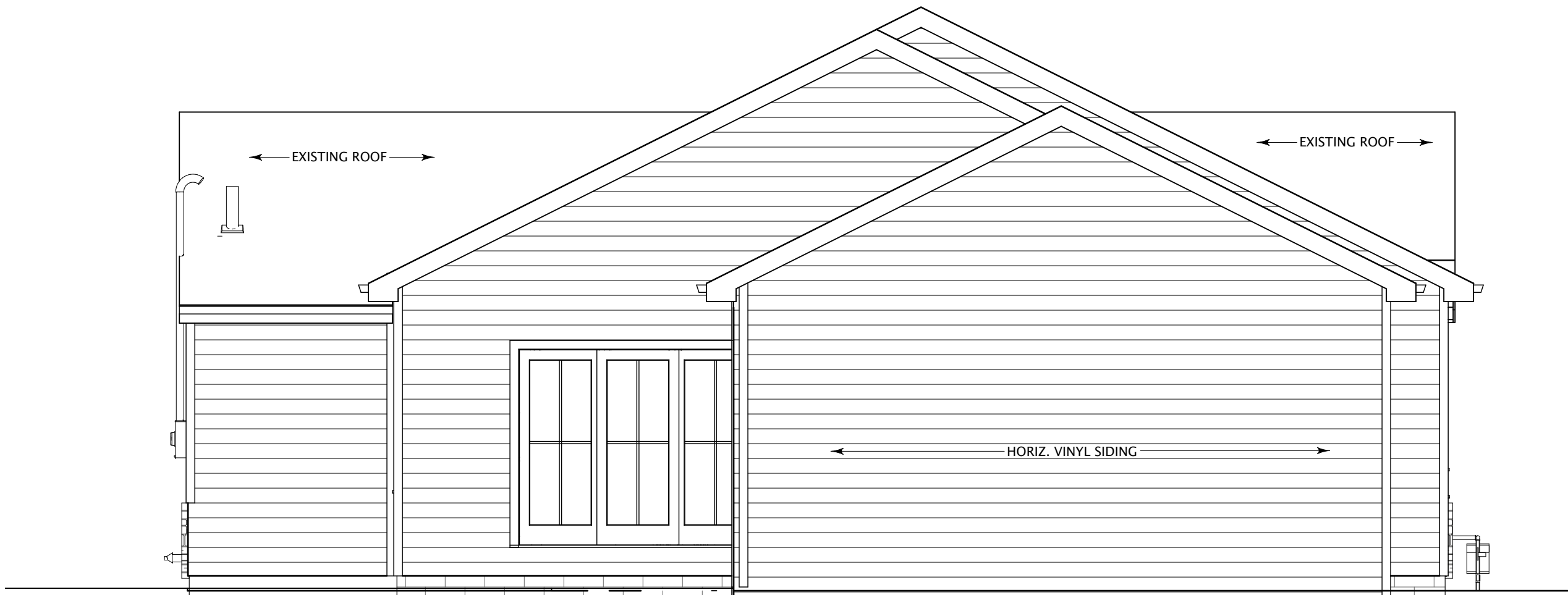
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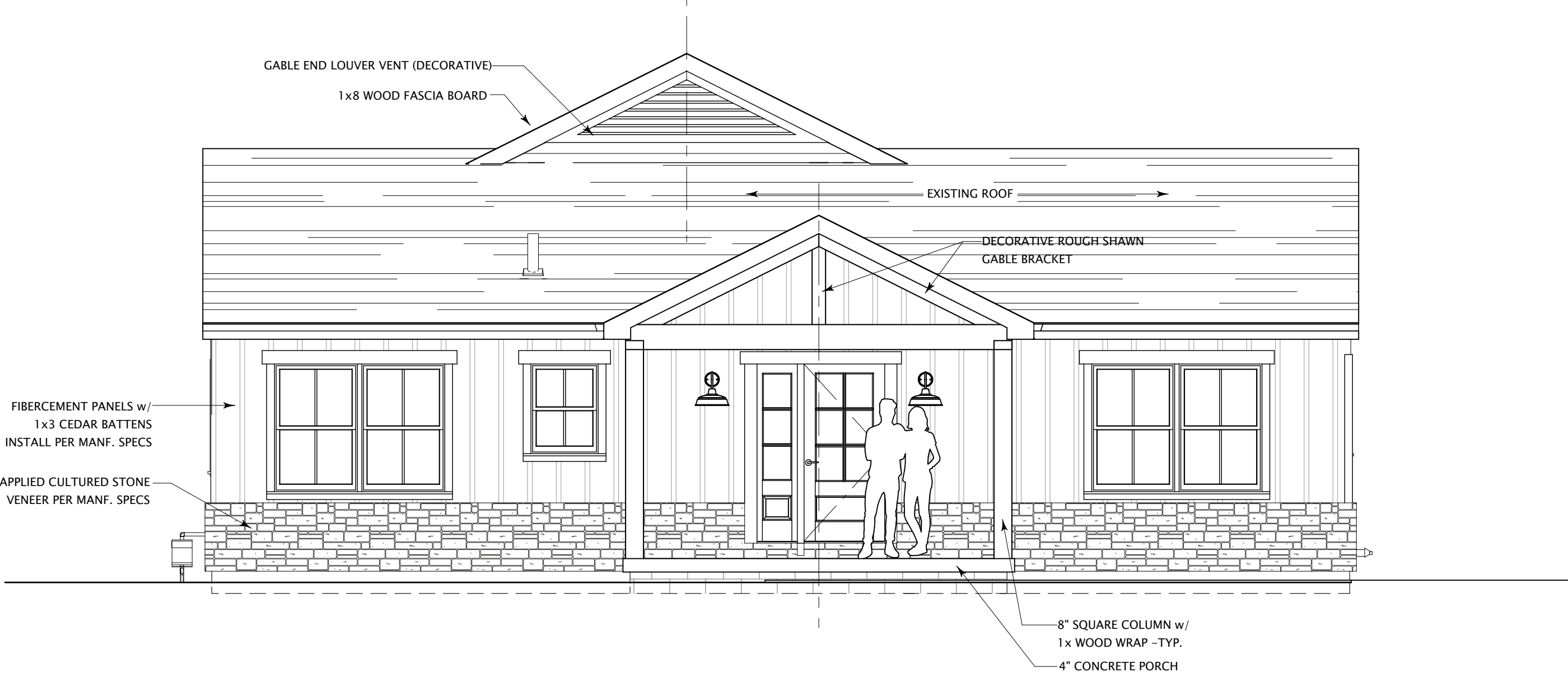
PROPOSED OVERVIEW
1/8" = 1'-0"



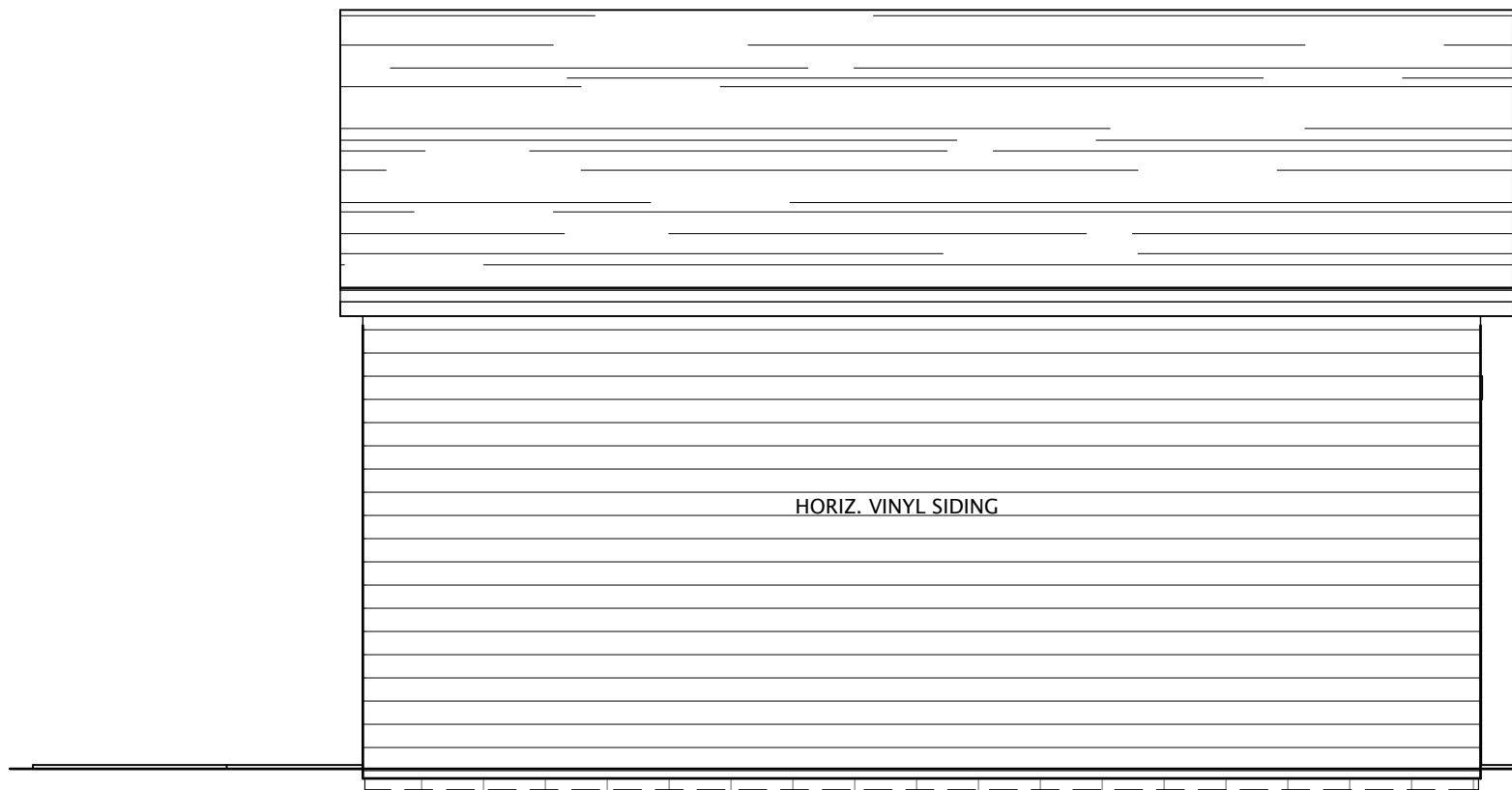
PROPOSED FLOOR PLAN
1/4" = 1'-0"



PROPOSED REAR ELEVATION
1/4" = 1'-0"



PROPOSED FRONT ELEVATION
1/4" = 1'-0"



PROPOSED LEFT ELEVATION
1/4" = 1'-0"



PROPOSED RIGHT ELEVATION
1/4" = 1'-0"

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Waterville, OH 43566
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www.facebook.com./ARCHDesign007



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Remodeling

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DESIGNER: AJC
APPROVED:

AD JOB NO. 0323-22

SHEET TITLE:

PROPOSED
EXTERIOR
ELEVATIONS

SHEET NO.

A3.0

ARCH
 **DESIGN, LLC**

PROJECT TITLE:

GENERAL CONTRACTOR:



N.T.S.



N.T.S.

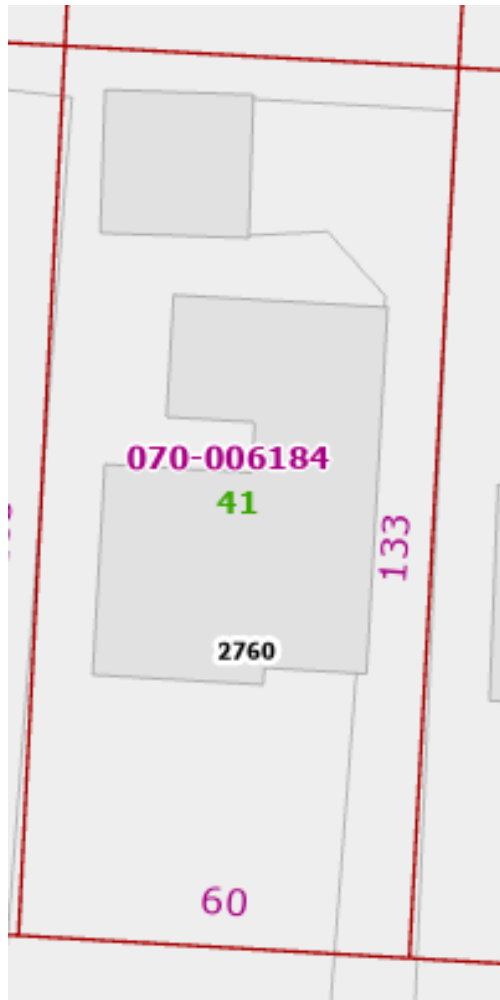
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<u>01.27.23</u>	<u>ZONING BOARD REVIEW</u>
<u>03.29.23</u>	<u>ZONING BOARD REVIEW</u>

APPROVED:

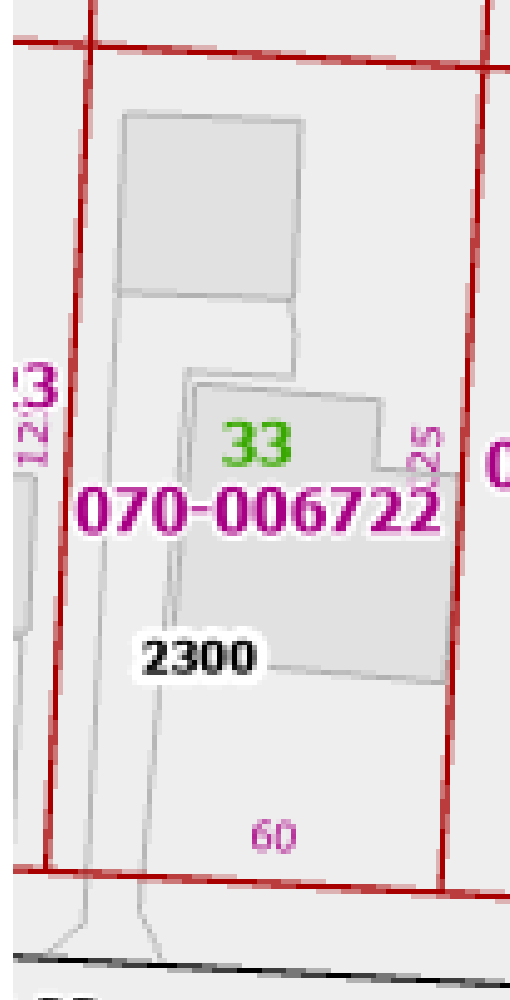
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SHEET NO.

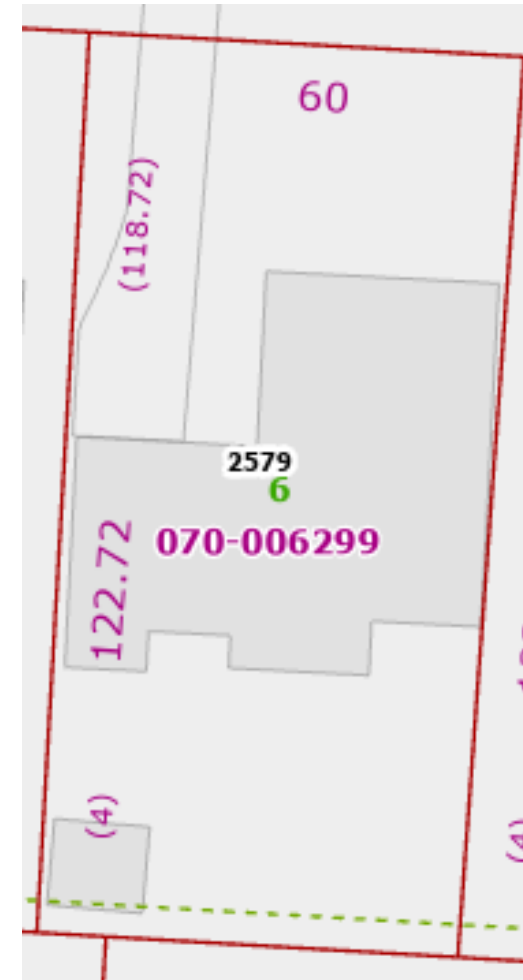
Homes with greater than 29% under roof on Swansea Rd.



~35%
2760 Swansea Rd



~30%
2300 Swansea Rd



~34%
2579 Swansea Rd

Authors:

BZAP Meeting Date: March 22, 2023

Subject: 2712 Swansea Road (VAR-05-23) - To allow an addition that encroaches 1.2 inches into the 8-foot minimum side yard setback, to allow a front porch that encroaches 14'-2" by 7 inches into the front yard setback, when a 10-foot by 5-foot projection is permitted and to allow improvements that result in building cover of 30.8 percent, when 29 percent is the limit.

Site Description/History

The subject property, 2712 Swansea Road, is located mid-block between Sunset Drive and Kioka Avenue, north of Fancyburg Park in the [River Ridge Addition](#) subdivision (Block #10, Lot #35). The rectangular shaped property has 60 feet of frontage and 133 feet of depth, the same as most in the neighborhood; it is zoned R-1c, One-Family Residence District. A one-story ranch (1,008 square feet) with siding sits nearly six feet behind the 35-foot platted front yard setback; the home encroaches 0.1 feet into the eight-foot minimum side yard setback along the west property line, but is compliant with all other setback and coverage limits. The property has a one-car detached garage in the rear yard, and includes a privacy fence. It was built in 1956 and purchased by the applicant in 2011.

Proposal

The homeowner is proposing multiple improvements to the property including a new front porch, rear addition, and two-car garage, which has resulted in three variances requested. The front porch would be 14 feet by 6'-3", and encroach just seven inches into the platted front yard setback. The porch has a gable roof and wood columns and beams. Front facade improvements to the home are also planned for this project, including the addition of a stacked stone water table and vertical fiber cement panels.

The addition onto the rear of the home would add approximately 790 square feet of living space and include a new owner's bedroom, living room, rear entry and half bathroom. The existing interior floor plan would also be modified based on this addition. The addition is 23 feet in depth and 35'-4" in width; it would encroach just 1.2 inches over the west side yard setback (existing encroachment of home), but would meet the side yard longwall requirement. The highest portion of the addition would be situated more interior to the main home and be 19'-8", 3'-6" taller than the existing home. The exterior would be finished with vinyl siding and asphalt shingles to match the existing home and include three windows on the side elevation and a large window on the rear elevation.



The new detached garage would be 24 feet wide and 22 feet deep (528 square feet). It would be 16'-3" in height and have the same exterior materials as the addition, vinyl siding and asphalt shingles. The garage meets all zoning requirements including size, setback, and height. However, with the proposed addition, results in an overage of building cover of 146.25 square feet.

The rear of the property is enclosed with a privacy fence. Staff also notes for the Board that the current request is the result of multiple iterations of the plan that have reduced the number and severity of variances from the original project.

The applicant stated, *"This will increase the home values of surrounding homes, as we are residing the whole house with the addition, and new front porch and garage will enhance the curb appeal."*

Zoning Code Requirements

- To UDO Article 5.02(C) to permit an addition that encroaches up to 1.2 inches into the 8-foot minimum side yard setback;
- To UDO Article 5.02(C) to permit improvements that result in building cover of 30.8 percent, when 29 percent is the limit; and
- To UDO Article 6.01(D) to permit a front porch to encroach 14'-2" by 7 inches into the front yard setback, when a maximum of 10-foot by 5-foot projection is permitted.

Alternatives

Alternatives to the current plan include relocating the addition 1.2 inches away from the side property line. This would meet the setback requirement, but would offset the addition from the existing home. The front porch could also be reduced in depth (by 7 inches) or width (by 4 feet), in order to meet the maximum projection allowed of 10 feet by 5 feet. Finally, the overall building improvements could be reduced by 146.25 square feet, which would meet the 29 percent building cover limit. Alternatively, a second-story addition could be considered, in lieu of the first floor addition.

The nearby property at 2760 Swansea Road did receive a variance via BZ-06-02 to allow an addition that resulted in 28 percent building cover, when 25 percent was the limit. For this zoning district, the building cover limit has since increased to 29 percent.

Requested Action and Findings

Staff has reviewed the application, discussed with the applicant, and visited the site. Staff appreciates the investment and improvements the applicant is proposing to the home. Oftentimes, the Board has been supportive of minor encroachment requests that are the result of the siting of the home and to facilitate front porches. However, Staff could not locate history of a similar building cover variance within the area. Building cover requirements are meant to define the intensity of development in a neighborhood and limit excessive roof coverage on the lot. Alternative options may exist, including slight reductions in the size of the addition and/or garage, that may still meet the functional needs of the applicant, while also meeting the



code requirements.

Staff cannot recommend approval of the application as submitted and would encourage the homeowner to review alternative options that reduce and/or eliminate variances for the proposal. Should the Board choose to approve the request, Staff would recommend requiring a landscape plan to help soften views of the addition from neighbors. This could be reviewed and approved by the City Forester with the Building Permit. The Board may consider Findings #3 and #6 during review.

Attachments

1. BZAP Staff Report Pics - 2712 Swansea Rd
2. 2712 Swansea Rd Variance Application

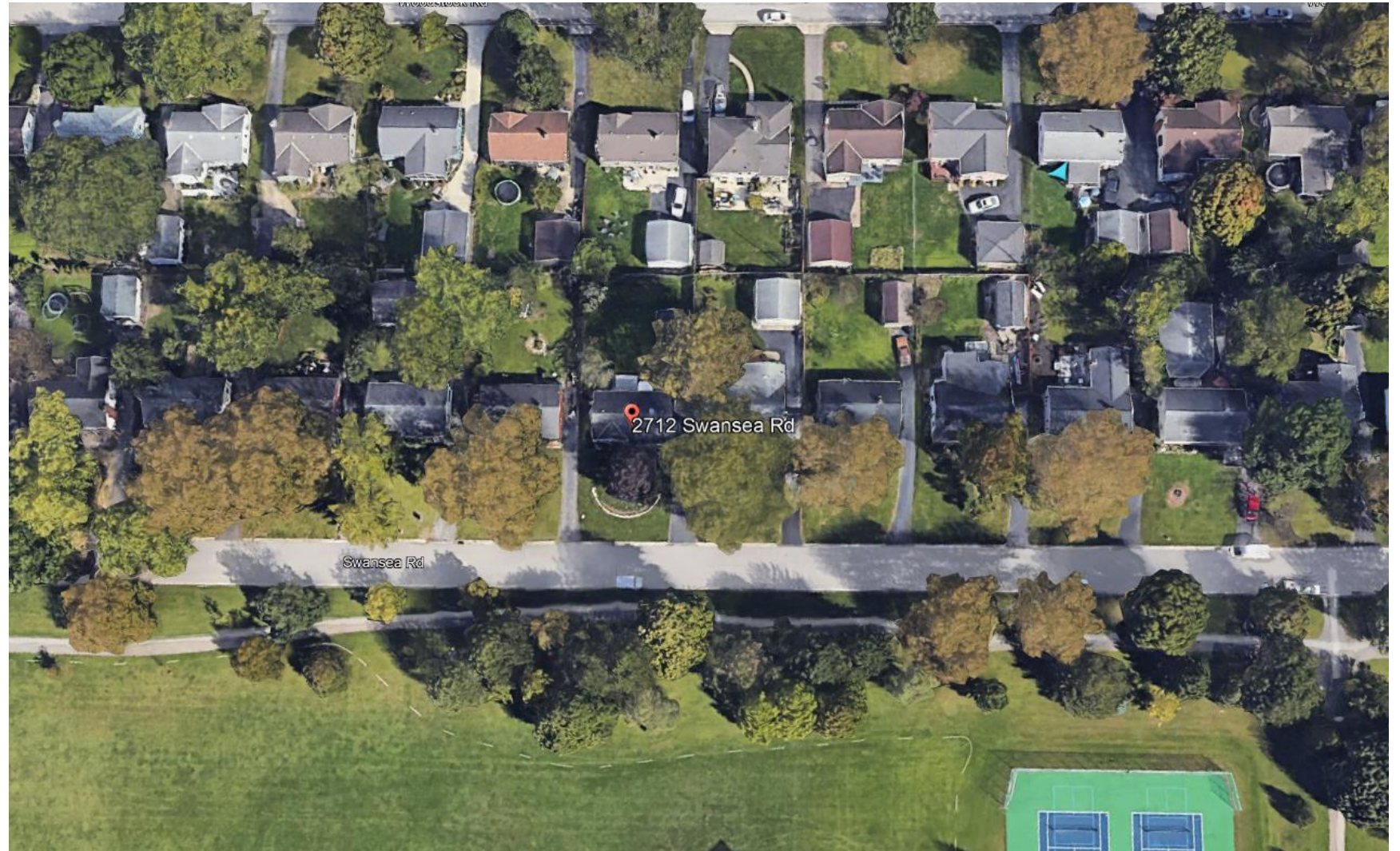


2712 Swansea Road

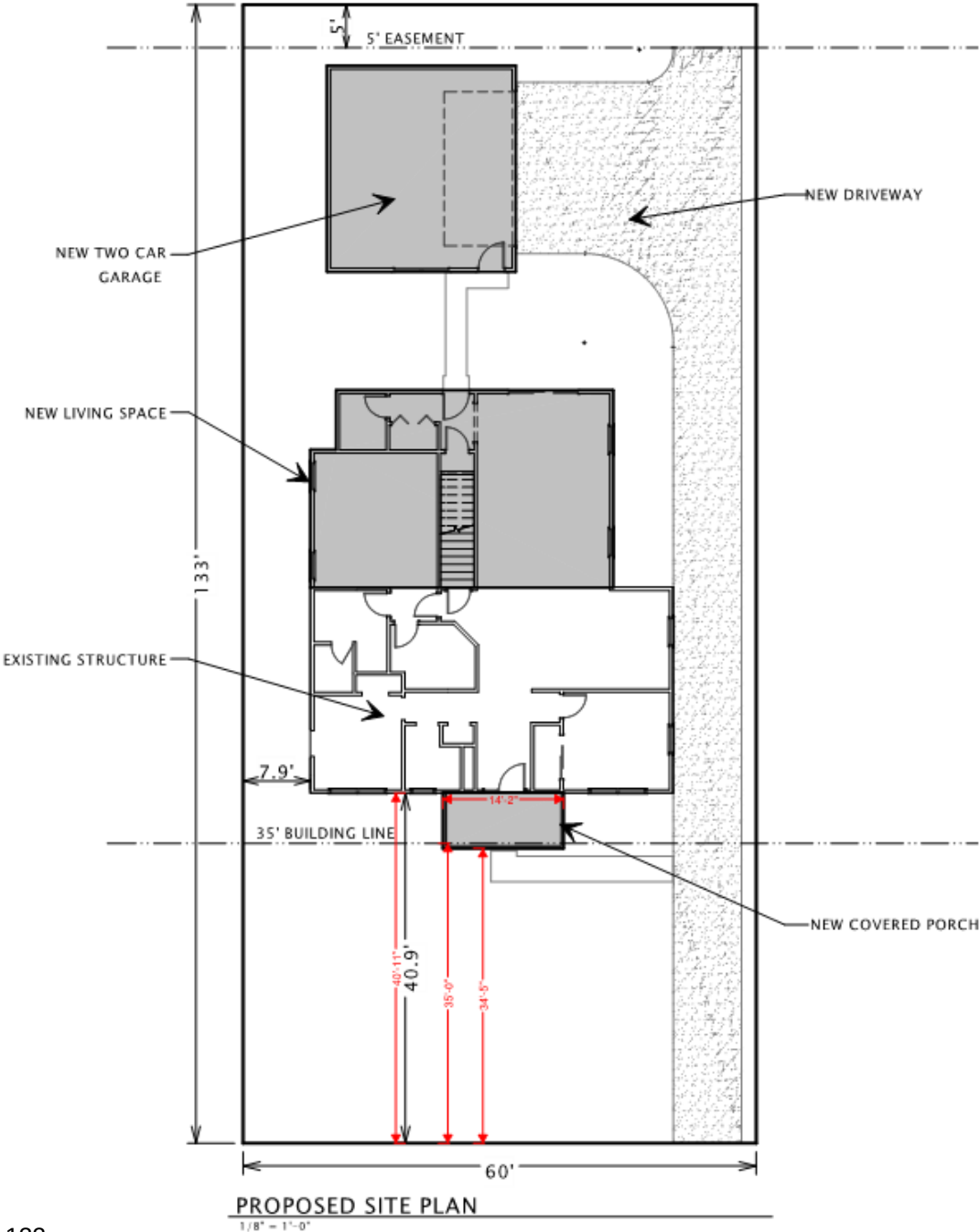
BZAP Staff Report Pictures



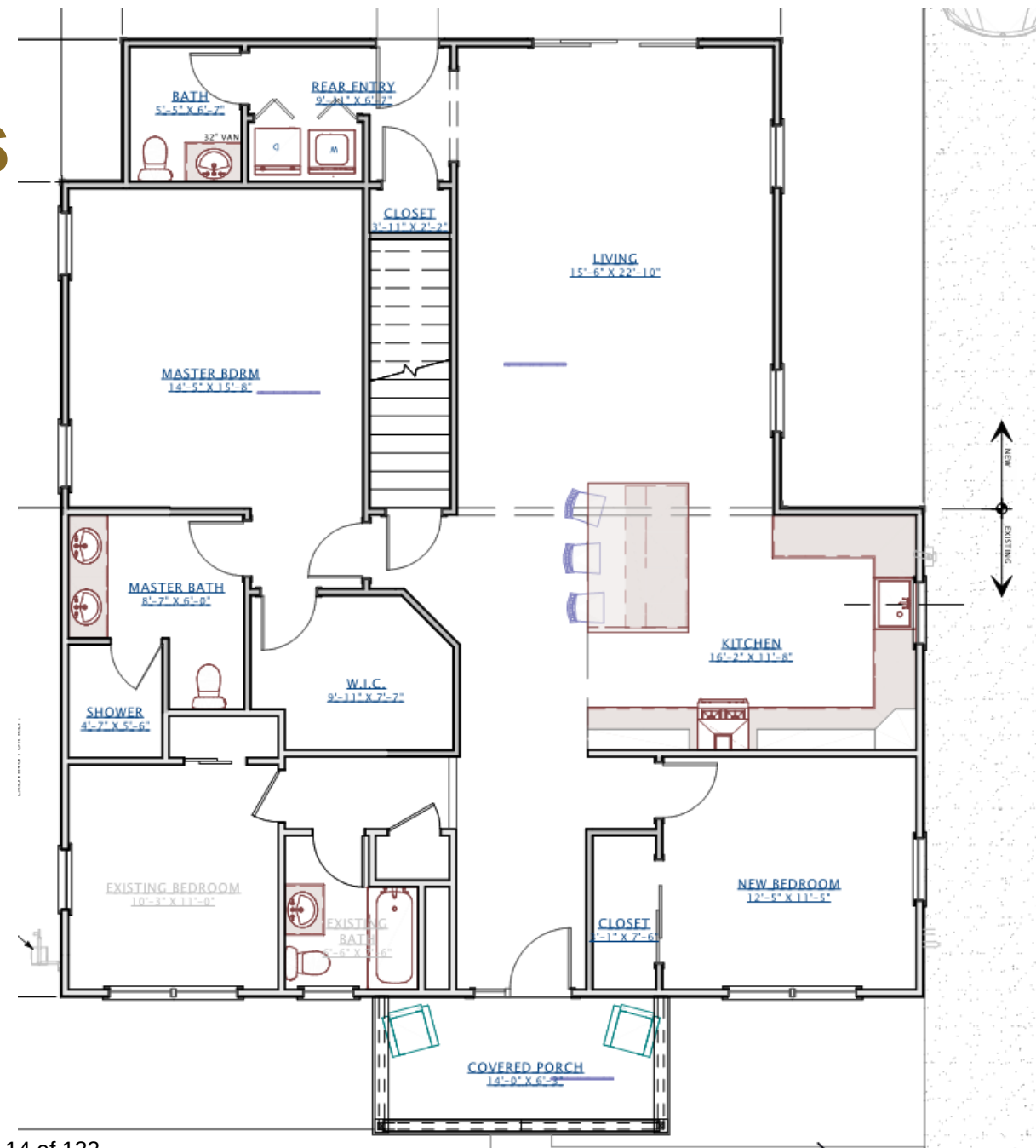
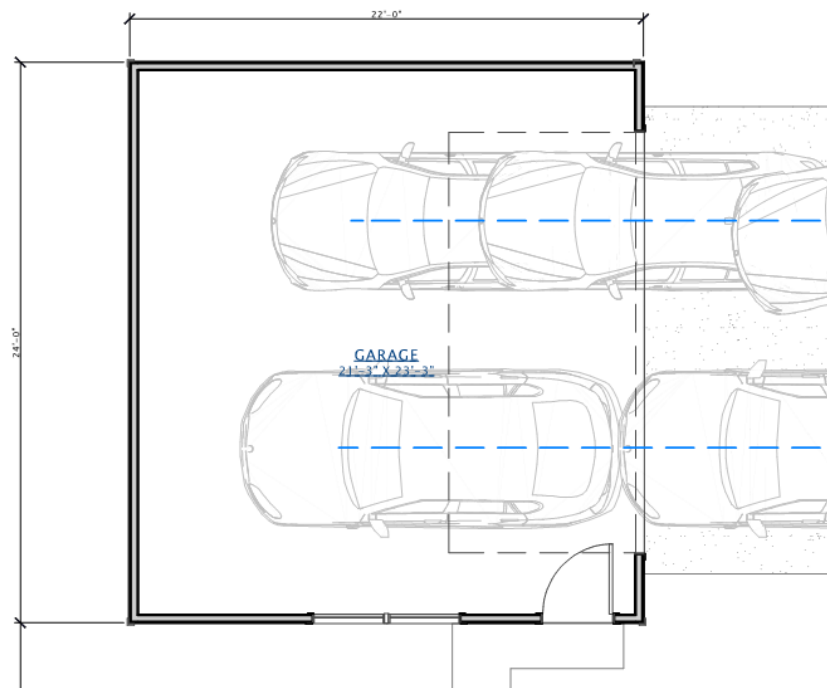
Google Maps ® Aerial – Looking North



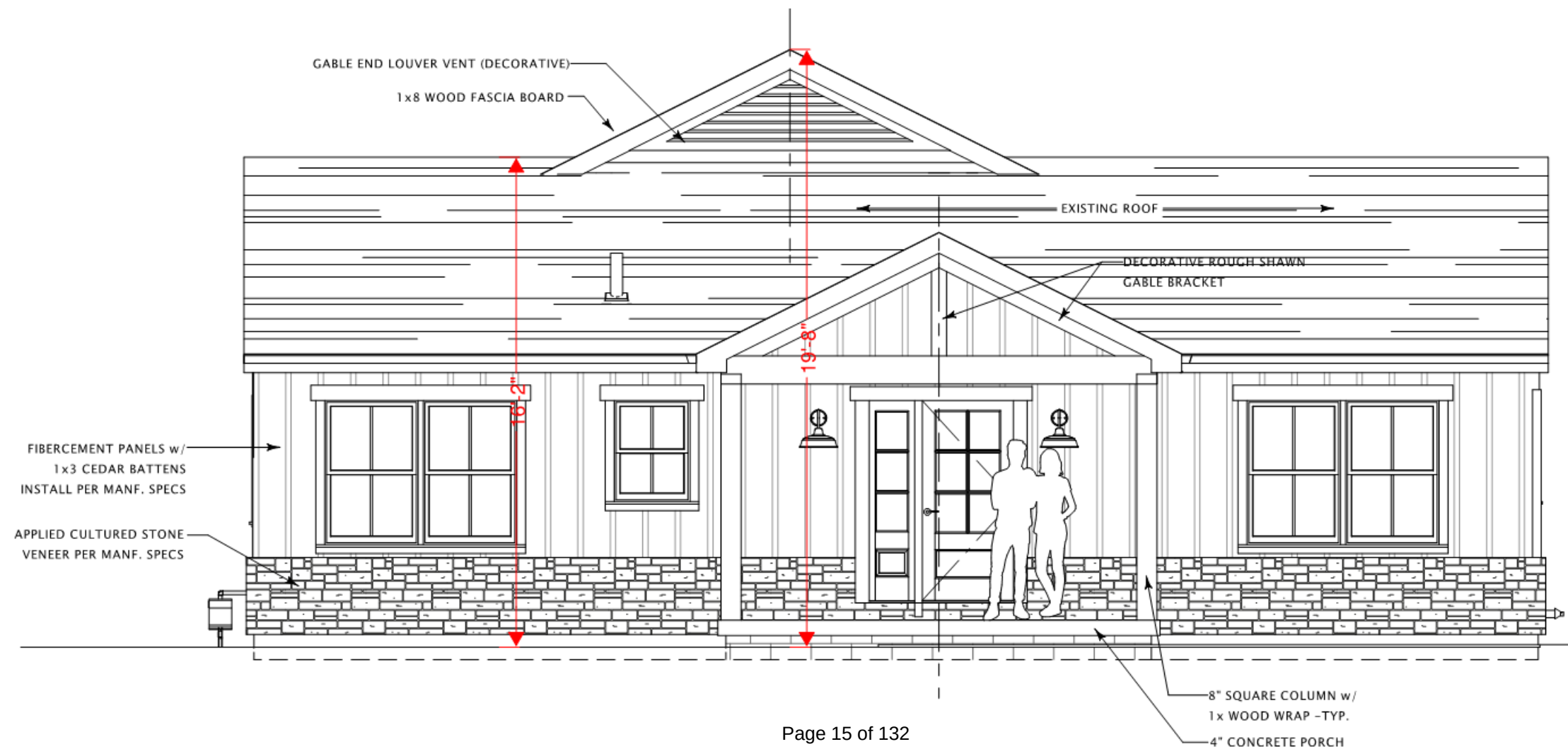
Proposed Site Plan



Proposed Floor Plans



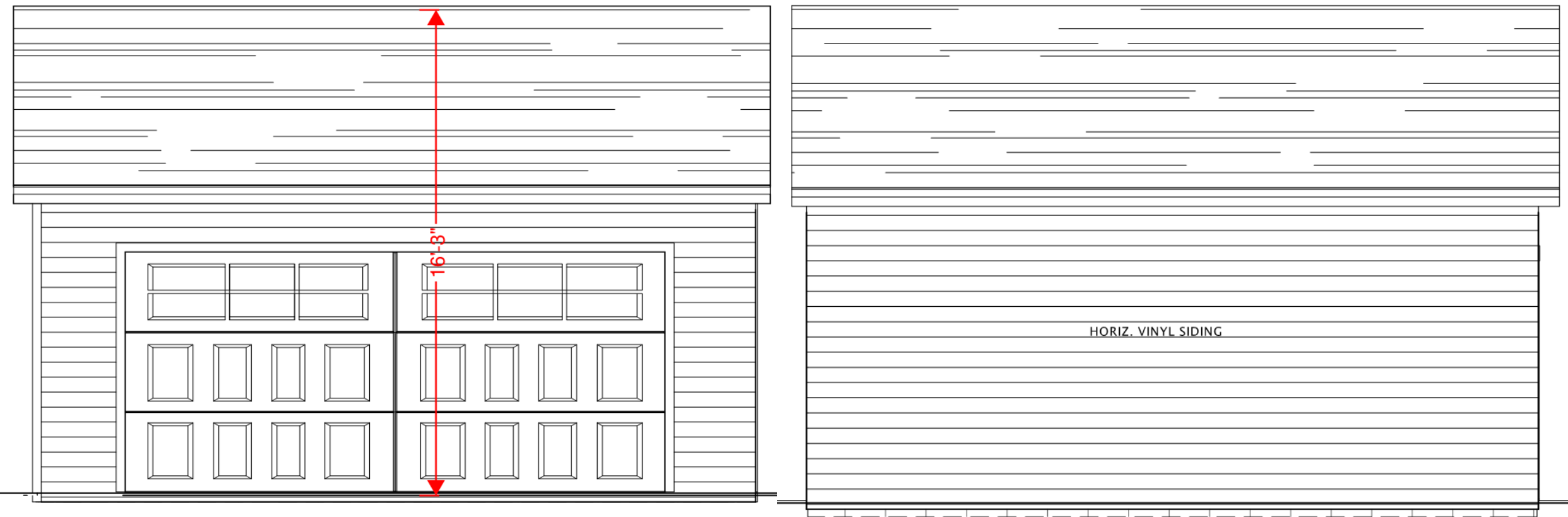
Proposed Front Elevation



Proposed Side Elevation



Proposed Front/Rear Garage Elevations



Existing Swansea Road Elevation



Existing Garage



Existing Rear and Side Yard





23-303

Variance Application

Status: Active

Date Created: Jan 20, 2023

Applicant

Cassie Tackett
cassie@steller-construction.com
22 Village Pointe Dr
Powell, Oh 43065
6149878609

Primary Location

2712 SWANSEA RD
UPPER ARLINGTON, OH 43221

Owner:

SALIARIS DAVID G
2712 SWANSEA COLUMBUS, OH 0

BZAP Information

BZAP Case #

VAR-05-23

Status

Pending

BZAP Determination Date

03/22/2023

Vote Tally

--

Primary Variance

Setback; building cover

Findings of Fact for Approval/Denial

--

Variance Request

2712 Swansea Road (VAR-05-23) - To allow an addition that encroaches 1.2 inches into the 8-foot minimum side yard setback, to allow a front porch that encroaches 14 feet by 7 inches into the front yard setback, when a 10-foot by 5-foot projection is permitted and to allow improvements that result in building cover of 30.8 percent, when 29 percent is the limit.

BZAP conditions

--

Variance Information

Describe Variance Request

Build new front porch on existing structure; encroaching the 35' building line by ONE foot;

Existing house; on left side, the house currently sits at 7.9 feet from property line and we would like to have the new addition continue along the 7.9 foot setback for 16 feet from side yard because the 7.9 is already existing for main house.

Garage variance; allowing us to build the new garage structure on back side of property as alot of other properties have detached garage structures on the back of their properties, see powerpoint/slideshow attached with stars, all have garages on back side of their property

What practical difficulty, special conditions and/or circumstances exist that are peculiar to the land or structure involved and which are not generally applicable to other lands or structures in the same zoning districts?

There is no other practical difficulty, we are just hoping to build as everyone else has done in the surrounding area, please see included powerpoint.

Will granting the variance confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district?

No, other homes in the neighborhood have existing detached garage structures and front porches

Will the essential character of the neighborhood area be substantially altered or will adjoining properties suffer substantial detriment as a result of the variance?

No, this will increase the home values of surrounding homes, as we are residing the whole house with the addition, and new front porch and garage will enhance curb appeal.

Have all reasonable alternatives been investigated or exhausted to find that this variance request is the minimum necessary to make reasonable use of land and structures?

Yes, we submitted the final plans which were rejected due to updated zoning regulations we were unaware of. We supplied two hand sketches; one was denied, the second was accepted but it is not a practical design or layout to accommodate the homeowner's needs. The attached design will fulfill the owner's needs for living if minor variances are granted.

Can this property yield a reasonable return or can there be any beneficial use of the property without the variance?

No, the addition, front porch, and garage structure will add an incredible return once he decides to sell the home. To yield a reasonable return, these updates would need to happen. Without the garage addition, it will be very hard to utilize the existing garage due to its location on the property and it's size.

ARCH
 **DESIGN, LLC**

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GENERAL CONTRACTOR:

REVISION:

01.23.23	ZONING BOARD REVIEW
01.27.23	ZONING BOARD REVIEW

DESIGNER: AJC

APPROVED:

AD JOB NO. 0323-22

SHEET TITLE:

PROPOSED SITE PLAN

SHEET NO.

A1.0

2460.25 SF



N.T.S.

Page 23 of 132


$$1/8'' = 1'-0''$$

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FOR DAVE SALIARIS

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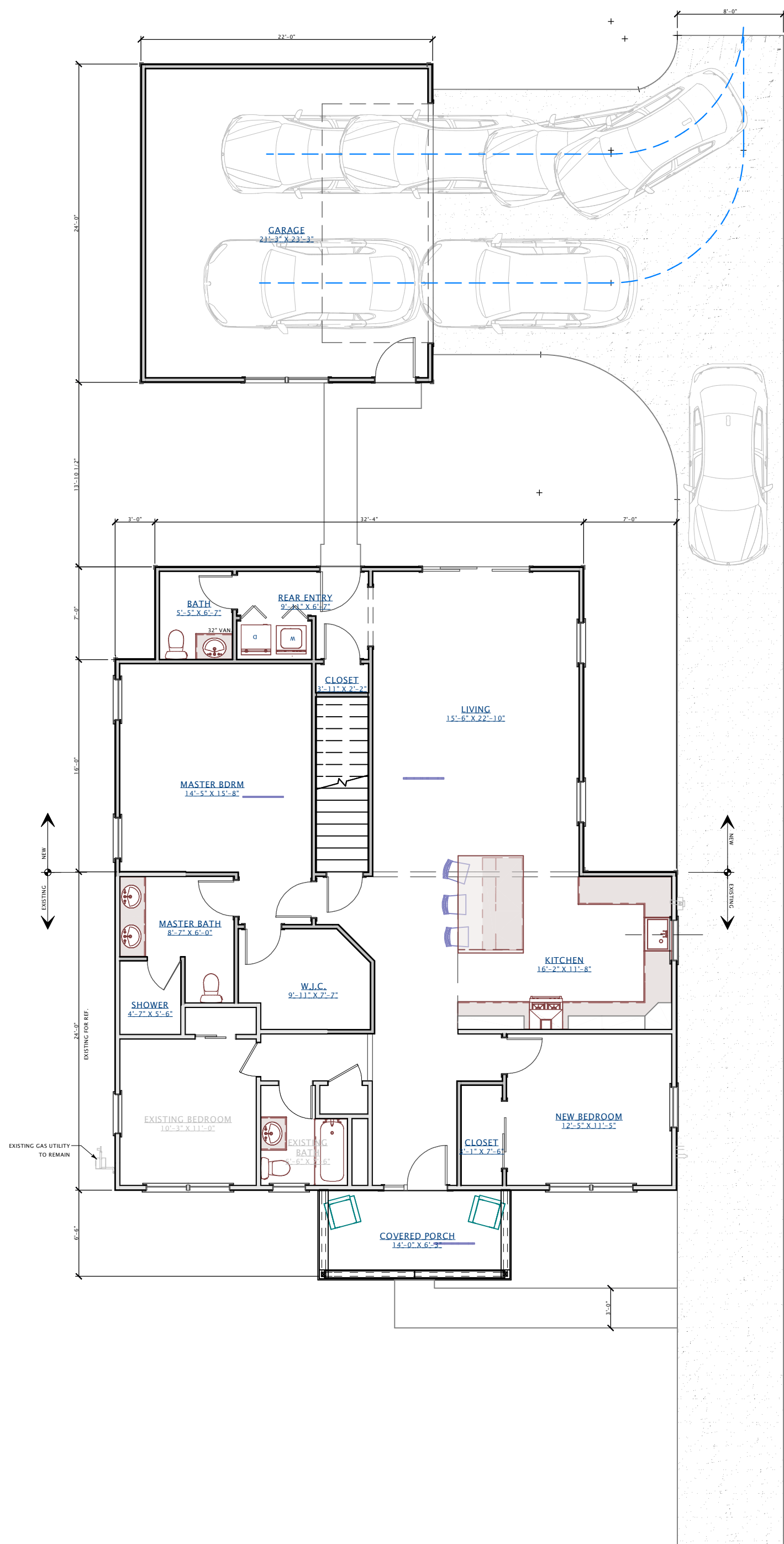
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SHEET TITLE:

PROPOSED
FLOOR PLAN

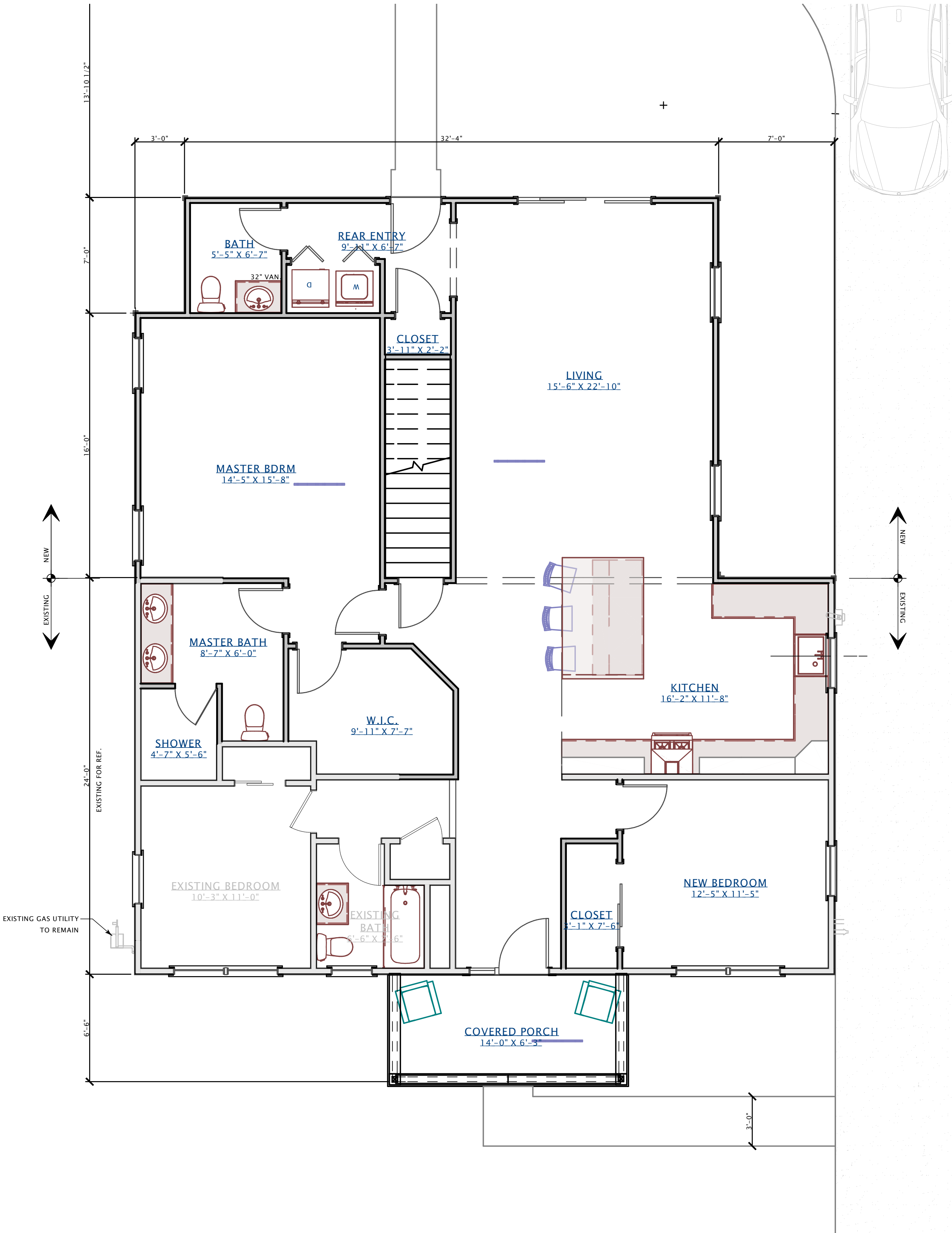
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A2.0



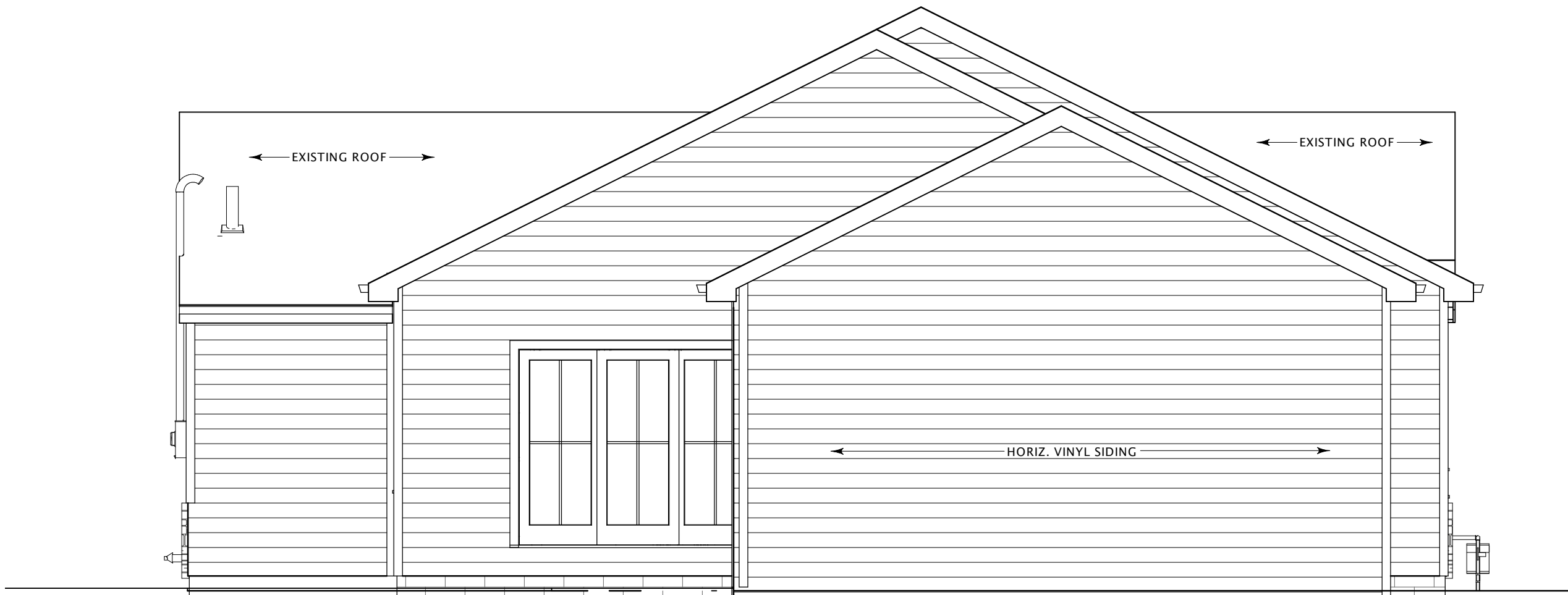
PROPOSED OVERVIEW

1/8" = 1'-0"



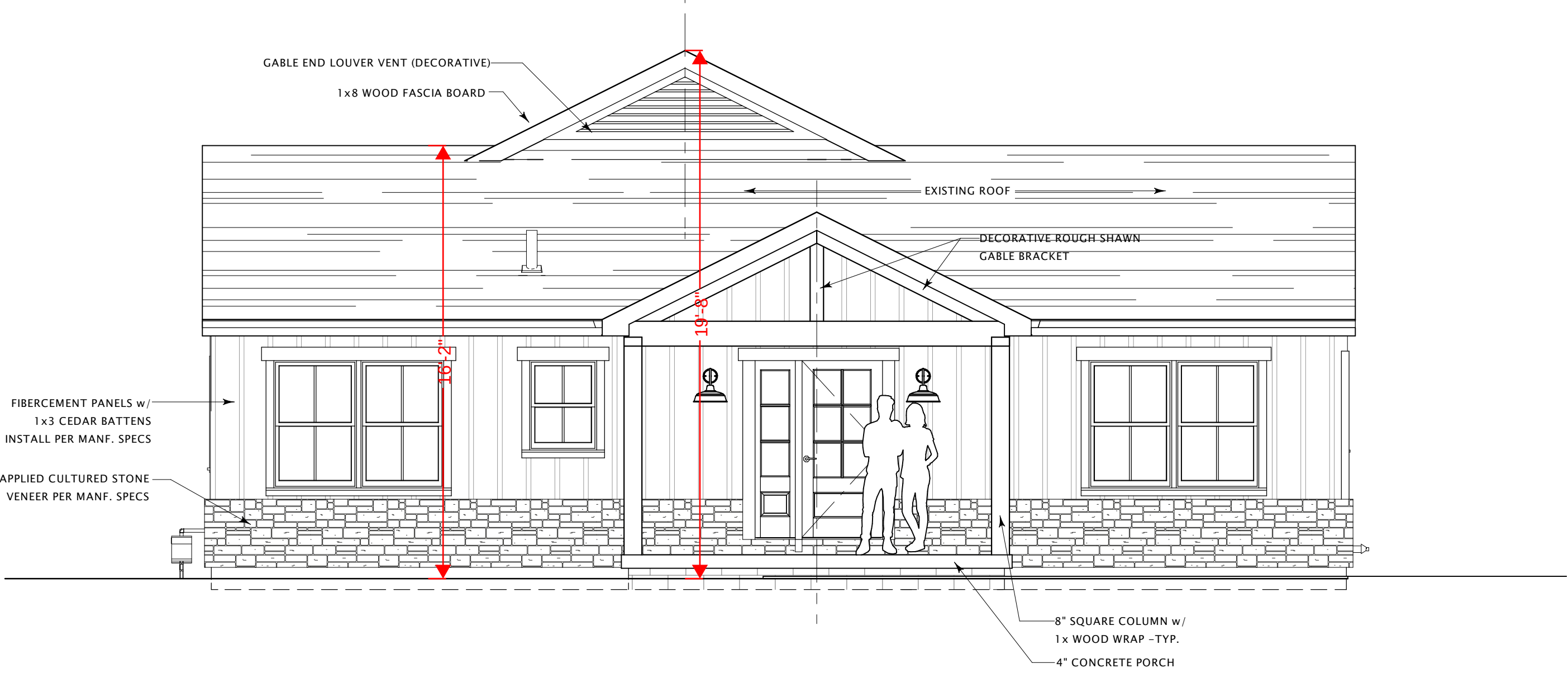
PROPOSED FLOOR PLAN

1/4" = 1'-0"



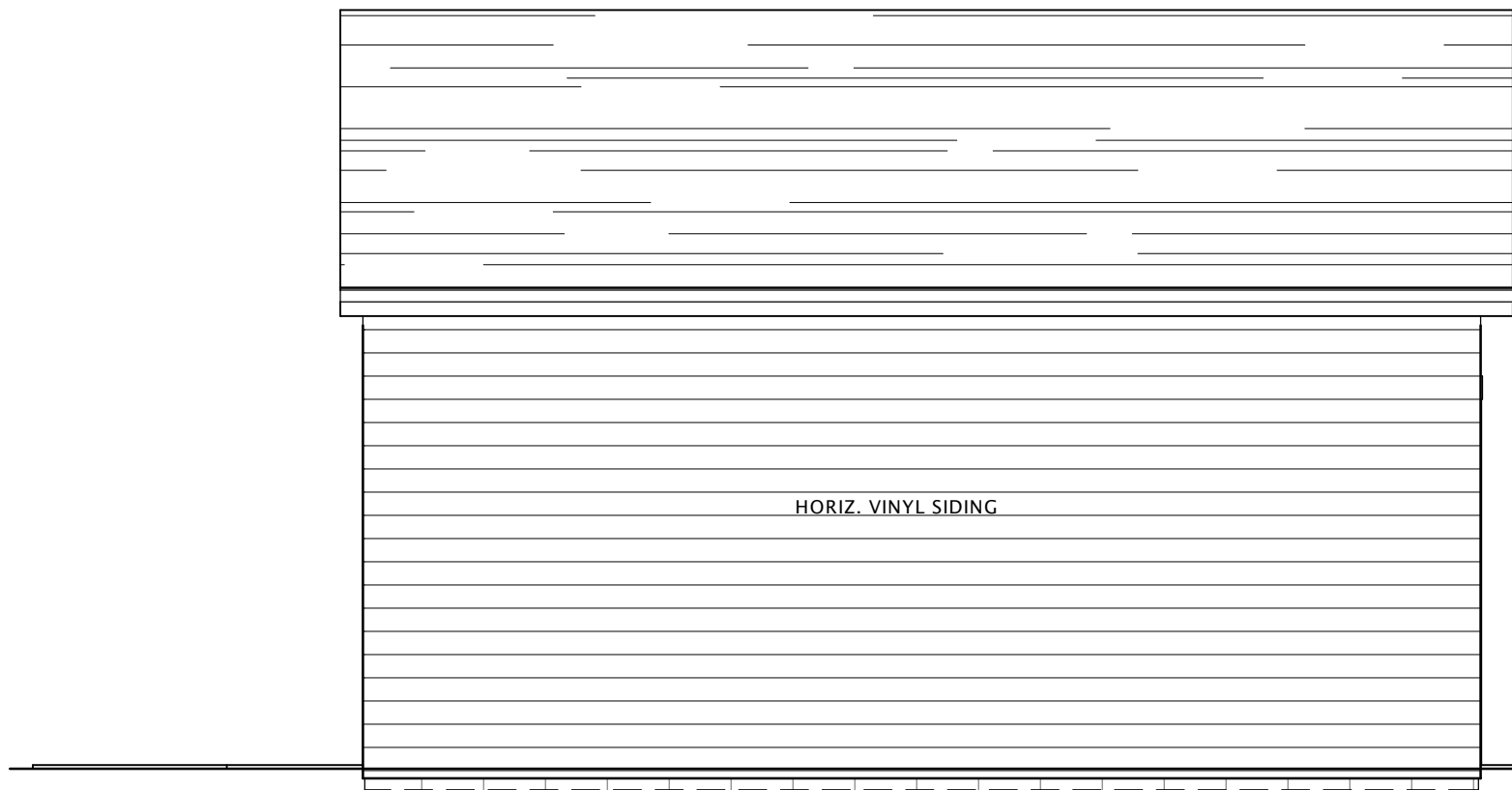
PROPOSED REAR ELEVATION

1/4" = 1'-0"



PROPOSED FRONT ELEVATION

1/4" = 1'-0"



PROPOSED LEFT ELEVATION

1/4" = 1'-0"



PROPOSED RIGHT ELEVATION

1/4" = 1'-0"

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ARCH

DESIGN, LLC

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SHEET TITLE:

PROPOSED
EXTERIOR
ELEVATIONS

SHEET NO.

A3.0



PROPOSED FRONT ELEVATION RENDERING
N.T.S.



PROPOSED FRONT/RIGHT ELEVATION RENDERING
N.T.S.



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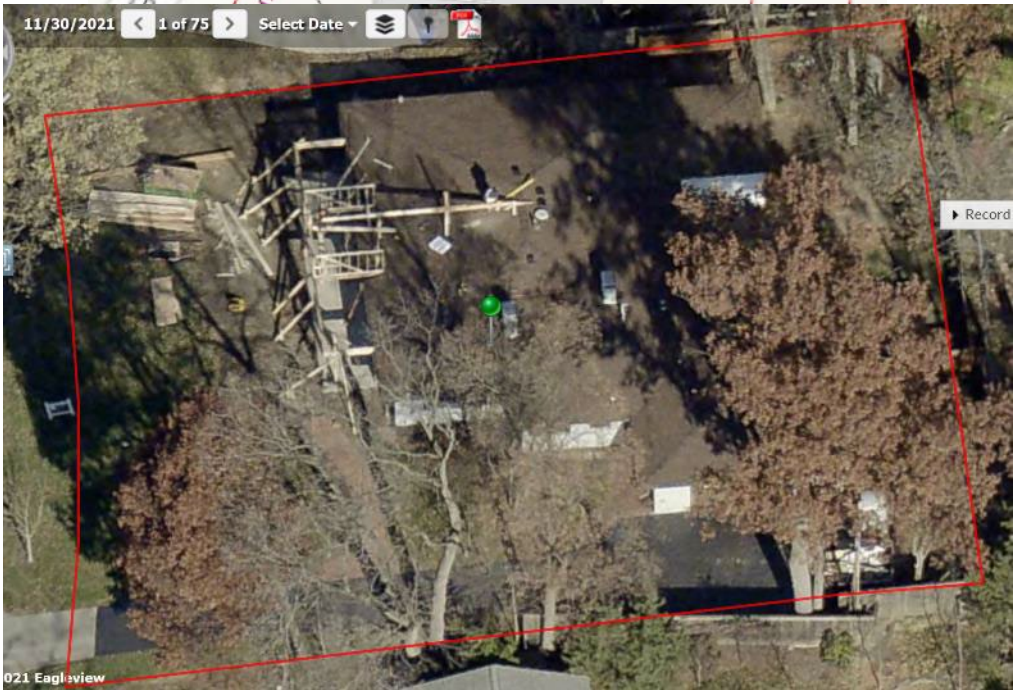
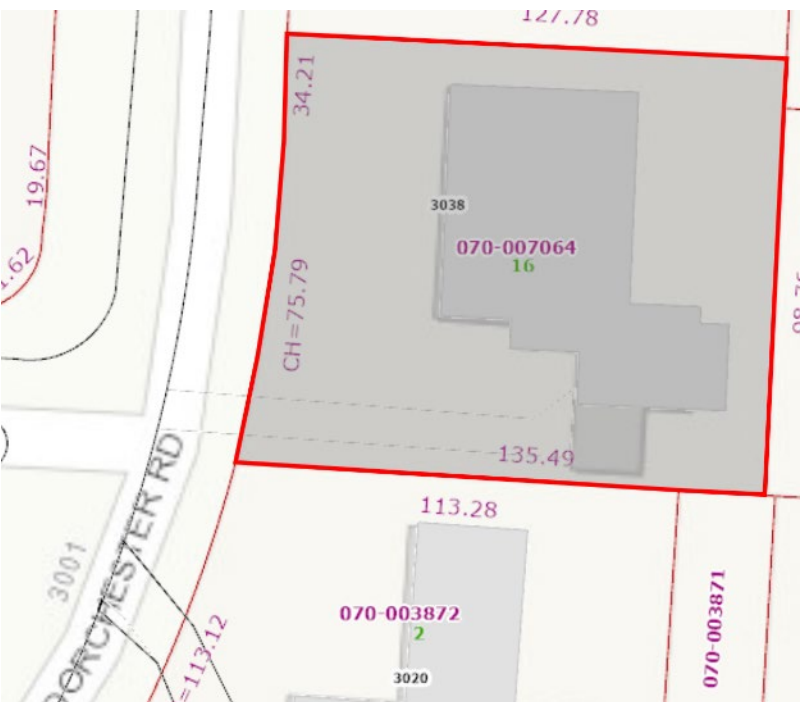
2644 Zollinger

IMPROVEMENTS

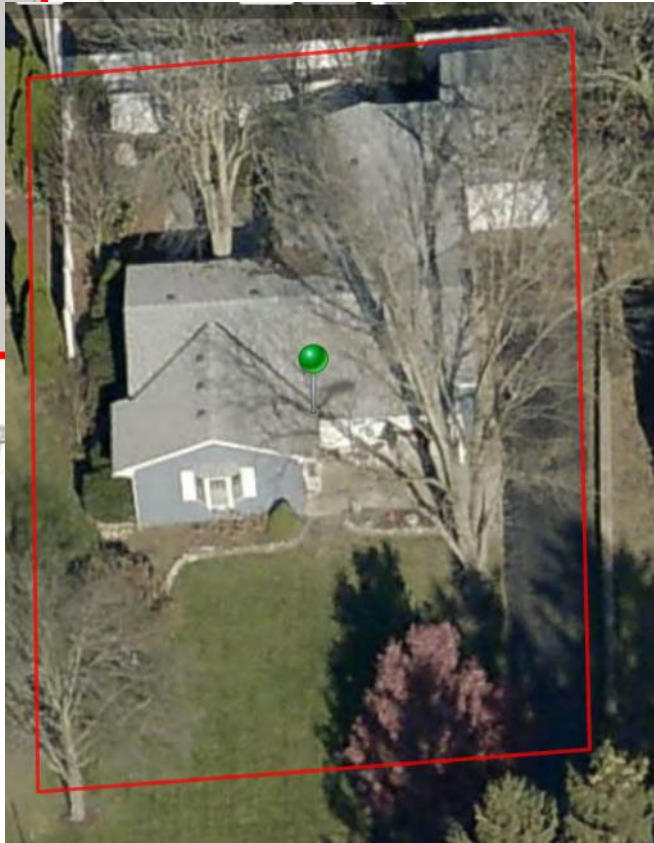
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1	RS1	FRAME UTILITY SHED	2018		AVERAGE	19 x 15	285



3038 Dorchester



2810 Swansea Rd



2624 Woodstock



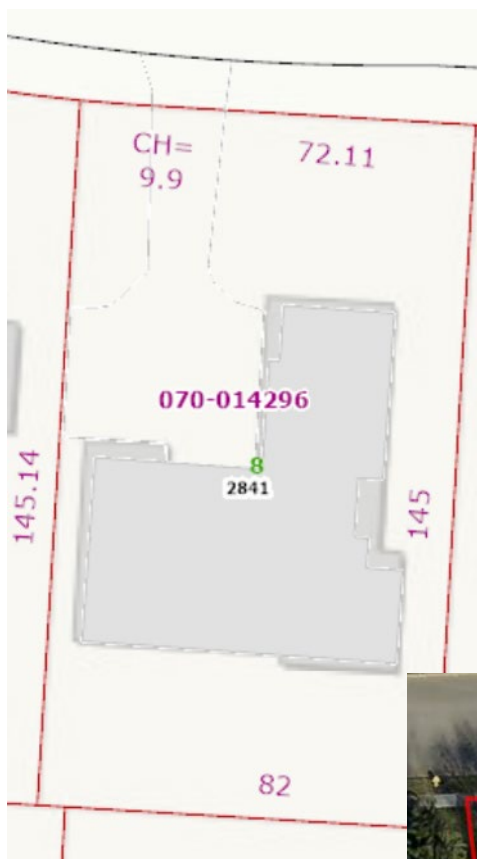
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3250 KIOKA AV

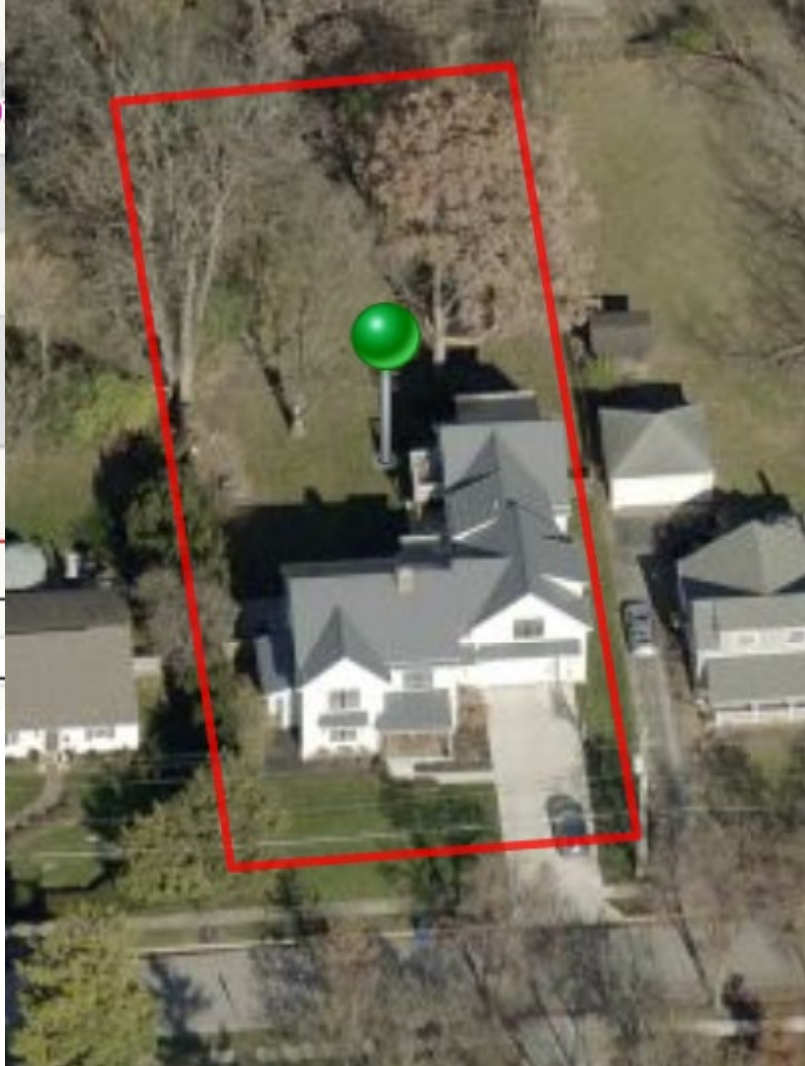




2841 WICKLIFFE RD



2628 EASTCLEFT DR

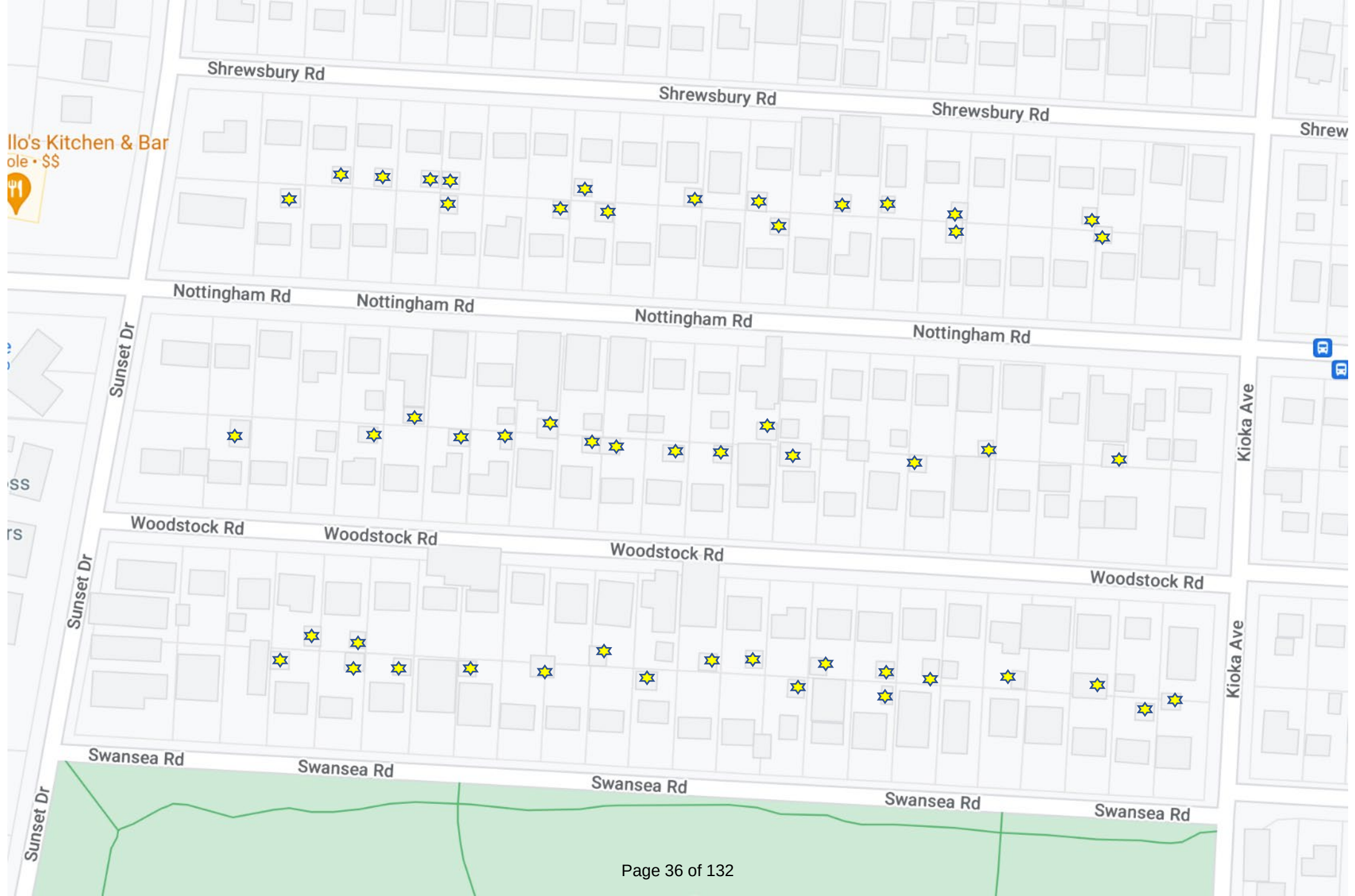


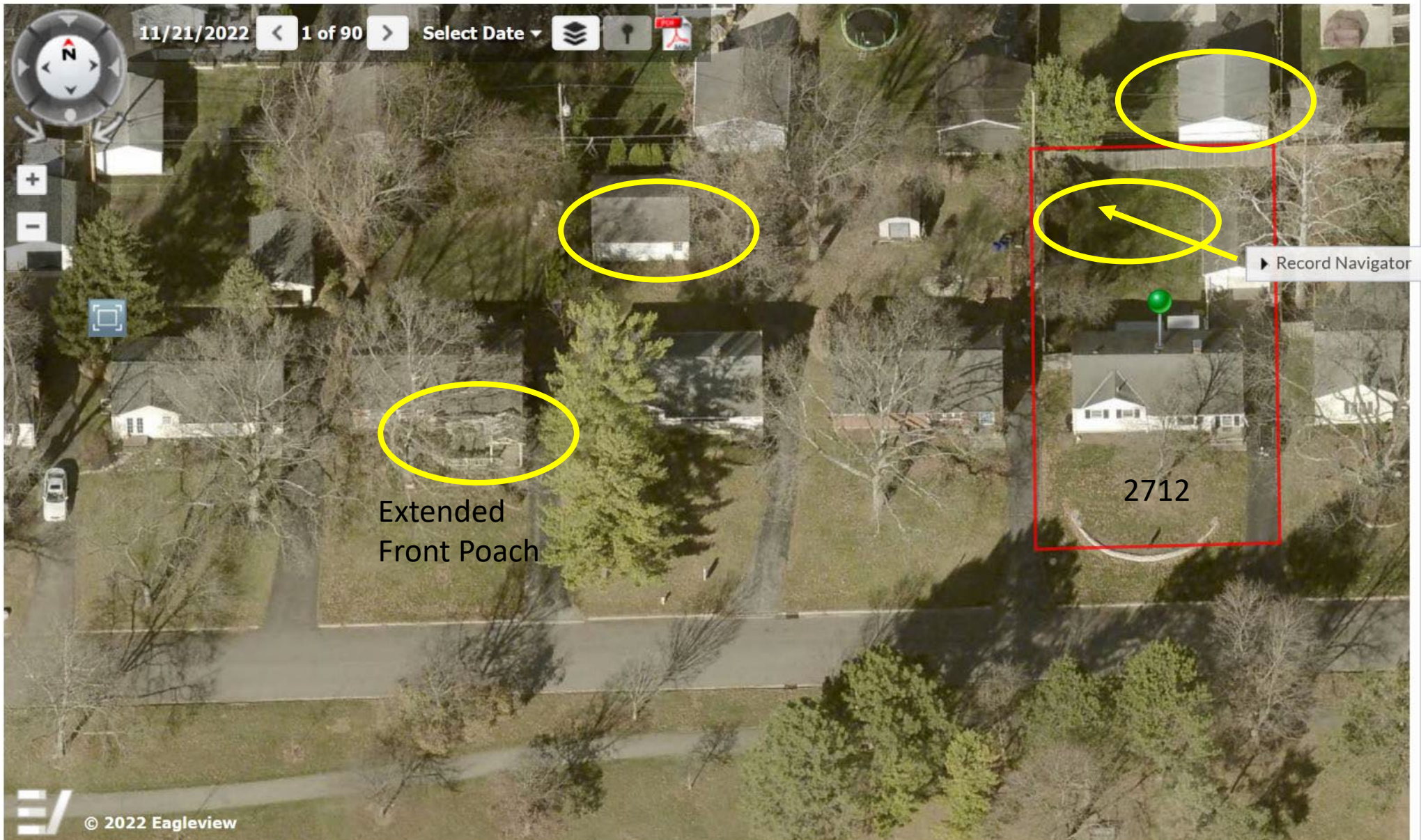
★ Garages on the back line along Swansea



2712 Swansea Rd

Ilo's Kitchen & Bar
ole • \$\$





Summary

Land Profile

Residential

Commercial

Improvements

Permits

Mapping

Sketch

Photo

StreetSmart

Aerial Photos

Transfers

BOR Status

CAUV Status

Tax & Payments

Tax Distribution

Tax Calculators

Value History

Rental Contact

Incentive Details

Quick Links

Parcel ID: 070-006178-00

SALIARIS DAVID G

Map Routing: 070-N212 -116-00

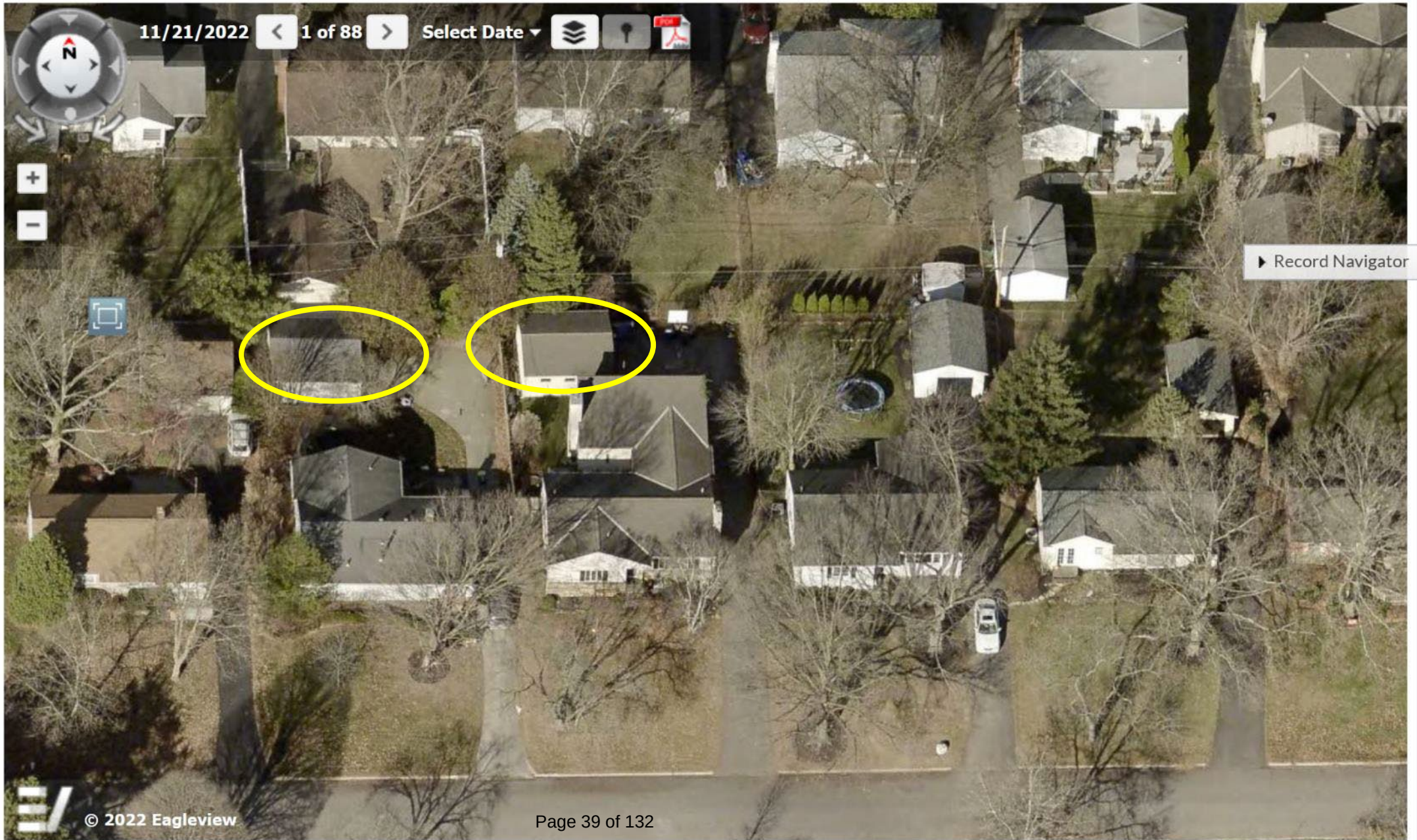
2712 SWANSEA RD



- Summary
- Land Profile
- Residential
- Commercial
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- Sketch
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Map Routing: 070-N212 -116-00
2712 SWANSEA RD



11/21/2022



1 of 88



Select Date



Record Navigator



© 2022 Eagleview

Summary

Land Profile

Residential

Commercial

Improvements

Permits

Mapping

Sketch

Photo

StreetSmart

Aerial Photos

Transfers

BOR Status

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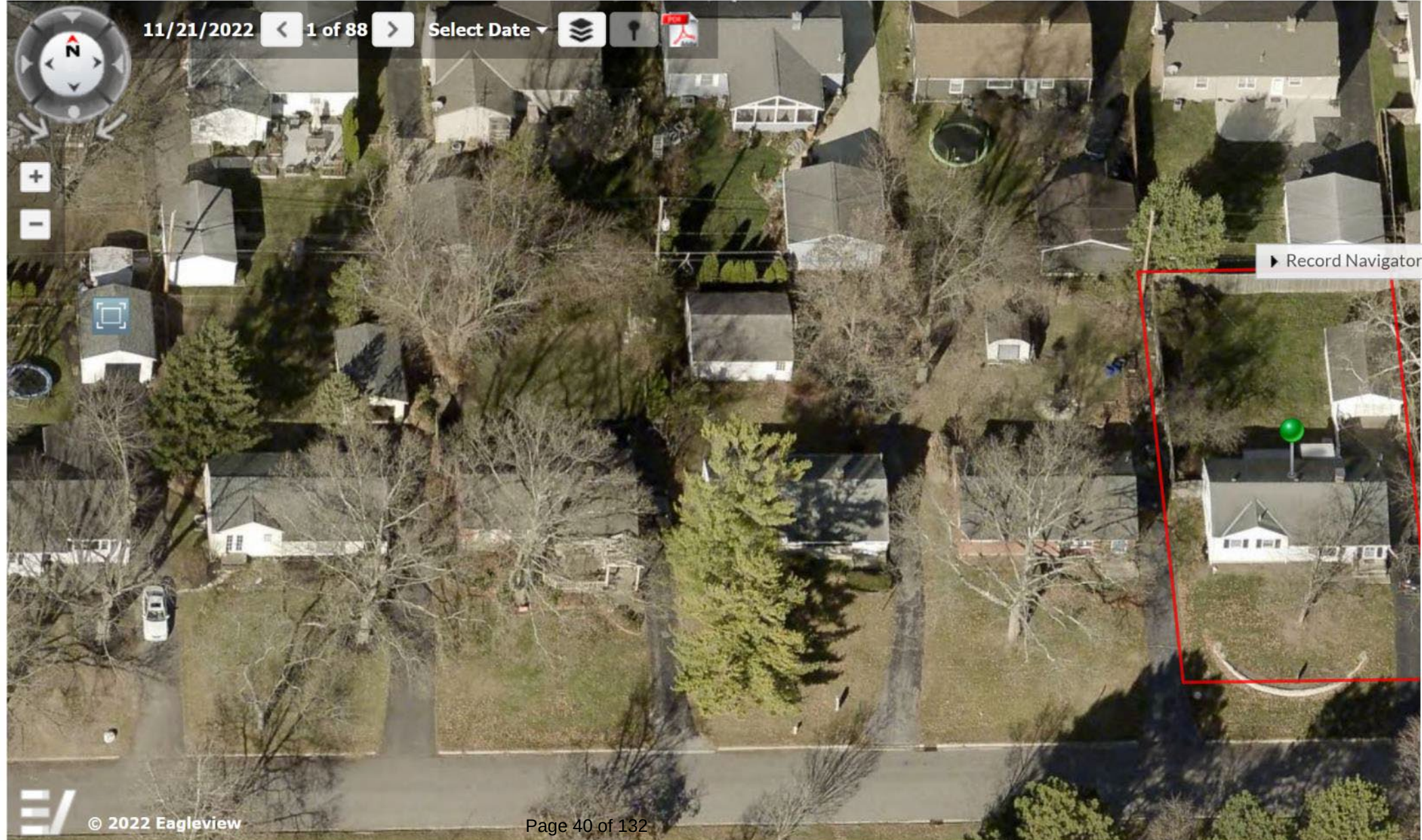
Quick Links

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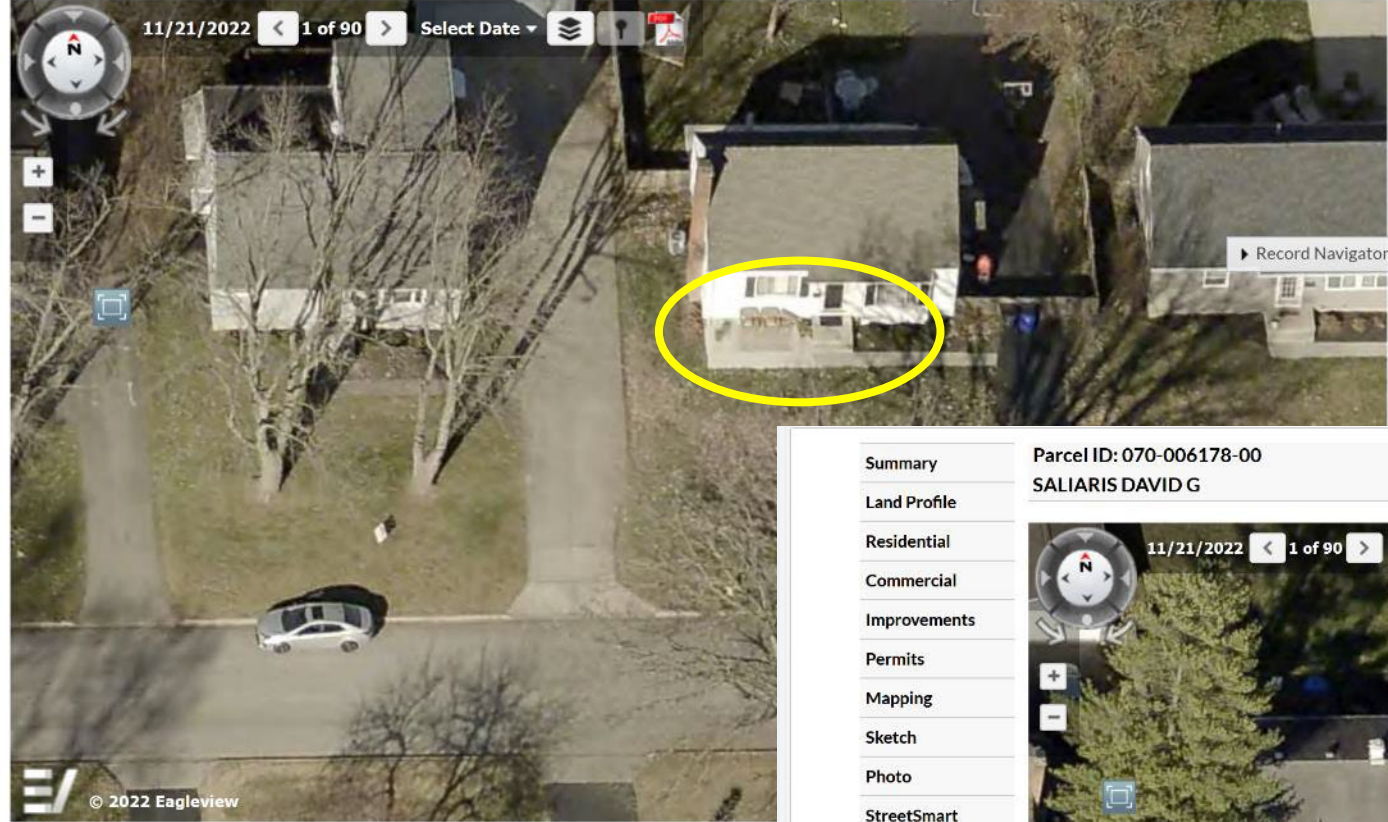
2712 SWANSEA RD



- Summary
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SALIARIS DAVID G

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2712 SWANSEA RD



Extended Front Porches

- Summary
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- Residential
- Commercial
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- Permits
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Parcel ID: 070-006178-00
SALIARIS DAVID G

Map Routing: 070-N212 -116-00
2712 SWANSEA RD





Revised: Jan 2021

Certification of Notice

Applicant Name: David G. Sallaris

Location of property subject to BZAP request: 2712 Swansea Rd.

Describe activity which requires Board of Zoning and Planning review:

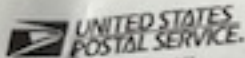
We are adding an addition on the back of the home and relocating the garage.

This application will be heard by the Board of Zoning and Planning on: 3/22/2023

Board of Zoning and Planning (BZAP) meetings begin at 6 PM on Wednesdays and are held at the Upper Arlington Municipal Services Center, 3600 Tremont Road, Upper Arlington, Ohio, 43221. Due to the ongoing COVID-19 pandemic, meetings MAY be held remotely via video conference and telephone call-in. Meeting location details and additional instructions will be provided on the Agenda, which is posted on the City's website at docs.uaoh.net/AgendaOnline. For further information, please contact the Planning Division at planning@uaoh.net.

Your signature below DOES NOT constitute approval or disapproval of the request. Your signature only represents that you have been properly notified of the request. You are encouraged to attend any and all meetings regarding this matter.

Address of Property to be notified:	Property Owner Name:	Property Owner Signature or Certified Mail No.:	Date obtained or Mail sent:
2720 Swansea Rd.	Gordon Gavin	<i>Gordon Gavin</i>	1/28/23
2704 Swansea Rd	John & Barb Ulen	<i>Barb Ulen</i>	01/27/2023
2728 Swansea Rd	Compass Homes	7022 2410 0000 2698 0186	1/27/23
2696 Swansea Rd	Perry Brannan	7022 2410 0000 2698 0193	1/27/23
2705 Woodstock Rd	Gay Milano	7022 2410 0000 2698 0162	1/27/23
2713 Woodstock Rd	Todd Robles	7022 2410 0000 2698 0179	1/27/23
2697 Woodstock Rd	Robert Elliott	7022 2410 0000 2698 0155	1/27/23
2721 Woodstock Rd	Jane Sheppelman	7022 2410 0000 2698 0131	1/27/23
2689 Woodstock Rd	John Bauccho	7022 2410 0000 2698 0148	1/27/23
Applicant Signature:	<i>David G. Sallaris</i>		Date:



NORTHWEST FLORIDA UNIT
1422 HENDERSON RD
COLUMBUS, OH 43220-9907
(600) 275-5777

01/27/2023 02:58 PM

Product Qty Unit Price

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Weight: 0.10 to 0.35 oz

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Estimated Delivery Date

Mon 01/30/2023

Certified Mail®

Tracking #

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Total \$4.78

First-Class Mail® 1 \$0.63

Letter

Columbus, OH 43221

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Estimated Delivery Date

Mon 01/30/2023

Certified Mail®

Tracking #

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Total \$4.78

First-Class Mail® 1 \$0.63

Letter

Columbus, OH 43221

Weight: 0.10 to 0.35 oz

Estimated Delivery Date

Mon 01/30/2023

Certified Mail®

Tracking #

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Total \$4.78

First-Class Mail® 1 \$0.63

Letter

Columbus, OH 43221

Weight: 0.10 to 0.35 oz

Estimated Delivery Date

Mon 01/30/2023

Certified Mail®

Tracking #

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Total \$4.78

First-Class Mail® 1 \$0.63

Letter

Columbus, OH 43221

Weight: 0.10 to 0.35 oz

Estimated Delivery Date

Mon 01/30/2023

Certified Mail®

Tracking #

7022241000026980139

Total \$4.78



COMMUNITY DEVELOPMENT DEPARTMENT

3400 Tremont Road | Upper Arlington, OH 43221
614-583-5070 | upperarlingtonoh.gov

Revised Jan 2021

Certification of Notice

Applicant Name: David G. Sallaris

Location of property subject to BZAP request: 2712 Swansea Rd.

Describe activity which requires Board of Zoning and Planning review:

We are adding an addition on the back of the home and relocating the garage.

This application will be heard by the Board of Zoning and Planning on: 3/22/2023

Board of Zoning and Planning (BZAP) meetings begin at 6 PM on Tuesdays and are held at the Upper Arlington Municipal Services Center, 3400 Tremont Road, Upper Arlington, Ohio, 43221. Due to the ongoing COVID-19 pandemic, meetings MAY be held remotely via video conference and telephone call-in. Meeting location details and additional instructions will be provided on the Agenda, which is posted on the City's website at www.upperarlingtonoh.gov. For further information, please contact the Planning Division at planning@ua-oh.net.

Your signature below DOES NOT constitute approval or disapproval of the request. Your signature only represents that you have been properly notified of the request. You are encouraged to attend any and all meetings regarding this matter.

Address of Property to be notified	Property Owner Name	Property Owner Signature (or Certified Mail No.)	Date obtained or Mail sent
2720 Swansea Rd.	Gordon Gavin	<i>Gordon Gavin</i>	1/13/23
2704 Swansea Rd.	John & Barb Ulen	<i>Barb Ulen</i>	01/27/2023
2728 Swansea Rd.	Compass Homes	7022 2410 0000 2698 0186	1/27/23
2696 Swansea Rd.	Perry Brannan	7022 2410 0000 2698 0193	1/27/23
2705 Woodstock Rd.	Gay Milano	7022 2410 0000 2698 0187	1/27/23
2713 Woodstock Rd.	Todd Robles	7022 2410 0000 2698 0179	1/27/23
2697 Woodstock Rd.	Robert Elliott	7022 2410 0000 2698 0155	1/27/23
2721 Woodstock Rd.	Jane Sheppelman	7022 2410 0000 2698 0191	1/27/23
2689 Woodstock Rd.	John Bauocco	7022 2410 0000 2698 0148	1/27/23
Applicant Signature: <i>David G. Sallaris</i>		Date: _____	



Dave Saliaris,
2712 Swansea Rd.
Upper Arlington, Ohio 43221

1.27.2023

Hi Neighbors!

This is a notification is to make you aware that we will be undergoing a renovation project. We are adding an addition off the back of the home and relocating the garage. There will be a public hearing held on March 22, 2023 at 6:00 pm in Council Chambers of the Municipal Services Center at 3600 Tremont Road.

All renovations activities will meet construction guidelines, and have variances permits. The variances we're applying for are as follows:

Build new front porch on existing structure; encroaching the 35' building line by ONE foot;

Existing house; on left side, the house currently sits at 7.9 feet from property line and we would like to have the new addition continue along the 7.9 foot setback for 16 feet from side yard because the 7.9 is already existing for main house.

Garage variance; allowing us to build the new garage structure on back side of property

The Building Cover requirement is 29%, which is 2314 sf and we are at 2460.25 sf. So we will need to apply for the variance to increase the "Building Cover" by 3 percent.

32% = 2553.6, which now our Total Building Cover is under.

I hope you won't hesitate to reach out to me if you have any concerns about these plans. You can reach me at 614-230-5216 or by email at dgs527@hotmail.com. I look forward to welcoming you in for a glass of wine when the work is completed.

Kind Regards,

Author: Chad D. Gibson, AICP, Community Development Director

BZAP Meeting Date: Wednesday, April 5, 2023

Subject: Second informal review of a proposed dental office (Hart)

Property Owner/Address: SJH93 LLC, 1917 Northwest Boulevard (zoned B-1)

Proposal

Architect Mr. Tom Pendery will be present to review an updated proposal for a dental office at 1917 Northwest Boulevard, where Avis Car Rental is currently located. The Board may recall this project being introduced at the January 4, 2023 Work Session. Since that time, Amended Major Site Plan Application DEV-01-23 has been filed and plan adjustments have been made. This application was postponed from the March 22, 2023 BZAP agenda so that several details could be finalized including landscaping, sidewalk placement and building design.

A landscape plan has been submitted and reviewed by the City Forester; it includes foundation plantings, parking lot screening and street trees; minor adjustments are needed, and Staff is scheduled to meet on-site with the applicant prior to the Work Session to collaborate.

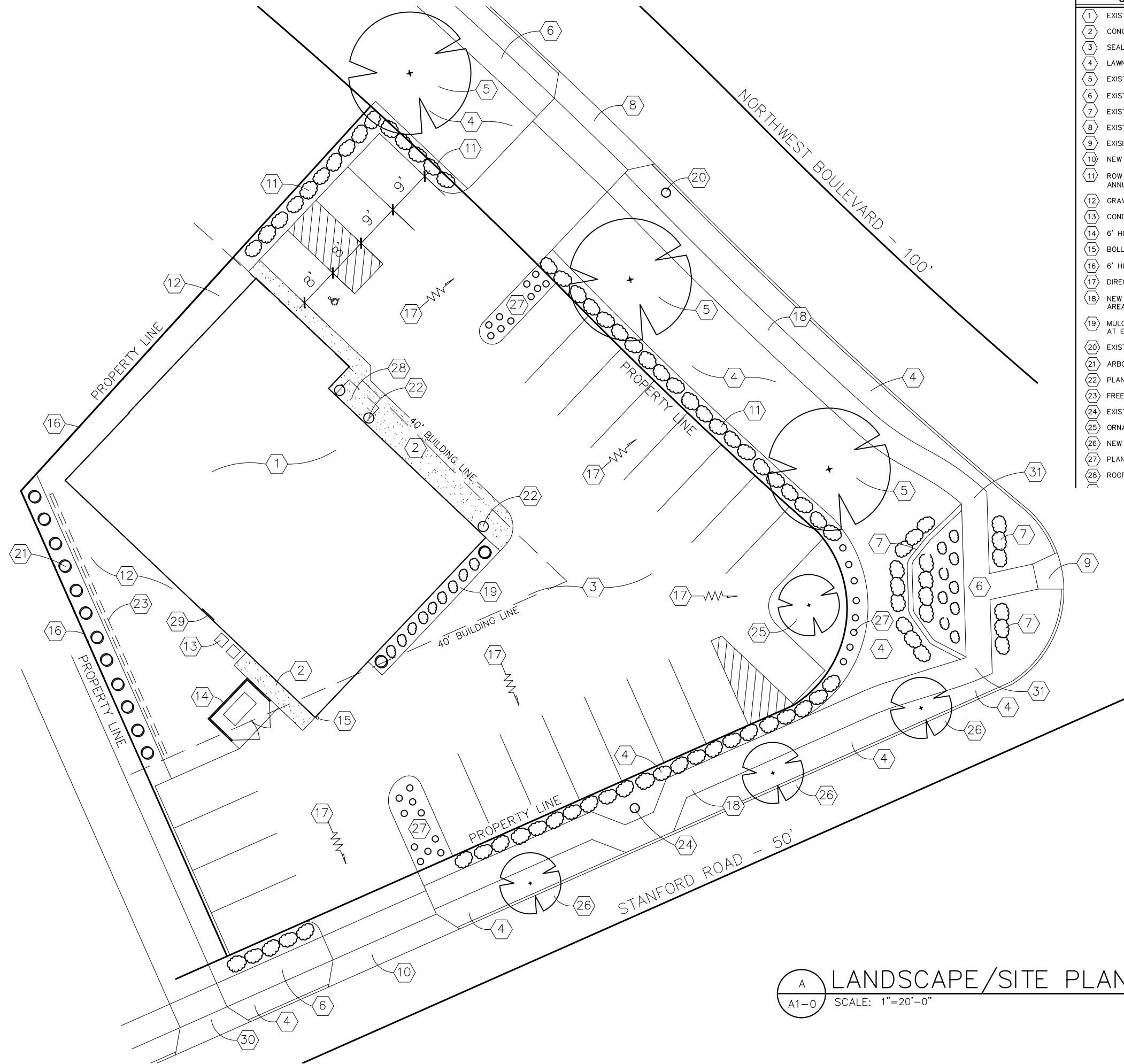
Revised building elevations have been submitted which are a major improvement for this structure and include synthetic stone and painted composite fascia board with dimensional shingles. Two externally illuminated, building-mounted signs are proposed facing each road frontage. A small dumpster enclosure is shown near the southern corner of the building. An old chain-link fence along the southwest property line is being removed and replaced with a six-foot tall privacy fence and landscaping. The Stanford Road driveway is being relocated further from the intersection, and on-site parking for 23 vehicles is now provided.

The applicant is seeking feedback on the revised proposal in advance of a review and vote at the April 19 BZAP meeting. Staff appreciates the applicant's responsiveness to feedback provided by the City team. *[Should all outstanding issues be resolved prior to the Work Session, the application could go directly to the April 19, 2023 BZAP agenda as a consent item.]*

Attachments

1. Updated site and landscape plans with sidewalk layout adjustments
 2. Aerial photo from UA GIS and Google Street Views (Stanford Rd. and Northwest Blvd.)
 3. Revised building elevations
-





- CODED NOTES — LANDSCAPING**
- (1) EXISTING BUILDING.
 - (2) CONCRETE SIDEWALK.
 - (3) SEALED ASPHALT SURFACE WITH STRIPPING.
 - (4) LAWN.
 - (5) EXISTING MATURE DECIDUOUS TREES.
 - (6) EXISTING 5' WIDE CITY SIDEWALK.
 - (7) EXISTING LANDSCAPE AREA WITH STONE WALL BY CITY.
 - (8) EXISTING CURB CUT
 - (9) EXISTING CURB RAMP.
 - (10) NEW CURB CUT.
 - (11) ROW OF BOXWOOD IN 4' WIDE MULCH BED. PROVIDE ANNUAL BULB GROUPING AT 10' O.C. ON STREET SIDE.
 - (12) GRAVEL FILL THIS AREA.
 - (13) CONDENSING UNITS.
 - (14) 6' HIGH WOODEN DUMPSTER ENCLOSURE.
 - (15) BOLLARD.
 - (16) 6' HIGH WOODEN PRIVACY FENCE TO BUILDING SETBACK
 - (17) DIRECTION OF RUNOFF.
 - (18) NEW 5' WIDE CONCRETE SIDEWALK WITH 5' WIDE GRASS AREA TO CURB.
 - (19) MULCHED BED WITH BOXWOODS AND (1) ARBORETUM AT EACH END.
 - (20) EXISTING CITY POLE MOUNTED LIGHT.
 - (21) ARBORETUM AT 5' O.C. IN 24" WIDE MULCH BED.
 - (22) PLANTERS.
 - (23) FREE STANDING BLOCK WALL TO BE REMOVED.
 - (24) EXISTING POWER POLE.
 - (25) ORNAMENTAL DOGWOOD TREE IN MULCH BED.
 - (26) NEW SUGAR MAPLE TREE.
 - (27) PLANTING BED WITH PURRSIAN BLUE CATMINT.
 - (28) ROOF ABOVE AT ENTRY.

A LANDSCAPE/SITE PLAN
A1-0 SCALE: 1"=20'-0"

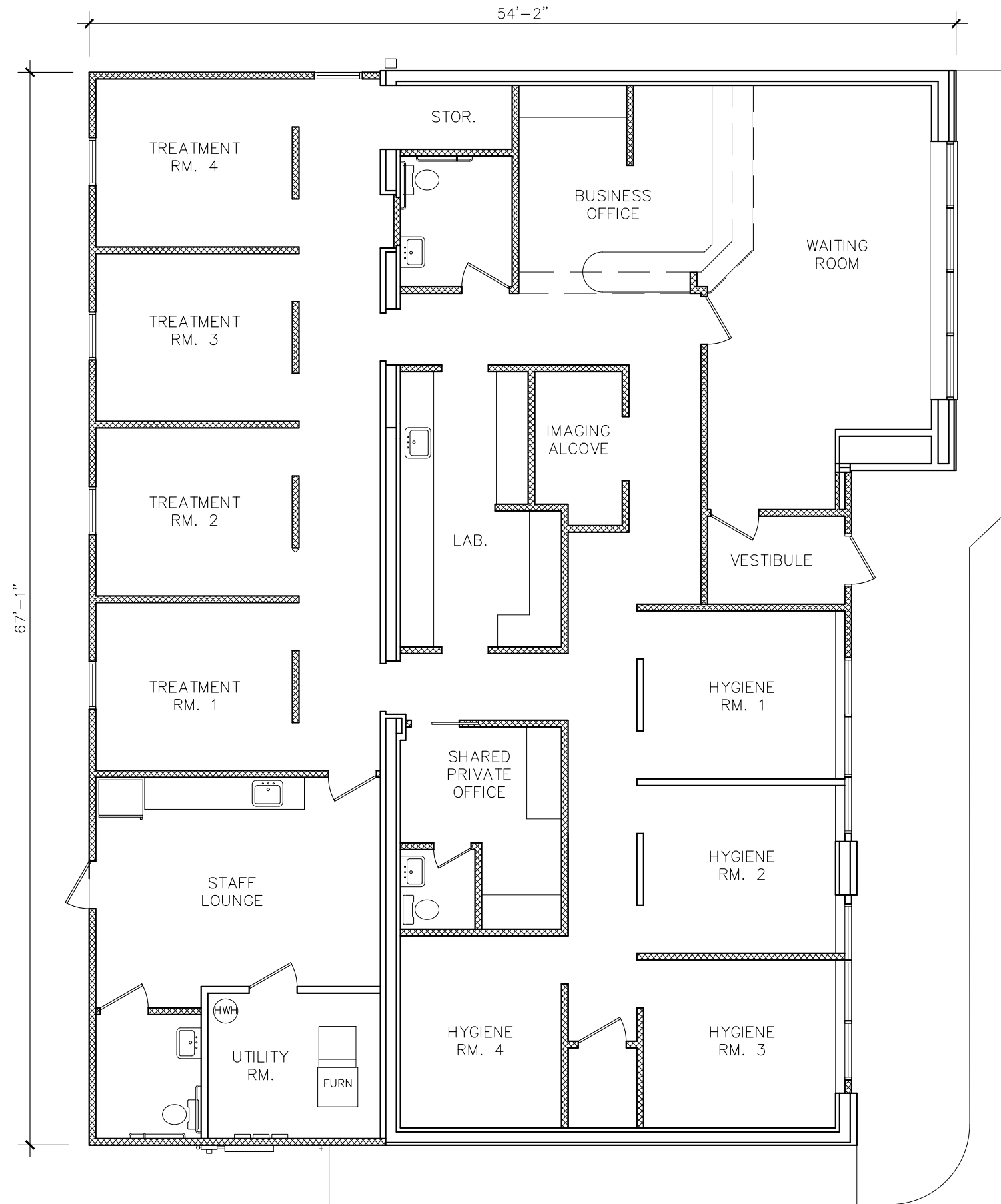


JLB
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3940 Riverside Drive, Suite 1102, Columbus, Ohio 43221
PH 614/488.8814 FX 614/488.7224 E-mail: jlb@jlbdesign.com

BUILDING AND SITE RENOVATION
STEVEN HART, DDS
1917 NORTHWEST BOULEVARD
COLUMBUS, OHIO 43212

REV.	ISSUE	DATE

DATE
29 MARCH 2023
DRAWING
**LANDSCAPE
/SITE PLAN**
SHEET NUMBER
A1-0
JLB PROJECT #22012



FLOOR PLAN

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

WALL LEGEND	
	EXISTING MASONRY OR FRAMED WALLS
	NEW OR ALTERED FRAMED WALLS

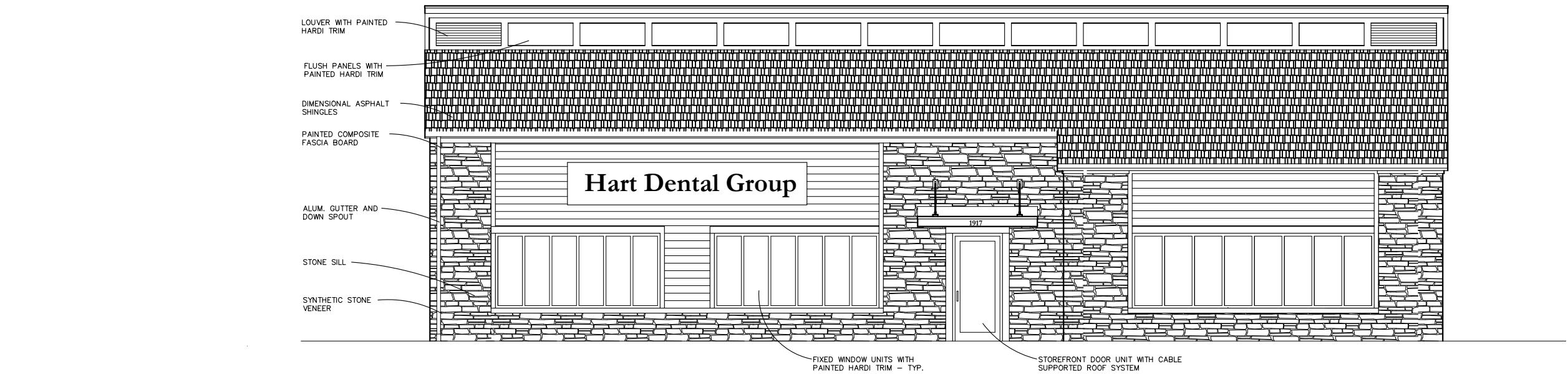
REV.	ISSUE	DATE

DATE
29 MARCH 2023
DRAWING

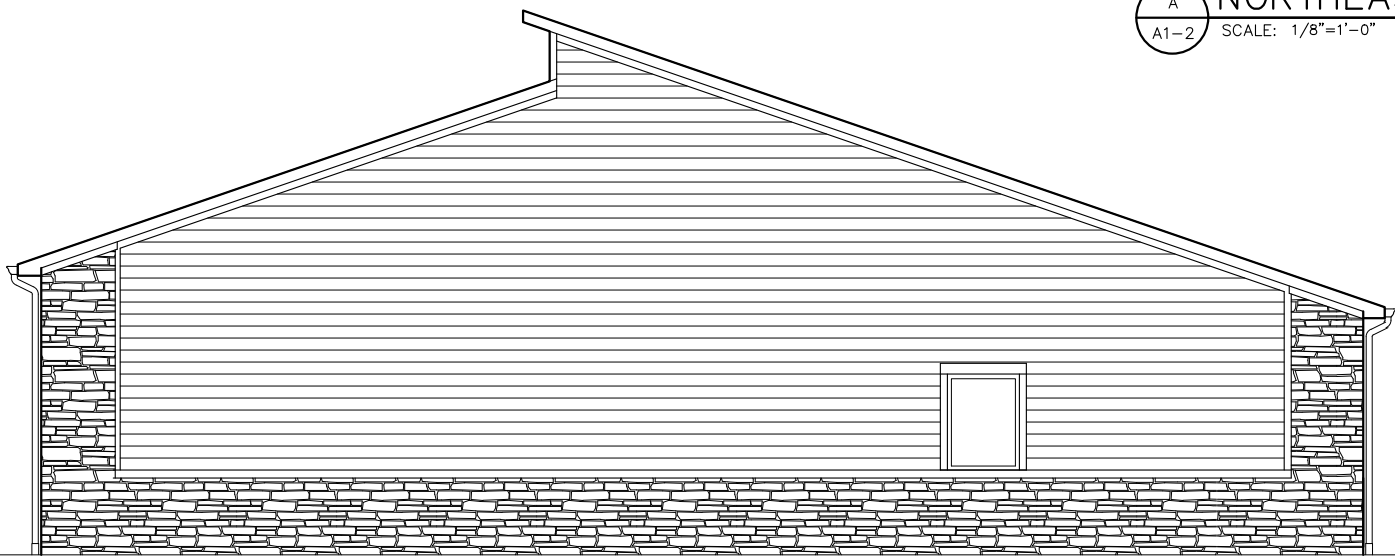
FLOOR PLAN
SHEET NUMBER
A1-1
JLB PROJECT #22012

BUILDING AND SITE RENOVATION
STEVEN HART, DDS
1917 NORTHWEST BOULEVARD
COLUMBUS, OHIO 43212

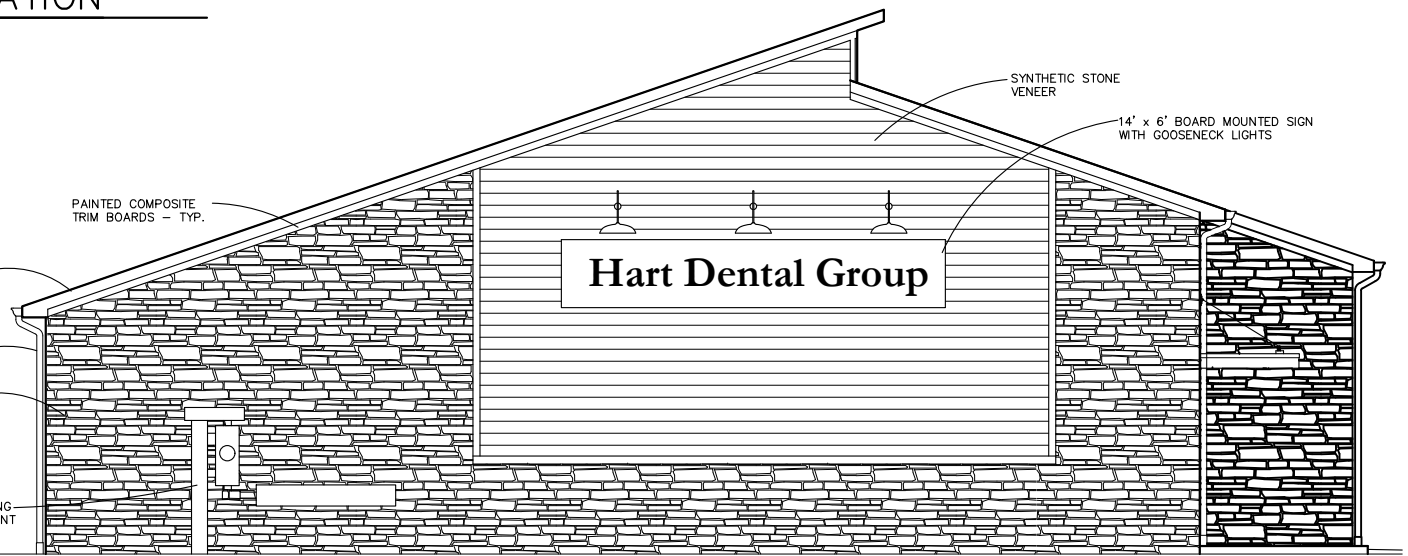
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3940 Riverside Drive, Suite 112, Columbus, Ohio 43221
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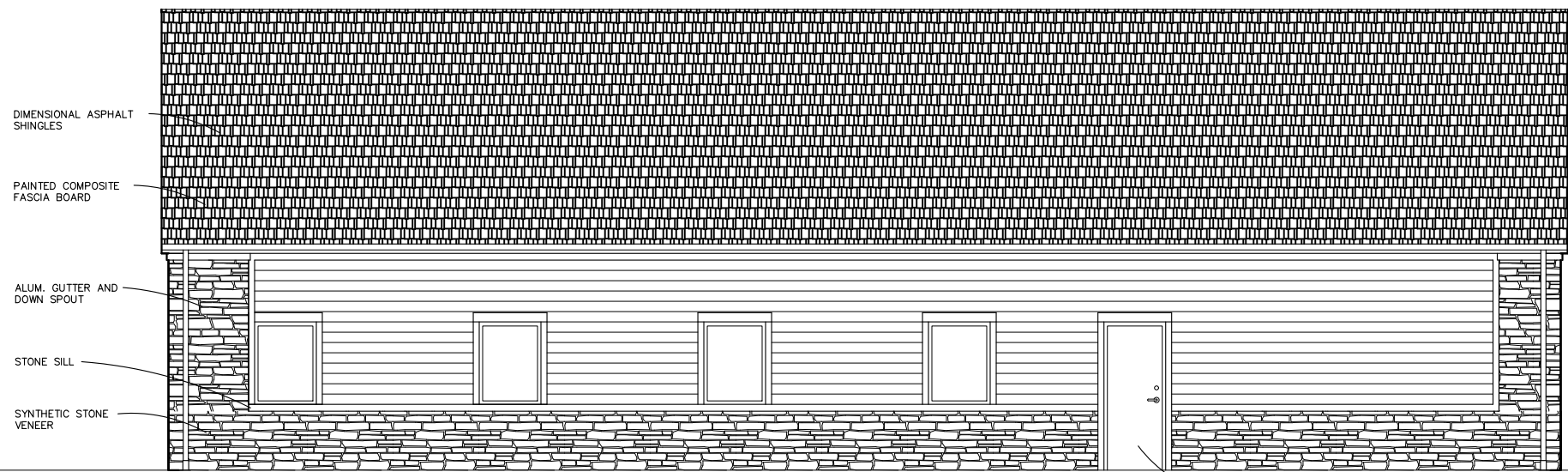
A
A1-2
NORTHEAST ELEVATION
SCALE: 1/8"=1'-0"



C
A1-2
NORTHWEST ELEVATION
SCALE: 1/8"=1'-0"



B
A1-2
SOUTHEAST ELEVATION
SCALE: 1/8"=1'-0"



D
A1-2
SOUTHWEST ELEVATION
SCALE: 1/8"=1'-0"

EXTERIOR FINISH MATERIALS					
ELEVATION	TOTAL SF	STONE SF	SIDING SF	GLAZING SF	% STONE
NORTHEAST	880	471	219	190	53.5
NORTHWEST	854	241	601	12	28.6
SOUTHEAST	764	382	382	0	50
SOUTHWEST	690	277	336	77'	41.1
BUILDING	3,188	1,371	1,548	279	43

NOTES: 1. INCLUDES STEEL DOOR.

REV.	ISSUE	DATE



A
A0-1
RENDERING
SCALE: NA

#JLBdesign
JLB DESIGN, INC. ARCHITECTS AND PLANNERS, A.L.A.
3940 Riverside Drive, Suite 1102, Columbus, Ohio 43221
PH 614/488-8814 FX 614/488-7224 E-mail: info@jlbdesign.com

BUILDING AND SITE RENOVATION
STEVEN HART, DDS
1917 NORTHWEST BOULEVARD
COLUMBUS, OHIO 43212

REV.	ISSUE	DATE

DATE
29 MARCH 2023
DRAWING
RENDERING
SHEET NUMBER
A0-1
JLB PROJECT #22012



23-333

Site Plan Application

Status: Active

Date Created: Jan 23, 2023

Applicant

Jim Bender
jbender@jlbender.com
3040 Riverside Drive -suite 132
upper arlington, ohio 43221
6145607020

Primary Location

1917 NORTHWEST BL
UPPER ARLINGTON, OH 43212

Owner:

MERULLO REALTY CO INC
0 0

BZAP Information

BZAP Case

DEV-01-23

BZAP Review Date

03/22/2023

Status

Pending

Development Information

Development Name

Hart Dental

Proposed Tenants (if available)

Hart Dental

Description of Development

Redevelopment of an existing car rental business for a proposed dental office.

Site Area (in SF)

14,890

Total Development Size (in SF)

14,890

of Stories

1

Building Height (from grade)

24

of Parking Spaces

22

Total Development Coverage (in %)

83

Application Information

Application Type

Amended

How will this development comply with the zoning standards found in the City's Unified Development Ordinance?

How will this development comply with the goals and objectives listed in the City's Master Plan?

This building will be an asset to the community for years to come.

Briefly explain how potential impacts on the adjoining neighborhood will be mitigated.

We feel the enhancements shown on this building will greatly improve the look of the neighborhood. It completely renovates the exterior of the existing building and site which has been in need of upgrades for years. It will also serve the neighborhood in a much more useful way as a dentist's office as opposed to a car rental business.

what are the primary goals and objectives for this development.

History

Date	Activity
Jan 23, 2023 at 3:49 pm	Jim Bender started a draft of Record 23-333
Jan 23, 2023 at 4:21 pm	Jim Bender submitted Record 23-333
Jan 23, 2023 at 4:21 pm	Justin Milam altered approval step Send Plans to COTA & UA Schools, changed status from Inactive to Skipped on Record 23-333
Jan 27, 2023 at 10:08 am	Justin Milam assigned approval step Application Complete & Scheduled for BZAP Review to Justin Milam on Record 23-333
Mar 7, 2023 at 10:21 am	Justin Milam changed BZAP Review Date from "02/15/2023" to "03/22/2023" on Record 23-333
Mar 8, 2023 at 12:12 pm	Justin Milam added a guest: bwinter5@att.net to Record 23-333
Mar 8, 2023 at 12:12 pm	Justin Milam added a guest: tpendery@jlbender.com to Record 23-333
Mar 10, 2023 at 3:40 pm	Justin Milam added attachment Hart Dental notice.pdf to Record 23-333
Mar 10, 2023 at 3:40 pm	Justin Milam added attachment 22012 A1-1 Rendering.pdf to Record 23-333
Mar 10, 2023 at 3:41 pm	Justin Milam changed Description of Development from "N/A" to "Redevelopment of an existing car rental business for a proposed dental office." on Record 23-333
Mar 10, 2023 at 3:42 pm	Justin Milam changed Briefly explain how potential impacts on the adjoining neighborhood will be mitigated. from "See attached." to "We feel the enhancements shown on this building will greatly improve the look of the neighborhood" on Record 23-333
Mar 10, 2023 at 3:42 pm	Justin Milam changed What are the primary goals and objectives for this development. from "See attached." to " " on Record 23-333
Mar 10, 2023 at 3:42 pm	Justin Milam changed How will this development comply with the goals and objectives listed in the City's Master Plan? from "See attached." to "This building will be an asset to the community for years to come." on Record 23-333
Mar 10, 2023 at 3:42 pm	Justin Milam changed How will this development comply with the zoning standards found in the City's Unified Developmen from "See attached." to " " on Record 23-333

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Send Plans to COTA & UA Schools	Skipped	-	Jan 23, 2023 at 4:21 pm	-	-
 Application Fees	Active	Jan 23, 2023 at 4:21 pm	-	-	-
 Application Complete & Scheduled for BZAP Review	Inactive	-	-	Justin Milam	-
 Board of Zoning & Planning Review	Inactive	-	-	-	-
 BZAP Result	Inactive	-	-	-	-
 No Appeals	Inactive	-	-	-	-

February 15, 2023



JL Bender, Inc Architects And Planners, A.I.A.
3040 Riverside Dr. Suite 132 Columbus, Ohio 43221
P.614/488.8814 F.614/488.7224 E.info@JLBender.com

Property Owner

Re: Proposed Renovation at 1917 Northwest Boulevard

Attn Property Owner:

Dr. Steven Hart, property owner at 1917 Northwest Blvd. is proposing to renovate and upgrade the site and building that is currently being used as a rental car agency. The proposed plan is a dental clinic for Dr. Hart.

- A. The building is remaining the same size, profile and location on the size.
- B. The building will receive new exterior wall finishes of stone and Hardie siding and new windows.
- C. The building will receive a new shake shingle roof.
- D. Parking will be altered and increased to approximately twenty-two spaces; the urb cut on Northwest Blvd. will remain as existing but will be modified and the Stanford curb cut will be relocated further to the west, away from the main intersection
- E. Areas of perimeter bushes will be removed and replaced with some that have a lower profile and are more up to date to present the upgraded building in a better neighborhood setting.
- F. The project, as designed, will not require any variances from the building or zoning code.
- G. The "no parking" signs along Stanford will remain in place.

An open hearing regarding the project and proposed changes will be held on Wednesday, March 22, 2023 at 6:00 p.m. in the council chamber of the Upper Arlington Municipal Building at 3600 Tremont Road Upper Arlington, Ohio 43221. The project will be an asset to the local area and will be a benefit to the City of Upper Arlington.

Sincerely,

Jim Bender, President, AIA, NCARB and Agent for Dr. Steven Hart

JB:bw

Heather A. Gillie
Timothy K. Ball
1934 Elmwood Avenue
Columbus, Ohio 43212

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

J-Mar Properties Ltd.
1901-1905 Northwest Blvd.
Columbus, Ohio 43212

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

Donald V. Frizzell
5804 Corte Mente
Pleasanton, CA 94566

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

Kimberly Cuccia
1630 W. 3rd Avenue
Columbus, Ohio 43212

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

Robert Volpe
1936-1942 Northwest Blvd.
Columbus, Ohio 43212

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

TAMSAC Ltd.
1920 Northwest Blvd.
Columbus, Ohio 43212

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

Michael L. Grilliot
1558 Stanford Road
Columbus, Ohio 43212

JL Bender, Inc.
3040 Riverside Dr. #132
Columbus, Ohio 43221

Samuel S. Nemer
2412 Wenbury Road
Columbus, Ohio 43220

First-Class Mail® 1 \$0.63
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 Columbus, OH 43212
 Weight: 0 lb 0.30 oz
 Estimated Delivery Date
 Fri 02/24/2023
 Certified Mail® \$4.15
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Total \$4.78

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Total \$4.78

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Grand Total: \$50.84

Debit Card Remit \$50.84
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 Account #: XXXXXXXXXXXXX7230
 Approval #: 021050
 Transaction #: 828
 Receipt #: 026733
 Debit Card Purchase: \$50.84
 AID: A0000000980840 Chip
 AL: US OEBIT
 PIN: Verified

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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NORTHWEST FINANCE UNIT
 1822 HENDERSON RD
 COLUMBUS, OH 43220-9997
 (800)275-8777

01/22/2023 01:10 PM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.63
Columbus, OH 43212			
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Estimated Delivery Date			
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Total			\$4.78

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Columbus, OH 43212			
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Total			\$4.78

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Columbus, OH 43212			
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Tracking #: 70222410000026977421			
Total			\$4.78

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Columbus, OH 43212			
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Estimated Delivery Date			
Fri 02/24/2023			
Certified Mail®			\$4.15
Tracking #: 70222410000026977421			
Total			\$4.78



JLBender inc.
JL BENDER INC. ARCHITECTS AND PLANNERS AIA.
3040 REVEREND DRIVE, SUITE 132, COLUMBUS, OHIO 43221
PH 614-468-8814 FX 614-468-7224 EMAIL INFO@JLBENDER.COM

BUILDING AND SITE RENOVATION
STEVEN HART, DDS
1917 NORTHWEST BOULEVARD
COLUMBUS, OHIO 43212

REV.	ISSUE	DATE

A
AI-1 **RENDERING**
SCALE: NA

DATE
14 NOVEMBER 2022
DRAWING
PRELIMINARY
RENDERING
SHEET NUMBER
A1-1
JLB PROJECT #22012



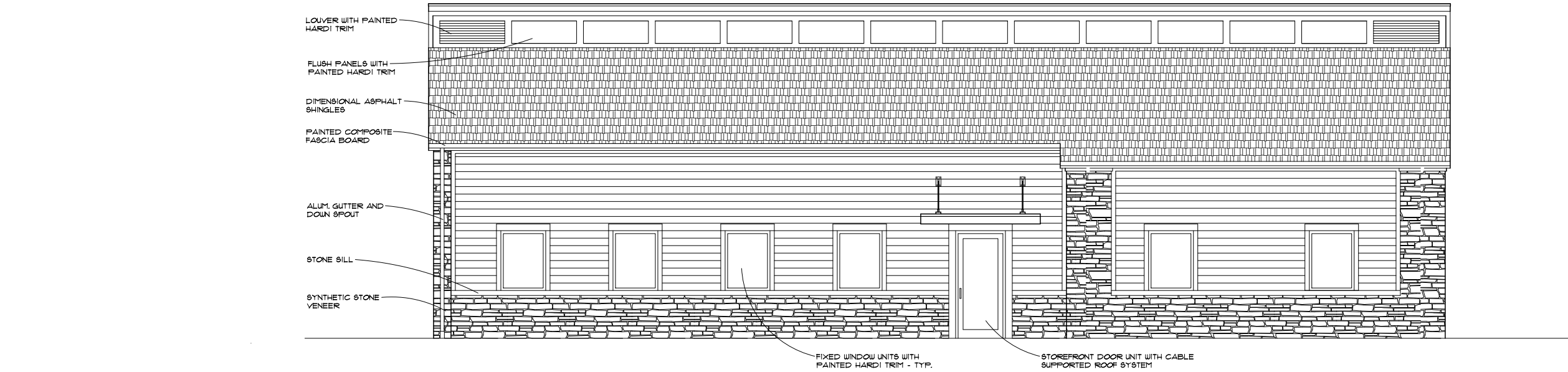
RENDERING
SCALE: NA

JLB
JLB BENDER, INC. ARCHITECTS AND PLANNERS AIA
3040 Riverside Drive, Suite 132, Columbus, Ohio 43221
PH 614-468-8814 FX 614-468-7224 EMAIL INFO@JLBENDER.COM

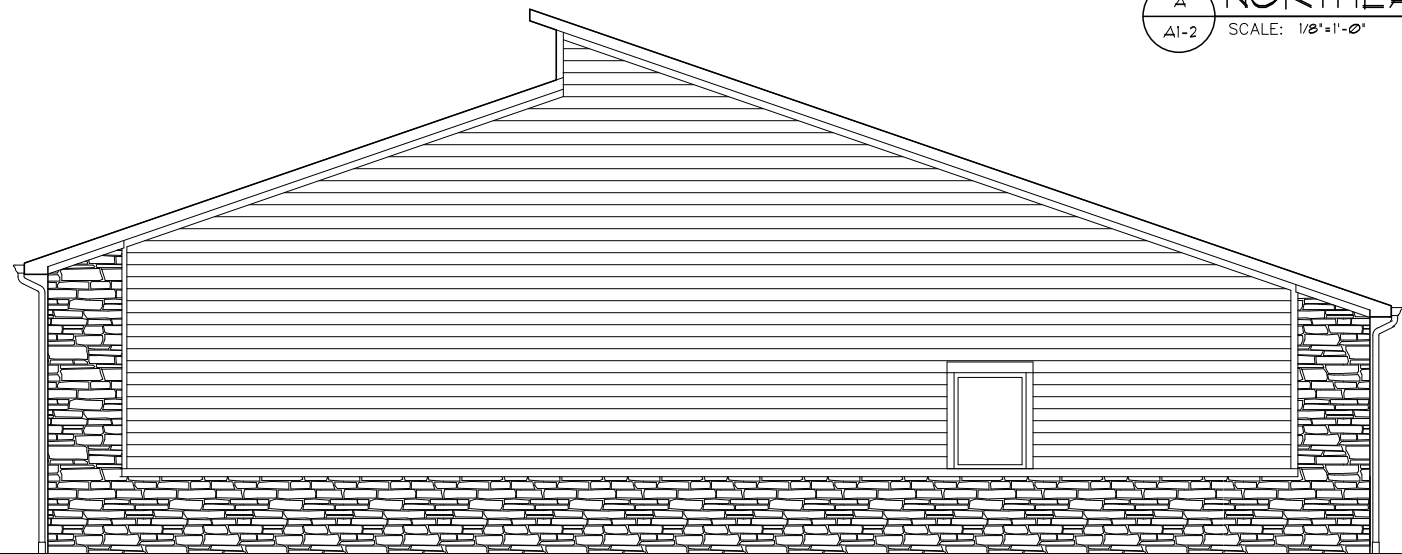
BUILDING AND SITE RENOVATION
STEVEN HART, DDS
1917 NORTHWEST BOULEVARD
COLUMBUS, OHIO 43212

REV.	ISSUE	DATE

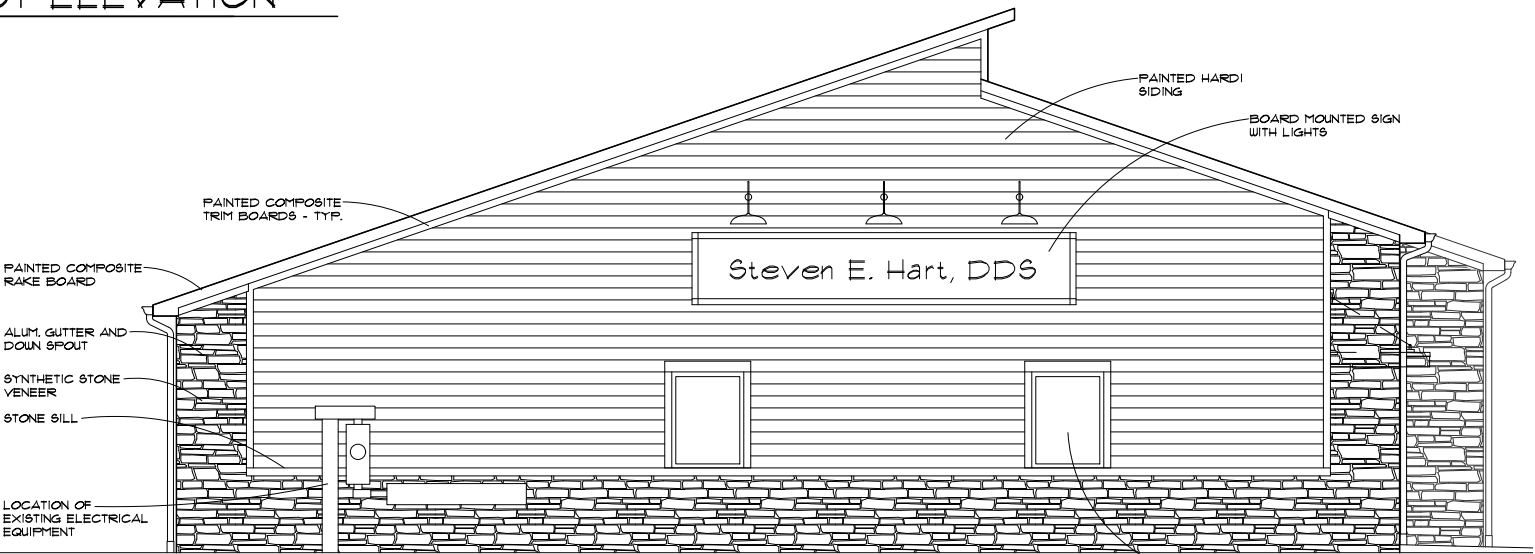
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1 MARCH 2023
DRAWING
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SHEET NUMBER
A0-1
JLB PROJECT #22012



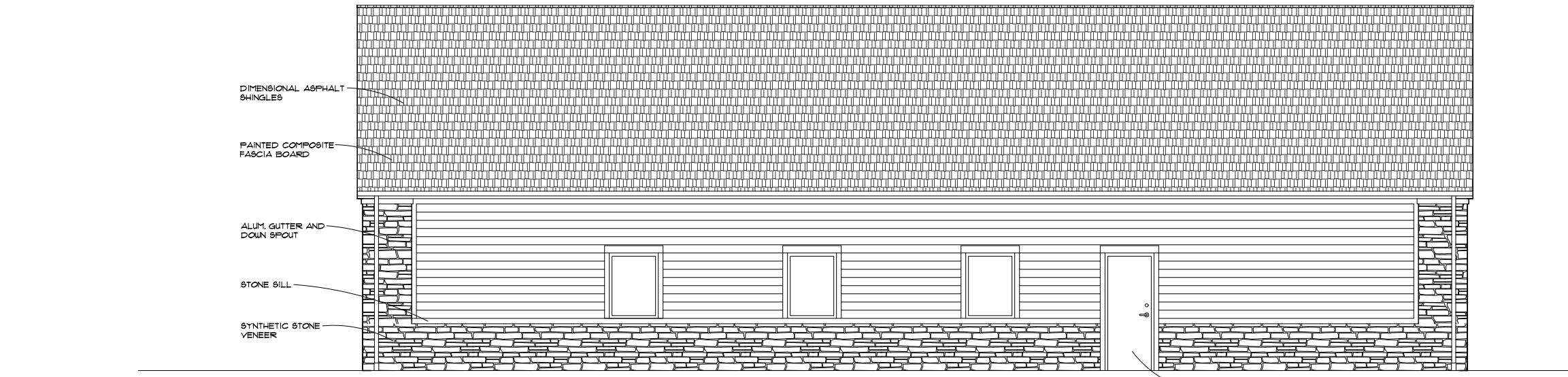
A
A1-2
NORTHEAST ELEVATION
SCALE: 1/8"=1'-0"



C
A1-2
NORTHWEST ELEVATION
SCALE: 1/8"=1'-0"



B
A1-2
SOUTHEAST ELEVATION
SCALE: 1/8"=1'-0"

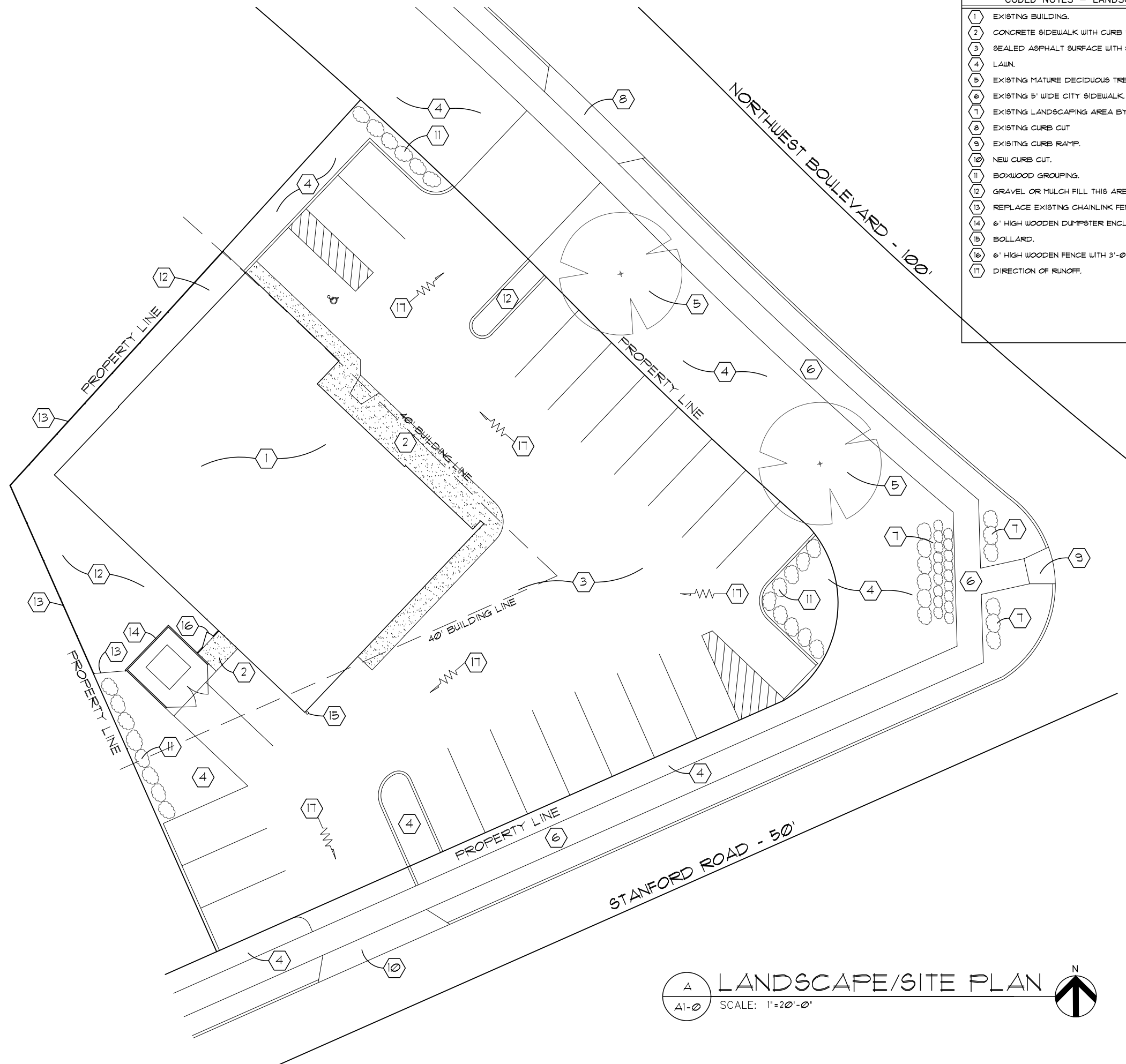


D
A1-2
SOUTHWEST ELEVATION
SCALE: 1/8"=1'-0"

EXTERIOR FINISH MATERIALS					
ELEVATION	TOTAL SF	STONE SF	SIDING SF	GLAZING SF	% STONE
NORTHEAST	901	264	540	96	30
NORTHWEST	870	243	615	12	28
SOUTHEAST	818	230	564	24	28
SOUTHWEST	712	249	406	57	35

NOTES: 1. INCLUDES STEEL DOOR.

REV.	ISSUE	DATE



CODED NOTES — LANDSCAPING	
1	EXISTING BUILDING.
2	CONCRETE SIDEWALK WITH CURB RAMP.
3	SEALED ASPHALT SURFACE WITH STRIPPING.
4	LAWN.
5	EXISTING MATURE DECIDUOUS TREES.
6	EXISTING 5' WIDE CITY SIDEWALK.
7	EXISTING LANDSCAPING AREA BY CITY.
8	EXISTING CURB CUT
9	EXISTING CURB RAMP.
10	NEW CURB CUT.
11	BOXWOOD GROUPING.
12	GRAVEL OR MULCH FILL THIS AREA.
13	REPLACE EXISTING CHAINLINK FENCING.
14	6' HIGH WOODEN DUMPSTER ENCLOSURE.
15	BOLLARD.
16	6' HIGH WOODEN FENCE WITH 3'-0" WIDE GATE.
17	DIRECTION OF RUNOFF.

JLB

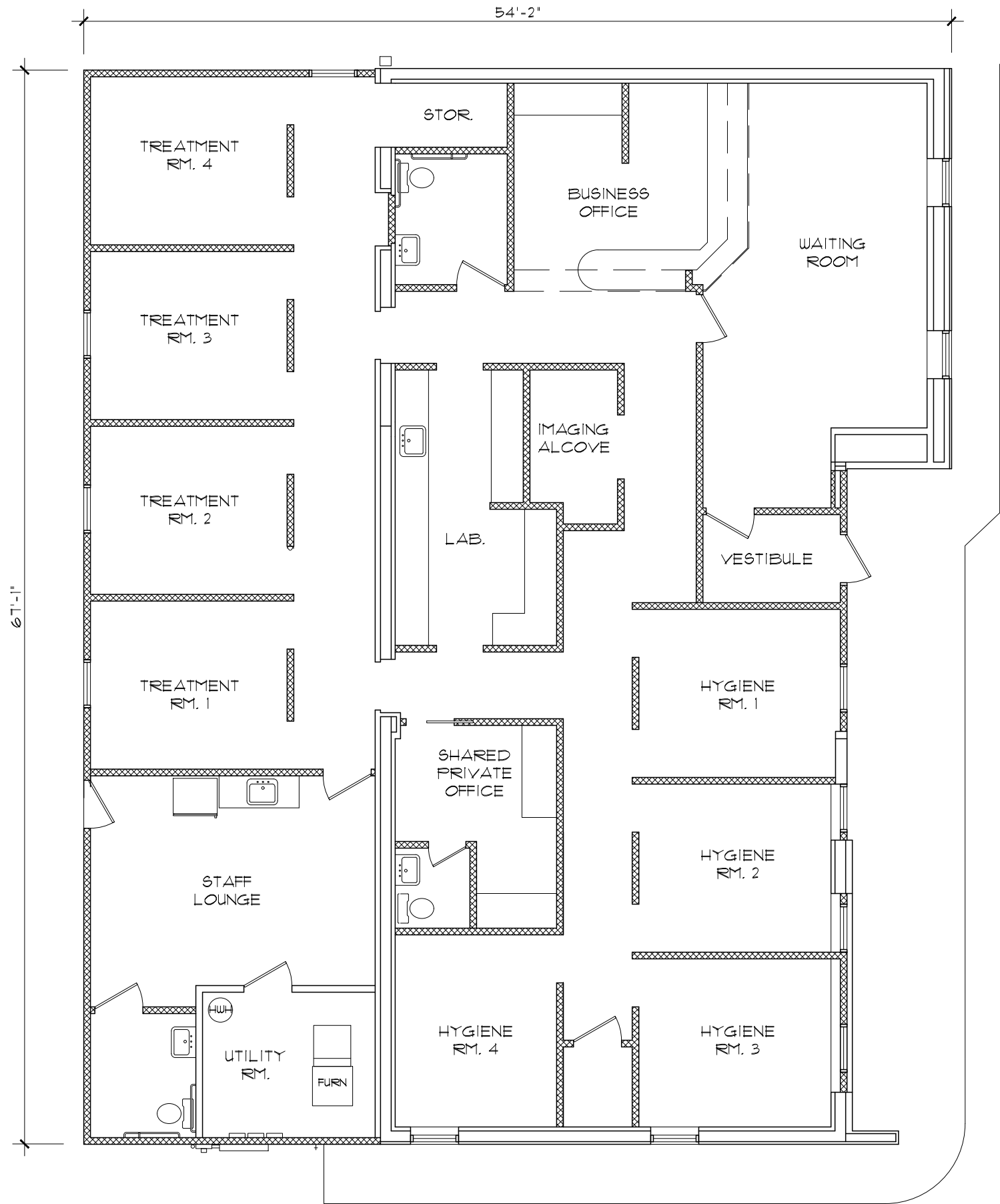
JL BENDER INC. ARCHITECTS AND PLANNERS A.I.A.
 3540 RIVERBEND DRIVE, SUITE 132, COLUMBUS, OHIO 43221
 PH 614-468-8814 FX 614-468-7224 EMAIL INFO@JLBENDER.COM

BUILDING AND SITE RENOVATION
STEVEN HART, DDS
 1917 NORTHWEST BOULEVARD
 COLUMBUS, OHIO 43212

REV.	ISSUE	DATE

DATE
1 MARCH 2023
DRAWING
LANDSCAPE
/SITE PLAN
SHEET NUMBER
A1-0
JLB PROJECT #22012

LANDSCAPE/SITE PLAN
 SCALE: 1"=20'-0"
 N



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

WALL LEGEND	
	EXISTING MASONRY OR FRAMED WALLS
	NEW OR ALTERED FRAMED WALLS

REV.	ISSUE	DATE



Author: Justin Milam, AICP, Senior Planner

BZAP Meeting Date: Wednesday, April 5, 2023

Subject: Informal review of a proposed garage addition and swimming pool renovation.

Property Owner/Address: 1980 Hillside LLC, 1980 Hillside Drive (zoned R-1c)

Proposal

Applicant Mr. Joel Burke will be present to introduce and seek the Board's direction on proposed renovations to [1980 Hillside Drive](#), located at the sloped eastern corner of Hillside Drive and Upper Chelsea Road. The proposal includes two separate projects for the new owners: a garage addition and a renovation of an existing swimming pool, both requiring approval of plat amendment from City Council (see [UDO Article 4.06F](#)). The proposed garage addition projects up to 34 feet into the 40-foot Upper Chelsea Road right-of-way, while the swimming pool area projects up to 88 feet into the 140-foot Hillside Drive front yard. A freestanding pavilion is also located within the Hillside Drive front yard and would require a variance. Staff has strongly recommended that the applicant explore options that would not require review of a plat amendment application by City Council, but certainly understands the challenges of this lot.

The property has a long [history](#) of zoning requests, which have included front yard, rear yard, swimming pool and fence variances (see attached).

Zoning Code Requirements (variances)

- To UDO Article 6.09 to permit the alteration and expansion of a fenced-in swimming pool area in the Hillside Drive front yard; and
- To UDO Article 6.09 to permit the construction of a free-standing pergola located within the Hillside Drive front yard.

Attachments

1. Proposed plan and elevations
2. Variance history for 1980 Hillside Drive



23-1239**Informal BZAP Review****Status:** Active**Date Created:** Mar 29, 2023**Applicant**

Joel Burke
joelrburke@gmail.com
794 S Pearl Street
Columbus, OH 43206
614-565-0844

Primary Location

1980 HILLSIDE DR
UPPER ARLINGTON, OH 43221

Owner:

1980 HILLSIDE LLC
1980 HILLSIDE COLUMBUS, OH 0

Informal Review Request**Work Session Review Date**

04/05/2023

Nature of the Request

We are requesting a preliminary review for 2 potential projects on the site including the addition/expansion of a garage and the renovation/expansion of an existing pool.

Potential Variances

Both projects would encroach over the building set back lines

Questions for the Board to answer

1: What is the viability of the garage addition and what is the potential process for formal review? Other than needing to restructure the existing retaining walls, the current garage (below the second floor) was built in such a way that it cannot accommodate a vehicle larger than a sedan (in height). The goal of the addition would be to construct a functional garage while keeping the overall height to a minimum to take advantage of the grade change and not detrimentally impact the visibility of the existing neighborhood.

2: What level of renovation / rework of the existing pool would trigger a new variance? I do not believe we have seen documentation of when the current pool was approved, perhaps nearer the time of the original construction. Given that the pool currently encroaches into the setbacks what would be the process to get approval for either a repair of the existing conditions (retaining walls, etc) and/or expansion including a covered area adjacent to the pool? Although not currently developed the natural landscape screening of that area of the property would be part of a subsequent submittal for consideration.

Work Session Review**Direction Provided by BZAP**

--

Attachments

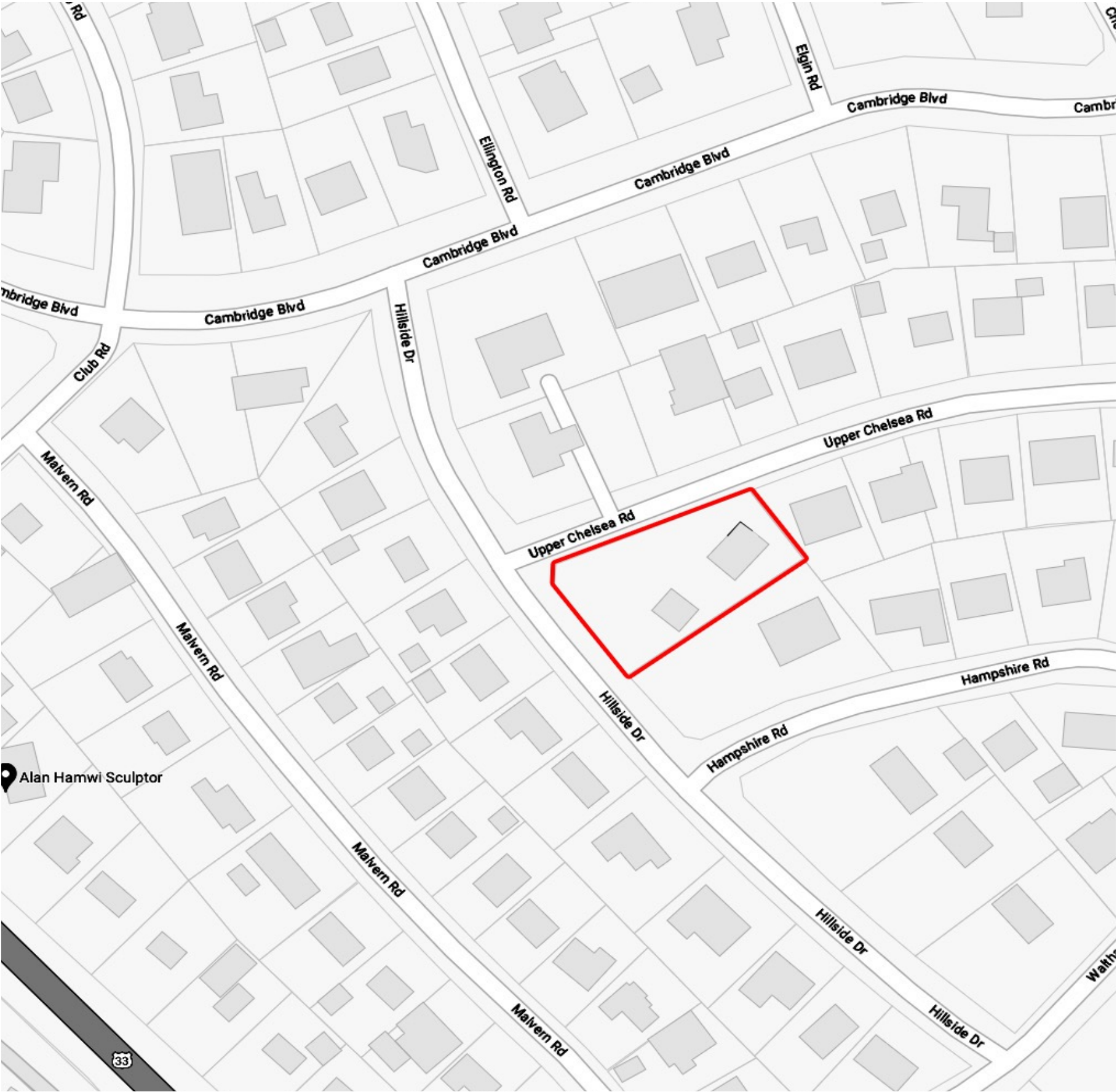
 230328 1980 Hillside Drive Informal BZAP Review.pdf
Uploaded by Joel Burke on Mar 29, 2023 at 1:34 pm

History

Date	Activity
Mar 29, 2023 at 12:02 pm	Joel Burke started a draft of Record 23-1239
Mar 29, 2023 at 12:04 pm	Joel Burke altered Record 23-1239, changed ownerName from "WOLF EDWARD" to "1980 HILLSIDE LLC"
Mar 29, 2023 at 1:34 pm	Joel Burke submitted Record 23-1239
Mar 29, 2023 at 1:34 pm	approval step Scheduled for Informal Review at Board of Zoning and Planning Work Sessionwas assigned to Justin Milam on Record 23-1239

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Scheduled for Informal Review at Board of Zoning and Planning Work Session	Active	Mar 29, 2023 at 1:34 pm	-	Justin Milam	-
 Informal Review by the Board of Zoning and Planning	Inactive	-	-	-	-



Our client took ownership of the property in June 2022. To prepare the home for his family he has requested the investigation of 2 potential projects to the exterior of the property, both of which will need Upper Arlington BZAP Approval via variances. We believe the BZAP is somewhat familiar with the uniqueness of the property given its corner lot location and setback limitations along this portion of Hillside Dr. We had a brief discussion with Justin Milam about the projects and he recommended the next step was to apply for the informal hearing. Below is a description of each project along with the driving factors and considerations for the proposal.

GARGAE EXPANSION

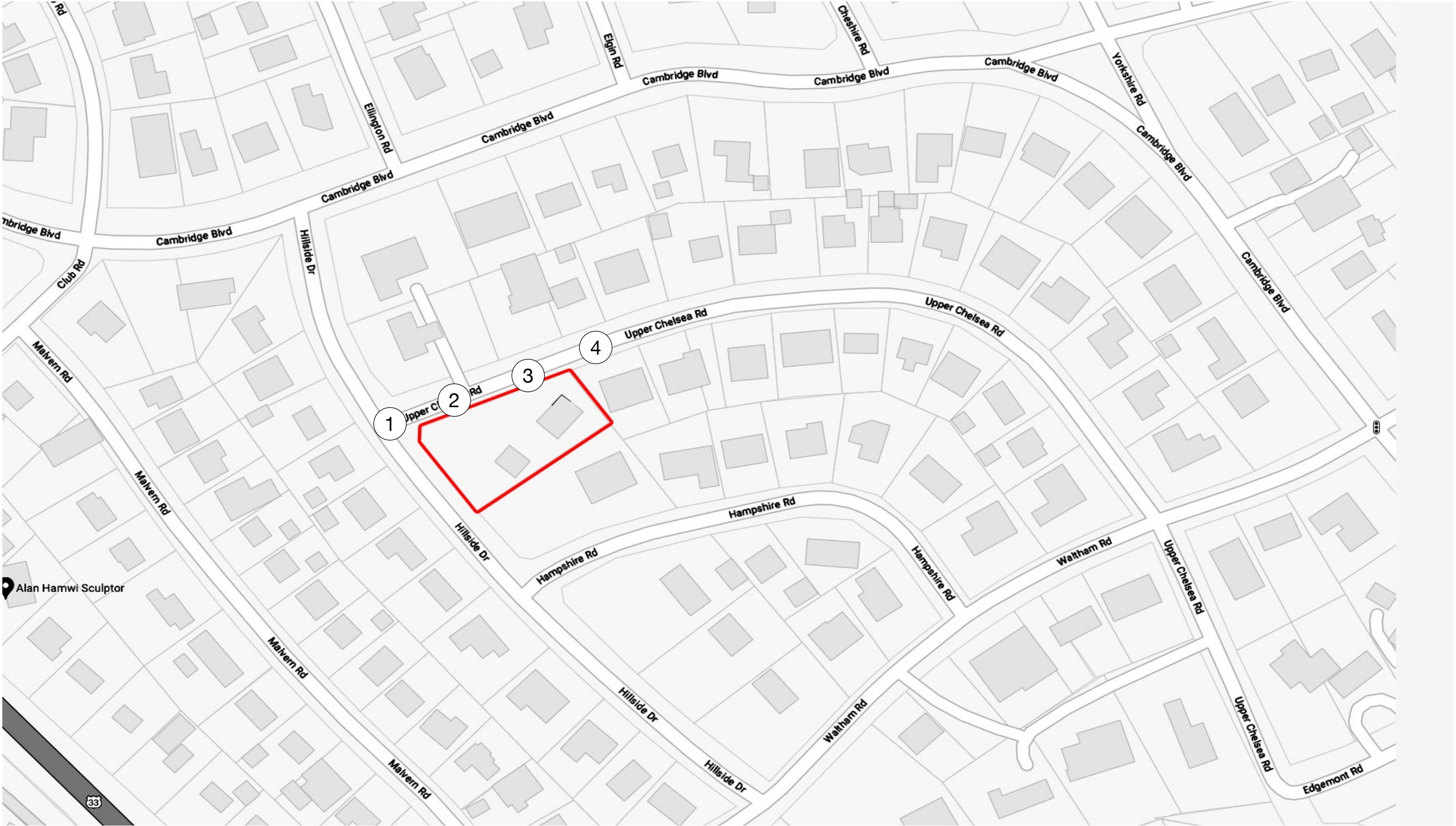
Currently the existing garage is below the upper story of the home to the north side of the property. Given the site configuration and topography the garage is built below grade compared to the adjacent property. The driveway access is provided by existing retaining walls. These existing retaining walls show a noticeable lean and will need to be repaired as part of a future project.

The construction of the garage (precast concrete planks over W-Section beams) prevents the client’s vehicles (pickup truck and large SUV) from occupying the current space (bottom of beams 6’-2” clearance). The goal of the addition / expansion would be to provide the code required clearances for a standard garage (depth and clear height) to the north of the property in the area of the current driveway. Understanding that the addition encroaches into the 40’ setback to that side of the property we propose that we create a single-story addition with a low roof to mimic the existing architecture of the house, a majority of which would visibly be below the adjacent grades to preserve the existing sight-lines and character of the neighborhood.

POOL RENOVATION

The current pool construction maintains a higher base elevation towards the house and relies on a tall retaining wall to the west to maintain its elevation. We understand that this pool likely needed a variance in the past given its encroachment into the setback to the west but we were unable to locate any of the historical / variance records for the existing pool thus far. The retaining wall shows signs of failure and will need repaired / replaced to solidify its construction. As part of that extent of work the client would like to modify the pools perimeter, increasing the footprint to the west. This would allow them to rebuild the pool to current standards and update all the surrounding hardscape finishes. The client would also like to add a covered area adjacent to the pool for shade and privacy. Although not currently developed this project would also entail a landscape / planting component to maintain the privacy and neighborhood aesthetic of the current property.

For both projects we would like to discuss with the group initial feedback to the proposals and discuss the validity and challenges of the each project under the Upper Arlington Ordinances and possible next steps with the BZAP to help our client understand possible next steps.





LOOKING EAST



LOOKING NORTHEAST



LOOKING SOUTHEAST



LOOKING SOUTHWEST



Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX:614-235-4559

A Mortgage Location Survey prepared for and certified to:
Talon Title and/or NFM Lending

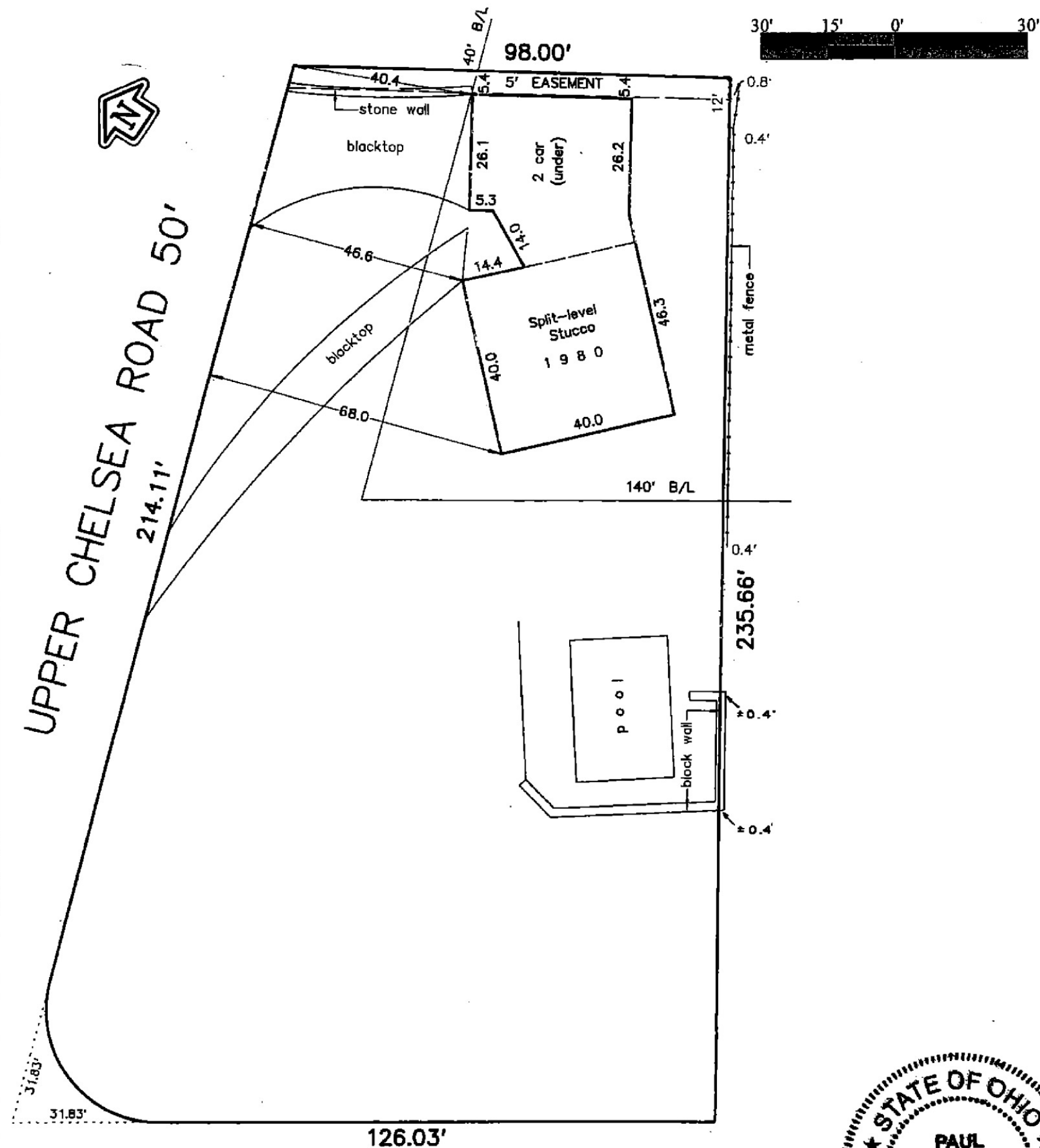
Legal Description: Situated in The State of Ohio, County of Franklin, City of Upper Arlington Being Lot 1, Block 24 Amended Plat of Blocks 124, 125 and part of Lot 123 Upper Arlington, Plat Book 20 Page 32

Applicant: Fulks 22834507

Posted Address: 1980 Hillside Dr., Upper Arlington, Ohio

Apparent Encroachments: 1) Stucco Wall Over Property Line.

CURRENT SITE PLAN
FOR REFERENCE



We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.
THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

STATE OF OHIO
PAUL T. DINAN
7312
REGISTERED PROFESSIONAL SURVEYOR
Myers Surveying Company, Inc.
By *Paul T. Dinan*
Professional Surveyor

Myers Order No. - 13-05/03/2022	Rec.	Field	DWG	Ltr.	Ck.
2022050313	ASM	ASM	PD	PD	

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX:614-235-4559

A Mortgage Location Survey prepared for and certified to:
Talon Title and/or NFM Lending

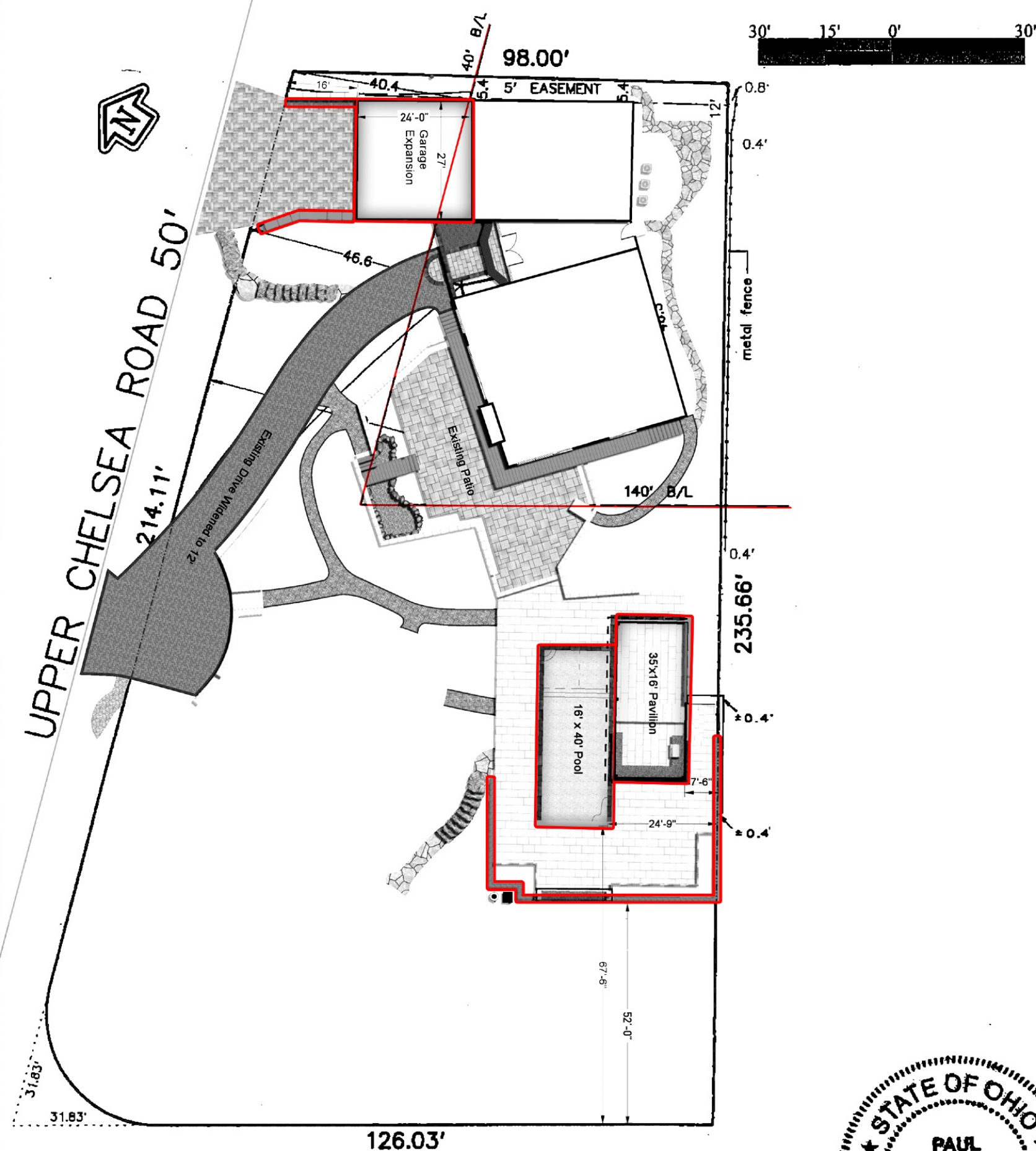
Legal Description: Situated in The State of Ohio, County of Franklin, City of Upper Arlington Being Lot 1, Block 24 Amended Plat of Blocks 124, 125 and part of Lot 123 Upper Arlington, Plat Book 20 Page 32

Applicant: Fulks 22834507

Posted Address: 1980 Hillside Dr., Upper Arlington, Ohio

Apparent Encroachments: 1) Succo Wall Over Property Line.

PROPOSED SITE PLAN
FOR DISCUSSION



HILLSIDE DRIVE 60'

We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.
THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

STATE OF OHIO
PAUL T. DINAN
7312
REGISTERED PROFESSIONAL SURVEYOR
Myers Surveying Company, Inc.
By *Paul T. Dinan*
Professional Surveyor

Myers Order No. - 13-05/03/2022	Rec.	Field	DWG	Ltr.	Ck.
2022050313	ASM	ASM	PD	PD	

Ed & Melia Wolf

1980 Hillside Drive
Fence

B2-50-11
B2AP-11-21-11

W

Fence permit 1109 0294

Rejected 10-3-11

ZONED: R-1b	
PERMIT APPLICATION IN FILE?	
100' ☒ 300'	PLAT ☒ 100' ☒ 300'
IF NO, DATE SENT BY FILE	
DATE "ON AGENT"	
AERIAL/PLAT 72"	
MISC.	
Measured: 418 Original	
Platted: 1932	
Built: 1932 1980	

BOARD ORDER
Board of Zoning and Planning, City of Upper Arlington, Ohio

DATE: November 21, 2011		RE: VARIANCE APPLICATION NO: 30-11	
NAME OF APPLICANT: Ed and Melia Wolf 1980 Hillside Drive Upper Arlington, Ohio 43212		NAME OF PROPERTY OWNER: same	
LOCATION OF PROPERTY: 1980 Hillside Drive			
PRESENT USE OF PROPERTY: One-family residence		PRESENT ZONING CLASSIFICATION: R-1c	
DEVELOPMENT COVER: n/a	YEAR ANNEXED: 1918	YEAR PLATTED: 1932	YEAR DWELLING BUILT: 1957

VARIANCE REQUEST: To permit the installation of a six-foot high wooden fence that will project 25 feet into the 140-foot platted Hillside Drive setback.

RESULTS (check one):		Approval:	☒	Disapproval:		
CONDITIONS ATTACHED TO VARIANCE APPROVAL (check one): If Conditions, See Approved Minutes Attached.		Yes:		No:	☒	
BOARD FINDINGS OF FACT					Board Finding	
In accordance with Article 4.09: Authority to consider variance(s) from the terms of this UDO is granted to the Board of Zoning and Planning. The Board may authorize, in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest. The following factors shall be considered and weighed by BZAP in determining practical difficulty or hardship:					Yes	No
1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures, or conditions.					☒	
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.						
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.						
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.						
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pick-up.						
6. Whether special conditions or circumstances exist as a result of actions of the current or a previous owner.					☒	
7. Whether the property owner's predicament feasibly can be resolved through some method other than a variance.						
8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance, and/or						
9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.						
VOTING RECORD:				The signatures below certify that the outcome of this case was as reported in this document. If conditions are attached to this case, an approved copy of the Board's minutes must be attached to this order to certify the accuracy of these conditions. Acting Chairman 11/21/11 Date Acting Secretary 11.22.12 Date		
	Yes	No	Abstain			
Barringer	☒					
Copenhaver	☒					
Holodnak	☒					
Osterhout	☒					
Riley						
Tullett	☒					
Ward	☒					

NOTE: This ruling pertains to the above referenced articles of the Unified Development Ordinance. It does not modify any other obligation you may have under other existing City or State codes.

Presentation of appreciation presented to retiring Planning Officer Sue Milling.

BZAP Action:

6497

Acting Chairman Bob Tullett presented a plaque to Planning Office Sue Milling who is retiring after 21 years of outstanding service in the Development Department. Ms. Milling stated her appreciation for BZAP's work and commitment.

Condition(s) of Approval:

None.

Calendar

Review and adoption of BZAP calendar for 2012.

BZAP Action: Adopted revised calendar.

6495

Motion by Ms. Copenhaver, seconded by Mr. Osterhout, to adopt 2012 BZAP calendar as revised carried (6-0).

Discussion: Ms. Copenhaver alerted the Board that the proposed March meeting date fell during spring break for both OSU and Upper Arlington school district. The Board agreed to revise the calendar so that the March meeting was scheduled for March 26, 2012, the fourth Monday, to avoid this conflict.

Condition(s) of Approval:

None.

Introduction of new City Manager Theodore J. Staton.

BZAP Action:

6479

New City Manager Ted Staton introduced himself and gave a brief outline of his past public administration experience. He stated his appreciation for the role the Board plays and acknowledged the time commitment and dedication required of each member. Board members then introduced themselves to Mr. Staton, describing their professional background and interest in serving on the Board.

Condition(s) of Approval:

None.

02.01.01	Mr. and Mrs. Ed Wolf	1980 Hillside Dr	Fence
	Request to permit the installation of a six-foot high wooden fence that will project 25 feet into the 140-foot platted Hillside Drive setback.		
	BZ-30-11	R-1c	Article 6.09

BZAP Action: Approved.

6480

To Article 6.09, to permit the installation of a six-foot high wooden fence that will project 25 feet into the 140-foot platted Hillside Drive setback.

Motion by Ms. Copenhaver, seconded by Mr. Osterhout, to approve request carried (6-0).

Discussion: Ms. Karla Bednar was present. Acting Chairman Tullett noted that staff recommended approval of the variance and no one was in the audience to comment on it. The Board voted unanimously to approve the request and adopt the findings (#1 and #6) as listed in the staff report.

Condition(s) of Approval:

None.

03.01.01	Mr. and Mrs. Daniel W. Bednar	1665 Grenoble Rd	Side yard/long wall
Request of Architect Gary Alexander, on behalf of property owners, to permit the construction of a second floor over an existing family room which encroaches four inches into the minimum required eight-foot side yard setback; 1'-1" into the side yard required where the length of the side wall exceeds 40 feet; and results in a side yard sum of 15'-3", in lieu of the 16-foot sum required.			
BZ-31-11		R-1c	Article 5.02(c)

BZAP Action: Approved.

6483

To Article 5.02(c) to permit the construction of a second floor over an existing family room which encroaches four inches into the minimum required eight-foot side yard setback; 1'-1" into the side yard required where the length of the side wall exceeds 40 feet; and results in a side yard sum of 15'-3", in lieu of the 16-foot sum required.

Motion by Ms. Copenhaver, seconded by Mr. Osterhout, to approve request carried (6-0).

Discussion: Architect Gary Alexander was present and duly sworn in. Ms. Copenhaver questioned whether or not the original home was constructed within the current side yard. Mr. Osterhout confirmed that the addition will be in line with the original structure. Acting Chairman Tullett noted that staff recommended approval of the variance and no one was in the audience to comment on it. The Board voted unanimously to approve the request and adopt the findings (#1 and #3) as listed in the staff report.

Condition(s) of Approval:

None.

04.01.01	Molly Ferris	2747 Coventry Rd	Rear yard
Request to permit the construction of a two-story room addition that will encroach 3.61 feet into the minimum 24.33-foot average rear yard setback. (See companion rear profile request.)			
BZ-32-11		R-1c	Article 5.02(c)

BZAP Action: Approved

6484

To Article 5.02(c) to permit the construction of a two-story room addition that will encroach 3.61 feet into the minimum 24.33-foot average rear yard setback.

Motion by Ms. Copenhaver, seconded by Mr. Osterhout, to approve request carried (6-0).

Discussion: Ms. Molly Ferris was present. Acting Chairman Tullett noted that staff recommended approval of the variance and no one was in the audience to comment on it. The



CITY OF | **UPPER
ARLINGTON**

3600 Tremont Road • Upper Arlington, Ohio 43221-1595

Phone: 614-583-5000 • Fax: 614-457-6620 • TDD: 614-442-3216

www.uaoh.net

November 22, 2011

Mr. and Mrs. Ed Wolf
1980 Hillside Dr
Upper Arlington, Ohio 43212

Re: **Application No. BZ-30-11 - Fence
1980 Hillside Dr**

Dear Mr. and Mrs. Ed Wolf,

The Upper Arlington Board of Zoning and Planning, at its November 21, 2011 meeting, granted approval of the following variance(s):

To Article 6.09 of the UDO to permit the installation of a six-foot high wooden fence that will project 25 feet into the 140-foot platted Hillside Drive setback.

The Board attached the following condition(s) to their approval:

None.

Pursuant to Article 4.10(C) of the Unified Development Ordinance, the action of the Board is subject to appeal to City Council for twenty-one (21) days after the final action of the Board. At the end of this 21-day period, our office will forward to you a copy of the City Clerk's Certification that verifies that no appeals have been filed, if such is the case. The City Clerk will notify you in the event an appeal has been filed.

Once the 21-day period has lapsed, you may obtain any permits necessary to implement the project approved by your variance. All necessary permits can be obtained from the Development Department, 3600 Tremont Road, between the hours of 8:00 a.m. and 5:00 p.m.

If you have any questions or need additional information, please feel free to contact me at 614-583-5083 or via e-mail at [jamilam@uaoh.net](mailto:jmilam@uaoh.net).

Respectfully,
DEVELOPMENT DEPARTMENT- PLANNING DIVISION

Justin A. Milam, AICP
Planning Officer

VARIANCE APPLICATION
(Use - Area - Subdivision)
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO
UDO 4.09

Filing Date: 10-25-11	Application No.: 30-11 11100013	Filing Fee: pa \$180.00	BZAP Meeting Date: 11-21-11
Submission Requirements: EXHIBIT A: Certification of Notice To Property Owners Within 100 feet of any and all property boundaries. EXHIBIT B: Rationale for Variance Attachment: 15 Copies of a Site Plan (drawn to scale) showing: • The actual dimensions of the lot including all easements. • An accurate site survey and legal description. • The exact size and location of all buildings on the lot. • The building envelope as created by zoning and platted setback requirements. • The proposed new construction and/or use. • The existing and intended use of all parts of the land or buildings. • Building elevations (if applicable). • Floor plans (if applicable). • Landscape plan (if applicable) • Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of the UDO. All agenda items will be considered for purposes of inclusion on a Consent Agenda. PLEASE CALL THE DEPARTMENT OF DEVELOPMENT AT 583-5076, TO DETERMINE WHETHER THIS AGENDA ITEM HAS BEEN PLACED ON THE CONSENT AGENDA.			
Applicant(s) Name: ED & MELIA WOLF		Phone: ED CELL: 747-1840 MELIA CELL: 216-46620	
Applicant(s) Mailing Address(es): 1980 HILLSIDE DR.		Email: MELIA AND ED WOLF @ GMAIL . COM	
Owner(s) Name(s): ED & MELIA WOLF		Phone: SAME	
Owner(s) Mailing Address(es): SAME		Email: SAME	

LOCATION, ZONING, SIZE, USE, AND DESCRIPTION:

Property Located At: (street no. and name)	1980 Hillside Dr
Tax District/Parcel Identification Number: (required)	070-000409
Side of Street: (N, S, E, W)	SE CORNER OF
Between What Streets, or:	UPPER CHELSEA AND HILLSIDE DR.
At What Intersection:	
Variance Type (Use or Area):	AREA
Present Zoning Classification:	R1C
Present Land Use: (single family residence, office, commercial, etc.)	
Subdivision Name:	UPPER ARLINGTON ADDITION
I (we) are requesting a variance to: (i.e., build a detached garage 2'0" closer to the rear property line than the Code allows. Describe request here.) PERMISSION TO INSTALL A 6' FENCE IN FRONT OF THE SETBACK LINE	

I (We) understand that it is my (our) responsibility to obtain a written certificate from either the Planning Officer or the City Clerk stating that no appeal has been filed within the legally specified appeal period before beginning any activity agreed to by the Board of Zoning and Planning and/or City Council. I (WE) FURTHER UNDERSTAND THAT THE APPROVALS GIVEN IN RESPONSE TO THIS APPLICATION ARE NOT A SUBSTITUTE FOR OTHER PERMITS REQUIRING SEPARATE APPLICATIONS (E.G. BUILDING, PLUMBING, ELECTRICAL, ETC.) I (we) certify by signature below that the information contained in this application and Exhibits attached hereto is a true and accurate representation of the facts applicable to this request.

Signature of Property Owner: C. Melia Wolf	Date: 10/17/11
Signature of Applicant: C. Melia Wolf	Date: 10/17/11

EXHIBIT A: VARIANCE CERTIFICATION OF NOTICE
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO

PAGE ____ OF ____

NOTICE: YOU MUST FILL IN ALL THE BLANKS ON THIS PAGE AND PROVIDE A COPY OF THIS EXHIBIT A TO ALL PROPERTY OWNERS WITHING 100' OF THE SUBJECT PROPERTY.

Variance Applicant Name And Address:

Location of Property Subject To Variance Request:

1980 HILLSIDE

This Variance Is Required Before I Can: (describe activity which requires variance)

PERMISSION TO INSTALL A 6' FENCE IN FRONT OF SETBACK LINE

This Variance Will Be Heard By The Board of Zoning and Planning On: (Date required)

NOVEMBER 21, 2011

Board of Zoning and Planning meetings begin at 7:00 pm and are held at the City Municipal Service Center, 3600 Tremont Road, Upper Arlington, Ohio 43221

YOUR SIGNATURE BELOW DOES NOT CONSTITUTE APPROVAL OR DISAPPROVAL OF THE VARIANCE REQUEST.

Your signature only represents that you have been properly notified of the request. You are encouraged to attend any and all meetings regarding this matter.

ADDRESSES OF PROPERTIES WITHIN 100'	PROPERTY OWNER'S NAME	PROPERTY OWNER'S SIGNATURE OR CERTIFIED MAIL NO.	DATE SIGNATURE OBTAINED OR NOTICE MAILED
2069 UPPER CHELSEA RD	AKINS FLOYD JR, BRENDA L	Brenda L. Akins	October 16, 2011
2086 UPPER CHELSEA RD	BRICKER MONICA G GREGG HALL	Monica Gregg Hall	10/16/11
1973 HILLSIDE DR	CAMPBELL BRADLEY L KATHRYN	Kathryn Campbell	10-19-11
1991 HILLSIDE DR	COLLINGS EDWARD W & BETY	Betty Collings	10/16/11
2057 UPPER CHELSEA RD	HOMB WESLEY F & KIMBERLY R	Wesley F. Homb	10-16-11
1957 HILLSIDE DR	JOHNSON NANCY C	Nancy C. Johnson	10-16-11
1965 HILLSIDE DR	KILWIN MICHAEL J & CAROL A	Michael Kilwin	10-14-11
2076 UPPER CHELSEA RD	KOSTOFF VIRGINIA	Don Kostoff	10/17/11
1981 HILLSIDE DR	NICOL KENNETH E & JACQUELINE K	Jacqueline K Nicol	10-16-11
2000 HILLSIDE DR	NOLAN THOMAS E MILLER JANE	Thomas E Nolan	10-16-11
2014 UPPER CHELSEA RD	REHL JEFFREY REHL SHARON B	Jeffrey Rehl	10-14-11
1960 HAMPSHIRE RD	VELIO JIM	Jim Velio	10-16-11
1980 HILLSIDE DR	WOLF EDWARD & CATHEEN M	Catheen M. Wolf	10/16/11
1990 HAMPSHIRE RD	YASSENDOFF ERIK F	Erik F. Yassendoff	10/16/11
2064 Upper Chelsea Rd	Jeff Rehl	Jeff Rehl	10-16-11

Signature of Applicant:

C. Melnick

Signature of Owner:

C. Melnick

Date:

10/17/11

EXHIBIT B: APPLICANT'S RATIONALE FOR A VARIANCE
Department of Development, Upper Arlington, Ohio

1	What practical difficulty, special conditions and/or circumstances exist that are peculiar to the land or structure involved and which are not generally applicable to other lands or structures in the same zoning districts? WE OWN A POOL.
2	Will granting the variance confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district? NOT TO OUR KNOWLEDGE.
3	Will the essential character of the neighborhood area be substantially altered or will adjoining properties suffer substantial detriment as a result of the variance? NO OUR IMMEDIATE NEIGHBOR JIM VELD @ 1960 HAMPSHIRE AGREES THAT IT WILL IMPROVE THE AREA'S AESTHETICS.
4	Have all reasonable alternatives been investigated or exhausted to find that this variance request is the <u>minimum</u> necessary to make reasonable use of land and structures? YES.
5	Can this property yield a reasonable return or can there be any beneficial use of the property without the variance? YES. BUT RETURN WILL IMPROVE W/VARIANCE.

BOARD ORDER
Board of Zoning and Planning, City of Upper Arlington, Ohio

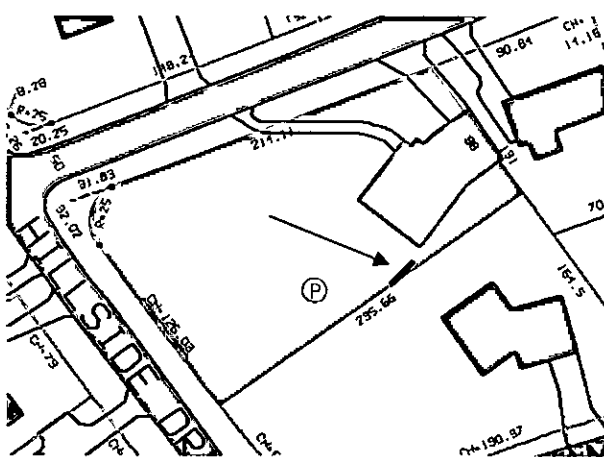
DATE: November 21, 2011		RE: VARIANCE APPLICATION NO: 30-11	
NAME OF APPLICANT: Ed and Melia Wolf 1980 Hillside Drive Upper Arlington, Ohio 43212		NAME OF PROPERTY OWNER: same	
LOCATION OF PROPERTY: 1980 Hillside Drive			
PRESENT USE OF PROPERTY: One-family residence		PRESENT ZONING CLASSIFICATION: R-1c	
DEVELOPMENT COVER: n/a	YEAR ANNEXED: 1918	YEAR PLATTED: 1932	YEAR DWELLING BUILT: 1957

VARIANCE REQUEST: To permit the installation of a six-foot high wooden fence that will project 25 feet into the 140-foot platted Hillside Drive setback.

RESULTS (check one):	Approval:		Disapproval:	
CONDITIONS ATTACHED TO VARIANCE APPROVAL (check one): If Conditions, See Approved Minutes Attached.	Yes:		No:	
BOARD FINDINGS OF FACT			Board Finding	
In accordance with Article 4.09: Authority to consider variance(s) from the terms of this UDO is granted to the Board of Zoning and Planning. The Board may authorize, in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest. The following factors shall be considered and weighed by BZAP in determining practical difficulty or hardship:			Yes	No
1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures, or conditions.				
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.				
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.				
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.				
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pick-up.				
6. Whether special conditions or circumstances exist as a result of actions of the current or a previous owner.				
7. Whether the property owner's predicament feasibly can be resolved through some method other than a variance.				
8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance, and/or				
9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.				
VOTING RECORD:		The signatures below certify that the outcome of this case was as reported in this document. If conditions are attached to this case, an approved copy of the Board's minutes must be attached to this order to certify the accuracy of these conditions.		
	Yes	No	Abstain	
Barringer				
Copenhaver				Chairman Date
Holodnak				
Osterhout				Acting Secretary Date
Riley				
Tullett				
Ward				

NOTE: This ruling pertains to the above referenced articles of the Unified Development Ordinance. It does not modify any other obligation you may have under other existing City or State codes.

**Variance Application BZ-30-11
Board of Zoning and Planning
Monday, November 21, 2011**



Figures 1 & 2 – Franklin County Auditor's map and Staff photograph.

I. Code Requirements:

Article 6.09(D)13 of the Unified Development Ordinance prohibits six-foot high fences in front yard setbacks.

The applicants are proposing to install a six-foot high wooden fence along a portion of their south property line. The proposed fence will project 20 feet into the platted 140-foot Hillside Drive front yard setback. Therefore, a variance is necessary.

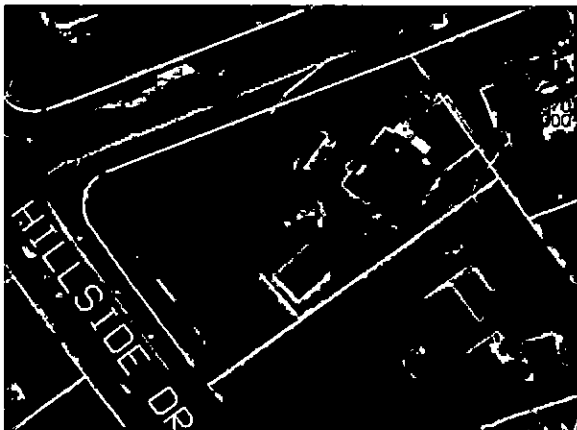


Figure 3 – Aerial view of site with contours.

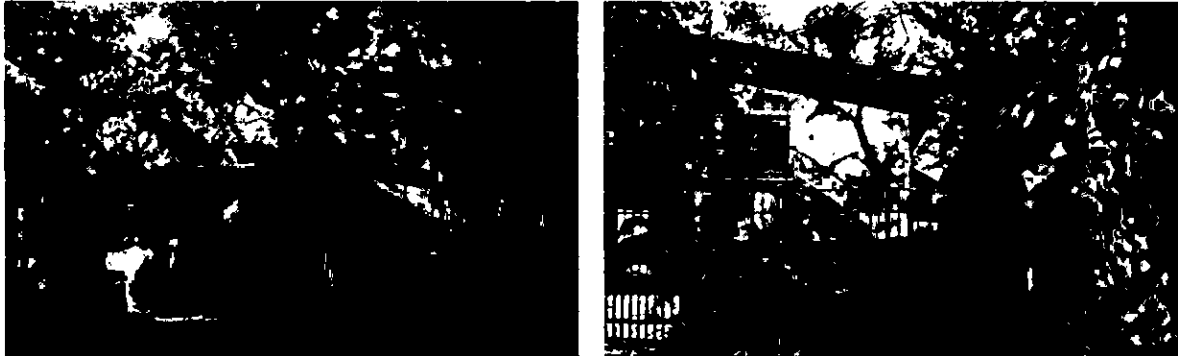
The City's building history card indicates that the swimming pool, located within the Hillside Drive front yard, was approved in 1965 by BZAP. It appears that the swimming pool was inset into the hillside and is retained by an eight-foot high (+/-) block wall. There are numerous mature white pine trees on the outside edge of the pool that provide screening from the street.

II. This proposal:

The subject site is a corner-lot zoned R-1c – One-Family Residence District. It was developed in 1957 with a split-level stucco residence, two-car attached garage, and a swimming pool which was installed in 1965. The parcel is part of the Amended Plat of Upper Arlington, Blocks 124 and 125, recorded in 1932 with a 140-foot platted setback line along Hillside Drive and a 40-foot platted setback line along Upper Chelsea Road. The site slopes downhill significantly from east to west toward Hillside Drive. The City's building history card

The applicants wish to fill in a gap between two existing fences along the south property line with the proposed fence. Currently there is a decorative metal fence that, together with the

eight-foot high block wall, surrounds the swimming pool. There is also a fence further east that extends to the rear property line. The proposed fence will bridge the gap between these two existing fences (a distance of about 20 feet) and will be located forward of the 140-foot setback line.



*Figure 4 (Left) – View of south property line from Hillside Drive showing block wall around pool.
Figure 5 (Right) - View of metal fence partially surrounding pool. Proposed fence is closer to house.*

The applicants state the “*Our immediate neighbor Jim Velio, 1960 Hampshire Road, agrees that the fence will improve the area’s aesthetics.*”

III. Summary/Recommendation:

- **To Article 6.09(D)13, to permit the installation of a six-foot high, wooden fence that will project 20 feet into the platted 140-foot Hillside Drive front yard setback.**

Staff reviewed the application and found unusual circumstances associated with this particular property (Finding #1). The 140-foot platted setback itself is very unusual. The fact that there is a swimming pool and an eight-foot high block retaining wall in front of the proposed fence, is also a very unique condition are existing as a result of a previous property owner (Finding #6). The proposed fence will not be visible from the street due to dense vegetation, site lines, and topography, and as such, Staff does not anticipate that the fence will interrupt the existing Hillside Drive streetscape. It is Staff’s opinion that the proposed fence will merely fill in an unfenced portion of the south property line on this most unusual lot, and no adverse impacts to neighboring properties are expected. For these reasons, Staff recommends approval of the variance as proposed.

Attachments: Variance Application BZ-30-11
Maps
Plans

:sm



Figure 6 – Bing Maps aerial view of site.

VARIANCE APPLICATION
(Use - Area - Subdivision)
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO
UDO 4.09

Filing Date: 10-25-11	Application No.: 30-11 11100013	Filing Fee: pa \$180.00	BZAP Meeting Date: 11-21-11
Submission Requirements: EXHIBIT A: Certification of Notice To Property Owners Within 100 feet of any and all property boundaries. EXHIBIT B: Rationale for Variance Attachment: 15 Copies of a Site Plan (drawn to scale) showing: • The actual dimensions of the lot including all easements. • An accurate site survey and legal description. • The exact size and location of all buildings on the lot. • The building envelope as created by zoning and platting setback requirements. • The proposed new construction and/or use. • The existing and intended use of all parts of the land or buildings. • Building elevations (if applicable). • Floor plans (if applicable). • Landscape plan (if applicable). • Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of the UDO. All agenda items will be considered for purposes of inclusion on a Consent Agenda. PLEASE CALL THE DEPARTMENT OF DEVELOPMENT AT 583-5078 TO DETERMINE WHETHER THIS AGENDA ITEM HAS BEEN PLACED ON THE CONSENT AGENDA.			
Applicant(s) Name: ED & MELIA WOLF		Phone: ED CELL: 747-1840 MELIA CELL: 266-4620	
Applicant(s) Mailing Address(es): 1980 HILLSIDE DR.		Email: MELIA AND EDWOLF@GMAIL.COM	
Owner(s) Name(s): ED & MELIA WOLF		Phone: SAME	
Owner(s) Mailing Address(es): SAME		Email: SAME	

LOCATION, ZONING, SIZE, USE, AND DESCRIPTION:

Property Located At: (street no. and name) 1980 Hillside Dr
Tax District/Parcel Identification Number: (required) 070-000409
Side of Street: (N, S, E, W) SE CORNER OF
Between What Streets, or: UPPER CHELSEA AND HILLSIDE DR.
At What Intersection:
Variance Type (Use or Area): AREA
Present Zoning Classification: R1C
Present Land Use: (single family residence, office, commercial, etc.)
Subdivision Name: UPPER ARLINGTON ADDITION
I (we) are requesting a variance to: (i.e., build a detached garage 20' closer to the rear property line than the Code allows. Describe request here.) PERMISSION TO INSTALL A 6' FENCE IN FRONT OF THE SETBACK LINE

I (We) understand that it is my (our) responsibility to obtain a written certificate from either the Planning Officer or the City Clerk stating that no appeal has been filed within the legally specified appeal period before beginning any activity agreed to by the Board of Zoning and Planning and/or City Council. I (WE) FURTHER UNDERSTAND THAT THE APPROVALS GIVEN IN RESPONSE TO THIS APPLICATION ARE NOT A SUBSTITUTE FOR OTHER PERMITS REQUIRING SEPARATE APPLICATIONS (E.G. BUILDING, PLUMBING, ELECTRICAL, ETC.). I (we) certify by signature below that the information contained in this application and Exhibits attached hereto is a true and accurate representation of the facts applicable to this request.

Signature of Property Owner: C. Melia Wolf	Date: 10/17/11
Signature of Applicant: C. Melia Wolf	Date: 10/17/11

EXHIBIT A: VARIANCE CERTIFICATION OF NOTICE
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO

PAGE ____ OF ____

NOTICE: YOU MUST FILL IN ALL THE BLANKS ON THIS PAGE AND PROVIDE A COPY OF THIS EXHIBIT A TO ALL PROPERTY OWNERS WITHIN 100' OF THE SUBJECT PROPERTY.

Variance Applicant Name And Address:

Location of Property Subject To Variance Request:

1980 HILLSIDE

This Variance Is Required Before I Can: (describe activity which requires variance)

PERMISSION TO INSTALL A 6' FENCE IN FRONT OF SETBACK LINE

This Variance Will Be Heard By The Board of Zoning and Planning On: (Date required)

NOVEMBER 21, 2011

Board of Zoning and Planning meetings begin at 7:00 pm and are held at the City Municipal Service Center, 3600 Tremont Road, Upper Arlington, Ohio 43221

YOUR SIGNATURE BELOW DOES NOT CONSTITUTE APPROVAL OR DISAPPROVAL OF THE VARIANCE REQUEST.

Your signature only represents that you have been properly notified of the request. You are encouraged to attend any and all meetings regarding this matter.

ADDRESSES OF PROPERTIES WITHIN 100'	PROPERTY OWNER'S NAME	PROPERTY OWNER'S SIGNATURE OR CERTIFIED MAIL NO.	DATE SIGNATURE OBTAINED OR NOTICE MAILED
2069 UPPER CHELSEA DR	AKINS FLOYD JR. BRENDA L.	Brenda L. Akins	October 16, 2011
2086 UPPER CHELSEA DR	BRICKER MONICA GREGORY	Monica Bricker	10/16/11
1973 HILLSIDE DR	CAMPBELL BRADLEY L. KATHRYN	Kathryn Campbell	10-19-11
1991 HILLSIDE DR	COLLINGS EDWARD W. BETTY	Betty Collings	10/16/11
2057 HILLSIDE DR	HOBBS WESLEY F. KIMBERLY R.	Kimberly Hobbs	10-16-11
1957 HILLSIDE DR	JOHNSON NANCY C.	Nancy Johnson	10-16-11
1965 HILLSIDE DR	KILWIN MICHAEL J. CAROL A.	Michael Kilwin	10-16-11
2076 HILLSIDE DR	KOSTOFF VIRGINIA	Virginia Kostoff	10/17/11
1981 HILLSIDE DR	NICOL KENNETH E. JACQUELINE	Jacqueline Nicol	10-16-11
2000 HILLSIDE DR	NOLAN THOMAS E. MILDRED	Mildred Nolan	10-16-11
2067 UPPER CHELSEA RD	REHL JEREMY PAUL SHARON B.	Sharon Rehl	10-16-11
1910 HAMPSHIRE DR	VELIO JIM	Jim Velio	10-16-11
1980 HILLSIDE DR	WOLF EDWARD J. CATHLEEN M.	Cathleen Wolf	10/16/11
1990 HAMPSHIRE RD	YASSENOFF ERIK F.	Erik Yassenoff	10/16/11
2064 Upper Chelsea Rd	JENKINS JEFFREY	Jeffrey Jenkins	10-16-11

Signature of Applicant:

C. Melnick

Signature of Owner:

C. Melnick

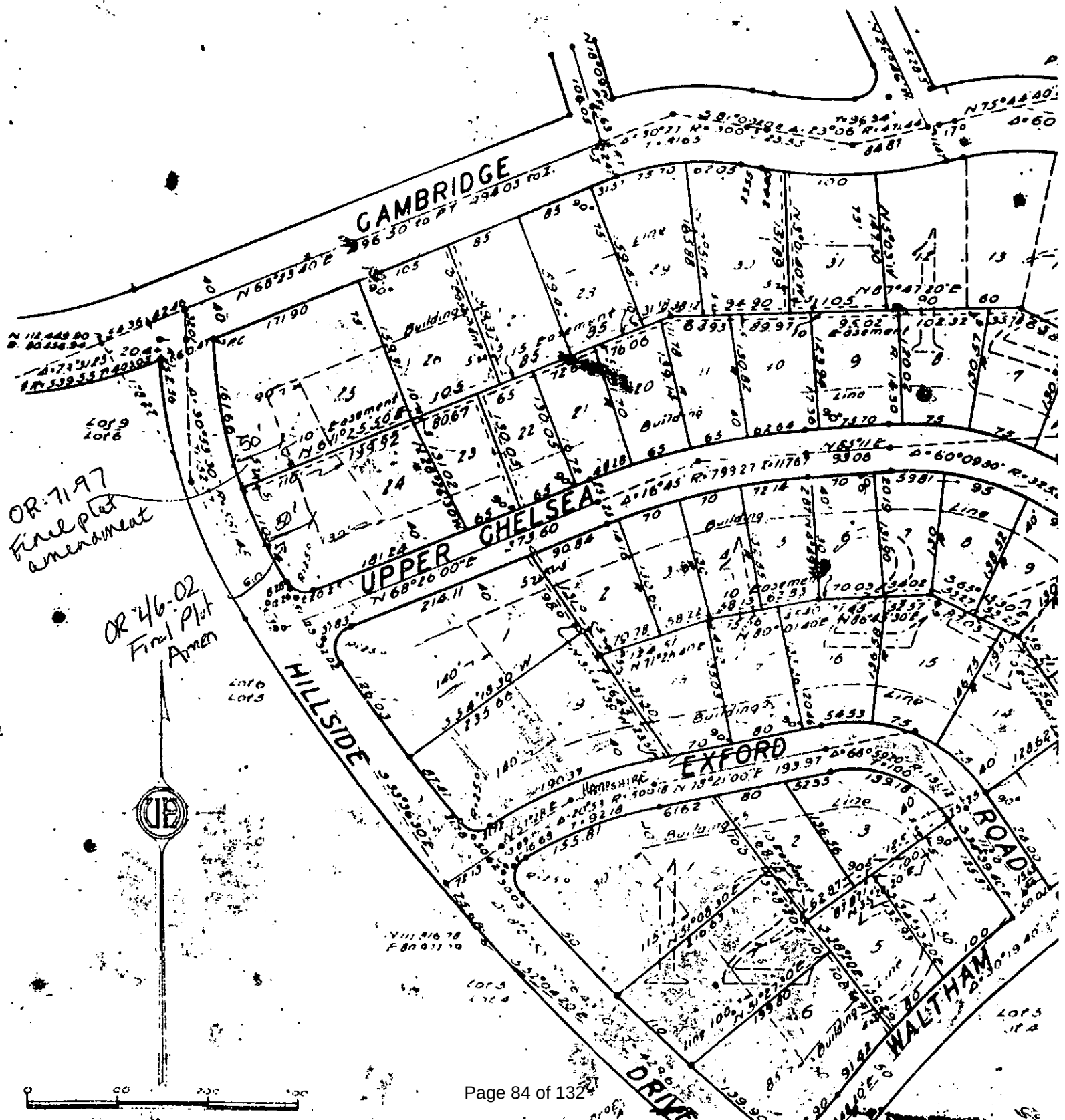
Date:

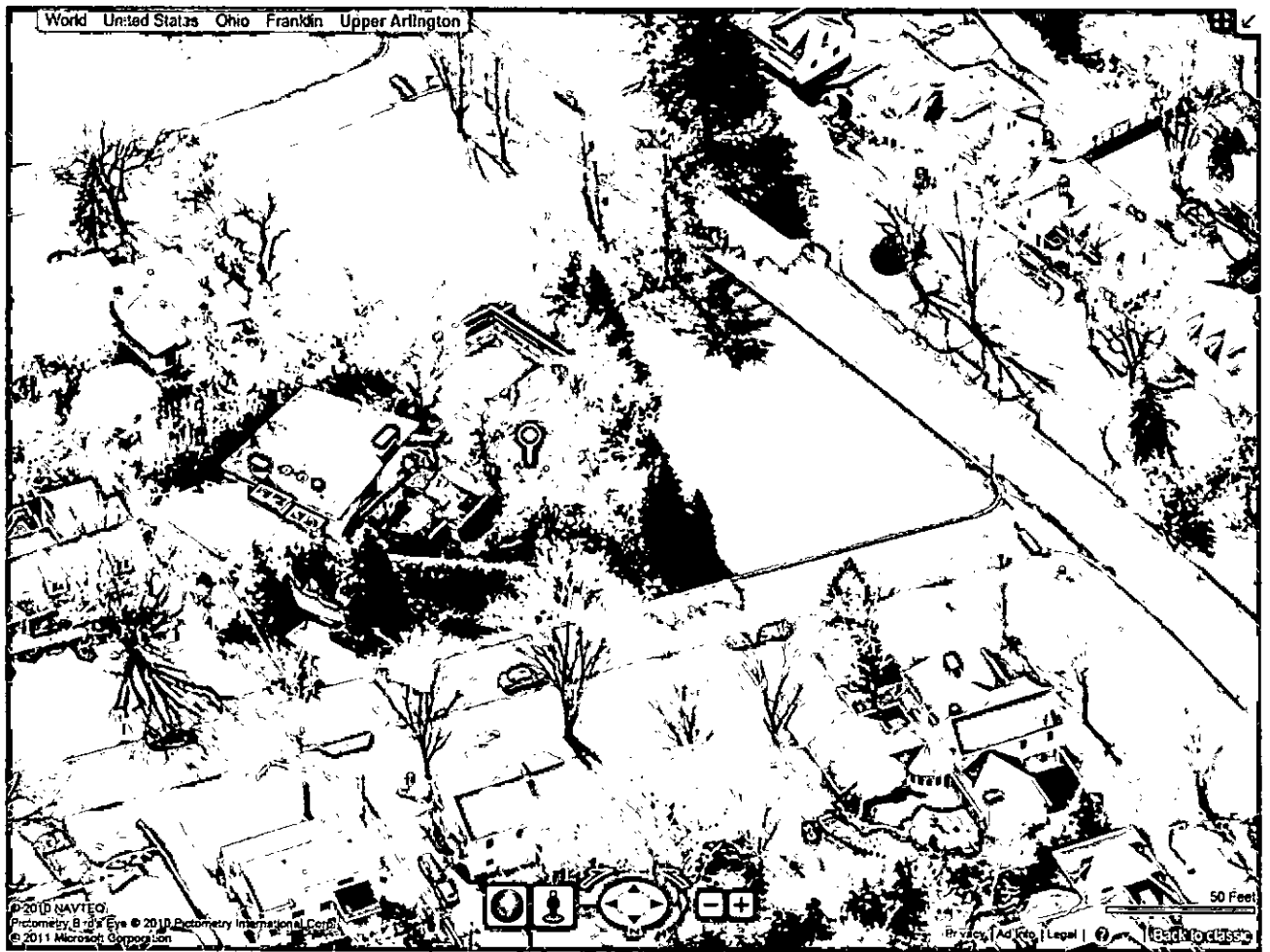
10/17/11

EXHIBIT B: APPLICANT'S RATIONALE FOR A VARIANCE
Department of Development, Upper Arlington, Ohio

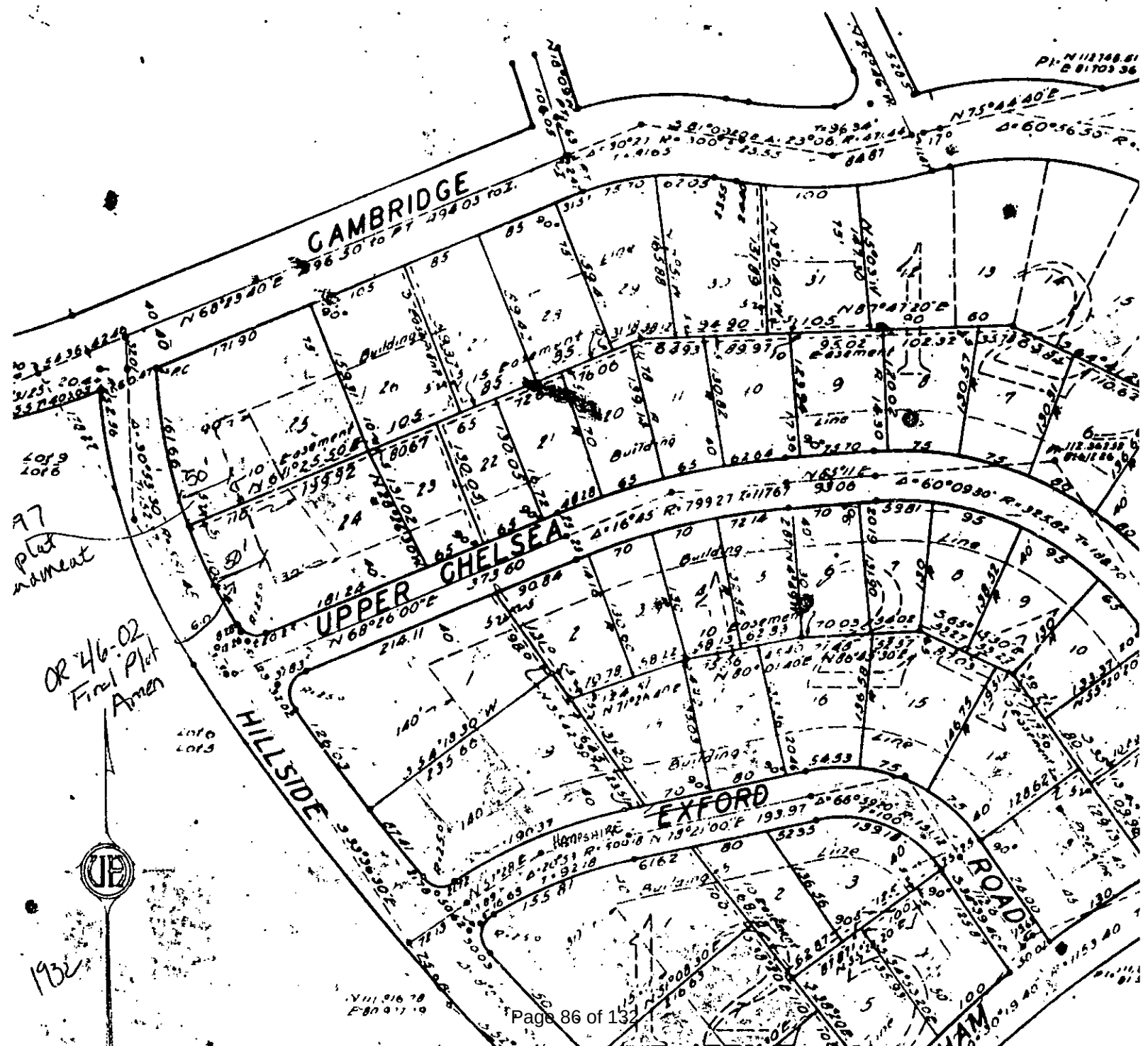
1	What practical difficulty, special conditions and/or circumstances exist that are peculiar to the land or structure involved and which are not generally applicable to other lands or structures in the same zoning districts? WE OWN A POOL.
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4	Have all reasonable alternatives been investigated or exhausted to find that this variance request is the <u>minimum</u> necessary to make reasonable use of land and structures? YES.
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OF THE
'UPPER ARLINGTON AD





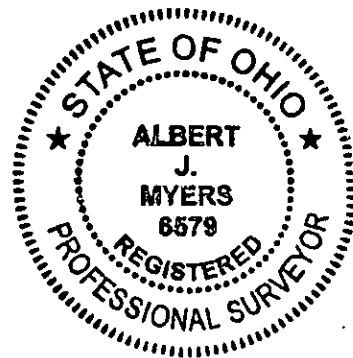
AMENDED PLAT
OF
BLOCKS 124, 125 AND PART OF E
OF THE
UPPER ARLINGTON ADDITION



FAX:614-235-4559

Melia Wolf

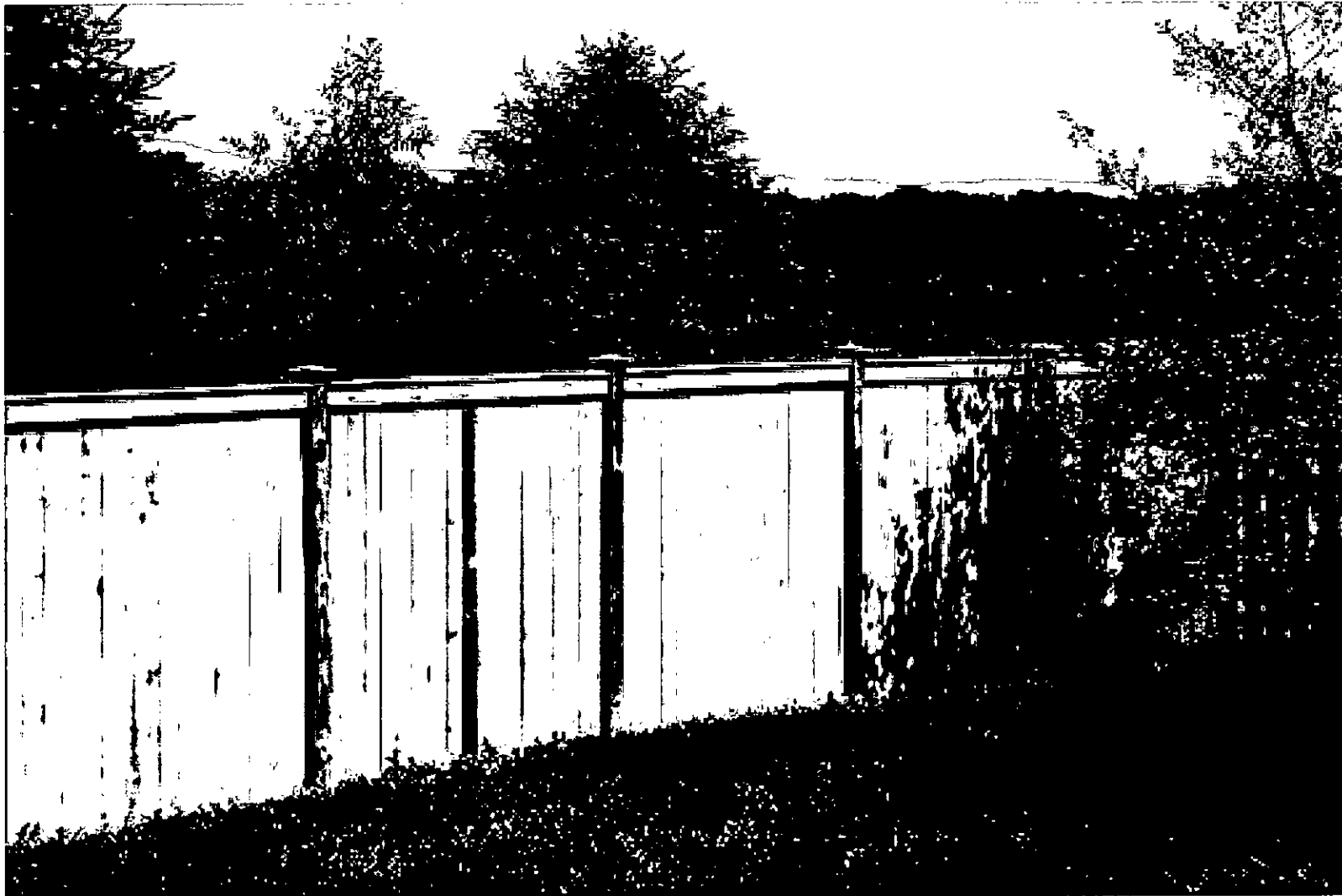
Posted Address: 1980 Hillside Drive, Upper Arlington, Ohio



By

Professional Surveyor

TCF





CITY OF | **UPPER
ARLINGTON**

3600 Tremont Road • Upper Arlington, Ohio 43221-1595

Phone: 614-583-5000 • Fax: 614-457-6620 • TDD: 614-442-3216

www.uaoh.net

November 9, 2011

Mr. and Mrs. Ed Wolf
1980 Hillside Dr
Upper Arlington, Ohio 43212

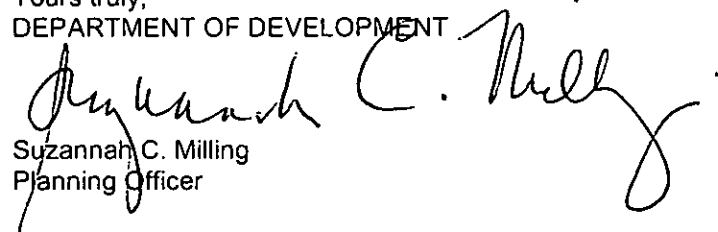
RE: **1980 Hillside Dr**
Application No. BZ-30-11 - Fence

Dear Mr. and Mrs. Ed Wolf,

Please be advised that our office has received your application for the above-referenced request. We have reviewed your application and scheduled your request for hearing before the Upper Arlington Board of Zoning and Planning (BZAP) on **Monday, November 21, 2011 at 7:00 p.m.** in the Council Chamber of the Municipal Services Center, 3600 Tremont Road, Upper Arlington. You, or your representative, will need to attend this meeting. You may pick up a copy of an agenda and staff report relative to your request at the Department of Development on the Friday before the meeting, or request that these documents be sent electronically to you. Copies of the BZAP agendas, staff reports, and meeting minutes are also posted on the city's website: www.uaoh.net. Staff will contact you if any additional information is needed prior to the meeting.

Should you have any questions regarding this matter, please do not hesitate to contact our office at 583-5076.

Yours truly,
DEPARTMENT OF DEVELOPMENT


Suzannah C. Milling
Planning Officer



CITY OF | **UPPER
ARLINGTON**

3600 Tremont Road • Upper Arlington, Ohio 43221-1595

Phone: 614-583-5000 • Fax: 614-457-6620 • TDD: 614-442-3216

www.uaoh.net

October 3, 2011

Mr. and Mrs. Ed Wolf
1980 Hillside Drive
Upper Arlington, Ohio 43221

Re: **Fence Application No. 1109 0294**
1980 Hillside Drive

Dear Mr. and Mrs. Wolf,

As you may be aware, the review process for a Fence Permit includes a review by the Planning Officer to ensure all zoning code requirements are met.

Article 6.09(D)13 of the Unified Development Ordinance (UDO) requires that six-foot high fences be located behind the front yard setback line. There is a 140-foot *platted* setback line on Hillside Drive, and the six-foot high fence you are proposing along the south property line extends approximately 30 feet into this 140-foot setback. [This code provision allows a 42-inch high fence to project a distance of 15 feet into front setbacks.]

Please submit a revised drawing that demonstrates compliance with this requirement, or you may choose to file for a variance from the Board of Zoning and Planning (BZAP) to permit the fence to project as shown on the plan. I have attached a variance application, BZAP meeting and filing deadline schedule, and informational brochure for your review.

Also, Article 6.09(D)12 of the UDO requires that "Every swimming pool (including existing pools) shall be completely enclosed by a fence of sturdy construction not less than 48 inches in height, measured from the level of the ground where located, which shall be of such design and construction as to effectually prevent a child from crawling or otherwise passing through or under such gate. Each gate in such fence shall be provided with a secure lock and shall be kept locked at all times when the depth of water in the pool exceeds 18 inches, unless said pool is in use or is under the immediate observation of a responsible person. No part of any fence shall be located between the building setback line and the street on which the lot or parcel abuts." I was unable to determine from the plans submitted whether the swimming pool is completely enclosed. The fact that the existing swimming pool fence is located between the building setback line and the street is apparently a legally, non-conforming condition, as I could find no documentation indicating City approval.

If you need any additional information or clarification, please call me directly at 583-5076.

Yours truly,

DEPARTMENT OF DEVELOPMENT

Suzannah C. Milling
Suzannah C. Milling
Planning Officer

c: Kleinhenz, 6619 Brock Street, Dublin, Ohio 43017

Fence rej.
1109 0294

10-6-11 -

*Gave variance appl.
to homeowner.*

070-000409

1980 HILLSIDE DRIVE	1	124	Upper Arlington Addition
Street Address R-1c	Lot No.	Pl. No.	Subdivision Name

Zoning Category Lot Size Platted Bldg. Setback Parcel No. SSAF Per. # & Date Issued

NOTE: USE FRONT OF CARD FOR NEW, GROUND UP, CONSTRUCTION ONLY. USE REVERSE SIDE FOR ROOM ADDITIONS, REMODELINGS, GARAGE ADDITIONS AND OTHER MISCELLANEOUS SECONDARY PERMITS.

BUILDING PERMIT NO. 664-57 Issued: 12/11/57 Fee: _____ Valuation: 25,200.00

Owners' Name, Address, and Phone Number: Robert E & Virginia E. Potts, 1994, Suffolk Road

Tenant's Name _____ Contractor's Name & Phone Number: same 228-5437

Description of Work: 2-sty brick/frame OBBC Use Gr.: _____ OBBC Type Const.: _____

Building Square Footage: w/att gar

BUILDING PERMIT INSPECTIONS:

	Rejected	Rejected	Approved
Footer			1/28/58
Foundation Tile			
Grade & Damp Proof			
Framing			6/16/58
Fireplace			
Insulation			
Roof Drains			

FINAL FOR OCCUPANCY

SEWER TAP PERMIT NO. <u>6009</u> Issued: _____	Rejected	Rejected	Approved
Contractor: <u>Geo. Igel</u>			1/2/58

DRIVEWAY PERMIT NO. _____ Issued: _____	Rejected	Rejected	Approved
Contractor: _____			8/19/58

ELECTRIC PERMIT NO. <u>366</u> Issued: _____	Service	Rough	Final
Contractor: <u>J.A. Davis</u>		6/10/58	1/14/59

HVAC PERMIT NO. _____ Issued: _____		Rough	Final
Contractor: _____		6/12/58	1/14/59

PLUMBING PERMIT NO. <u>33</u> Issued: <u>3/28/58</u>	Underground	Rough	Final
Contractor: <u>D. Kaiser</u>		3/28/58	1/14/59

FIRE SUPPRESSION PERMIT NO. _____ Issued: _____			Final
Contractor: _____			

BUILDING PERMIT NO. _____ Issued: _____ Fee: _____ Valuation: _____

Owners' Name, Address, and Phone Number: _____

Tenant's Name _____ Contractor's Name & Phone Number: _____

Description of Work: _____ OBBC Use Gr.: _____ OBBC Type Const.: _____

Building Square Footage: _____

BUILDING PERMIT INSPECTIONS:

	Rejected	Rejected	Approved
Footer			
Foundation Tile			
Grade & Damp Proof			
Framing			
Fireplace			
Insulation			
Roof Drains			

FINAL FOR OCCUPANCY

DRIVEWAY PERMIT NO. _____ Issued: _____

Contractor: _____

DRIVEWAY PERMIT NO. _____ Issued: _____

Contractor: _____

ELECTRIC PERMIT NO. _____ Issued: _____

Contractor: _____

ELECTRIC PERMIT NO. _____ Issued: _____

Contractor: _____

HVAC PERMIT NO. 4493-86 Issued: 11-20-86

Contractor: W. H. King 100 No. 10th St. Apt. 120, 000 B.V.

HVAC PERMIT NO. _____ Issued: _____

Contractor: _____

PLUMBING PERMIT NO. 5157-83 Issued: 8/29/83

Contractor: Tom Sullivan Abg 1/2 WC / 2 Tub. Shower 8/19/83

PLUMBING PERMIT NO. _____ Issued: _____

Contractor: _____

MISC. PERMITS & NOTES:

Fence Permit No. 145-80; 9/9/80

Tri-level House - ^{BZA}OK 6/21/54 same C.P. 6/28/54

Front yard Variance OK: ^{BZA}11/18/65

4-15-91 - Rear yard encroachment - BZAP approved BZ-14-91

SUPPLEMENTARY PAGE

Address of Work: 1980 Hillside Drive

BUILDING PERMIT NO.: 7378-91 ISSUED: 10/10/91 FEE: 300.00 VALUATION: \$ 100,000.00

Owner/Address/Phone: Ralph Swain Builders 721 Chaffin Ridge Col/Oh 43212 451-3533

Contractor/Address/Phone: Henry & Niki Fayne 1980 Hillside Drive UA/Oh

Description of Work: 2 bedrooms and a bath addition

Square Ftg. _____

BUILDING PERMIT INSPECTIONS: (Levels I & V Note in Misc. if Needed)

Level II Footer:

Level III Grade & Dampproof:

Level IV Foundation Tile:

Level VI Framing:

Electric: Permit No.: 6090-92 Issued: 3-11-92

Contractor: Liberty Electric/MEC, 5012 250nd 18 St.

Electric: Permit No.: _____ Issued: _____

Contractor: _____

HVAC: Permit No.: 4670-91 Issued: 12-10-91

Contractor: Waibel Htg/ new furnace & C also extensions

HVAC: Permit No.: _____ Issued: _____

Contractor: _____

Plumbing: Permit No.: 5210-91 Issued: 12-19-91

Contractor: Raymond G. Kerson / LARA, 1605 K 1st, 17th, 18th, 19th, 20th

Plumbing: Permit No.: _____ Issued: _____

Contractor: _____

Level VII Insulation:

Level VIII Driveway: Permit No.: _____ Issued: _____

Contractor: _____

Level IX FINAL FOR OCCUPANCY

MISC. PERMITS AND NOTES: Roof Drains OK 7-22-92

REJECTED		APPROVED	
3-13-92		12-21-91	
		3-17-92	
ROUGH		FINAL	
3-12-92		9-4-92	
7-2-92 SK		10-6-92	
12-26-91		10-9-92	
12-31-91			
3-13-92			
UNDERGRD	ROUGH	FINAL	
10-20-91	2-3-92	8-25-92	
REJECTED		APPROVED	
		3-31-92	
		10-9-92 cond 12, 11-13-92	

BUILDING PERMIT NO.: _____ ISSUED: _____ FEE: _____ VALUATION: _____

Owner/Address/Phone: _____

Contractor/Address/Phone: _____

Description of Work: _____ Square Ftg. _____

BUILDING PERMIT INSPECTIONS: (Levels I & V Note in Misc. if Needed)

Level II Footer:

REJECTED	APPROVED

Level III Grade & Dampproof:

--	--

Level IV Foundation Tile:

--	--

Level VI Framing:

--	--

Electric: Permit No.: _____ Issued: _____

ROUGH	FINAL

Contractor: _____

Electric: Permit No.: _____ Issued: _____

--	--

Contractor: _____

HVAC: Permit No.: _____ Issued: _____

--	--

Contractor: _____

HVAC: Permit No.: _____ Issued: _____

--	--

Contractor: _____

Plumbing: Permit No.: _____ Issued: _____

UNDERGRD	ROUGH	FINAL

Contractor: _____

Plumbing: Permit No.: _____ Issued: _____

--	--	--

Contractor: _____

Level VII Insulation:

REJECTED	APPROVED

Level VIII Driveway: Permit No.: _____ Issued: _____

--	--

Contractor: _____

Level IX FINAL FOR OCCUPANCY

--

MISC. PERMITS AND NOTES:

1980 HILLSIDE DRIVE 1 124 070-000409
 Street Address Lot No. Bl. No. Subdivision Name
 R-1c
 Zoning Category Lot Size Platted Bldg. Setback Parcel No. SS&F Per. # & Date Issued

NOTE: USE FRONT OF CARD FOR NEW, GROUND UP, CONSTRUCTION ONLY. USE REVERSE SIDE FOR ROOM ADDITIONS, REMODELINGS, GARAGE ADDITIONS AND OTHER MISCELLANEOUS SECONDARY PERMITS.

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Tenant's Name Contractor's Name & Phone Number: Same

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Building Square Footage: w/att gar

BUILDING PERMIT INSPECTIONS:

	Rejected	Rejected	Approved
Footer			1/28/58
Foundation File			
Grade & Damp Proof			
Framing			6/16/58
Fireplace			
Insulation			
Roof Drains			

FINAL FOR OCCUPANCY

SEWER TAP PERMIT NO. 6009 Issued: Rejected Rejected Approved
 Contractor: Geo. Igel 1/2/58

DRIVEWAY PERMIT NO. Issued: Rejected Rejected Approved
 Contractor: 8/19/58

ELECTRIC PERMIT NO. 366 Issued: Service Rough Final
 Contractor: J.A. Davis 6/10/58 1/14/59

HVAC PERMIT NO. Issued: Rough Final
 Contractor: 6/12/58 1/14/59

PLUMBING PERMIT NO. 33 Issued: 3/28/58 Underground Rough Final
 Contractor: D. Kaiser 3/28/58 1/14/59

FIRE SUPPRESSION PERMIT NO. Issued: Final
 Contractor:

BUILDING PERMIT NO. _____ Issued: _____ Fee: _____ Valuation: _____

Owners' Name, Address, and Phone Number: _____

Tenant's Name _____ Contractor's Name & Phone Number: _____

Description of Work: _____ OBBC Use Gr.: _____ OBBC Type Const.: _____

Building Square Footage: _____

BUILDING PERMIT INSPECTIONS:	Rejected	Rejected	Approved
Footer			
Foundation Tile			
Grade & Damp Proof			
Framing			
Fireplace			
Insulation			
Roof Drains			

FINAL FOR OCCUPANCY _____

DRIVEWAY PERMIT NO. _____ Issued: _____
Contractor: _____

Rejected	Rejected	Approved

DRIVEWAY PERMIT NO. _____ Issued: _____
Contractor: _____

Rejected	Rejected	Approved

ELECTRIC PERMIT NO. _____ Issued: _____
Contractor: _____

Service	Rough	Final

ELECTRIC PERMIT NO. _____ Issued: _____
Contractor: _____

Service	Rough	Final

HVAC PERMIT NO. 4493-86 Issued: 11-20-86
Contractor: Washington Heating & Air Conditioning, Inc. 120,000 BTU

Rough	Final

HVAC PERMIT NO. _____ Issued: _____
Contractor: _____

Rough	Final

PLUMBING PERMIT NO. 5157-83 Issued: 8/29/83
Contractor: Tom Sullivan Plbg. / 3 WC / 2 Tubs / Shower 8/19/83

Underground	Rough	Final

PLUMBING PERMIT NO. _____ Issued: _____
Contractor: _____

Underground	Rough	Final

MISC. PERMITS & NOTES:

Fence Permit No. 145-80; 9/9/80

Tri-Level House - ^{BZA} OK 6/21/54, same C.C. 6/28/54

Front yard variance OK ^{BZA} 11/18/65

4-15-91 - Rear yard encroachment - BZAP approved BZ-14-91

SUPPLEMENTARY PAGE

Address of Work: 1980 Hillside Drive

BUILDING PERMIT NO.: 7378-91 ISSUED: 10/10/91 FEE: 300.00 VALUATION: \$ 100,000.00

Owner/Address/Phone: Ralph Swain Builders 721 Chaffin Ridge Col, Oh 43212 451-3533

Contractor/Address/Phone: Henry & Niki Fayne 1980 Hillside Drive UA/Oh

Description of Work: 2 bedrooms and a bath addition

Square Ftg. _____

BUILDING PERMIT INSPECTIONS: (Levels I & V Note in Misc. if Needed)

		REJECTED	APPROVED
Level II	Footer:		
Level III	Grade & Dampproof:		
Level IV	Foundation Tile:		
Level VI	Framing:	3-13-92	12-31-91 3-18-92
Electric: Permit No.: <u>6090-92</u> Issued: <u>3-11-92</u>		ROUGH	FINAL
Contractor: <u>Liberty Electric/ATC, 5000</u>		3-12-92 7-2-92 SEC	9-4-92 10-6-92
Electric: Permit No.: _____ Issued: _____			
Contractor: _____			
HVAC: Permit No.: <u>4640-91</u> Issued: <u>12-10-91</u>		12-26-91 12-31-91 3-13-92	10-1-92
Contractor: <u>Waibel Ltg / new furnace, A/C also extensions</u>			
HVAC: Permit No.: _____ Issued: _____			
Contractor: _____			
Plumbing: Permit No.: <u>5010-91</u> Issued: <u>12-19-91</u>		UNDERGRD 12-20-91	ROUGH 2-3-92 FINAL 5-25-92
Contractor: <u>Raymond H. Kerson / LUC, 1 TRNG, 1 tub, 1 LAV, 1 wash</u>			
Plumbing: Permit No.: _____ Issued: _____			
Contractor: _____			
Level VII	Insulation:	REJECTED	APPROVED 3-31-92
Level VIII	Driveway: Permit No.: _____ Issued: _____		
Contractor: _____			
Level IX	FINAL FOR OCCUPANCY	10-9-92 Cond + L, 11-13-92	

MISC. PERMITS AND NOTES: Roof Drains OK 7-22-92

BUILDING PERMIT NO.: _____ ISSUED: _____ FEE: _____ VALUATION: _____

Owner/Address/Phone: _____

Contractor/Address/Phone: _____

Description of Work: _____ Square Ftg. _____

BUILDING PERMIT INSECTIONS: (Levels I & V Note in Misc. if Needed)

Level II Footer:

REJECTED

APPROVED

Level III Grade & Dampproof:

Level IV Foundation Tile:

Level VI Framing:

Electric: Permit No.: _____ Issued: _____

Contractor: _____

ROUGH

FINAL

Electric: Permit No.: _____ Issued: _____

Contractor: _____

HVAC: Permit No.: _____ Issued: _____

Contractor: _____

HVAC: Permit No.: _____ Issued: _____

Contractor: _____

Plumbing: Permit No.: _____ Issued: _____

Contractor: _____

Plumbing: Permit No.: _____ Issued: _____

Contractor: _____

Level VII Insulation:

Level VIII Driveway: Permit No.: _____ Issued: _____

Contractor: _____

Level IX FINAL FOR OCCUPANCY

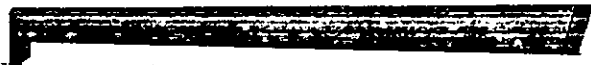
MISC. PERMITS AND NOTES:

Melia Wolf

1980 Hillside Drive - Play Structure

B2-25-12

WINDPLAY SERIES FROM RECREATIONS
11-19-12



1
PREF
OF

Yes

R-1C

PLAT. IF APPLICABLE IN ... Yes

FOR X-300 - PLAT - ...

IF FIG. DATE SENT BY PLANNED ...

FOR "ON AGENDA" LETTER SENT ...

APPROX. PLAT. FOR HING/RENT ...

PLAT. Annexed - ...

Platted - ...

Built - ...

BOARD ORDER
Board of Zoning and Planning, City of Upper Arlington, Ohio

DATE: November 19, 2012		RE: VARIANCE APPLICATION NO: BZ-25-12	
NAME OF APPLICANT: Melia Wolf 1980 Hillside Drive Upper Arlington, Ohio 43221		NAME OF PROPERTY OWNER: same	
LOCATION OF PROPERTY: 1980 Hillside Drive			
PRESENT USE OF PROPERTY: Single-family residence		PRESENT ZONING CLASSIFICATION: R-1c	
DEVELOPMENT COVER: n/a	YEAR ANNEXED: 1918	YEAR PLATTED: 1932	YEAR DWELLING BUILT: 1958

VARIANCE REQUEST: To permit the construction of a recreational structure that would project 17 feet into the 140-foot front yard setback along Hillside Drive and would project 12 feet into the 40-foot front yard setback along Upper Chelsea Road.

RESULTS (check one):		Approval:	☒	Disapproval:		
CONDITIONS ATTACHED TO VARIANCE APPROVAL (check one): If Conditions, See Approved Minutes Attached.		Yes:	☒	No:		
BOARD FINDINGS OF FACT					Board Finding	
In accordance with Article 4.09: Authority to consider variance(s) from the terms of this UDO is granted to the Board of Zoning and Planning. The Board may authorize, in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest. The following factors shall be considered and weighed by BZAP in determining practical difficulty or hardship:					Yes	No
1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures, or conditions.					☒	
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.						
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.						
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.						☒
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pick-up.						
6. Whether special conditions or circumstances exist as a result of actions of the current or a previous owner.						
7. Whether the property owner's predicament feasibly can be resolved through some method other than a variance.						
8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance, and/or					☒	
9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.						
VOTING RECORD:				The signatures below certify that the outcome of this case was as reported in this document. If conditions are attached to this case, an approved copy of the Board's minutes must be attached to this order to certify the accuracy of these conditions. 11/19/2012 Chairman Date 1-13-14 Acting Secretary Date		
	Yes	No	Abstain			
Barringer	☒					
Carpenter	☒					
Holodnak	☒					
Osterhout	☒					
Tolliver	☒					
Tullett	☒					
Ward	☒					

NOTE: This ruling pertains to the above referenced articles of the Unified Development Ordinance. It does not modify any other obligation you may have under other existing City or State codes.

BOARD ORDER
Board of Zoning and Planning, City of Upper Arlington, Ohio

DATE: November 19, 2012		RE: VARIANCE APPLICATION NO: BZ-25-12	
NAME OF APPLICANT: Melia Wolf 1980 Hillside Drive Upper Arlington, Ohio 43221		NAME OF PROPERTY OWNER: same	
LOCATION OF PROPERTY: 1980 Hillside Drive			
PRESENT USE OF PROPERTY: Single-family residence		PRESENT ZONING CLASSIFICATION: R-1c	
DEVELOPMENT COVER: n/a	YEAR ANNEXED: 1918	YEAR PLATTED: 1932	YEAR DWELLING BUILT: 1958

VARIANCE REQUEST: To permit the construction of a recreational structure that would project 17 feet into the 140-foot front yard setback along Hillside Drive and would project 12 feet into the 40-foot front yard setback along Upper Chelsea Road.

RESULTS (check one):		Approval:		Disapproval:	
CONDITIONS ATTACHED TO VARIANCE APPROVAL (check one): If Conditions, See Approved Minutes Attached.		Yes:		No:	
BOARD FINDINGS OF FACT					Board Finding
In accordance with Article 4.09: Authority to consider variance(s) from the terms of this UDO is granted to the Board of Zoning and Planning. The Board may authorize, in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest. The following factors shall be considered and weighed by BZAP in determining practical difficulty or hardship:					
1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures, or conditions.					
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.					
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.					
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.					
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pick-up.					
6. Whether special conditions or circumstances exist as a result of actions of the current or a previous owner.					
7. Whether the property owner's predicament feasibly can be resolved through some method other than a variance.					
8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance, and/or					
9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.					
VOTING RECORD:				The signatures below certify that the outcome of this case was as reported in this document. If conditions are attached to this case, an approved copy of the Board's minutes must be attached to this order to certify the accuracy of these conditions.	
	Yes	No	Abstain		
Barringer					
Carpenter				Chairman Date	
Holodnak					
Osterhout				Acting Secretary Date	
Tolliver					
Tullett					
Ward					

NOTE: This ruling pertains to the above referenced articles of the Unified Development Ordinance. It does not modify any other obligation you may have under other existing City or State codes.

Variance Application BZ-25-12
Board of Zoning and Planning
Monday, November 19, 2012

I. Request/Code Requirements:

This variance application requests permission to construct a recreational structure in the front yard of 1980 Hillside Drive, which is prohibited by Unified Development Ordinance (UDO) Article 6.09(C). Therefore a variance has been requested.

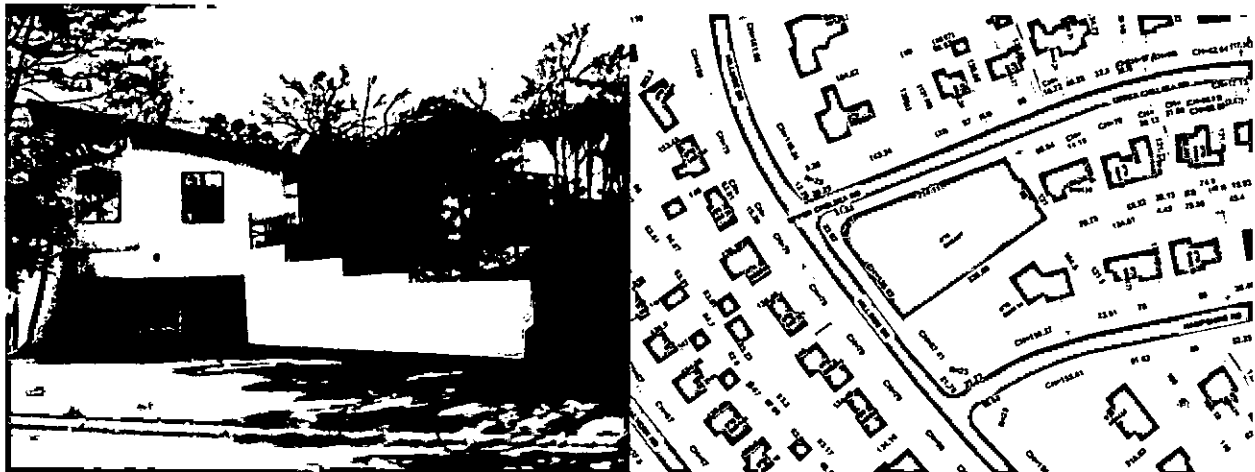


Figure 1: Staff Photo of Upper Chelsea elevation (L) and Figure 2: County Auditor Property Map (R)

II. Site Description/Property History/Proposal:

The subject property, 1980 Hillside Drive, is located on the east side of Hillside Drive at its intersection with Upper Chelsea Road, and is zoned R-1c, One-Family Residence District. The 0.72-acre property contains 126 feet of frontage along Hillside Drive and 214 feet along Upper Chelsea Road, narrowing to 98 feet on the east side of the property. The property was annexed in 1918 and platted as Lot #124 in the Upper Arlington Addition subdivision with front yard building lines of 140 feet along Hillside Drive and 40 feet along Upper Chelsea Road. Access to the site is from two separate driveways along Upper Chelsea Road which lead to a two-car attached garage and front porch. The home faces Upper Chelsea Road and is surrounded by mature evergreen trees. An existing swimming pool sits 30 feet from the house and well into the Hillside Drive front yard setback area. The home was built in 1958 and purchased by the applicant in October 2011.

Over the past 60 years, the property has obtained variance approval for varying items. Approval of a tri-level house was granted by BZAP and City Council in 1954, a front yard variance was granted in 1965, and a rear yard encroachment was approved by BZAP in 1991. An expanded pool fence variance was recently granted (BZ-30-11) on November 21, 2011.



Figure 3: Proposed recreational structure

This application would permit the construction of a recreational structure (Recreations Outlet, Woodplay Series, Outback Combo #4 and shown in Figure 3) in the front yard of the subject property. The structure would project approximately 17 feet into the 140-foot front yard setback along Hillside Drive and 12 feet into the 40-foot front yard setback along Upper Chelsea Road (*variance required*). This location is one of the few generally flat spots on the site and would be enclosed on three sides with mature landscaping (see Figure 4). *The applicant has offered to plant eight blue spruce trees between the existing pine trees to further shield views of the recreational structure from Upper Chelsea Road.* As shown in Figure 3, the structure would be reduced in height from 15'-2" to 12 feet, per code, the yellow and red fabric roof would be replaced with a wooden roof, and the yellow slide would instead be dark green in color. Taking a footprint of the structure, it measures 334 square feet, however is approximately 175 square feet when measuring the individual pieces.



Figure 4: Proposed location of recreational structure

The application states that there is no other location for the play structure based on the setbacks and location of the home. *"The house was built in the very corner of the lot and a variance was granted for a former owner to build a swimming pool in the Hillside Drive front yard. The proposed location of the recreational structure is shielded from view by mature white pine trees. The proposed structure is built from wood and would have green accessories to blend with the environment."*

III. Staff Recommendation:

Historically, Staff has not been supportive of accessory structures proposed in front yard areas. However, Staff believes there are unique circumstances present to justify this request. Given the platted building lines of 140 feet along Hillside Drive and 40 feet along Upper Chelsea Road, as well the side and rear setbacks, only 15 percent of the 0.72-acre lot is buildable. As evidenced in the photographs, the site slopes from west to east and the only flat spot available for a recreational structure is the location proposed. This location already has mature evergreen landscaping on three sides and the applicant has offered to supplement them to mitigate views. Moving it in any direction would impact current mature landscaping or would not be on level ground. Staff is supportive of this application under two conditions: 1) That eight six-foot tall blue spruce trees are planted on the south side of the recreational structure in order to mitigate views from Upper Chelsea Road; and 2) That the existing trampoline is removed upon completion of the recreational structure.

Attachments: Variance Application BZ-25-12
:jam



Figure 5: Bing® Bird's Eye View, looking north

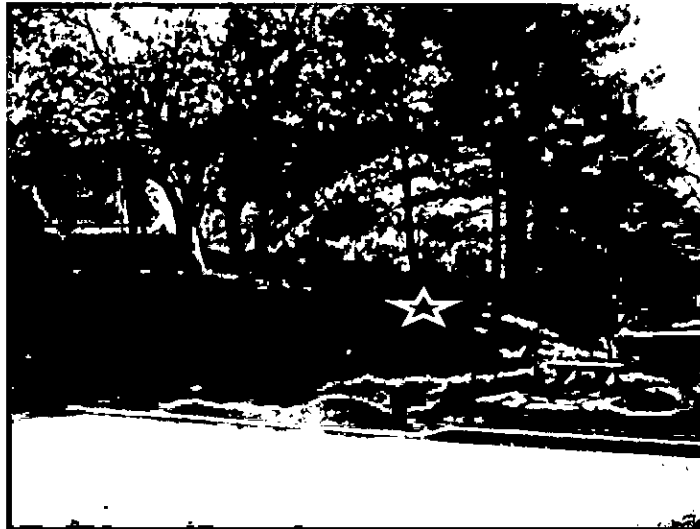


Figure 6: Looking south from the neighbor's driveway across Upper Chelsea Road



Figure 7: Looking east toward the home from Hillside Drive



Figure 8: Existing buffer along the east side of the westernmost driveway

VARIANCE APPLICATION
(Use - Area - Subdivision)
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO
UDO 4.09

Filing Date: 10-15-12	Application No.: B2-25-12	Filing Fee: check \$100.00	BZAP Meeting Date: NOVEMBER 19 2012
---------------------------------	-------------------------------------	--------------------------------------	---

Submission Requirements: EXHIBIT A: Certification of Notice To Property Owners Within 100 feet of any and all property boundaries.
EXHIBIT B: Rationale for Variance

Attachment: 15 Copies of a Site Plan (drawn to scale) showing:

- The actual dimensions of the lot including all easements.
- An accurate site survey and legal description.
- The exact size and location of all buildings on the lot.
- The building envelope as created by zoning and platted setback requirements.
- The proposed new construction and/or use.
- The existing and intended use of all parts of the land or buildings.
- Building elevations (if applicable).
- Floor plans (if applicable).
- Landscape plan (if applicable)
- Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of the UDO.

All agenda items will be considered for purposes of inclusion on a Consent Agenda. **PLEASE CALL THE DEPARTMENT OF DEVELOPMENT AT 583-5070 TO DETERMINE WHETHER THIS AGENDA ITEM HAS BEEN PLACED ON THE CONSENT AGENDA.**

Applicant(s) Name: MELIA WOLF	Phone: (614) 266-6620
Applicant(s) Mailing Address(es): 1980 HILLSIDE DR UA OH 43221	Email: MELIA.ANDEDWOLF@gmail.com
Owner(s) Name(s): (CATHLEEN) ED AND MELIA WOLF	Phone: (614) 747-1840
Owner(s) Mailing Address(es): same	Email: same

LOCATION, ZONING, SIZE, USE, AND DESCRIPTION:

Property Located At: (street no. and name)	1980 HILLSIDE DR COLS. 43221
Tax District/Parcel Identification Number: (required)	
Side of Street: (N, S, E, W)	
Between What Streets, or:	
At What Intersection:	
Variance Type (Use or Area):	AREA
Present Zoning Classification:	RIC
Present Land Use: (single family residence, office, commercial, etc.)	RESIDENTIAL
Subdivision Name:	

I (we) are requesting a variance to: (i.e., build a detached garage 20' closer to the rear property line than the Code allows. Describe request here.)

INSTALL PLAYSET IN WHAT IS CONSIDERED MY FRONTYARD (UNIQUE LAYOUT) THAT IS 135' FROM CURB ON HILLSIDE DR AND 40 FT FROM CURB ON UPPER CHELSEA IS FRONT

I (We) understand that it is my (our) responsibility to obtain a written certificate from either the Planning Officer or the City Clerk stating that no appeal has been filed within the legally specified appeal period before beginning any activity agreed to by the Board of Zoning and Planning and/or City Council. I (WE) FURTHER UNDERSTAND THAT THE APPROVALS GIVEN IN RESPONSE TO THIS APPLICATION ARE NOT A SUBSTITUTE FOR OTHER PERMITS REQUIRING SEPARATE APPLICATIONS (E.G. BUILDING, PLUMBING, ELECTRICAL, ETC.) I (we) certify by signature below that the information contained in this application and Exhibits attached hereto is a true and accurate representation of the facts applicable to this request.

Signature of Property Owner: <i>Edmund Wolf</i> <i>Melia Wolf</i>	Date: 10.3.12
Signature of Applicant: <i>C. Melia Wolf</i>	Date: 10.3.12

EXHIBIT A: VARIANCE CERTIFICATION OF NOTICE
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO

PAGE ____ OF ____

NOTICE: YOU MUST FILL IN ALL THE BLANKS ON THIS PAGE AND PROVIDE A COPY OF THIS EXHIBIT A TO ALL PROPERTY OWNERS WITHIN 100' OF THE SUBJECT PROPERTY.

Variance Applicant Name And Address: MELIA WOLF 1980 HILLSIDE DR UPPER ARLINGTON OH 43221			
Location of Property Subject To Variance Request: 1980 HILLSIDE DR UPPER ARLINGTON OH 43221			
This Variance Is Required Before I Can: (describe activity which requires variance) PUT A PLAYSET IN WHAT IS CONSIDERED MY FRONT YARD (UNIQUE LAYOUT) THAT IS 135' FROM (CURB) HILLSIDE DR AND 40 FT FROM (CURB) UPPER CHELSEA.			
This Variance Will Be Heard By The Board of Zoning and Planning On: (Date required) NOVEMBER 19, 2012			
Board of Zoning and Planning meetings begin at 7:00 pm and are held at the City Municipal Service Center, 3600 Tremont Road, Upper Arlington, Ohio 43221			
YOUR SIGNATURE BELOW DOES NOT CONSTITUTE APPROVAL OR DISAPPROVAL OF THE VARIANCE REQUEST.			
Your signature only represents that you have been properly notified of the request. You are encouraged to attend any and all meetings regarding this matter.			
ADDRESSES OF PROPERTIES WITHIN 100'	PROPERTY OWNER'S NAME	PROPERTY OWNER'S SIGNATURE OR CERTIFIED MAIL NO.	DATE SIGNATURE OBTAINED OR NOTICE MAILED
1973 Hillside Dr.	Brad & Kate Campbell	[Signature]	10-3-12
1965 Hillside Dr.	KARIN Michael & Carol	[Signature]	10-3-12
1957 Hillside Dr.	NANCY JOHNSON	[Signature]	10-3-12
2036 Upper Chelsea	MONICA BRICKER	[Signature]	10-4-12
2000 Hillside Dr.	THOMAS E. NOLAN	[Signature]	10-4-12
1991 Hillside Dr.	Beth & Edward Collings	[Signature]	10-6-12
1981 Hillside Dr.	JACKIE NICHOL	[Signature]	10/5/12
2069 Upper Chelsea	Elayne & Brenda AKVAC	[Signature]	10/9/12
2076 Upper Chelsea	Ann C. et Al Stanger	[Signature]	10/9/12
2064 Upper Chelsea	Jill & Sharon Kelle	[Signature]	10/9/12
1991 Hillside	Collings Edward Collings	repeat	
1960 Hampshire Rd	JIM VELIO	[Signature]	10/9/12
1990 Hampshire Rd	Erik F Kassenoff	[Signature]	10/9/12
2057 Upper Chelsea	Kim & Wesley HOAG	[Signature]	10-15-12
Signature of Applicant: [Signature: Melia Wolf]			Date: 10/15/12
Signature of Owner: [Signature]			

EXHIBIT B: APPLICANT'S RATIONALE FOR A VARIANCE
Department of Development, Upper Arlington, Ohio

1	What practical difficulty, special conditions and/or circumstances exist that are peculiar to the land or structure involved and which are not generally applicable to other lands or structures in the same zoning districts?
	MY HOUSE WAS BUILT IN THE VERY CORNER OF THE LOT. THERE WAS A VARIANCE AWARDED TO A FORMER OWNER TO ALLOW A POOL TO EXIST IN ONE OF THE TWO FRONT AREAS (FACING HILLSIDE) I WANT TO PUT A PLAYSET NEXT TO THE POOL. IT IS SHIELDED FROM VIEW BY SOME MATURE WHITE PINES. THE PLAYSET IS BUILT FROM WOOD AND HAS GREEN ACCESSORIES TO BLEND WITH ENVIRONMENT. PLEASE ALLOW THE SET TO SIT 135' FROM HILLSIDE AND 40' FROM UPPER CHESEA
2	Will granting the variance confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district?
	THE PLAYSET WILL BE IN FRONT OF THE HOUSE BUT IS SHIELDED FROM VIEW BY MATURE PINES. IF NEEDED WE WILL CONSIDER ADDING A LINE OF APPROXIMATELY 8 BLUE SPRUCE TREES BETWEEN PINES TO FURTHER SHIELD VIEW OF PLAYSET.
3	Will the essential character of the neighborhood area be substantially altered or will adjoining properties suffer substantial detriment as a result of the variance?
	NO. NEIGHBORS UNDERSTAND PROPOSED ADDITION AND WELCOME THE PLAYSET AS NON-OBTRUSIVE VISUALLY. WE ARE TOLD BY THE NEIGHBORS THAT OUR CLEAN UP OF LANDSCAPING HAS CLEANED UP THE AREA.
4	Have all reasonable alternatives been investigated or exhausted to find that this variance request is the <u>minimum</u> necessary to make reasonable use of land and structures?
	YES. THERE IS NO OTHER LOCATION FOR THE PLAY STRUCTURE BASED ON SETBACKS AND THE LOCATION OF OUR HOME.
5	Can this property yield a reasonable return or can there be any beneficial use of the property without the variance?
	YES.

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX: 614-235-4559

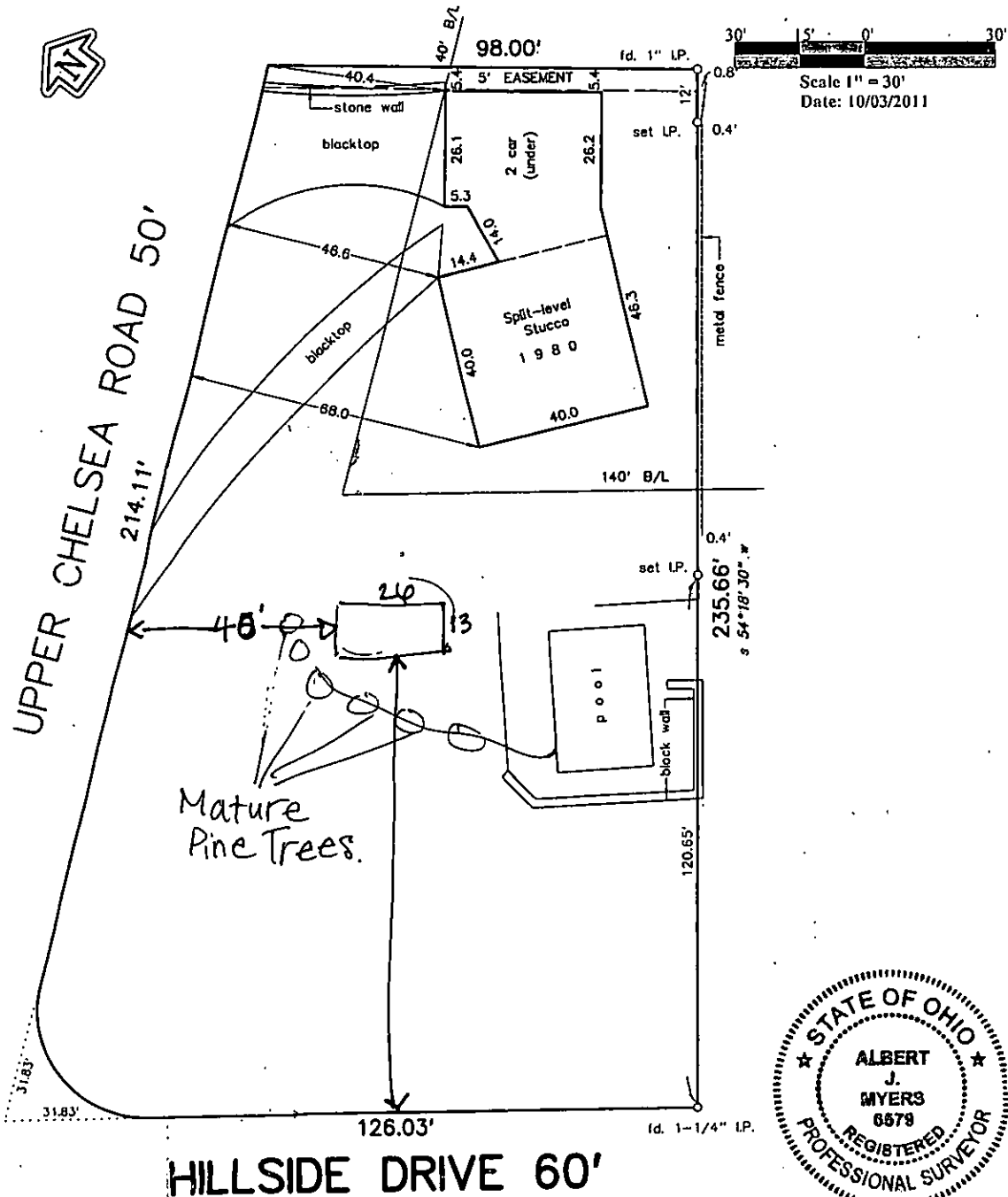
A Boundary Survey prepared for and certified to:

Melia Wolf

Legal Description: Situated in The State of Ohio, County of Franklin, City of Upper Arlington Being Lot 1 Block 124 Amended Plat of Blocks 124, 125 & Part of Block 123 Upper Arlington, Plat Book 20 Page 32

Posted Address: 1980 Hillside Drive, Upper Arlington, Ohio

jmilan@uach.net



We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code. Iron pipes set are 30"x1" O.D. with an orange plastic plug inscribed "P.S. 6579", unless otherwise noted. Basis of bearings is the right of way of Upper Chelsea Road held as North 68 degrees 26 minutes East per Plat Book 20 Page 32

Myers Surveying Co., Inc.

By *Albert J. Myers*
Professional Surveyor

Myers Order No. - 6-09/22/2011

201109226

Rec. *Do* Field *1/* DWG *me* I.Pr. *me* Ck.

000
Article
6.09

C. **General Provisions:** The following general provisions shall apply:

1. **Types:**

- a. **Storage Structures:** Any structure used solely for storage of materials, supplies, tools and similar items.
- b. **Recreational Structures:** Any structure used for recreational activity, including but not limited to, goal nets, backstops, trampolines, half-pipes, quarter-pipes, ramps, pet structures, playhouses and playground equipment, pavilions, and outdoor fireplace or kitchen structures. Basketball goals in the front yard are exempt from the restrictions noted in this section.
- c. **Pet Structures:** Any structure used to house or contain family pets.
- d. **Mechanical devices:** Any device incidental to the operation or use of the principal building, including but not limited to, air conditioners, electric generators, heaters and rain barrels..(Per Ordinance No. 106-2009)

2. **Location:**

- a. No accessory structure shall be located in a platted easement or public right-of-way.
- b. No accessory structure shall be located in front of a platted building line or in a front yard setback.
- c. Storage structures are also to maintain a minimum setback of three feet from side and rear property lines.
- d. Recreational structures and pet structures are also to maintain a minimum setback of 10' from side and rear property lines.
- e. Mechanical devices as described shall not be located nearer to any street than the nearest wall of the principal building in question, or nearer to any side or rear property line than three feet.

3. **Number:**

- a. Only one storage accessory structure;
- b. Only one recreational structure and
- c. Only one pet structure is permitted in addition to those accessory structures regulated by separate ordinance per lot.
(Per Ordinance No. 106-2009)

4. **Height:**

- a. No storage accessory structure shall exceed ten feet in height;
- b. No recreational accessory structure shall exceed twelve feet in height;
- c. No pet structure shall exceed six feet in height.
- d. Mechanical devices or units shall not exceed 80 inches in height.

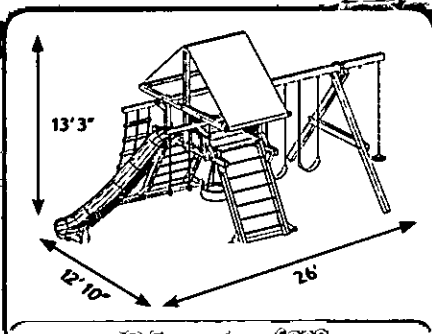
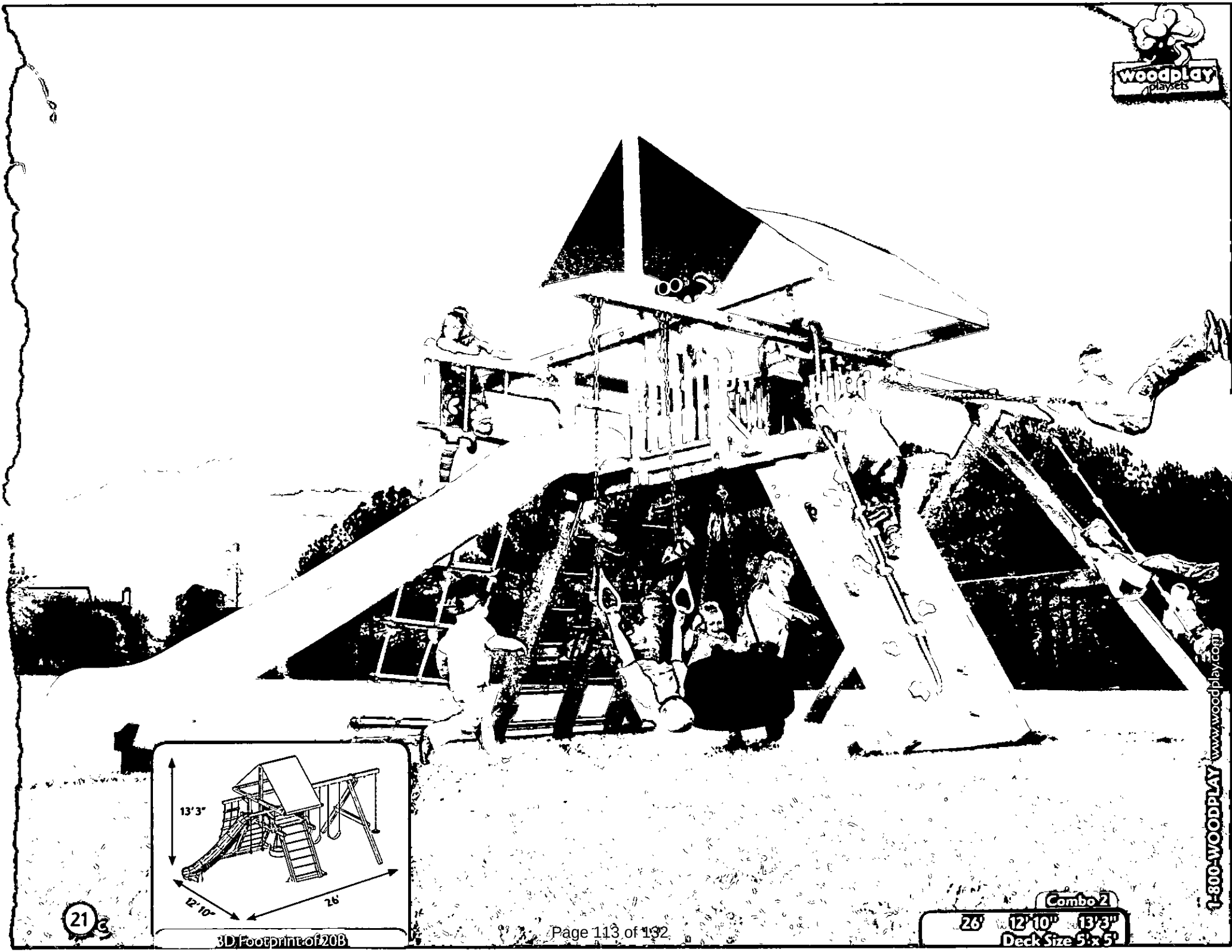


PHOTO
FROM
UPPER CHELSEA CURB
10/15/12

curb



PHOTO FROM
HILLSIDE
CURB
10/15/12



3D Footprint of 20B

VARIANCE APPLICATION
(Use - Area - Subdivision)
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO
UDO 4.09

Filing Date: 10-15-12	Application No.: B2-25-12	Filing Fee: check \$180.00	BZAP Meeting Date: NOVEMBER 19, 2012
Submission Requirements: EXHIBIT A: Certification of Notice To Property Owners Within 100 feet of any and all property boundaries. EXHIBIT B: Rationale for Variance Attachment: 15 Copies of a Site Plan (drawn to scale) showing: • The actual dimensions of the lot including all easements. • An accurate site survey and legal description. • The exact size and location of all buildings on the lot. • The building envelope as created by zoning and platted setback requirements. • The proposed new construction and/or use. • The existing and intended use of all parts of the land or buildings. • Building elevations (if applicable). • Floor plans (if applicable). • Landscape plan (if applicable). • Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of the UDO. All agenda items will be considered for purposes of inclusion on a Consent Agenda. PLEASE CALL THE DEPARTMENT OF DEVELOPMENT AT 583-5076, TO DETERMINE WHETHER THIS AGENDA ITEM HAS BEEN PLACED ON THE CONSENT AGENDA.			

Applicant(s) Name: MELIA WOLF	Phone: (614) 266-6620
Applicant(s) Mailing Address(es): 1980 HILLSIDE DR UA OH 43221	Email: MELIAANDEDWOLF@gmail.com
Owner(s) Name(s): (CATHLEEN) ED AND MELIA WOLF	Phone: (614) 747-1840
Owner(s) Mailing Address(es): same	Email: same

LOCATION, ZONING, SIZE, USE, AND DESCRIPTION:

Property Located At: (street no. and name)	1980 HILLSIDE DR COLS. 43221
Tax District/Parcel Identification Number: (required)	
Side of Street: (N, S, E, W)	
Between What Streets, or:	
At What Intersection:	
Variance Type (Use or Area):	AREA
Present Zoning Classification:	RIC
Present Land Use: (single family residence, office, commercial, etc.)	RESIDENTIAL
Subdivision Name:	

I (we) are requesting a variance to: (i.e., build a detached garage 2'0" closer to the rear property line than the Code allows. Describe request here.)

INSTALL PLAYSET IN WHAT IS CONSIDERED MY FRONTYARD (UNIQUE LAYOUT) THAT IS 135' FROM CURB ON HILLSIDE DR AND 40 FT FROM CURB ON UPPER CHELSEA IS HIGH

I (We) understand that it is my (our) responsibility to obtain a written certificate from either the Planning Officer or the City Clerk stating that no appeal has been filed within the legally specified appeal period before beginning any activity agreed to by the Board of Zoning and Planning and/or City Council. I (WE) FURTHER UNDERSTAND THAT THE APPROVALS GIVEN IN RESPONSE TO THIS APPLICATION ARE NOT A SUBSTITUTE FOR OTHER PERMITS REQUIRING SEPARATE APPLICATIONS (E.G. BUILDING, PLUMBING, ELECTRICAL, ETC.) I (we) certify by signature below that the information contained in this application and Exhibits attached hereto is a true and accurate representation of the facts applicable to this request.

Signature of Property Owner: Edmund Wolf	Date: 10.3.12
Signature of Applicant: C. Melia Wolf	Date: 10.3.12

EXHIBIT A: VARIANCE CERTIFICATION OF NOTICE
DEPARTMENT OF DEVELOPMENT, UPPER ARLINGTON, OHIO

PAGE ____ OF ____

NOTICE: YOU MUST FILL IN ALL THE BLANKS ON THIS PAGE AND PROVIDE A COPY OF THIS EXHIBIT A TO ALL PROPERTY OWNERS WITHING 100' OF THE SUBJECT PROPERTY.

Variance Applicant Name And Address:

MELIA WOLF
1980 HILLSIDE DR
UPPER ARLINGTON OH 43221

Location of Property Subject To Variance Request:

1980 HILLSIDE DR
UPPER ARLINGTON OH 43221

This Variance Is Required Before I Can: (describe activity which requires variance)

PUT A PLAYSET IN WHAT IS CONSIDERED MY
FRONT YARD (UNIQUE LAYOUT) THAT IS 135' FROM (CURB)
HILLSIDE DR AND 40 FT FROM (CURB) UPPER CHELSEA. ~~UPPER CHELSEA~~

This Variance Will Be Heard By The Board of Zoning and Planning On: (Date required)

NOVEMBER 19, 2012

Board of Zoning and Planning meetings begin at 7:00 pm and are held at the City Municipal Service Center, 3600 Tremont Road, Upper Arlington, Ohio 43221

YOUR SIGNATURE BELOW DOES NOT CONSTITUTE APPROVAL OR DISAPPROVAL OF THE VARIANCE REQUEST.

Your signature only represents that you have been properly notified of the request. You are encouraged to attend any and all meetings regarding this matter.

ADDRESSES OF PROPERTIES WITHIN 100'	PROPERTY OWNER'S NAME	PROPERTY OWNER'S SIGNATURE OR CERTIFIED MAIL NO.	DATE SIGNATURE OBTAINED OR NOTICE MAILED
1973 Hillside Dr.	Brad & Kate Campbell	Brad Campbell	10-3-12
1965 Hillside Dr.	KARIN Michael & Carol	Karin Michael	10-3-12
1957 Hillside Dr.	NANCY JOHNSON	Nancy Johnson	10-3-12
2036 Upper Chelsea	MONICA BRICKER	Monica Bricker	10-4-12
2000 Hillside Dr	THOMAS E. NOLAN	Thomas E. Nolan	10-4-12
1991 Hillside Dr	Betty Edward Collings	Betty Edward Collings	10-4-12
1981 Hillside Dr	Jackie Nicol	JACKIE NICOL	10/5/12
2069 Upper Chelsea	Floyd & Brenda D. Kuc	Floyd & Brenda D. Kuc	10/9/12
2076 Upper Chelsea	Ann C. et Al Stanger	Ann C. et Al Stanger	10/9/12
2064 Upper Chelsea	Jill & Sharon Kelle	Sharon Kelle	10/9/12
1991 Hillside	Collings Edward & Betty	repeat	
1991 Hillside			
1960 Hampshire Rd	JIM VELIO	Jim Velio	10/9/12
1990 Hampshire Rd	Erik F Kassenoff	Erik F Kassenoff	10/9/12
2057 Upper Chelsea	Kim & Wesley HOAG	Wesley Hoag	10-15-12

Signature of Applicant:

Melia Wolf

Signature of Owner:

11

Date:

10/15/12

EXHIBIT B: APPLICANT'S RATIONALE FOR A VARIANCE
Department of Development, Upper Arlington, Ohio

1	What practical difficulty, special conditions and/or circumstances exist that are peculiar to the land or structure involved and which are not generally applicable to other lands or structures in the same zoning districts? MY HOUSE WAS BUILT IN THE VERY CORNER OF THE LOT. THERE WAS A VARIANCE AWARDED TO A FORMER OWNER TO ALLOW A POOL TO EXIST IN ONE OF THE TWO FRONT AREAS (FACING HILLSIDE) I WANT TO PUT A PLAYSET NEXT TO THE POOL. IT IS SHIELDED FROM VIEW BY SOME MATURE WHITE PINES. THE PLAYSET IS BUILT FROM WOOD AND HAS GREEN ACCESORIES TO BLEND WITH ENVIRONMENT PLEASE ALLOW THE SET TO SIT NICE 135' FROM HILLSIDE AND 40' FROM UPPER CHESEA
2	Will granting the variance confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district? YES THE PLAYSET IS NOT A SPECIAL PRIVILEGE IT WILL BE IN FRONT OF THE HOUSE BUT IS SHIELDED FROM VIEW BY MATURE PINES. IF NEEDED WE WILL CONSIDER ADDING A LINE OF APPROXIMATELY 8 BLUE SPRUCE TREES BETWEEN PINES TO FURTHER SHIELD VIEW OF PLAYSET.
3	Will the essential character of the neighborhood area be substantially altered or will adjoining properties suffer substantial detriment as a result of the variance? NO. NEIGHBORS UNDERSTAND PROPOSED ADDITION AND WELCOME THE PLAYSET AS NON-OBTRUSIVE VISUALLY. WE ARE TOLD BY THE NEIGHBORS THAT OUR CLEAN UP OF LANDSCAPING HAS CLEANED UP THE AREA.
4	Have all reasonable alternatives been investigated or exhausted to find that this variance request is the <u>minimum</u> necessary to make reasonable use of land and structures? YES. THERE IS NO OTHER LOCATION FOR THE PLAY STRUCTURE BASED ON SETBACKS AND THE LOCATION OF OUR HOME.
5	Can this property yield a reasonable return or can there be any beneficial use of the property without the variance? YES.

FAX:614-235-4559

Melia Wolf

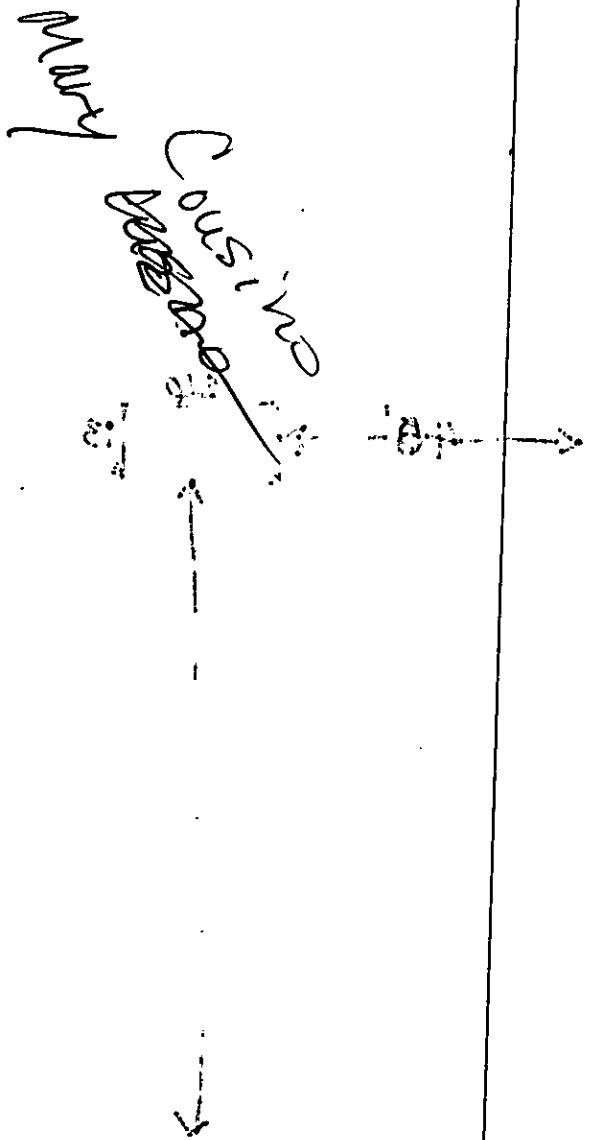
Posted Address: 1980 Hillside Drive, Upper Arlington, Ohio

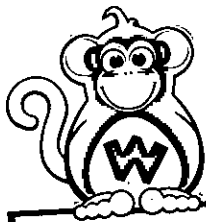
jmilam@uao.h.net



By Allen Myers
Professional Surveyor

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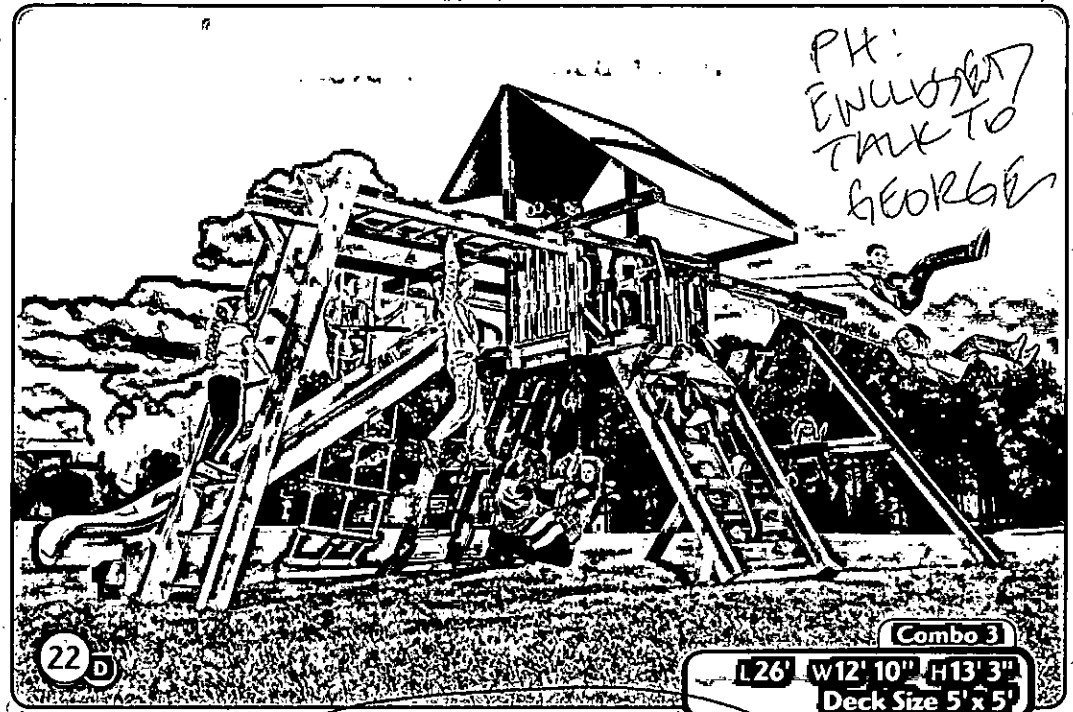
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continued

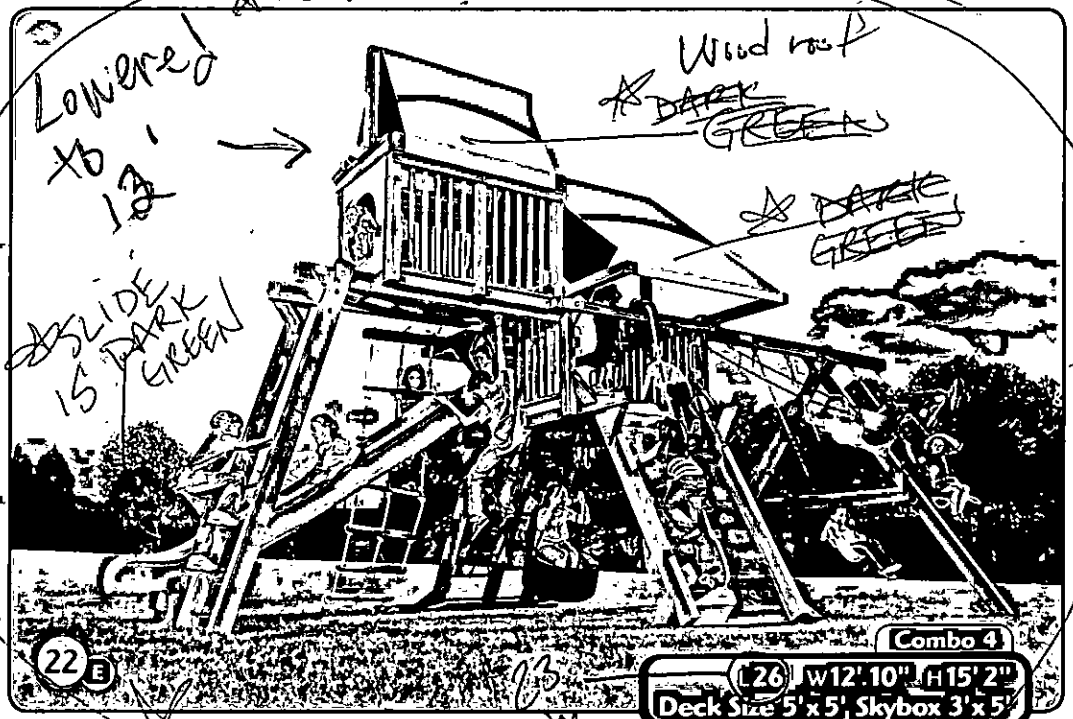


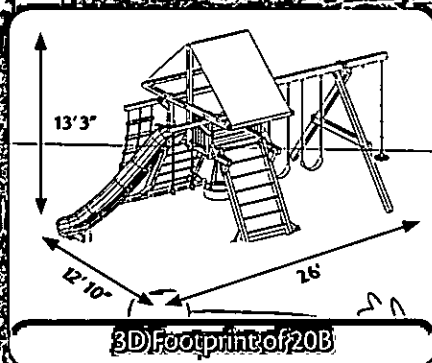
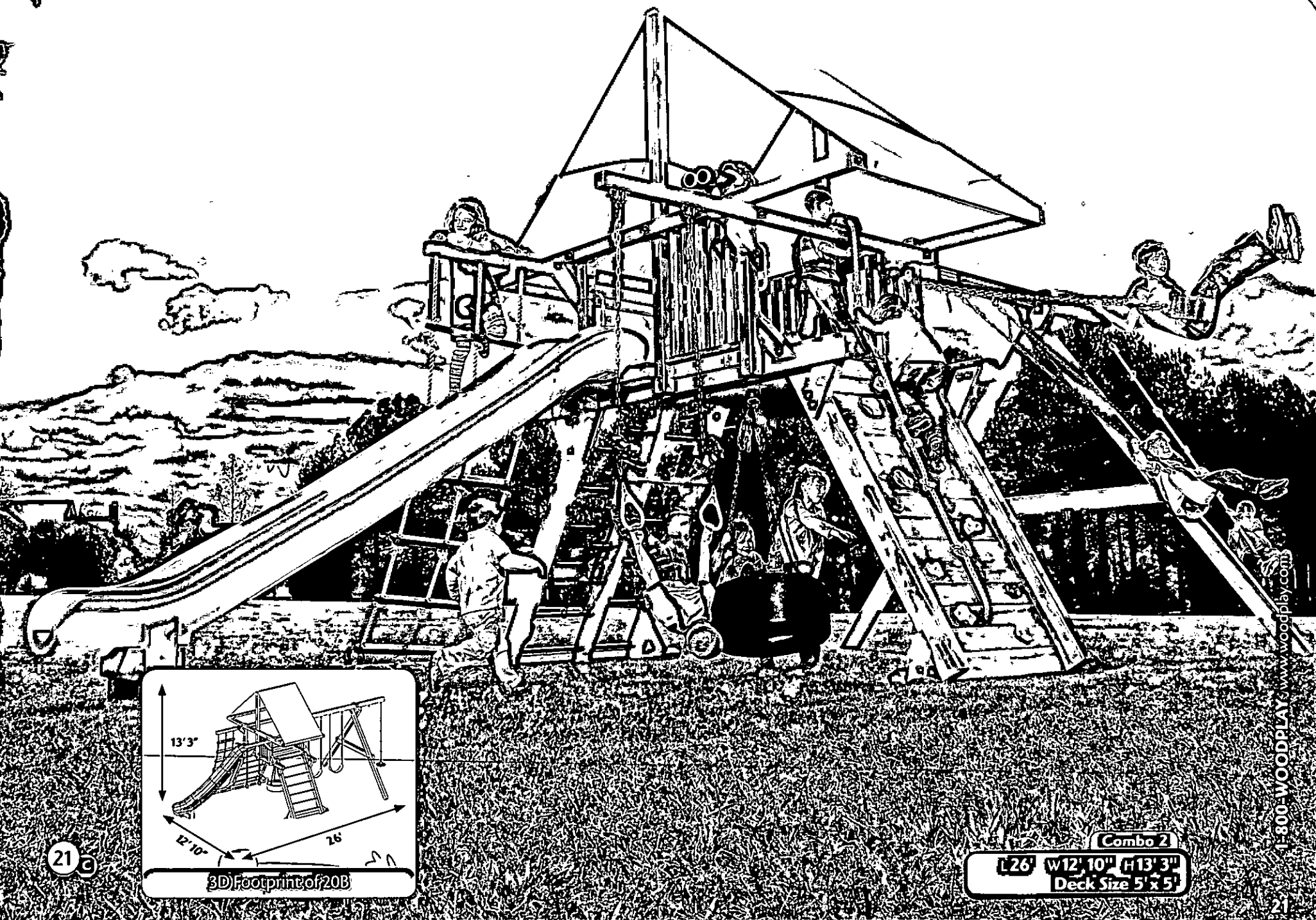
Deck 5'x5'	25
skybox 3'x5'	15
climb 5x6	30
swing 8'x1'	8
slide 2'x10'	20
ladder 5'x8'	40
	138
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Author: Chad D. Gibson, AICP, Community Development Director

BZAP Meeting Date: Wednesday, April 5, 2023

Subject: Informal review of proposed UDO Amendments pertaining to minor subdivisions (lot splits) - *Ordinance No. 28-2023*

Overview

These Unified Development Ordinance (UDO) amendments are essentially proposed in response to community input on minor subdivision (lot split) requests. In most cities, lot splits are permitted 'by right' without approval from a zoning board or Council, as long as underlying zoning standards are met and there are no plat or deed restrictions limiting further subdivision. However, as the Board may recall, there have been several recent minor subdivision applications, such as on Hillview Drive, Fairfax Drive and Riverhill Road, which have generated robust neighborhood interest. Several of these lot split applications have been appealed and are in various stages of litigation.

These proposed code changes would amend UDO Articles 4.05 and 4.06 to require BZAP review of all minor subdivision applications, instead of the current administrative review process. Lot line adjustments, where no new lots are being created, would remain an administrative process. Notification for minor subdivisions would include a 200-foot radius from the subject property.

Ordinance Review Schedule

After introduction and informal discussion of these proposed UDO amendments, any recommended changes will be incorporated, then a final version and report will be provided to the Board at the April 19, 2023 BZAP meeting, where a formal recommendation vote is respectfully requested. City Council is tentatively scheduled to hold public hearings on these proposed code amendments at their June 5, June 12 and June 19, 2023 meetings.

Alternatives

These proposed code changes would require public review of all lot split applications, ensuring that neighbors are notified and have a venue to express their views without having to file an appeal. While the current process has been in effect for several years and has not produced extreme or negative results, Staff believes these changes make the process more transparent for the neighborhood and eliminate lot split appeals from going to BZAP.

Attachments

1. Draft UDO Amendments
2. Links to existing UDO Articles [4.05](#) and [4.06](#)

§ 2 DEFINITIONS

Prominent Characteristics: means the easily noticeable and recognizable qualities that are unique to the neighborhood, are consistent between buildings, homesites, and parcels, and indicate a common identity. Examples include: building style, building location, exterior materials, lot size and shape, amount of greenspace, etc.

Street Segment: means both sides of the street within two intersecting streets.

Subdivision minor: means a division of a parcel of land that is approved by the ~~Director of Community Development~~ BZAP and does not require a plat to be approved by BZAP City Council. A minor subdivision includes a division of a parcel of land along an existing public street or road, and not involving the opening, widening, or extension of any street or road, and involving not more than five (5) lots, any one of which is less than five (5) acres, after the original tract has been completely subdivided.

§ 4.05 DEVELOPMENT APPROVALS: CATEGORIES AND CRITERIA.

- (A) *General requirements:* The following table summarizes the development approvals permitted under the UDO. The subsequent sections of the UDO define the applicable approval processes and submittal requirements.

Table 4-A: Development Approvals

Request	UDO Permit(s) Required Before Construction	Submittal Requirement	Approval Authority	Initial Appeal/Review Body
Subdivision—Minor	Building Permit after Minor subdivision approval	Minor subdivision application	Director of Community Development BZAP	BZAP Court of common pleas

BZAP = Board of Zoning and Planning.

CZC = Certificate of zoning compliance.

- (P) *Subdivision - Minor:* A minor subdivision or lot split is a division of a parcel of land that is approved by the ~~Director of Community Development~~ BZAP and does not meet the definition of a subdivision major requiring a plat approval. Lot line adjustments that meet all the requirements of the UDO can be approved by the Director of Community Development and do not require review by BZAP.
- (1) *Standards for approval:* The following standards shall be considered in the review of minor subdivision applications:
- (a) The proposed subdivision is not contrary to the applicable standards of the UDO, including Article 7.17;

-
- (b) The proposed ~~subdivision~~ lot width and lot size of all proposed lots shall ~~be in harmony~~ meet or exceed both the lot width and lot size of the median measurements of the lots on the street segment and ~~with~~ have adequate area to accommodate the building area and other site requirements. For a proposed minor subdivision of a lot on the corner of a street segment, the proposed lots must meet the median measurements of both the street segments that comprise the corner lot;
 - (c) The property has been surveyed and an acceptable sketch, legal description and other information relating to the property has been submitted with the application;
 - (d) The proposed lots have been approved for access management by the City Engineer ~~and stormwater management~~;
 - (e) The proposed lots have been approved for stormwater management by the City Engineer; and
 - (~~e~~f) The proposed lots have been approved relative to emergency access by the Fire Division.

§ 4.06 DEVELOPMENT APPROVALS: PROCEDURE.

(C) *Approvals by BZAP:* The following outlines the procedure under which BZAP decides development approvals:

- (1) *Preapplication meeting:* The applicant shall meet with the Director of Community Development prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.

Prior to an application being placed on a formal BZAP meeting agenda, excluding the informal Work Session, the City Manager or Community Development Director may require the applicant to hold a neighborhood meeting. The applicant shall invite the property owners within 300 feet of the proposed development site to the meeting, as well as neighborhood associations or groups as applicable. This meeting is informational only and to provide an opportunity to make those property owners and interested parties aware of the proposed application. At a minimum, a proposed site plan shall be displayed. This meeting is not meant as a substitute for BZAP's public hearing on the application, but does allow those parties to offer feedback to the applicant to help resolve issues in advance of any formal public hearings on the application. The applicant must submit documentation to the Community Development Department that sufficient notification was given to those property owners and neighborhood group or association and confirmation that the meeting was held. The applicant shall share the outcome of this meeting with Staff and provide that information at the public hearing.

- (2) *Review by BZAP:* The applicant is encouraged to meet with BZAP prior to submitting an application. The purpose of the work session is to provide feedback regarding the applicant's proposal and to outline submittal requirements. At the applicant's request, the Director of Community Development will place the informal proposal on the work session agenda.
- (3) *Formal application submittal:* The applicant shall submit an application meeting all of the applicable requirements of the UDO. This shall occur consistent with the meeting and submittal schedule established by BZAP. Zoning map amendment applications shall be submitted seven (7) days prior to the date noted on this schedule.
- (4) *Application certification by Director of Community Development:* Upon receipt of an application, the Director of Community Development shall, within five (5) working days, review the application as to completeness. If it is incomplete, the Director of Community Development shall advise the applicant of the deficiencies and shall not process the application until the deficiency is corrected. If it is complete, the Director shall forward the application to the TRC, if applicable.
- (5) *Preparation of agenda and public notice:* Following certification that an application is complete, the Director of Community Development shall place the application on the agenda of BZAP's formal meeting.

Notice of the hearing shall be posted on the City's website and in a conspicuous location at the municipal services center. Notice shall be posted at least ten (10) days

before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed agenda.

The applicant shall provide notice to owners of all property within one hundred (100) feet of the subject area by certified mail, at least twenty-one (21) days before the date of the hearing, addressed to the owners appearing on the County Auditor's current tax list and to such other list or lists as verified by staff. Notice for minor subdivision applications, with the exception for lot-line adjustments that can be approved by the Director of Community Development, shall be sent to those owners located within two hundred (200) feet.

As an alternative to certified mail delivery, such notice may be hand-delivered, with proof of delivery confirmed by a written receipt of such notice signed in-person by the owner(s) of each property subject to this notice requirement. Hand delivery of the notice must be completed at least twenty-one (21) days before the date of the hearing.

The application, staff recommendation and associated material shall be on file for public examination in the office of the Director of Community Development and on the City website.

- (6) *Review by TRC:* At the Director's discretion, the members of the TRC may review the application at a meeting and provide comments within five (5) days to the Director of Community Development.
- (7) *Preparation of staff report:* The director of Community Development shall prepare its staff report providing an analysis of the proposal and a recommendation. The director shall consider comments from the TRC in formulating its recommendation. The application and written report shall be forwarded to BZAP two (2) calendar days prior to the meeting at which BZAP will consider the application.
- (8) *Action by BZAP:* BZAP shall consider the application at its formal public meeting. It shall consider comments by staff as appropriate, a presentation by the applicant, and comments by interested parties. BZAP shall consider this information and render a decision at the public meeting. If requested by staff, BZAP can continue the hearing for no more than sixty (60) days, at which time it shall render a decision. If requested by the applicant, BZAP can continue the hearing for no more than one hundred eighty (180) days, at which time it shall render a decision. In rendering a decision, BZAP shall consider the applicable decision criteria of this UDO. BZAP shall approve, approve with conditions or deny an application. Its decision shall take effect immediately.
- (9) *Appeal:* The decision by BZAP can be appealed to the City Council per Subsection 4.10(C).

Table 5-E: Residential Building Area, Density and Setback Standards
Building Area, Density and Setback

District				Maximum Number of Stories ⁵	Net Lot Area (in square feet) ⁵	Lot Area per Dwelling Unit	Net Density	Min Lot Width ⁵	Front Yard Setback ⁵	Min Side Yard Width ^{4,5}	Side Yard Sum ⁵	2Rear Yard Depth ⁵	Least Rear Yard Profile Coeff. (degree angle from rear property line; feet of rise in each 12 feet of run)
R-S	R-Sa	Res.		2.5	130,680			150	80	20	40	60	20; 4.3
		OPU ³						200		25	50		
		Churches						150					NA
	R-Sb	Res.		2.5	87,120			150	60	20	40	60	21.8; 4.8
		OPU ³			130,680			200		25	50		
		Churches			87,120			150		25	50		NA
	R-Sc	Res.		2.5	43,560			150	40	12	30	50	24; 5.3
		OPU ³			130,680			200		15	35		
		Churches			43,560			150		25	50		NA
	R-Sd	Res.		2.5	21,780			125	40	12	30	50	27.7; 6.3
		OPU ³			130,680			200		15	35		
		Churches			43,560			150		25	50		
R-1		All Churches		1 to 2.5	16,000	NA	NA	100	40	15	30	40	NA
	R-1a	Res.		1&1.5	15,000	15,000	2.9	90	40	10	20	40	29; 6.6
				2&2.5						12	26		
		OPU		1&1.5	40,000	40,000	1.09	150		15	35		
				2&2.5						17	40		
	R-1b	Res.		1&1.5	12,000	12,000	3.63	90	40	10	20	40	30.4; 7
				2&2.5						12	26		
		OPU f		1&1.5	40,000	40,000	1.09	150		15	35		

				2&2.5						17	40		
	R-1c	interior lot ≥ 75 width		1 to 2.5	9,000	9,000	4.84	75	40	10	20	40	32; 7.5
		pre-1995 corner lot ≥ 75 width										10	
		pre-1995 corner lot < 75 width			NC	NC	NC	NC		8	16	8	
		pre-1962 < 75 width										40	
		pre-1962 ≤ 60 width											
		OPU ³		1&1.5	40,000	40,000	1.09	150		15	35		
				2&2.5						17	40		
R-2	R-2a	1 Family		1&1.5	9,000	9,000	4.84	75	40	8	16	30	32; 7.5
				2&2.5							20		
		2 Family		1&1.5		4,500	9.68				16		
				2&2.5							20		
		3 Family		1&1.5	12,000	4,000	10.89					40	
				2&2.5						10	22		
		4 Family		1&1.5	16,000			100		12	28		
				2&2.5									
		<2 BR		1 to 2.5	12,000	3,000	14.52					30	
		OPU ^s		1 to 2.5	20,000	NA	NA						
	R-2b			Same as R-2a									
R-3	R-3A	1 Family	1&1.5		9,000	9,000	4.84	75	40	8	16	30	32; 7.5
			2&2.5								20		
		2 Family				4,500	9.68				16		
			2 & 2.5								20		
		Multi Family	1&1.5		12,000	4,000	10.89	100			22		
			2&2.5							10	28		
		<2 BR			NA	3,000	NA	NA	NA	NA	NA	NA	NA

		OPU ³	1 to 2.5		10,000	NA		100	40	12	28	NA	32; 7.5
	R-3B	1 Family	1&1.5		9,000	9,000	4.84	75	40	8	16	30	32; 7.5
											20		
		2 Family	1&1.5			4,500	9.68				16		
			2&2.5								20		
		Multi Family	1&1.5		10,000	4,000	10.89	100		10	22	25	
			2&2.5							12	28		
			3&3.5										
		<2 BR	1 to 3.5		18,000	3,000	14.52					30	
		OPU ³	1 to 2.5		10,000	NA	NA						

See Article 2, Profile Coefficient Definition.

² Dimension Stated, or ¼ of the lot depth, whichever is less .

³ OPU is Other Permitted Uses.

⁴ For elevations longer than 40 feet, see Article 2, Side Yard Increased.

⁵ Lot dimensions, setbacks, and stories are subject to neighborhood compatibility standards in Article 7.17.

§ 7.17 RESIDENTIAL DESIGN STANDARDS.

(A) *Purpose and intent:* The purpose of these standards is to encourage residential investment and infill redevelopment to maintain and expand the property values in Upper Arlington, while also protecting the character of the residential neighborhoods by ensuring that new development blends in and is compatible with existing and prominent neighborhood characteristics. These standards are in addition to all other standards and requirements of the Unified Development Ordinance.

(B) *Applicability:* The following standards apply to the design of new single-family homes, ~~major additions that exceed fifty percent (50%) of the total existing square footage, second story additions, additions over 1,000 square feet, detached garages over four hundred (400) square feet in area, any proposed modification of a Contributing Structure whereby its historical significance is materially compromised, and newly created or modified parcels in~~ the proposed creation of new parcels or the modification of existing parcels, whether by minor subdivision (lot split) or otherwise.

(1) *Neighborhood compatibility:* The proposed design shall be consistent and compatible with prominent characteristics existing on the street segment ~~in the neighborhood, with particular consideration and focus on the characteristics existing on the same block (both sides of the street within two intersecting streets) or cul-de-sac as the subject property.~~ Such characteristics include: parcel or homesite lot width, and lot size, and ~~configuration,~~ architectural style and materials, heights and massing, front yard setbacks, roof pitch and shape, garage location, amount of impervious surface, and other defining features of the ~~neighborhood and with an emphasis on the block~~ street segment.

Secondary areas of focus may be considered by the Community Development Director when prominent characteristics are not readily present. This secondary area of focus includes the entire subdivision, or, if the lot is unplatted, an additional street segment in each direction from the subject street segment. Adjacent properties sharing a common property line that are in a different subdivision plat, but in the same zoning district, will be considered in the review for compatibility.

Review for compatibility shall be based on all characteristics.



New infill single-family homes shall be consistent with neighborhood characteristics.

(2) *Elevations and floor plans:* Houses with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other. Hip roof forms, or similar roof forms or designs, and/or varied upper floor setbacks should be used to break-up overall massing, where appropriate. Where existing adjacent homes have lower massing profiles, roof forms and designs with lower profiles should be employed, and should be set back from existing wall planes. The height of new homes and proposed additions should be compatible with the other

homes in the neighborhood, with particular consideration and focus on homes on the same block and with the totality of the other applicable design standards required under the Unified Development Ordinance. Number of stories, size of the lot, and proposed distance from neighboring homes may be considered in determining compatibility.

- (3) *Façade articulation:* Building façades shall be articulated through the use of color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Design elements and detailing shall be continued completely around the structure; blank elevations are prohibited. Such design elements shall include window treatments, trim detailing, and exterior wall materials.
- (4) *Privacy:* The location of the house on the lot, windows, orientation, building height, and location of on-site open spaces must be designed in such a manner as to preserve the privacy of existing adjacent homes and development. Second floor balconies proposed adjacent to an existing one-story single-family home shall be set back at least double the minimum side yard setback.
- (5) *Snout houses:* The front elevation of new homes shall not be dominated by attached garages. Where possible the garages of new homes shall be side- or rear-loaded.
- (6) *Notification:* The **Director of Community Development** and property owner shall **separately** provide written notice of ~~the pending construction~~ **a Building Permit application submitted for a proposed new single-family residence** of a new single-family residence to all property owners within ~~100~~ **200** feet of the subject property. Such notice shall be hand-delivered or sent by postal mail prior to the ~~submission~~ **zoning review** of a Building Permit application. ~~Proof of notification shall accompany the Building Permit application.~~ **Signage will be conspicuously placed at the site by the City for enhanced awareness of the permit and imminent construction.**
- (7) *The Director of Community Development (or designee) may request additional information in order to determine compliance with these standards, including but not limited to:* Streetscape renderings with adjacent homes, field specific measurements or material samples.
- (8) *Third-party Architectural Review:* Upon the submission of a Building Permit application, the Director of Community Development (or designee) may forward a copy of the proposed site plan and elevations to a third-party architectural design firm, to be assigned by the City Manager, for review. The third-party architectural design firm shall review the proposed plans and provide the Director of Community Development a recommendation as to compliance with these standards, which may include recommended changes to the plans so that compliance can be achieved. Such recommendations are not binding, but may be considered by the Director of Community Development in determining compliance with these standards.

Any individual entitled to notice pursuant to subsection (B)(6), and any individual who submits a Building Permit application, may request that the Director of Community Development refer such proposal to the third-party architectural design firm for review and recommendations as to compliance with these standards. The Director of

Community Development shall determine if such third-party architectural review is necessary.

- (9) *Director of Community Development Determination:* Upon review of all materials submitted, including any additional information provided pursuant to subsection (B)(7), and including any recommendations (if any) from the third-party architectural design firm, as described in subsection (B)(8), the Director of Community Development shall determine compliance with these standards.
- (10) *Appeal to BZAP:* If the Director of Community Development (or designee) determines that these standards are not met by the Building Permit application (or by preliminary review), the applicant may appeal such determination to the Board of Zoning and Planning (BZAP). If an appeal is filed, the applicant shall notify all property owners within 100 feet of the subject property of the time and place of the hearing at least 10 days prior to the hearing. The notice provided under this section is for informational purposes only. Receipt of the required notice under this section does not make the recipient an Aggrieved party and does not confer any right to participate in the appeal to BZAP or to appeal any decision of BZAP on such appeal. Only persons meeting the definition of "Aggrieved" in UDO Section 2.02 shall be considered Aggrieved.
- (11) *Street Trees:* For all new homes, street trees shall be installed per Article 6.07, which requires one street tree to be planted (or retained) for each 25 feet of lot frontage. All existing on-site healthy trees shall be preserved to the fullest extent reasonable, unless directed otherwise by the City Forester. All existing invasive plant species should be removed and any new landscaping should include a majority of native plant species.