



2/15/2023 | 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. Consent Agenda

- a. Review of the January 18, 2023 BZAP minutes.
- b. 2479 Wenbury Drive (VAR-06-23) - To allow a two-story addition for an elevator to encroach up to 5'-1" into the 12-foot minimum side yard setback.
- c. 2738 Westmont Boulevard (VAR-07-23) - To allow an addition to encroach up to three feet into the 10-foot side yard setback.
- d. 3744 Lyon Drive (VAR-08-23) - To allow a hot tub to encroach up to 15'-3" into the 90-foot rear yard platted setback, which is not permitted.

2. City Business

- a. Update from the City's Community Development Department.

January 18, 2022, | 6:00 PM

Municipal Services Center, 3600 Tremont Road

Members Present: Daniel Barringer, Kevin Carpenter, Shannon Tolliver, Marianne Mitchell, Robert Tullett, William Westbrook

Members Absent: Donald Osterhout

Staff Present: Director Chad Gibson, Senior Planner Justin Milam, Planning Officer Alyssa Kelly, Assistant City Attorney Darlene Pettit, Deputy City Clerk Yelena Parks

1. Call to Order/Roll Call

A motion was made by Ms. Mitchell, seconded by Ms. Tolliver, to excuse Mr. Osterhout's absence. The motion carried unanimously (6-0).

2. Consent Agenda

Minutes

Motion by Mr. Carpenter, seconded by Ms. Mitchell, to approve the request by Consent Agenda for the BZAP minutes for November 16, 2022 meeting and January 4, 2023, Work Session. The motion carries (5-0).

Mr. Westbrook abstained from the November 16, 2022, meeting minutes.

4462 Summit Ridge Drive (VAR-01-23, Anderson)

A motion was made by Mr. Carpenter, seconded by Ms. Mitchell, to approve the request by Consent Agenda. The motion carried unanimously (6-0). Findings #1 and #4 were noted in the Staff Report.



3259 Kenyon Drive (VAR-03-23, Thompson)

A motion was made by Mr. Carpenter, seconded by Ms. Mitchell, to approve the request by Consent Agenda. The motion carried unanimously (6-0). Findings #4 and # 6 were noted in the Staff Report.

2797 Wellesley Drive (VAR-04-23, Reed)

A motion was made by Mr. Carpenter, seconded by Ms. Mitchell, to approve the request by Consent Agenda. The motion carried unanimously (6-0). Findings #4 and #6 were noted in the Staff Report.

3. Variances/Conditional Uses

Ms. Pettit administered an oath to those persons wishing to present testimony this evening, including applicants, representatives of applicants, and anyone speaking as a proponent or opponent on an application.

1590 Northam Road (VAR-02-23, Epstein)

Ms. Kelly gave a brief background on the property, explaining that the variance request was to the neighborhood compatibility standards. The original permit was submitted in June and after three revisions was approved on October 5, 2022. Ms. Kelly added that the property is a new build and is reviewed under Section 7.17 of the code, which includes design standards and neighborhood compatibility. Ms. Kelly explained that the final approval had a reduction in height, the addition of windows on the front elevation, and the addition of brick. Ms. Kelly advised that the applicant prefers all siding, with cost, safety, and aesthetics being the primary concern. Ms. Kelly explained that after examining the neighborhood, the Staff recommended using brick in the front of the house to match the other homes in the area and meet the design standards.

Mr. Barringer asked if there was a minimum brick requirement to meet neighborhood compatibility. Ms. Kelly explained that there is specific requirement for commercial districts only, not residential ones. Ms. Kelly explained that the neighborhood compatibility policy, passed in September of 2022, specified the use of stone or brick to be included on homes with siding.

Mr. Tullett asked if a brick water table would meet the requirement and Ms. Kelly answered that it was possible but Staff only looked at what was proposed.

Ms. Courtney Epstein and Mr. Andrew DeFranco of 2558 Chester Road, the applicant for the project, were present. Ms. Epstein explained the importance of her family owning a home in Upper Arlington. The applicant explained that after not finding the type of home that meets their needs, they decided to build their own home. The applicant said that after submitting their plans, the Staff asked for brick to be added to the façade,



saying that they preferred the original design of board & batten siding. The applicant added that they have a different interpretation of the neighborhood compatibility policy, mentioning that they submitted their plans in June and that the new policy was adopted in September. The applicant said that she attended the Board's meeting in June, where the Board discussed a concern about mixing different materials on a house. The applicant added that the house used in the neighborhood compatibility looks very similar to their house design.

Mr. DeFranco talked about the Staff Report requiring the use of brick with siding, adding that the applicants are not using vinyl siding but instead using Hardie cement sitting.

Mr. Tullett said that upon reading the policy, the requirement says should and not as a must as to the use of stone or brick.

Mr. Barringer explained that there are homes in the neighborhood that are both with and without brick or stone, adding that the applicant's house works without brick and blends well with the other homes. Ms. Mitchell agreed.

Mr. Carpenter said that section 4.4 of the Code mentions the use of vinyl as a *should* and not as a shall.

Ms. Tolliver spoke to Mr. Barringer's point of the porch breaking up the house's façade, as a positive.

Mr. Westbrook asked why the applicant's permit showed brick on it. Mr. DeFranco said it was due to the lack of communication and that it was negotiated between the builder and City Staff.

Mr. Milam said that looking at the Neighborhood Compatibility code and comparing the applicant's design to the look of other homes in the neighborhood, there aren't many all-siding homes in the neighborhood. That's why Staff noted that a variance was needed, adding that if the Board feels that in this case a variance is not required there is an option to withdraw the variance request.

Mr. Barringer asked about the precedence should the Board decide a variance is not needed. Ms. Pettit said that if the Board is voting based on the reasons discussed in the meeting, then that would be a part of the record for that request.

Ms. Mitchell asked how the Board would support a variance and what special conditions could be used. Mr. Tullett suggested Finding #4, adding a condition that the elevation not change. Mr. Milam said that the applicant's requested elevation is part of the application, and the applicant would need to amend the Building Permit.



A motion by Ms. Mitchell, seconded by Ms. Tolliver, to approve Variance #02-2023 carried unanimously (6-0). Finding #4 was noted by the Board.

2665 Lane Road (VAR-52-22, Schilling)

Mr. Gibson started his presentation by thanking Chairman Tullett for his 35 years of service to the community.

Mr. Gibson gave a brief presentation (see attached) and provided some background on the property. He said that the variance application started as a minor subdivision, which requires administrative approval. The property is around two acres and would be split into three lots. He gave a summary of the timeline of the application process thus far.

Mr. Gibson said that the parcel location on almost a cul-de-sac but without a turnaround, making it difficult for delivery and solid waste vehicles. Two lots have 100 feet of frontage on Lane Road, and the third has 90 feet of frontage on Lanes End Street. Mr. Gibson provided details on the zoning requirements and proposed lot sizes. The property is unplatted and has no current master grading or stormwater management plan. The core issue that applies to this property is the amended code for Neighborhood Compatibility and the minor subdivision approval standards of Article §4.05(P). Mr. Gibson added that the key pieces of code are parcel home site width and configuration. Staff met with the applicant and several issues were addressed, including right of way dedication and creation of a turn-around on Lanes End Street. Mr. Gibson added that all homes would need to tie into an approved City stormwater management system. Mr. Gibson said that the Staff's primary concern is the potential non-compliance for the proposed lots, adding that following BZAP's decision on this matter, the next step will be the appeal to the Common Pleas Court, which needs to occur in the next 30 days.

Mr. Joe Miller, 52 East Gay Street, attorney for the project, introduced a witness to the Board. Gary Smith of G2 Planning& Design, 720 East Broad Street, was a witness for the applicant. Mr. Miller asked Mr. Smith to introduce himself to the members of the Board. Mr. Smith said he is a graduate of the Ohio State University. His career focused on community planning, zoning codes, and development. Mr. Miller asked if Mr. Smith worked with local government and private developers, and Mr. Smith said that he did. Mr. Miller asked if Mr. Smith was asked to give his professional opinion on the property's matter and what he did do to inform himself on this matter. Mr. Smith said that he went over all the materials in the application, did a driving tour of the property, and inspected the site. Mr. Miller asked if the lot splits would result in three conforming lots. Mr. Smith said that all three lots meet the requirement of R-1b. Mr. Miller asked if Mr. Smith had reviewed the UDO Article 7.17, and Mr. Smith said he had. Mr. Miller asked if Article 7.17 applies to lots splits. Mr. Smith said he does not believe it does the way it's currently written, adding that the code applied to newly created lots and that



Article 7.17 talks about the design guidelines for a built environment. Mr. Miller asked Mr. Smith if, under UDO 7.17, the current lots are compatible with Article 7.17 and how Mr. Smith informed his opinion on the compatibility issue. Mr. Smith said they looked at similar homes in the neighborhood in the R-1b zoning. Mr. Miller asked about the width of the lot and if that is also compatible. Mr. Smith answered yes, saying that they are more compatible than other lots in the neighborhood because of the frontage of the proposed lots. Mr. Miller asked if limiting the comparison to those lots under Upper Arlington's code would be appropriate. Mr. Smith answered no, and added that the code should look at existing characteristics in the neighborhood. Mr. Smith said there is no valid reason under the UDO to introduce another primary and secondary comparator because they are invalid under the standards set forth by the Upper Arlington code. Mr. Miller asked if there were special circumstances that support a variance. Mr. Smith said yes, looking at the property's size, width, and location makes it particularly suitable for a lot split. Mr. Miller asked if the neighborhood's essential character would be altered due to the variance, and Mr. Smith replied that he did not think it would. Mr. Miller summarized the discussed issues thus far, saying that the applicant has met with the Staff and made necessary accommodations, adding that the staff is neutral on the issue. If a variance is needed, it will be minor. Mr. Miller explained that a lot split was granted on the same street to create two lots with 100 feet of frontage.

Mr. Nicholas Schilling of 2829 Criswell Drive, the applicant for the project, gave some background on his family, his company, and the property. Mr. Schilling talked about his meetings with the Staff and neighbors, saying that most neighbors were positive and excited about the property. Mr. Schilling stated that he received concern from a neighbor about stormwater impacts. Upon investigation, he noticed the existing drainage system for the area requires some maintenance. He did not believe his proposed property would cause a problem for the neighbor.

Mr. Miller then introduced Mr. Sam Koon of 141 East Town Street, a real estate and property appraisal witness for the applicant. Mr. Miller asked Mr. Koon to introduce himself to the Board and established Mr. Koon's professional experience. Mr. Miller asked if the proposed lots were compatible with the neighborhood, and Mr. Koon said yes. Mr. Miller asked if the variance is not granted, if it would allow for the most reasonable return on investment. Mr. Koon replied that the highest and best use of the property is to split it into three lots. Mr. Miller asked if the home values in the neighborhoods would increase due to the lot split. Mr. Koon replied that he believed that the property's value would increase as a result. Mr. Miller asked if the lot split would negatively affect the property values. Mr. Koon replied no.

Mr. Miller reiterated that he believed that UDO 7.17 applies to lot split but to design and improvements, adding that Ohio zoning law says that zoning regulation must be strictly constructed in favor of the free use of a property.



Chairman Tullett asked if anyone wanted to come forward and address the Board regarding 2665 Lane Road. One speaker came forward, Mr. TJ Connor, 2655 of Lane Road. Mr. Connor said that his house is adjacent to the 2665 Lane Road property and that his biggest issue is that one of the proposed homes would be too close to his property and that he prefers a two-lot split rather than three. He added that he believes that his property value will be negatively affected by the lot splits.

Ms. Mitchell asked if one of the proposed homes would be 12 feet off Mr. Connor's property. Mr. Connor said that it would be and that it would reduce his privacy. Mr. Milam added that a house could be built as close as 12 feet to the property line, per code. Mr. Milam also added that in addition to Mr. Conner's letter, the Staff shared additional letters with the Board.

Mr. Westbrook said that he supports the variance adding that he would like to see a landscaping plan approved by the City Forester.

Mr. Tullett said that even if the proposed property were only two lots, it would still result in a large setback.

Ms. Tolliver asked if the City approved the fire access and Mr. Gibson said that the Fire Marshall reviewed the proposed plans, but it was not approved officially.

Mr. Carpenter asked if the City would maintain the easements and Mr. Gibson said, since the easement will be on private property, it would be the homeowners' responsibility to maintain it while giving public access.

Mr. Carpenter said it was a heavy burden on the property owner to maintain the easement. Mr. Miller said that Mr. Schilling was aware of that.

Ms. Pettit said that it is not unprecedented and that other roads are private but that the City can use them.

Mr. Milam added that the entry point is wider than the 18 feet for a driveway that the code allows. Staff determined it is not a residential driveway but more of an emergency and delivery turnaround; therefore, the Staff did not include a variance request for this.

Mr. Tullett said that he was undecided on the issue before the hearing but that after looking at the proposed plan, he feels that Lane Ends Street has more of an impact on the plan than Lane Road does. Ms. Tolliver added that she agrees that the proposed lots are well-developed and feels they would work with the surrounding streets.



A motion by Mr. Westbrook, seconded by Ms. Mitchell, to approve Variance #52-22 carried unanimously (6-0). Findings #1, #4, #5, and #8 were noted by the Board.

4. Community Development Update

Ms. Kelly presented a summary recap of 2022, including applications the Board reviewed, meetings, and details on specific developments in the community (see attached). Ms. Kelly also provided an overview of upcoming projects for Community Development and the Board.

5. Adjournment

Meeting adjourned at 8:01 PM.

ATTEST:

Yelena Parks

CHAIR:

Al Sullitt



City of Upper Arlington

BZAP Minutes | Page 7 of 7 | January 18, 2023

2665 Lane Road Variance Application #52-22

Upper Arlington Board of Zoning & Planning
January 18, 2023



Condensed Timeline (2022)

- **May 24** – Subject property purchased by Nicholas Schilling
- **July 15** – Right-of-Way permit #22-3282 submitted to abandon gas service
- **October 17** – Minor Subdivision Application #22-5090 filed
- **October 17** – Variance Application #22-5091 filed (under protest)
- **October 21** – Notification letters sent to neighbors within 100'
- **November 15** – Applicant's counsel requests postponement
- **January 18 (2023)** – 'Notice of hearing' sign placed at the site as a reminder

Aerial photo & proposed site plan



Summary

- A Minor Subdivision (lot split) is a division of a parcel of land that is reviewed administratively and does not require a plat (<5 lots)
- The subject property, 2665 Lane Road, is 2.09 acres with 200 feet of frontage on Lane Road, 450 feet of depth, and 240 feet of frontage on Lanes End
- The wooded property contains a 5,409 SF, two-story home and a 1,232 SF detached garage
- The proposal includes razing the home and subdividing into three (3) lots:
 - **17,721 SF (0.406-acre)** with **100 feet** of frontage on Lane Road
 - **25,995 SF (0.599-acre)** with **100 feet** of frontage on Lane Road
 - **41,337 SF lot (0.958-acre)** with **90 feet** of frontage on Lanes End

Key Review Factors

- **R-1b zoning district standards** - minimum lot area (12,000 SF) and frontage (90')
- **Unplatted** - no language limiting further subdivision
- **Neighborhood compatibility** - standards in place for newly created or modified parcels
- **Minor Subdivision approval standards** - UDO Article 4.05P

Primary Comparator Lots



Standards of Approval - UDO Article 4.05(P)

- (a) The proposed subdivision is not contrary to the applicable standards of the UDO;*
- (b) The proposed subdivision shall have adequate area to accommodate the building area and other site requirements;*
- (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 and stormwater management; and*
- (e) The proposed lots have been approved relative to emergency access.*



Residential Design Standards (UDO Article 7.17)

➤ **Applicability:**

The standards apply to...newly created or modified parcels

➤ **Neighborhood compatibility:**

➤ Proposed design shall be consistent and compatible with prominent characteristics existing 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)...

➤ Such characteristics include: parcel or homesite width and configuration...with an emphasis on the block



Additional Requirements

- 1) 30' of Lane Road R/W must be dedicated to the City since the northern property line currently goes to the centerline of the street;
- 2) A turnaround easement with a heavy duty driveway approach must be dedicated for access to the property since Lanes End Street is a dead-end;
- 3) An easement must be dedicated between the proposed lots for sanitary sewer access;
- 4) The building setback of the proposed easternmost lot must be increased to create a transition to the adjacent home (2655 Lane Road); and
- 5) All new homes must meet Neighborhood Compatibility requirements.



Summary

- The proposed lots meet all minimum R-1b District requirements
- The subject property is unplatted and does not include language limiting further subdivision
- The lot split exhibit indicates sufficient room for compliant homes
- Any future development is required to meet minimum stormwater management standards
- Concern is potential non-compliance with UDO Article 7.17 for newly created or modified parcels
- Any appeal of BZAP's decision would be heard by the Franklin County Court of Common Pleas if submitted within 30 days

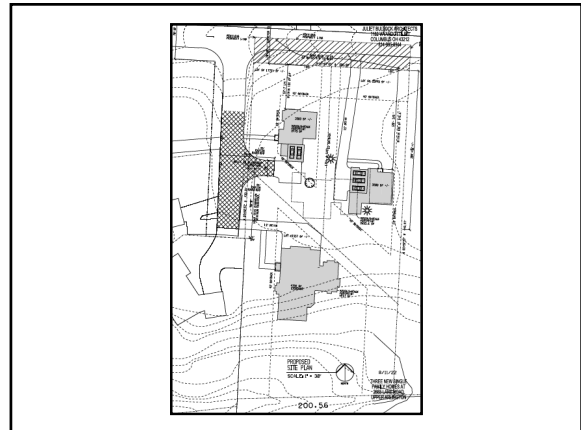


VAR-52-22

The City of Upper Arlington, Ohio
Board of Zoning and Planning

January 18, 2023

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UDO § 7.17

Section 7.17 – RESIDENTIAL DESIGN STANDARDS.

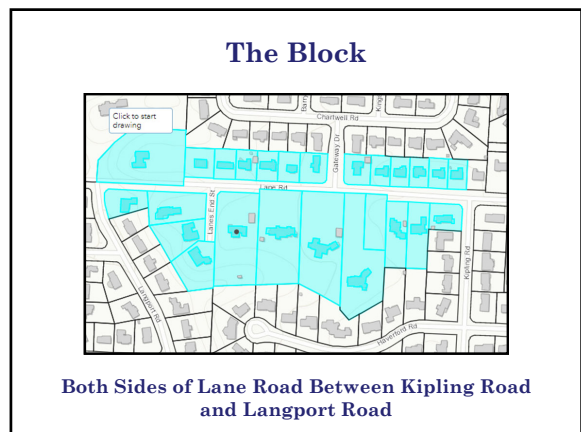
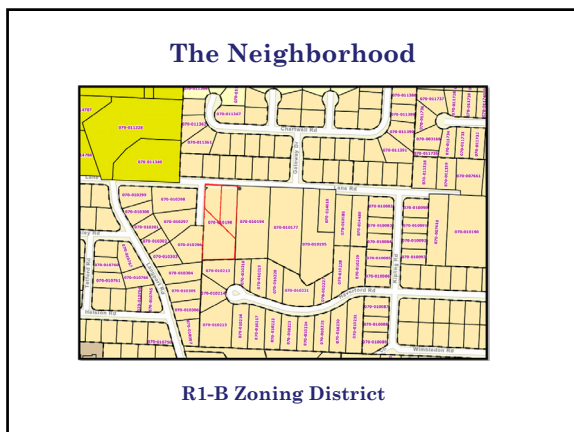
(B) *Applicability:* The following standards apply to the design of **new single-family homes**, major additions that exceed fifty percent (50%) of the total existing square footage, second story additions, additions over 1,000 square feet, detached garages over four hundred (400) square feet in area,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

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UDO § 7.17

Section 7.17 – RESIDENTIAL DESIGN STANDARDS.

(B)(1) *Neighborhood compatibility:* The proposed design shall be consistent and compatible with prominent characteristics existing 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 width 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**



Parcel Width (Frontages) on Lane Road

Address	Lot Width
4551 Lanes End St	79
2586 Lane Rd	90
2670 Lane Rd	90
2554 Lane Rd	90
2538 Lane Rd	90
Proposed Lot 3	90
2600 Lane Rd	94
2682 Lane Rd	100
2668 Lane Rd	100
2654 Lane Rd	100
2543 Lane Rd	100
2543 Lane Rd	100
2567 Lane Rd	100
2558 Lane Rd	100
Proposed Lot 2	108
2696 Lane Rd	101
4561 Lanes End St	106
4586 Gateway Dr	125
Proposed Lot 1	138
4585 Gateway Dr	138
2710 Lane Rd	138
4580 Langport Rd	139
2549 Lane Rd	147
2655 Lane Rd	200
2645 Lane Rd	200
2721 Lane Rd	280
2730 Lane Rd	410

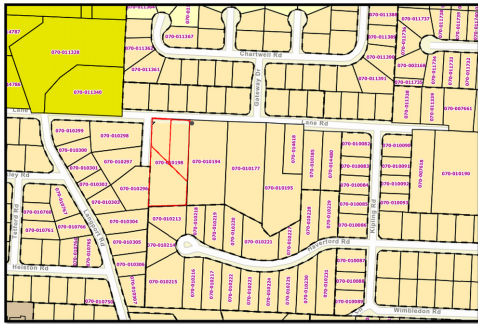
Range of Lot Widths: 79 feet – 410 feet
Average Lot Width: 130 feet
Median Lot Width: 100 feet

Parcel Size on Lane Road

Address	Lot Area (Acres)	Lot Area (Sq. Feet)
2586 Lane Rd	0.29	12,632
2670 Lane Rd	0.29	12,632
2554 Lane Rd	0.29	12,632
2538 Lane Rd	0.29	12,632
2600 Lane Rd	0.3	13,068
2682 Lane Rd	0.32	13,939
2668 Lane Rd	0.32	13,939
2654 Lane Rd	0.32	13,939
2696 Lane Rd	0.33	14,374
4586 Gateway Dr	0.4	17,424
Proposed Lot 1	0.606	26,488
4585 Gateway Dr	0.42	18,295
2710 Lane Rd	0.44	19,166
2549 Lane Rd	0.44	19,166
4580 Langport Rd	0.51	22,215
Proposed Lot 2	0.599	26,092
2541 Lane Rd	0.6	26,136
4561 Lanes End St	0.71	30,927
2559 Lane Rd	0.71	30,927
2567 Lane Rd	0.72	31,363
4551 Lanes End St	0.8	34,848
2721 Lane Rd	0.88	38,332
Proposed Lot 3	0.898	41,280
2541 Lane Rd	1.93	84,070
2655 Lane Rd	2.03	88,426
2730 Lane Rd	2.182	95,047

Range of Lot Sizes: .29 acres – 2.22 acres
Average Lot Size: .72 acres
Median Lot Size: .44 acres

Lot Width and Size in the Neighborhood



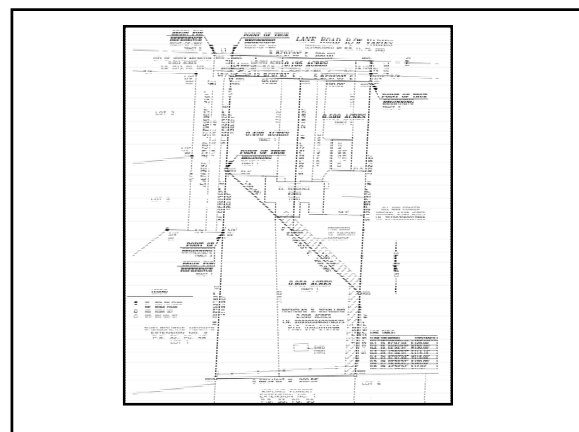
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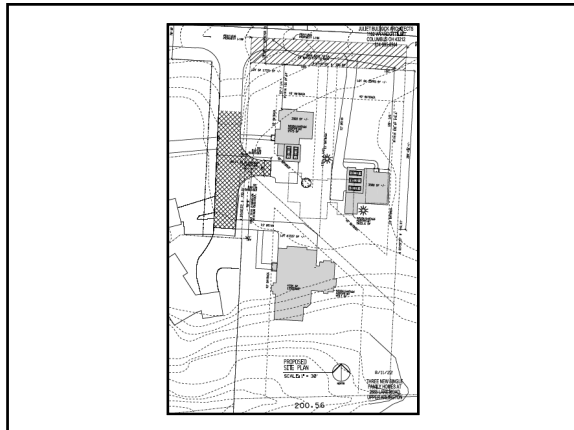
The City of Upper Arlington, Ohio
Board of Zoning and Planning

January 18, 2023

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UDO Article 7 Does Not Apply to Lot Splits

Article 7:

- **§ 7.01 PURPOSE AND INTENT:** (A) The purpose of the design guidelines is to encourage the **best design of improvements** to the built environment that are consistent and compatible with the historic character and outstanding residential environment of Upper Arlington
- **§ 7.02 GENERAL PROVISIONS:** (A) The design guidelines are to be addressed in all requests for a **site plan, development plan, landscape plan, conditional use, accessory use, or sign permit.**

UDO § 7.17 Does Not Apply to Lot Splits

Section 7.17 – RESIDENTIAL DESIGN STANDARDS.

(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.**

Zoning regulations which restrict the use of real estate are “strictly construed against limitations upon such use, and that all doubts should be resolved against a possible construction thereof which would increase the restriction upon the use of such real estate.” *Loblaw, Inc. v. Warren Plaza, Inc.*, 163 Ohio St. 581, 592 (1955).

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Even if UDO § 7.17 Applied, the Lots Are Compatible with the Neighborhood

Section 7.17 – RESIDENTIAL DESIGN STANDARDS.

(B)(1) **Neighborhood compatibility:** The proposed design shall be consistent and compatible with prominent characteristics existing 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 width 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**

Proposed Lot Frontages and Size

- **Lot 1:**
 - 95 feet on Lane Road 130 feet on Lanes End Street
 - .406 acres (17,685 square feet)
- **Lot 2:**
 - 100 feet on Lane Road
 - .599 acres (26,092 square feet)
- **Lot 3:**
 - 90 feet on Lanes End Street
 - .958 acres (41,730 square feet)

The Proposed Lots Are Compatible with the Block and Neighborhood

- The proposed lot frontages and sizes are compatible with other lots on the block
- The proposed lot frontages and sizes are compatible with other lots in the same neighborhood



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The Variance Factors Are Satisfied

1. Special conditions and circumstances exist which are specific to the property and which are not applicable generally to other property in the same zoning districts.
 - The unique shape of the property and its orientation along both Lane Road and Lanes End Street make it particularly suitable for a minor subdivision and variance.
2. The lots will yield a higher return and investment with the allowance of this variance.
 - The proposed lots are the highest and best use for such a large irregularly shaped property that fronts two streets.

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The Variance Factors Are Satisfied

3. This is a nominal variance as the subject lots will have similar width and size to numerous lots in the area.
4. The variance will not alter the essential character of the neighborhood.
 - The variance will allow for the removal of structures that have fallen into disrepair.
 - It will further allow for three new homes that conform to the standards of the neighborhood.
 - Many other lots in the surrounding area have similar lot width and area.

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The Variance Factors Are Satisfied

5. The variance will not adversely affect the delivery of governmental services.
6. The special circumstances were not caused by the current owner or prior owners.
7. No other method, outside of a variance, will permit the full and best use of this property.

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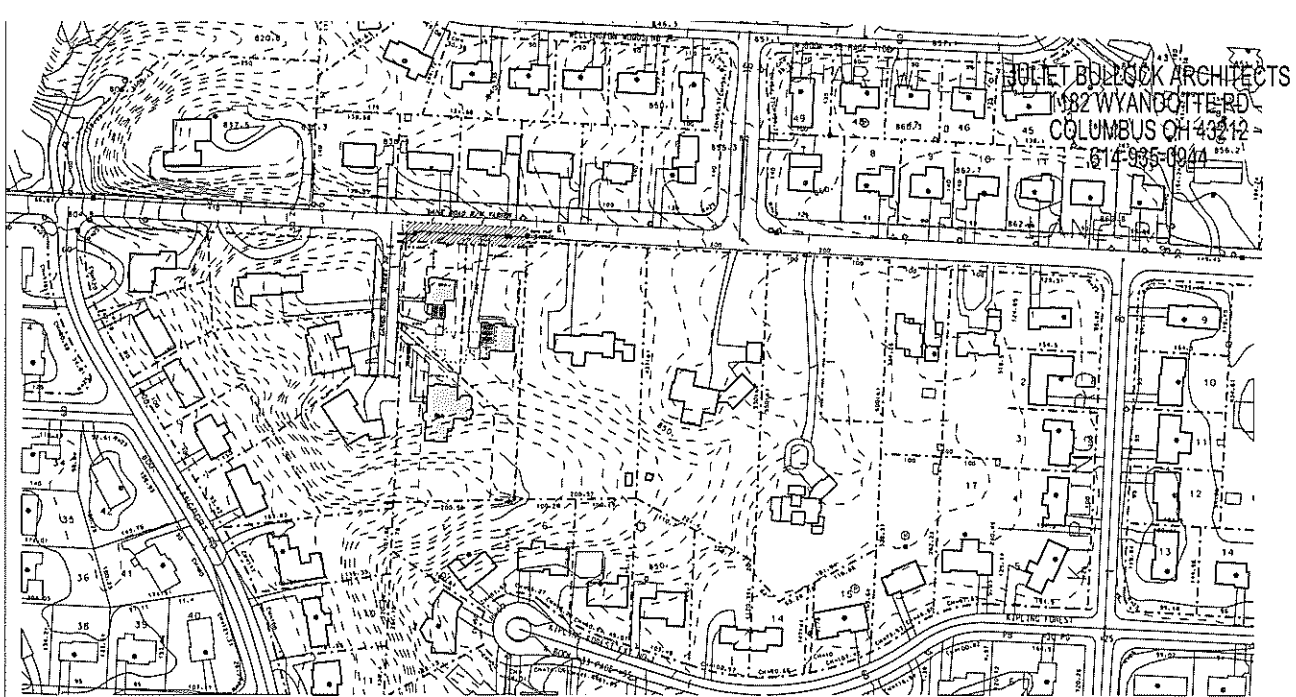
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The Variance Factors Are Satisfied

8. The spirit and intent of the zoning requirement would be observed and substantial justice done by granting the variance because the proposed lots are similar to those in the neighborhood, including those on the same block.
 - There is nothing in the UDO that states that an unplatted lot should be compared only to other unplatted lots.
9. The variance will not confer a special privilege on the applicant.
 - In fact, denial of the variance would create a hardship on the property owner not imposed on other homeowners in the area.

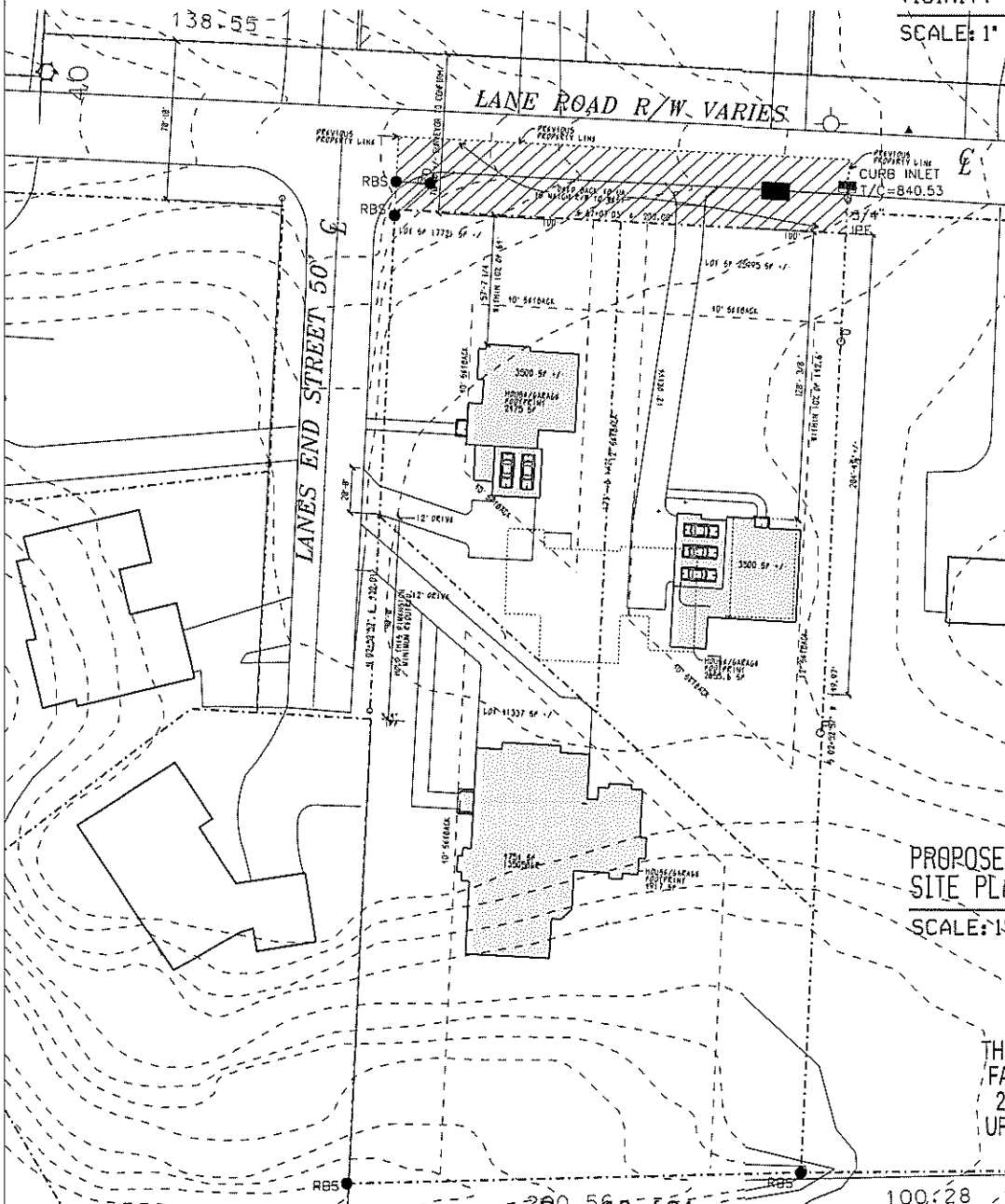
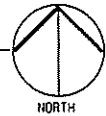
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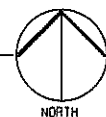
PROPOSED
VICINITY

SCALE: 1" = 200'



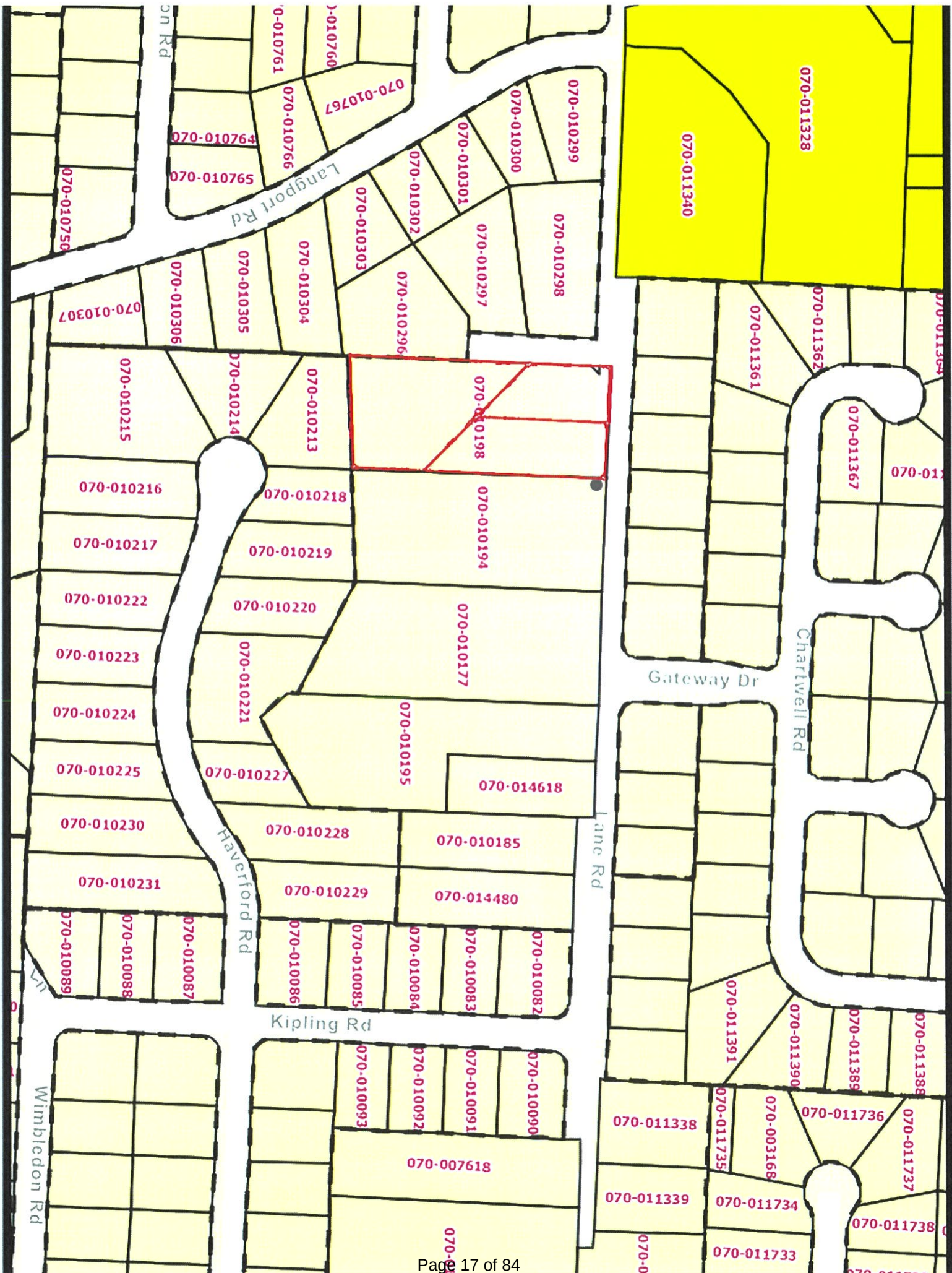
PROPOSED
SITE PLAN

SCALE: 1" = 50'



8/11/22

THREE NEW SINGLE
FAMILY HOMES AT
2665 LANE ROAD
UPPER ARLINGTON





BZAP Roster

Daniel Barringer (Architect, 2011)
Kevin Carpenter (Civil Engineer & Surveyor, 2012)
Marianne Mitchell (Attorney, 2015)
Donald Osterhout (Architect, 2009)
Shannon Tolliver (Sustainability Planner, 2012)
Robert Tullett (Civil Engineer and Construction Manager, 1987)
William Westbrook (Real Estate Developer, 2018)



BZAP Charges

- Ensure new development is the right and best fit for Upper Arlington per the Master Plan and UDO
- Balance improving aging housing stock with neighborhood impacts and historical precedence
- Granting variances only if it meets the Standards of Approval and there is not another reasonable option
- Work collaboratively with applicants



BZAP Reviews

- Architecture
- Site and Floor Plans
- Civil Engineering and Infrastructure
- Traffic and Access Studies
- Landscape and Streetscape Plans
- Outdoor Lighting
- Signage
- Lot Splits

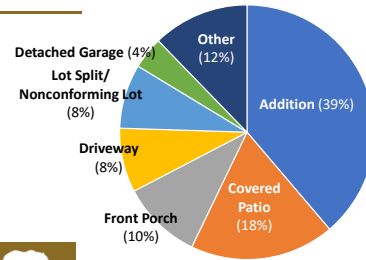


2022 By the Numbers

- 20** BZAP MEETINGS (Hearings, Work Sessions, and Special Meetings)
- 52** VARIANCE APPLICATIONS
- 2** DEVELOPMENT APPLICATIONS (FCBO, Littleton's Market signage)
- 3** REZONINGS (PMOD, Scioto Villas, Fairlington Heights)
- 1** PLANNING APPEAL (Hillview Drive)



2022 By the Numbers (Variance Requests)

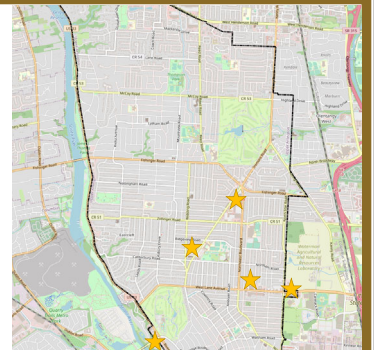


Project Highlights



2022 Highlights

Kingsdale Senior Housing
Kingsdale Apartments
Community Center
Arlington Gateway
Oles & Associates
Littleton's Market
First Bank of Central Ohio



Kingsdale Senior Housing

143 units

Expected completion
Spring 2023

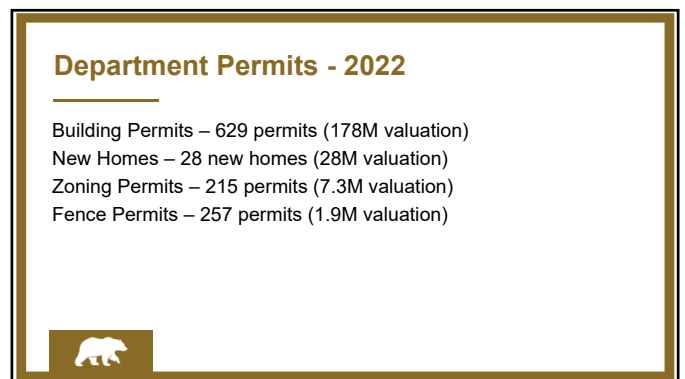
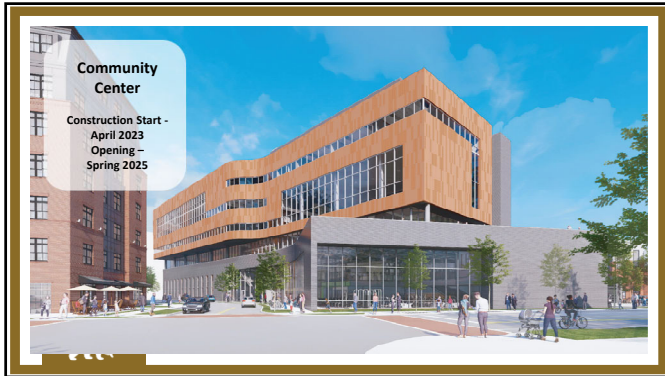


Kingsdale Apartments

363 units

Expected completion
2024





Tech Updates / Reminders

- Civic Plus Agenda Management (February '23)
 - Board Portal online
- Dais screen panels
- Make sure your mic is on!



Anticipated Projects

- Legacy office park redevelopment (on-going)
- New BZAP member on-board (early-mid 2023)
- Research/enhance lot split regulations (early 2023)
- Research multi-family transition zones adjacent to PMUD areas (mid 2023)
- Henderson Road corridor study w/ Columbus (mid 2023-24)
- Master Plan update (2024-25)



Authors: Justin Milam, AICP, Senior Planner

BZAP Meeting Date: February 15, 2023

Subject: 2479 Wenbury Drive (VAR-06-23) - To allow a two-story addition for an elevator to encroach up to 5'-1" into the 12-foot minimum side yard setback.

Site Description/History

The subject property, 2479 Wenbury Drive, is located one property east of Stonehaven Drive, one block south of Northwest Kiwanis Park. The 0.35-acre property is nearly rectangular in shape with 100 feet of frontage and 150 feet of depth; it is zoned R-1b, One-Family Residence District. It is platted as Lots #148 and #149 of the [Wellington Woods subdivision](#). An existing two-story siding and stone home, built in 1985, sits along the 40-foot building setback line. The property is enclosed with fencing and mature landscaping.

Proposal

This variance application includes a request for a new two-story addition on the west side of the home to allow for an elevator, but encroaches entirely into the side yard setback. The addition measures 5' x 9', is clad with siding and stone to match the house, with a window on the front elevation. No windows face west. [The Board previously reviewed a concept at the August 2022 Work Session where the addition was roughly 6' x 6'.] Existing fencing and landscaping would remain.

Zoning Code Requirements

- UDO Article 5.02(C): to allow a two-story elevator addition to encroach up to 5'-1" into the 12-foot minimum side yard setback.

Alternatives

Relocating the proposed addition to a different part of the home would require significant modifications to the existing rooflines and interior layout, making it cost-prohibitive. Alternative locations could also result in additional and/or more severe variance requests.

Requested Action and Findings

Staff has reviewed the application and plans, discussed it with the applicant, and visited the site. The proposal is quite modest and is sized to the minimum area to allow for an elevator addition (Finding #3). The addition blends well with the home and will be screened by existing



fencing and landscaping; views from the street and adjacent property are largely the same (Finding #4). For these reasons, Staff recommends approval of the application as submitted.

Attachments

1. 2479 Wenbury Dr Variance Application
2. BZAP Staff Report Pics - 2479 Wenbury Dr





23-307

Variance Application

Status: Active

Date Created: Jan 20, 2023

Applicant

Walt Betley
walt@betleyvistain.com
1580 Fishinger Rd. Suite 150
Upper Arlington, Ohio 43221
614-565-8214

Primary Location

2479 WENBURY DR
UPPER ARLINGTON, OH 43220

Owner:

SMITH BARBARA A TR
2479 WENBURY COLUMBUS, OH 43220

BZAP Information

BZAP Case #

VAR-06-23

Status

Pending

BZAP Determination Date

02/15/2023

Vote Tally

--

Primary Variance

Side Yard

Findings of Fact for Approval/Denial

--

Variance Request

To allow an addition for an elevator to encroach up to 5'-1" into the 12-foot minimum side yard setback.

BZAP conditions

--

Variance Information

Describe Variance Request

Side yard encroachment

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?

Owner is trying to install an elevator to allow easier accessibility to lower level and second floor.

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 my knowledge.

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

Architect has done his best to blend the small addition with the existing residence so as to have minimal effect on the surrounding structures.

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, many other options were explored for the elevator location, but were cost prohibited.

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

In order for the owner to remain in this residence an elevator will be required.

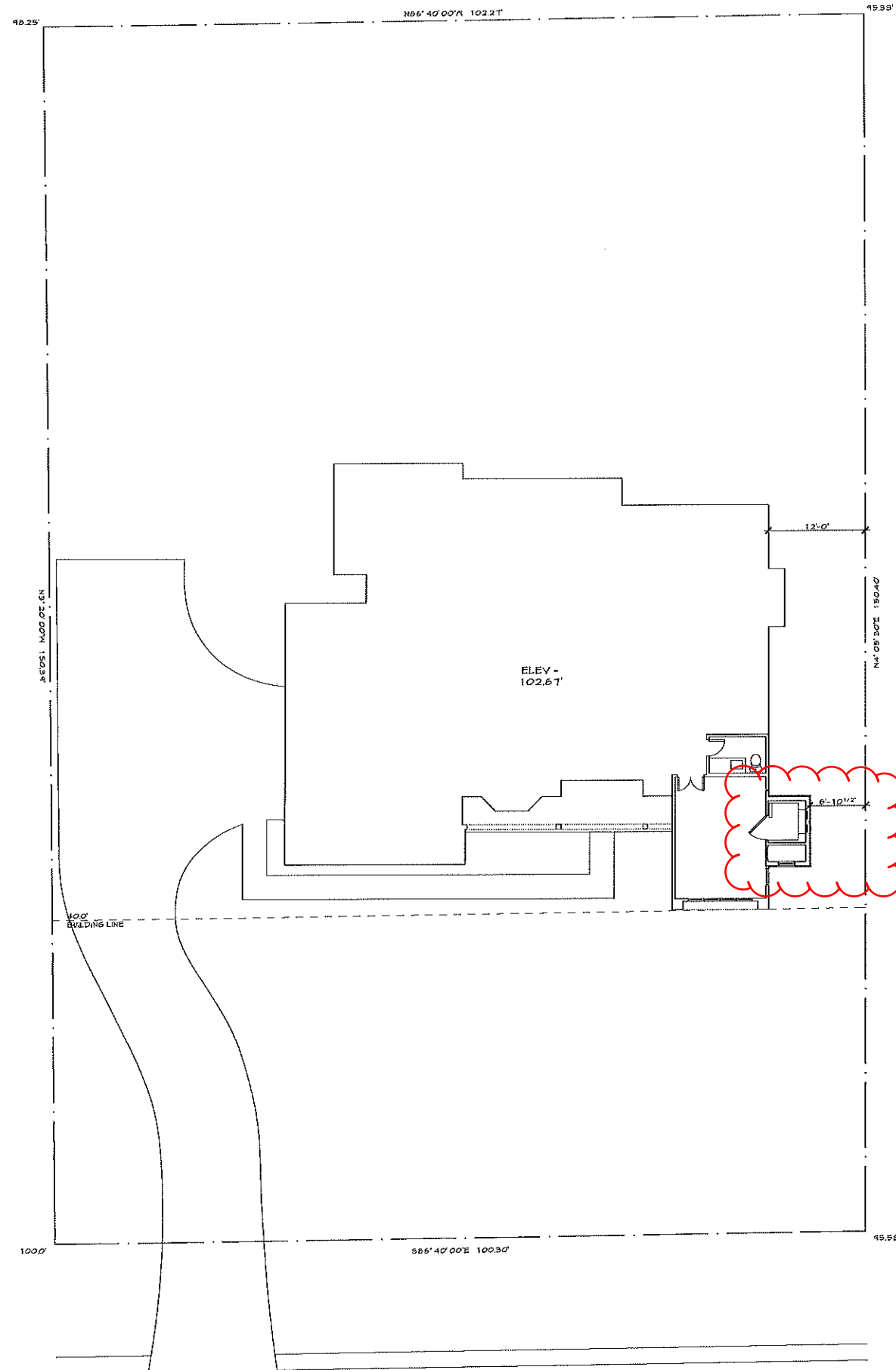


THE SMITH RESIDENCE

2479 WENBURY ROAD
UPPER ARLINGTON, OHIO

STOCK & STONE
ARCHITECTS • LLC
3666 North High Street Columbus, Ohio 43214 614-281-5810





THE SMITH RESIDENCE

2479 WENBURY ROAD

UPPER ARLINGTON, OHIO



STOCK & STONE

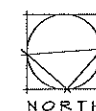
ARCHITECTS • LLC

3686 North High Street Columbus, Ohio 43214 614-261-5810

LOT AREA = 15,231.95 SQ. FT.

PRINCIPLE BUILDING REQUIREMENTS	PERMITTED	EXISTING	PROPOSED
DEVELOPMENT COVER PERMITTED	6,854.3 SQ. FT. (45.0%)	4,326.9 SQ. FT. (28.4%)	4,370.5 SQ. FT. (28.6%)
BUILDING COVER PERMITTED	4,411.2 SQ. FT. (29.0%)	2,694.0 SQ. FT. (17.6%)	2,191.6 SQ. FT. (14.4%)
PERMITTED HEIGHT	35.0 FT.	27.5 FT.	27.5 FT.
MAX. NUMBER OF STORIES	2.5	2.0	2.0
FRONT YARD DEPTH	40.0 FT.	40.0 FT.	40.0 FT.
MIN. REAR YARD	31.7 FT.	54.5 FT.	54.5 FT.
MIN. SIDE YARD	10.0 FT.	12.0 FT.	6.0 FT.
MIN. SIDE YARD SUM	20.0 FT.	40.4 FT.	35.7 FT.

PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



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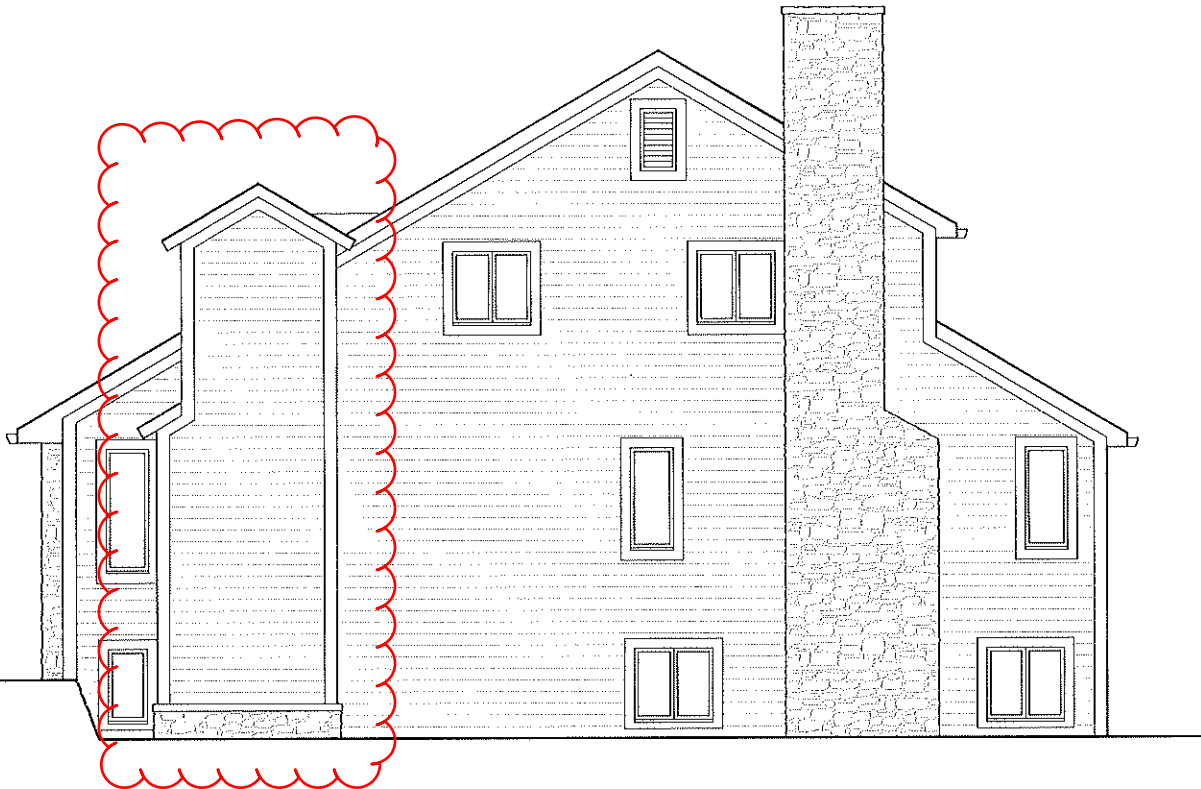


THE SMITH RESIDENCE
2479 WENBURY ROAD
UPPER ARLINGTON, OHIO

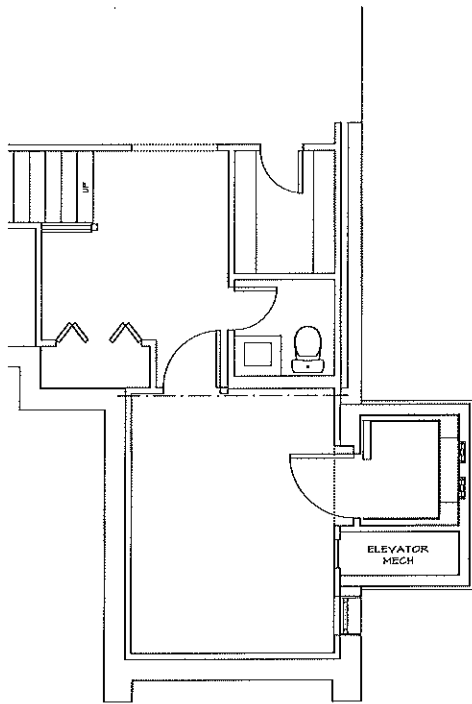
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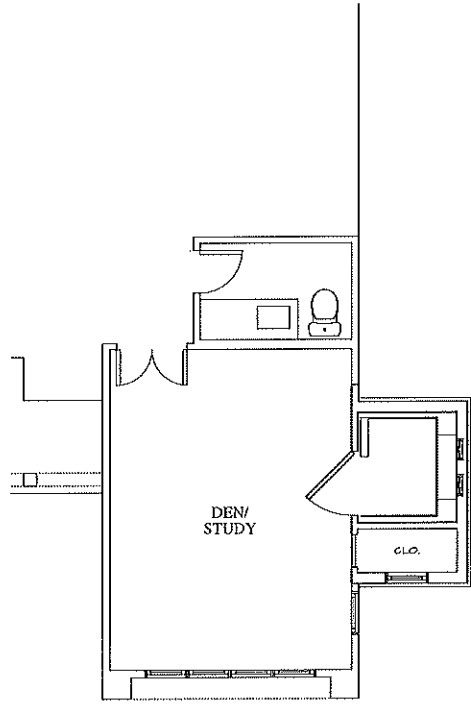
PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



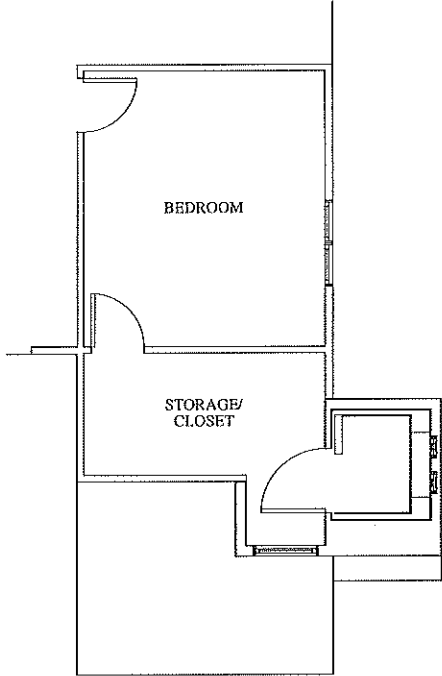
PROPOSED SIDE ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



PROPOSED FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

SMITH RESIDENCE 2479 WENBURY RD

VARIANCE APPLICATION 23-307

RCV'D	ALT ID	SITE ADDRESS	OWNER 1	CERTIFIED TRACKING #
	070-011407-00	2480 WENBURY RD	LEE SHWUJEN	7022 2410 0000 2697 2423
✓	070-011408-00	4696 STONEHAVEN DR	LIPSCOMB-JACKSON TIFFIANY	7022 2410 0000 2697 2416
✓	070-011409-00	4684 STONEHAVEN DR	MANDEL ADAM	7022 2410 0000 2697 3409
✓	070-011385-00	4672 STONEHAVEN DR	MILLER NANCY A	7022 2410 0000 2697 3393
✓	070-011751-00	2494 BILLITON CT	BAKER THOMAS E	7022 2410 0000 2697 3386
✓	070-011752-00	2486 BILLITON CT	SPENCE DEBORAH A	7022 2410 0000 2697 3379
✓	070-011753-00	2474 BILLITON CT	CAMPISI CHRISTOPHER	7022 2410 0000 2697 3362
✓	070-013255-00	2469 WENBURY DR	STAMM MANDY L	7022 2410 0000 2697 3539
✓	070-013253-00	2464 WENBURY RD	PASKELL THAD J	7022 2410 0000 2697 3515
✓	070-013252-00	2448 WENBURY RD	AREND TODD J	7022 2410 0000 2697 5656

January 20, 2023

Shwujen Lee
2480 Wenbury Road
Upper Arlington, Ohio 43221



1580 Fishinger Road
Suite 150
Columbus, Ohio 43221
(614) 451-3201
Fax (614) 451-3237

As required by the City of Upper Arlington, we are notifying you of a zoning request on 2479 Wenbury Road, Upper Arlington, Ohio. The request is for a side yard encroachment to construct an elevator to allow the owner an easier use of the lower level and second floor of the residence. Attached you will design drawings showing the proposed addition.

The zoning meeting is scheduled for Wednesday February 15, 2023 at 6 pm at The City of Upper Arlington, 3600 Tremont Road, Upper Arlington, Ohio 43221.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Walt Betley', with a long horizontal flourish extending to the right.

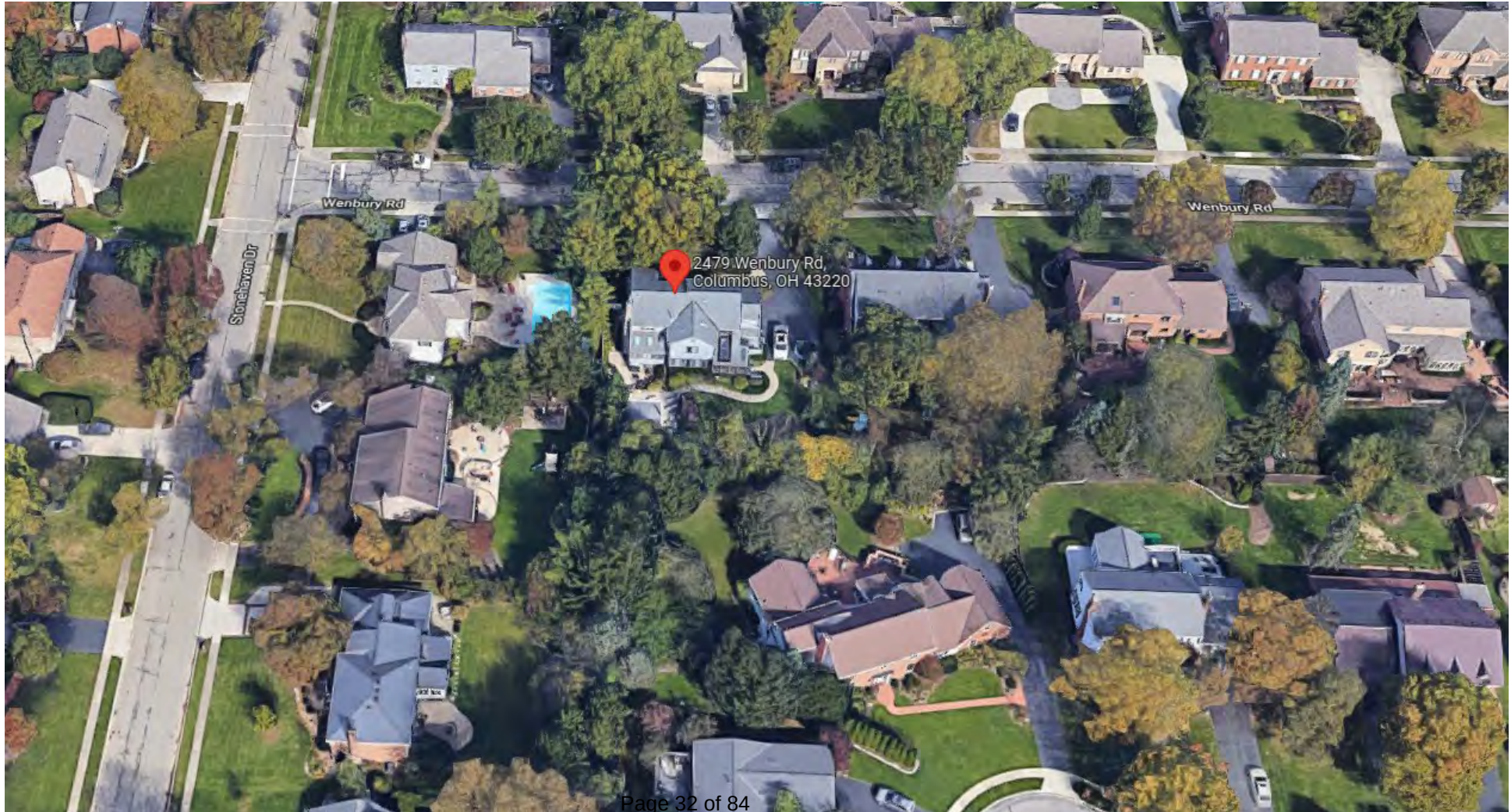
Walt Betley

2479 Wenbury Drive

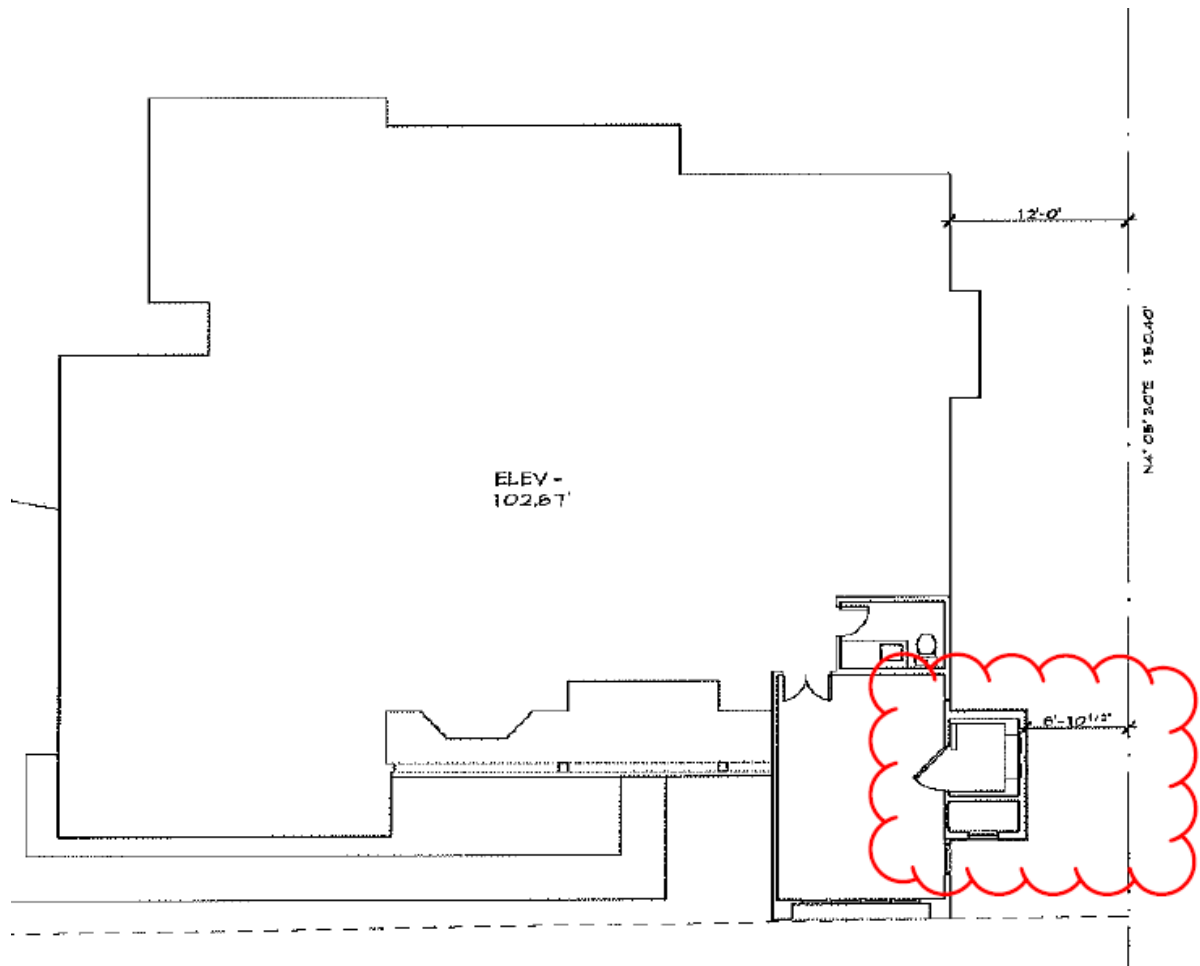
BZAP Staff Report Pictures



Google Maps ® Aerial – Looking North



Proposed Site Plan



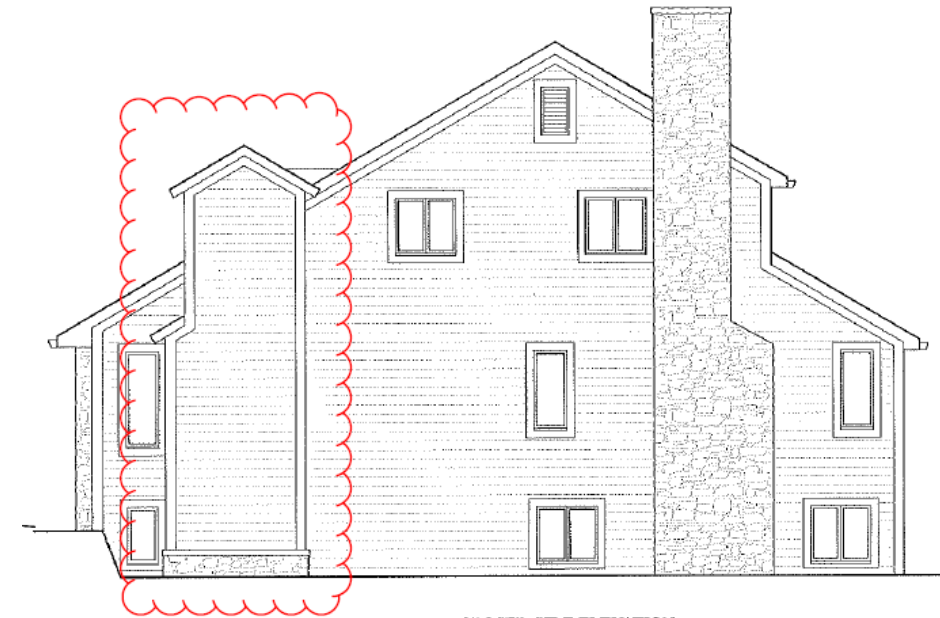
Proposed and Existing Front Elevations



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



Existing and Proposed Side Elevations



PROPOSED SIDE ELEVATION
SCALE: 1/4"=1'-0"



Authors: Justin Milam, AICP, Senior Planner

BZAP Meeting Date: February 15, 2023

Subject: 2738 Westmont Boulevard (VAR-07-23) - To allow an addition to encroach up to three feet into the 10-foot side yard setback.

Site Description/History

The subject property, 2738 Westmont Boulevard, is located on the east side of the street, between Ridgeview and Northam Roads. The 0.28-acre property is rectangular in shape with 95 feet of frontage and 127 feet of depth; it is zoned R-1c One-Family Residence District. It is platted as Lot #30 of the [Brandon Heights subdivision](#). An existing ranch siding home, built in 1957, sits along the 40-foot building setback line.

Proposal

This variance application includes a request for a new one-story garage addition on the north side of the house, but encroaches into the side yard setback and slightly exceeds building coverage limits. The garage addition expands the width of the existing garage by two feet and its depth by 16 feet. The proposal includes siding to match the house with an 18-foot wide garage door. The area encroachment is 120 square feet and excess coverage is 64 square feet. No changes are proposed to the existing landscaping.

Zoning Code Requirements

- UDO Article 5.02(C): to allow a one-story addition to encroach three feet into the 10-foot minimum side yard setback; and
- UDO Article 5.02(C): to allow a one-story addition that results in 29.5 percent building coverage, in lieu of the 29 percent maximum limit.

Alternatives

The applicant could pursue a detached garage option, but result in additional development coverage and would likely be out of character for the neighborhood. The size of the garage addition could also be reduced but would result in less usable square footage as a result of an existing interior entrance.

Requested Action and Findings

Staff has reviewed the application and plans, discussed it with the applicant, and visited the site. The proposal affords better access and storage for the property without impacting



adjacent property or views from the street (Finding #4). For these reasons, Staff recommends approval of the application as submitted.

Attachments

1. 2738 Westmont Blvd Variance Application
2. BZAP Staff Report Pics - 2738 Westmont Blvd





23-325

Variance Application

Status: Active

Date Created: Jan 23, 2023

Applicant

Gary Alexander
gary@garyjalexanderarchitect.com
1265 Neil Avenue
Columbus, Ohio 43201
614-487-0637

Primary Location

2738 WESTMONT BL
UPPER ARLINGTON, OH 43221

Owner:

Matthew Hutcheson and Sara Cotter
2738 WESTMONT COLUMBUS, OH 43221

BZAP Information

BZAP Case #

VAR-07-23

Status

Pending

BZAP Determination Date

02/15/2023

Vote Tally

--

Primary Variance

Side yard setback

Findings of Fact for Approval/Denial

--

Variance Request

To allow an addition to encroach up to three feet into the 10-foot side yard setback.

BZAP conditions

--

Variance Information

Describe Variance Request

The variance request is to encroach 3'-0" into the existing 10' side yard setback, and to exceed the allowable building cover by 0.5% (64 sq. ft.).

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?

The existing garage, that encroaches 1'-0" into the side setback, is extremely narrow making it difficult to accommodate two cars. It is difficult to park on the street due to the demand for parking created by the nearby high school. The owners do own more than two cars. The owners would like a garage wide enough to accommodate their cars and some storage.

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. There will still be significant space at the north side between this house and the property line. The increase in building cover is negligible.

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

The additions to the house are designed to match the character of the existing house. When complete, it will not be possible to distinguish the additions from the original house.

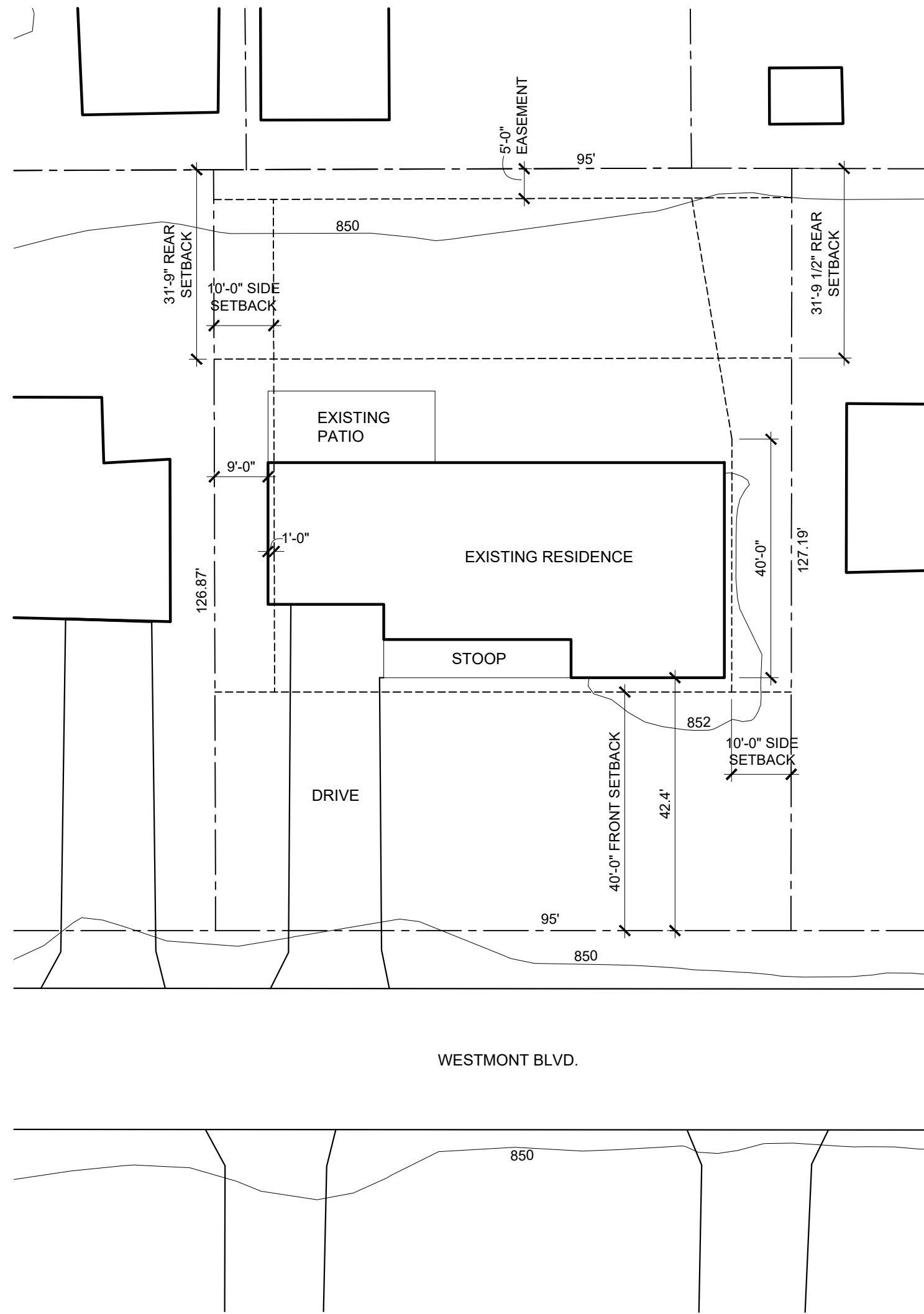
The encroachment is adjacent to the neighbor's garage so the addition on that side should have no impact on the adjacent property.

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?

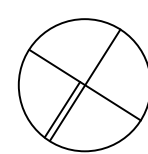
Yes. The existing roof at the front of the house is being reframed to reduce the depth of the existing overhangs. This costly modification reduces the project's building cover. The rooms that are being added are not large. While the garage is deep, The interior width for most of the garage is only 21'.

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

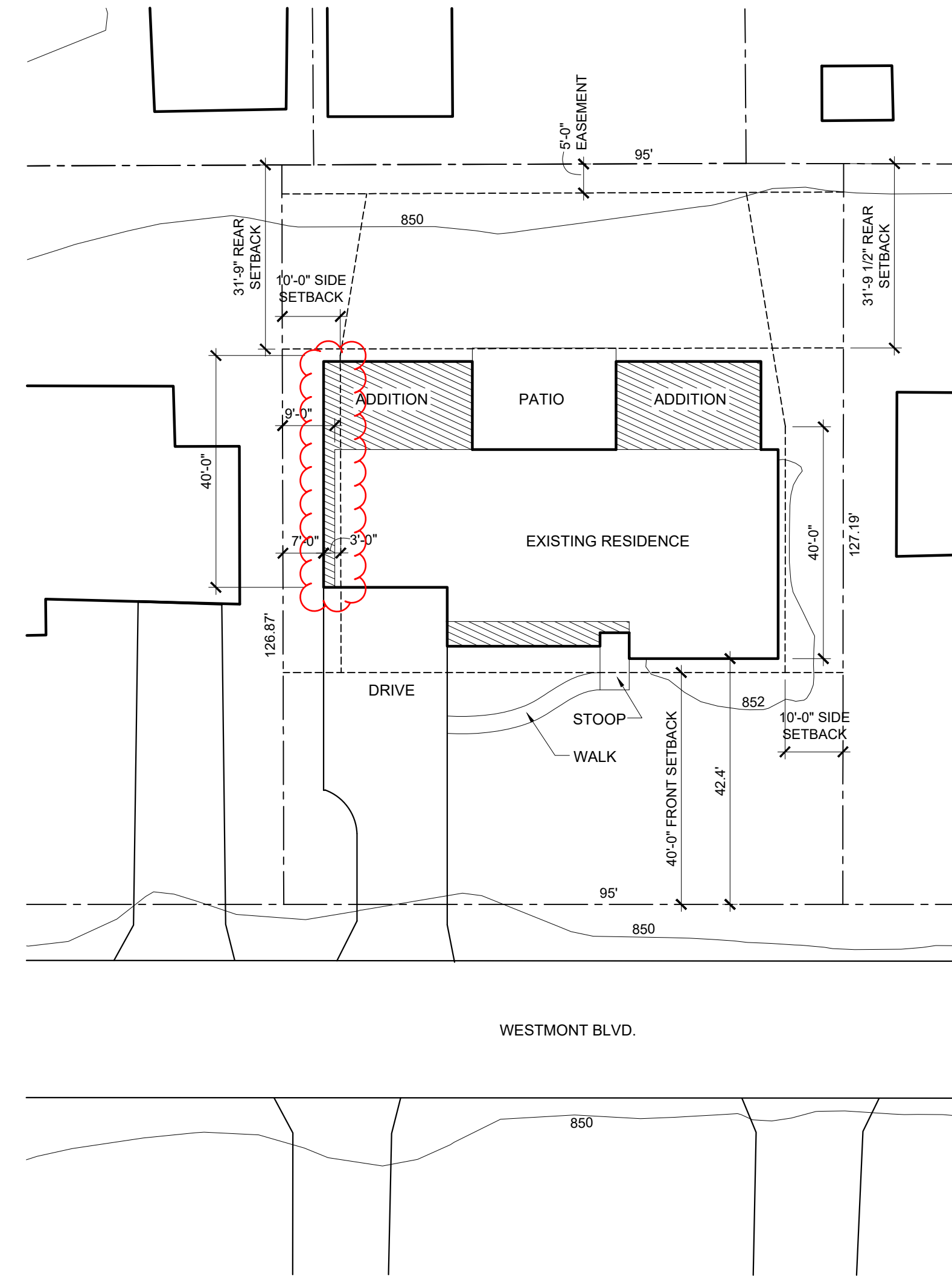
By today's standards, the existing garage is inadequate. It needs more width. To accomplish this a variance is needed.



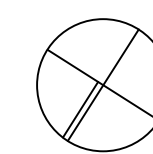
WESTMONT BLVD.



SITE PLAN
EXISTING
SCALE: 1" = 20'-0"



WESTMONT BLVD.



SITE PLAN
PROPOSED
SCALE: 1" = 20'-0"

ZONING INFORMATION

PARCEL ID	070-008624-00
ZONING DISTRICT	R-1C
LOT AREA	12,371 SQ. FT.
EXISTING BUILDING COVER (TO OVERHANG)-	2,836 SQ. FT. 23% OF LOT AREA
PERMITTED BUILDING COVER	- 3,588 SQ. FT. 29% OF LOT AREA
PROPOSED BUILDING COVER	- 3,652 SQ. FT. 29.5% OF LOT AREA
EXISTING DEVELOPMENT COVER	- 3,927 SQ. FT. 32% OF LOT AREA
PERMITTED DEVELOPMENT COVER	- 5,567 SQ. FT. 45% OF LOT AREA
PROPOSED DEVELOPMENT COVER	- 5,154 SQ. FT. 42% OF LOT AREA
AREA WITHIN FRONT SETBACK	- 3,861 SQ. FT.
PERMITTED DEVELOPMENT COVER IN SETBACK	- 965 SQ. FT. 25%
PROPOSED DEVELOPMENT COVER IN SETBACK	- 891 SQ. FT. 23%

**ADDITION & REMODELING
HUTCHESON/COTTER RES.
2738 WESTMONT BLVD**

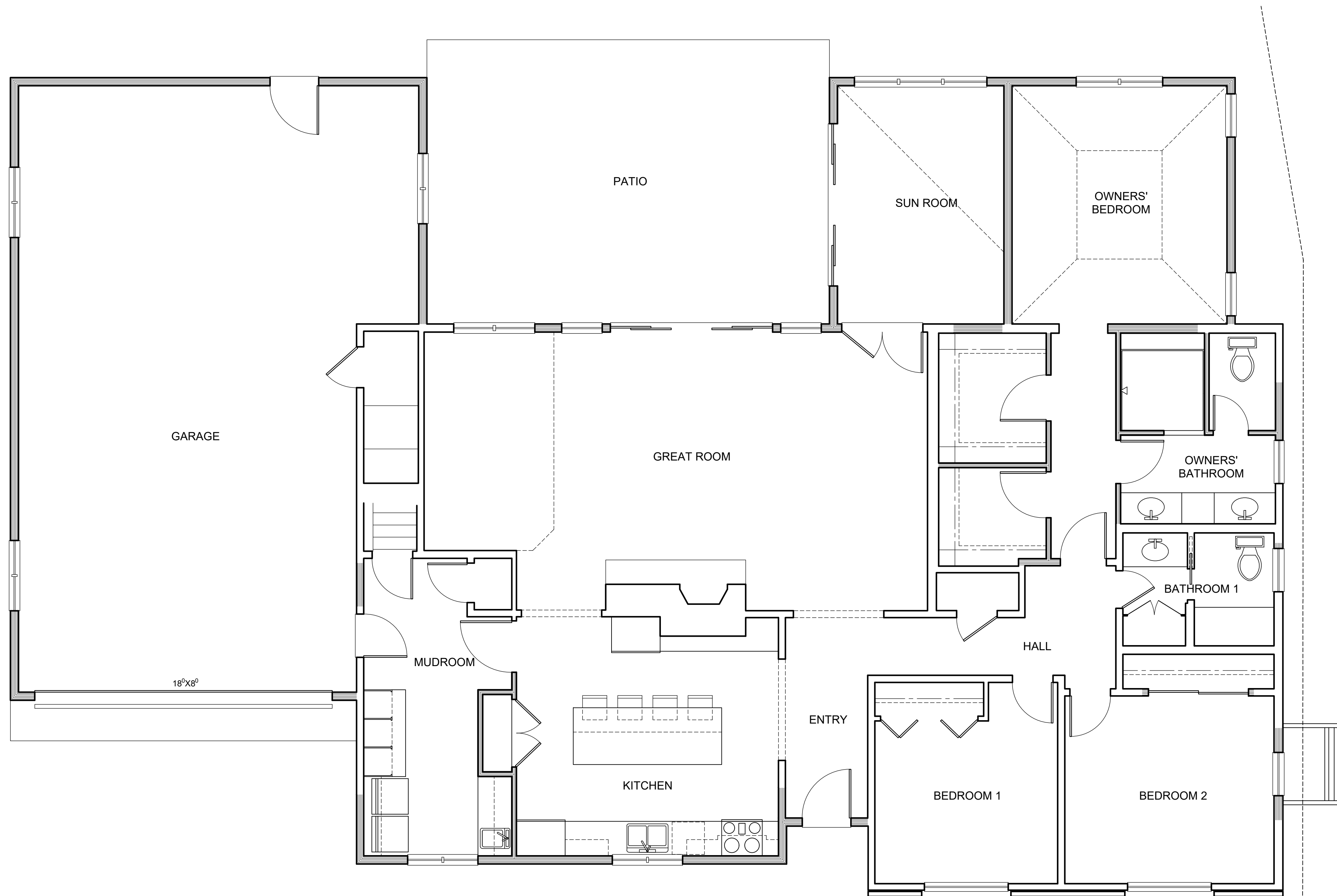
Gary J. Alexander,
Architect
1265 Neil Avenue, Columbus, Ohio 43201
(614) 487-0637

Z. VAR.: 01-23-2023

A-1

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FIRST FLOOR PLAN

PROPOSED
SCALE: 1/4" = 1'-0"

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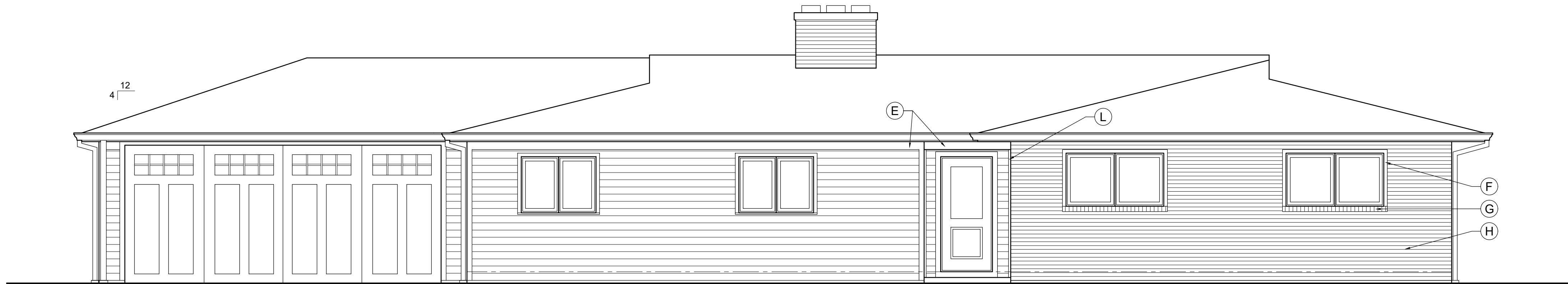
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ADDITION & REMODELING
HUTCHESON/COTTER RES.
2738 WESTMONT BLVD

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(614) 487-0637

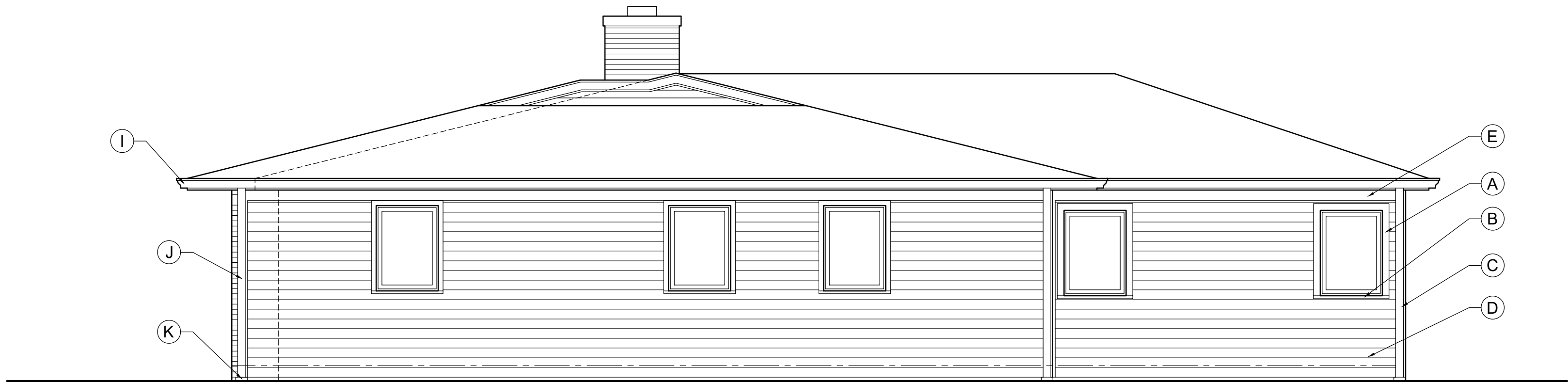
Z. VAR.: 01-23-2023

A-2



FRONT (WEST) ELEVATION

PROPOSED
SCALE: 1/4" = 1'-0"



SIDE (SOUTH) ELEVATION

PROPOSED
SCALE: 1/4" = 1'-0"

ELEVATION MATERIALS LIST

- ALL EXTERIOR TRIM TO BE WOOD OR BORAL. IF WOOD TRIM IS USED, TRIM TO BE REDWOOD OR SMOOTH FINISH CEDAR. ALL SURFACES OF TRIM TO BE PRIMED PRIOR TO INSTALLATION. SAW CUTS AND NAIL HOLES TO BE PRIMED.

- ALL GUTTERS AND DOWNSPOUTS TO CONNECT UNDERGROUND TO DRAIN TILE AND DRAIN TILE TO BE ROUTED TO CURB AT STREET. IF EXISTING DRAIN TILE ARE TO BE USED, CONTRACTOR TO VERIFY THAT EXISTING DRAIN TILE ARE OPERATING PROPERLY PRIOR TO CONNECTING NEW DOWNSPOUTS

- A. 5/4 X 4 (1" X 3 1/2") HEAD AND JAMB TRIM WITH HEAD FLASHING
- B. WOOD SILL, COX INTERIOR INC., WS0021 - 1 1/2" X 2 1/2"
- C. 5/4 X 4 (1" X 3 1/2") OUTSIDE CORNER BOARD
- D. FIBER CEMENT SIDING, HARDI PLANK, 5" EXPOSURE, SMOOTH FINISH BLIND NAILED
- E. 5/4 X 6 (1" X 3 1/2") TRIM AT SOFFIT
- F. BRICK MOLD PER WINDOW MANUFACTURER
- G. EXISTING BRICK SILL TO REMAIN
- H. EXISTING BRICK TO REMAIN
- I. 5" OGEE STYLE PREFINISHED ALUMINUM GUTTER
- J. 3" X 4" PREFINISHED ALUMINUM DOWNSPOUT
- K. DOWNSPOUT BOOT
- L. 5/4 X 2 (1" X 1 1/2") INSIDE CORNER BOARD
- M. 5/4 TRIM
- N. 5/4 KICKPLATE

ADDITION & REMODELING
HUTCHESON/COTTER RES.
2738 WESTMONT BLVD

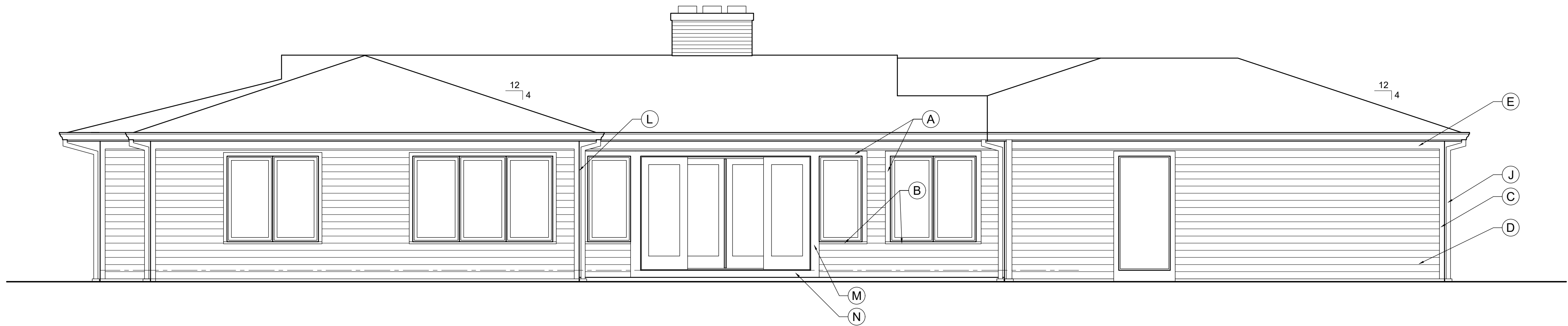
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Z. VAR.: 01-23-2023

A-3

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REAR (EAST) ELEVATION

PROPOSED
SCALE: 1/4" = 1'-0"



SIDE (NORTH) ELEVATION

PROPOSED
SCALE: 1/4" = 1'-0"

ELEVATION MATERIALS LIST

- ALL EXTERIOR TRIM TO BE WOOD OR BORAL. IF WOOD TRIM IS USED, TRIM TO BE REDWOOD OR SMOOTH FINISH CEDAR. ALL SURFACES OF TRIM TO BE PRIMED PRIOR TO INSTALLATION. SAW CUTS AND NAIL HOLES TO BE PRIMED.

- ALL GUTTERS AND DOWNSPOUTS TO CONNECT UNDERGROUND TO DRAIN TILE AND DRAIN TILE TO BE ROUTED TO CURB AT STREET. IF EXISTING DRAIN TILE ARE TO BE USED, CONTRACTOR TO VERIFY THAT EXISTING DRAIN TILE ARE OPERATING PROPERLY PRIOR TO CONNECTING NEW DOWNSPOUTS

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- B. WOOD SILL, COX INTERIOR INC., WS0021 - 1 1/2" X 2 1/2"
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- D. FIBER CEMENT SIDING, HARDI PLANK, 5" EXPOSURE, SMOOTH FINISH BLIND NAILED
- E. 5/4 X 6 (1" X 3 1/2") TRIM AT SOFFIT
- F. BRICK MOLD PER WINDOW MANUFACTURER
- G. EXISTING BRICK SILL TO REMAIN
- H. EXISTING BRICK TO REMAIN
- I. 5" OGEE STYLE PREFINISHED ALUMINUM GUTTER
- J. 3" X 4" PREFINISHED ALUMINUM DOWNSPOUT
- K. DOWNSPOUT BOOT
- L. 5/4 X 2 (1" X 1 1/2") INSIDE CORNER BOARD
- M. 5/4 TRIM
- N. 5/4 KICKPLATE

ADDITION & REMODELING
HUTCHESON/COTTER RES.
2738 WESTMONT BLVD

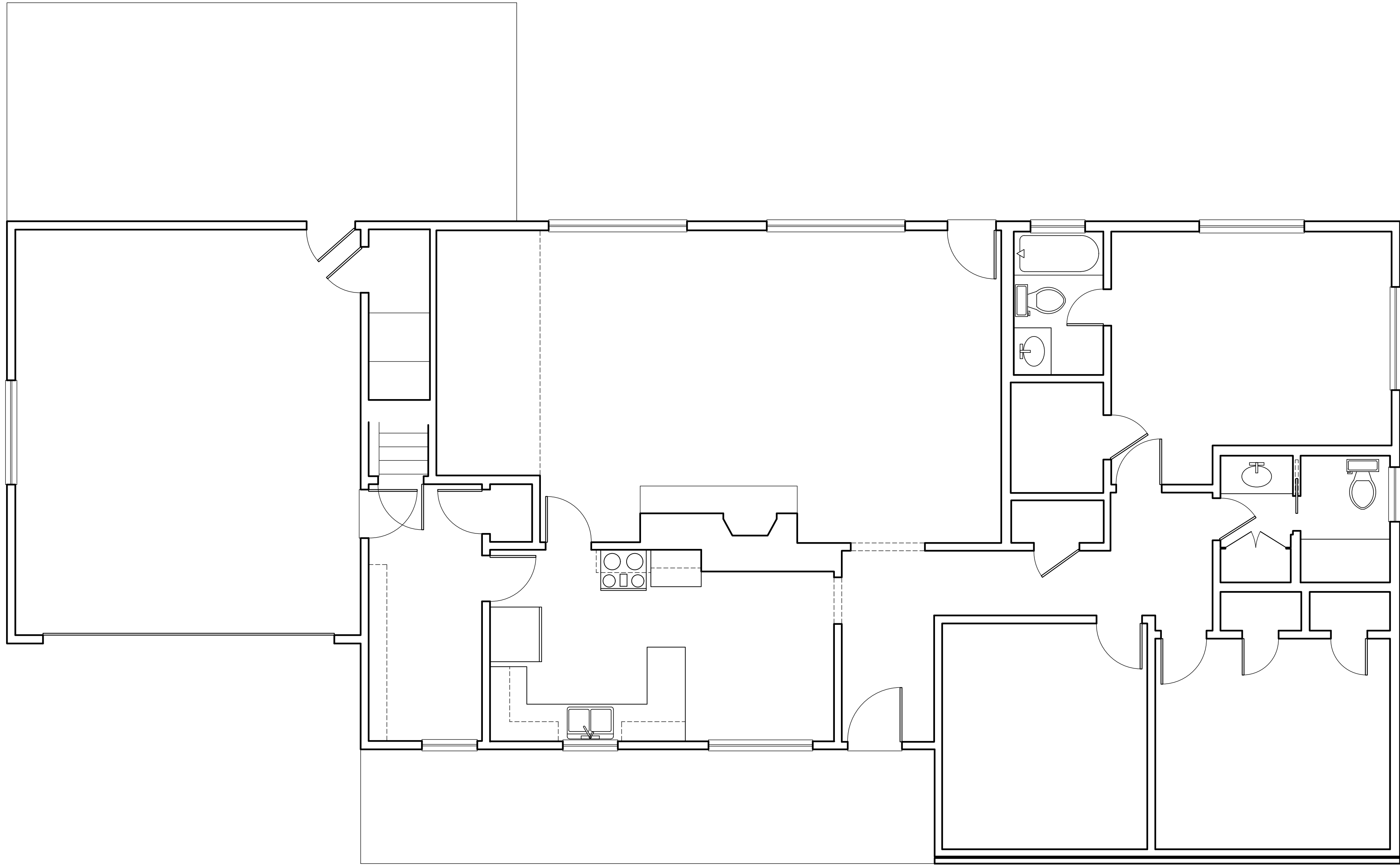
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A-4

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FIRST FLOOR PLAN

EXISTING
SCALE: 1/4" = 1'-0"

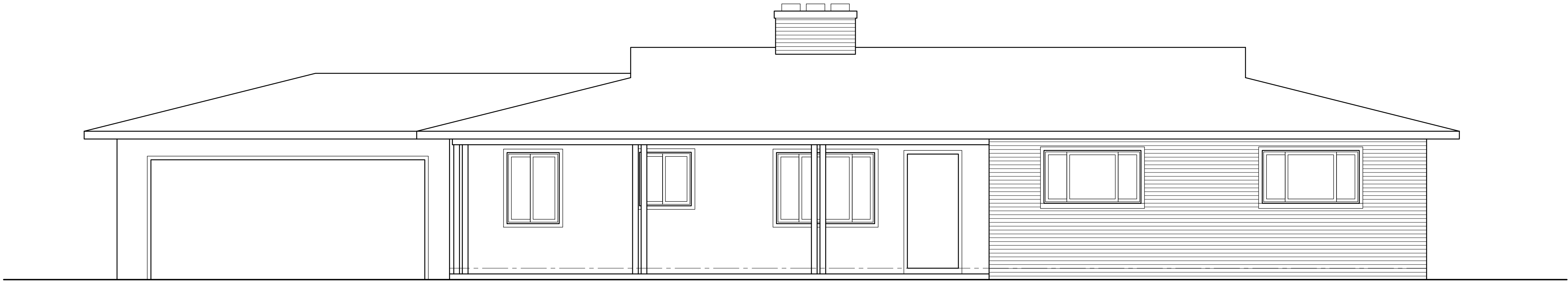
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**ADDITION & REMODELING
HUTCHESON/COTTER RES.
2738 WESTMONT BLVD**

Gary J. Alexander,
Architect
1265 Neil Avenue, Columbus, Ohio 43201
(614) 487-0637

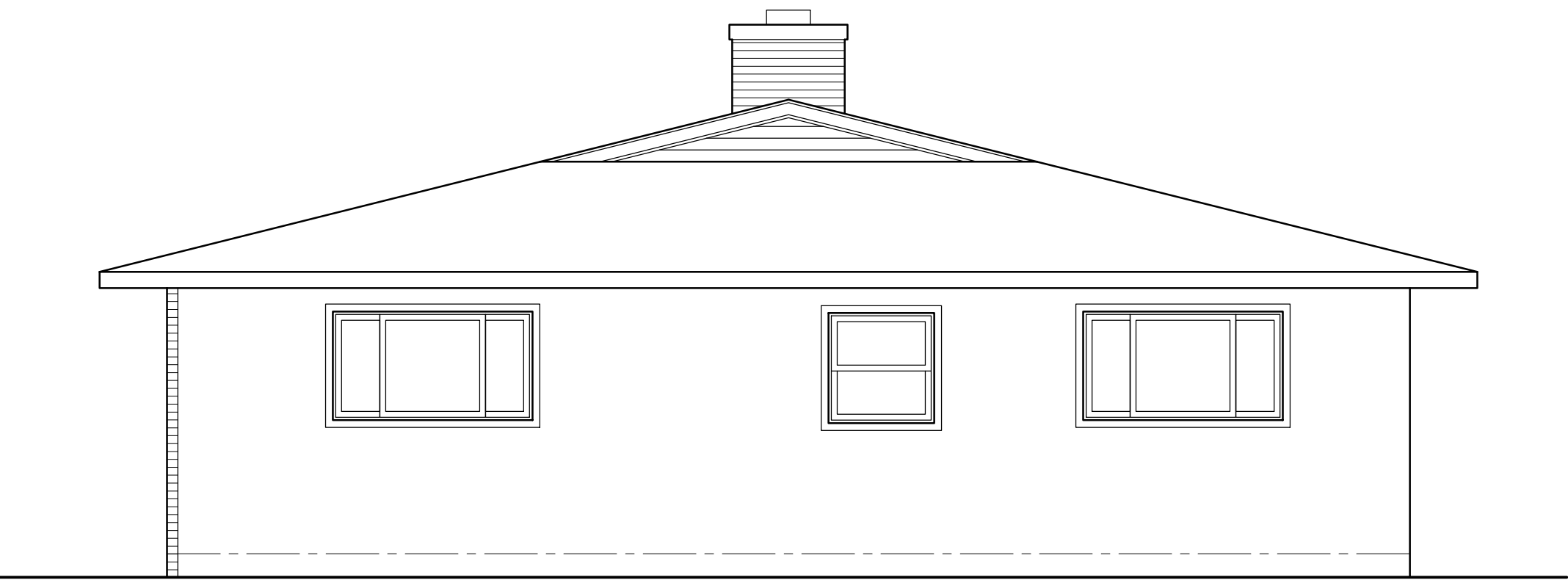
Z. VAR.: 01-23-2023

A-2 EXIST



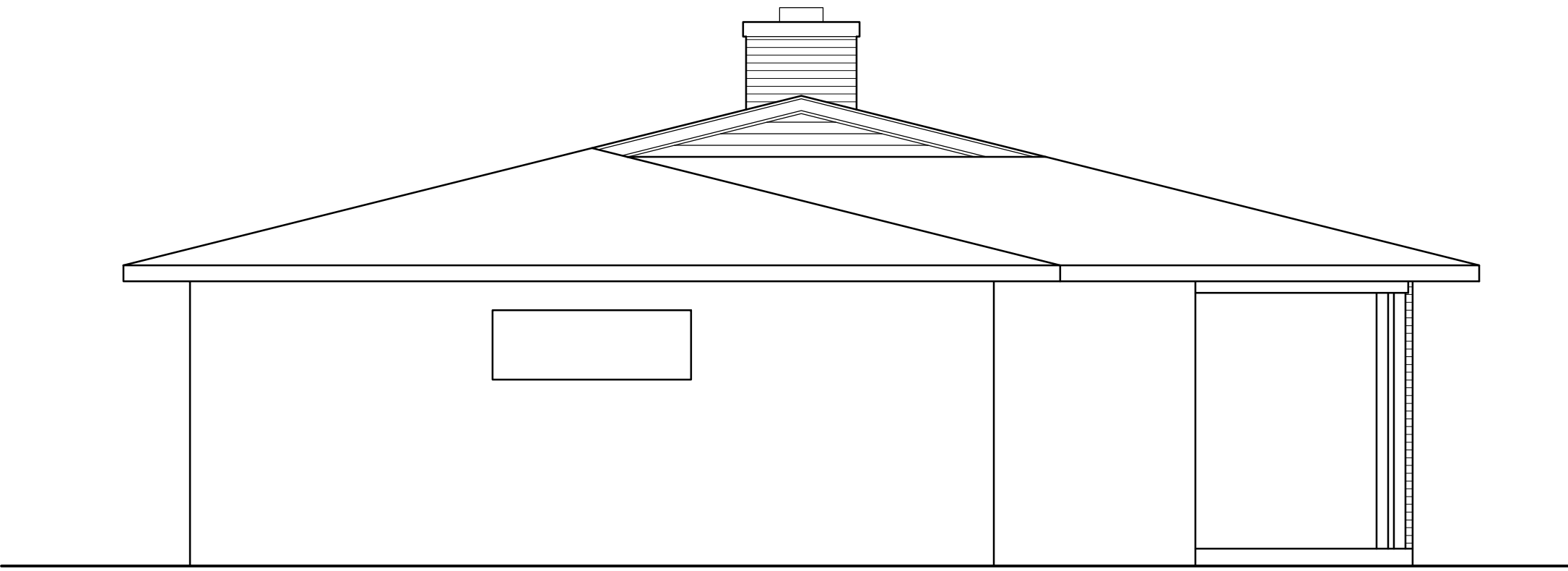
FRONT (WEST) ELEVATION

EXISTING
SCALE: 1/4" = 1'-0"



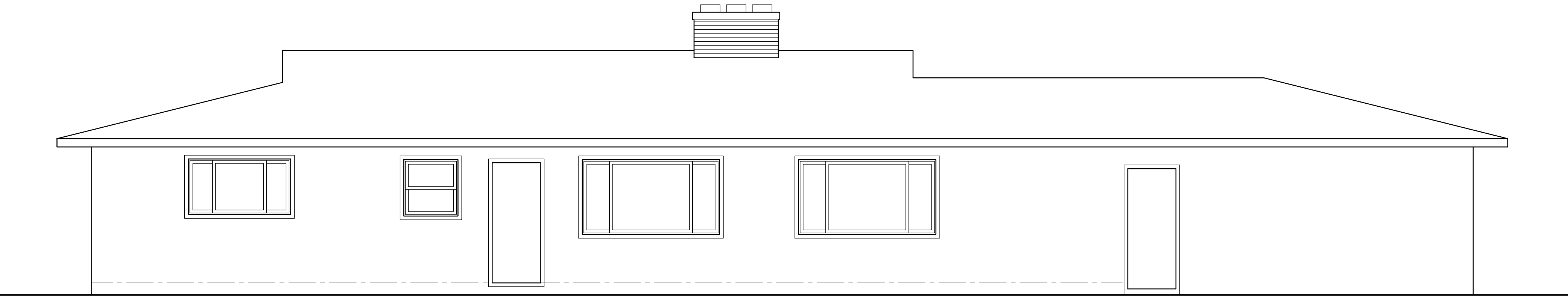
SIDE (SOUTH) ELEVATION

EXISTING
SCALE: 1/4" = 1'-0"



SIDE (NORTH) ELEVATION

EXISTING
SCALE: 1/4" = 1'-0"



REAR (EAST) ELEVATION

EXISTING
SCALE: 1/4" = 1'-0"

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HUTCHESON/COTTER RES.
2738 WESTMONT BLVD

Gary J. Alexander,
Architect
1265 Neil Avenue, Columbus, Ohio 43201
(614) 487-0637

Z. VAR.: 01-23-2023

A-3 EXIST

Revised: Jan 2021

Certification of Notice

Applicant Name: Mr. Matthew Hutcheson and Ms. Sara Cotter

Location of property subject to BZAP request: 2738 Westmont Blvd.

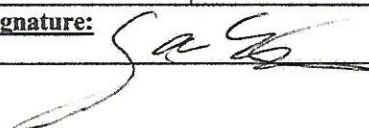
Describe activity which requires Board of Zoning and Planning review:

The variance will permit the construction of an addition to the home. We are requesting the

This application will be heard by the Board of Zoning and Planning on: February 15, 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:
2711 MT HOLYOKE RD	JOSHUA GRABER AND KELLEY JOHNSON	7022 2410 0000 2697 5267	1/21/2023
2723 MT HOLYOKE RD	JAMES AND JESSICA JIN	7022 2410 0000 2697 5274	1/21/2023
2733 MT HOLYOKE RD	KARA AND ZACHARY CRUSSE	7022 2410 0000 2697 5151	1/21/2023
2743 MT HOLYOKE RD	MATTHEW AND ASHLEY KNOTT	7022 2410 0000 2697 5168	1/21/2023
2753 MT HOLYOKE RD	ANGELA MCLARTY	7022 2410 0000 2697 5115	1/21/2023
2764 WESTMONT BL	CHRISTINE STREHL	7022 2410 0000 2697 5182	1/21/2023
2750 WESTMONT BL	JOSHUA AND COLLEEN WRIGHT	7022 2410 0000 2697 5199	1/21/2023
2726 WESTMONT BL	MARVIN GREGORY	7022 2410 0000 2697 5205	1/21/2023
2714 WESTMONT BL	RANDI LEWIS	7022 2410 0000 2697 5212	1/21/2023
2715 WESTMONT BL	JAN AND JADWIGA LABANOWSKI	7022 2410 0000 2697 5229	1/21/2023
2727 WESTMONT BL	TRACY AND BRENT HARBOLD	7022 2410 0000 2697 5236	1/21/2023
2739 WESTMONT BL	ADAM AND REBECCA THOMPSON	7022 2410 0000 2697 5243	1/21/2023
2751 WESTMONT BL	PAUL AND KAY MARSHALL	7022 2410 0000 2697 5250	1/21/2023
Applicant Signature: 			Date: 1/23/2023

January 20, 2023

Mr. and Ms. Paul and Kay Marshall
2751 Westmont Blvd
Upper Arlington, Ohio 43221

Re: Zoning variance request for an addition at 2738 Westmont Blvd

Dear Mr. and Ms. Paul and Kay Marshall:

We are writing to inform you that we are requesting a zoning variance for an addition to our future residence. This request will be heard at 6:00 p.m. Wednesday, February 15 in the City of Upper Arlington's Municipal Service Center at 3600 Tremont Road.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

Matt Hutcheson and Sara Cotter
Current address: 2657 Westmont Blvd

2738 Westmont Boulevard

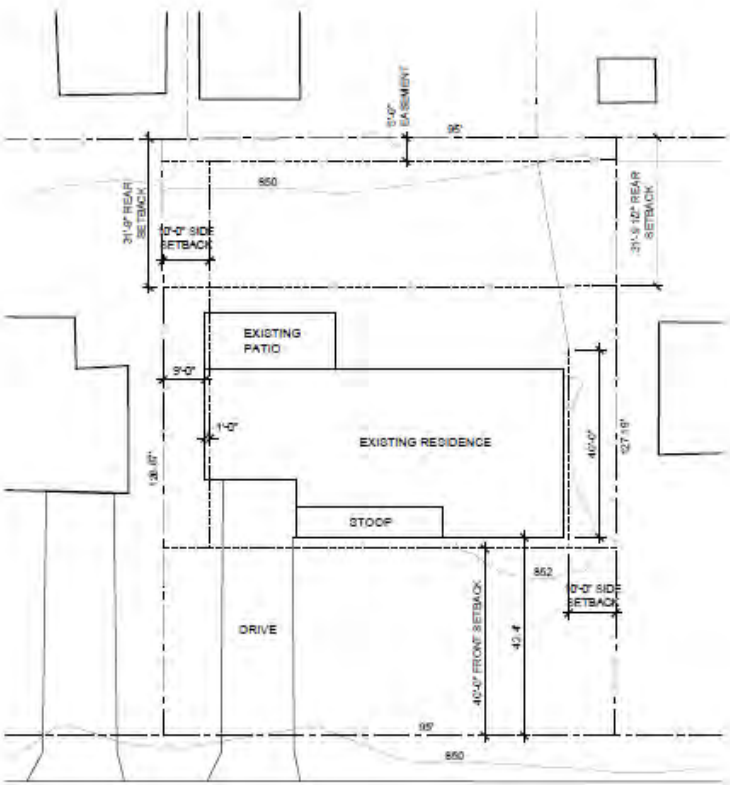
BZAP Staff Report Pictures



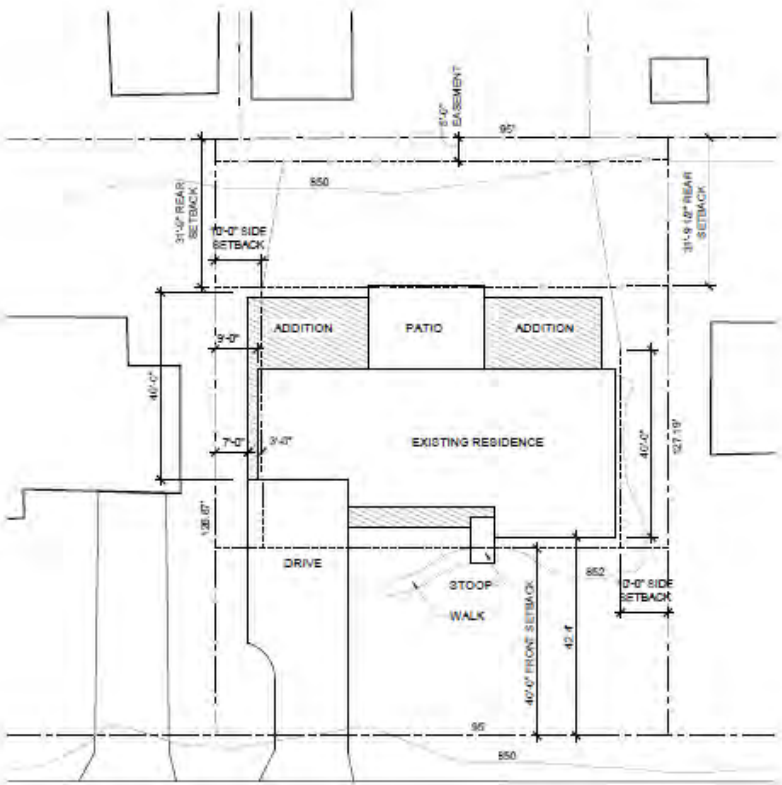
Google Maps ® Aerial – Looking East



Existing and Proposed Site Plan

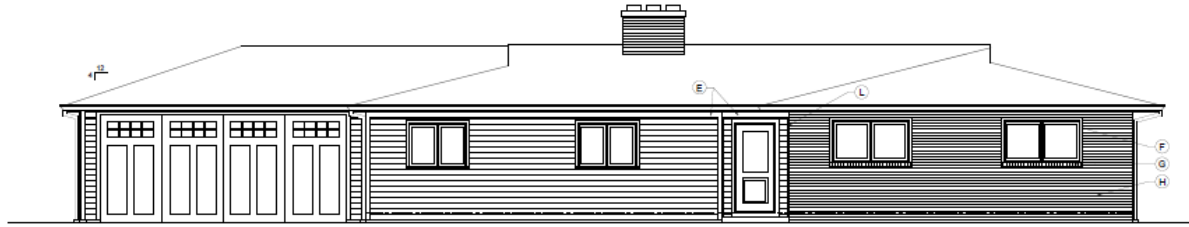


WESTMONT BLVD.



WESTMONT BLVD.

Proposed and Existing Front Elevations



Existing and Proposed Side Elevations





Authors: Alyssa Kelly, AICP, Planning Officer

BZAP Meeting Date: February 15, 2023

Subject: 3744 Lyon Drive (VAR-08-23) - To allow a hot tub to encroach up to 15'-3" into the 90-foot rear yard platted setback, which is not permitted.

Site Description/History

The subject property, 3744 Lyon Drive, is located on the east side of the street at the corner of Grace Lane in the [Turkey Run Subdivision](#) (Lot #41). The irregular shaped property has 80 feet of frontage and 199 (average) feet of depth; it is zoned R-1b, One-Family Residence District. A one-story brick ranch with a walk-out basement was constructed zero to 20 feet behind the 40-foot platted front yard setback. There is a 95-foot platted rear yard setback from the adjacent Ohio State University Golf Course; the home sits along this setback. It was built in 1963 and purchased by the applicant in 2016.

At the January 3, 2023 Work Session, the Board reviewed the proposed location and challenges of siting a hot tub in the rear yard of this property. The Board was generally supportive of the request, due to the siting of the existing home and the minimal impacts from noise and aesthetics to adjacent properties.

Proposal

The homeowners are proposing a hot tub that would be located 15'-3" into the 95-foot platted rear yard setback. The hot tub would be situated slightly below grade, as it would be located adjacent to the walk-out basement, where the ground slopes downwards towards the home. Visibility from the golf course and neighbors would be minimal. The homeowner prefers this location because it is near existing utilities and closer to the back door of the home. An existing low brick wall and wooden fencing would help screen the proposed hot tub from view.

Zoning Code Requirements

- To UDO Article 6.09 to permit an accessory structure to be located forward of a platted building line, which is prohibited.

Alternatives

There is an alternate, compliant location on the south side of the house. However, this is not preferred by the owner and would be more impactful for the neighbor; it would also be visible from the street.



Requested Action and Findings

Staff has reviewed the application, discussed with the applicant, and visited the site. in this case, Staff has found the 95-foot setback on the irregular shaped lot limits compliant locations for a hot tub. The proposed location, which requires one variance, would be less impactful for neighboring properties than a compliant option on the side of the house. Therefore, Staff recommends approval of the application as submitted and notes Findings #1 and #4 for consideration.

Attachments

1. BZAP Staff Report Pics - 3744 Lyon Drive
2. 3744 Lyon Dr Variance Application



3744 Lyon Drive

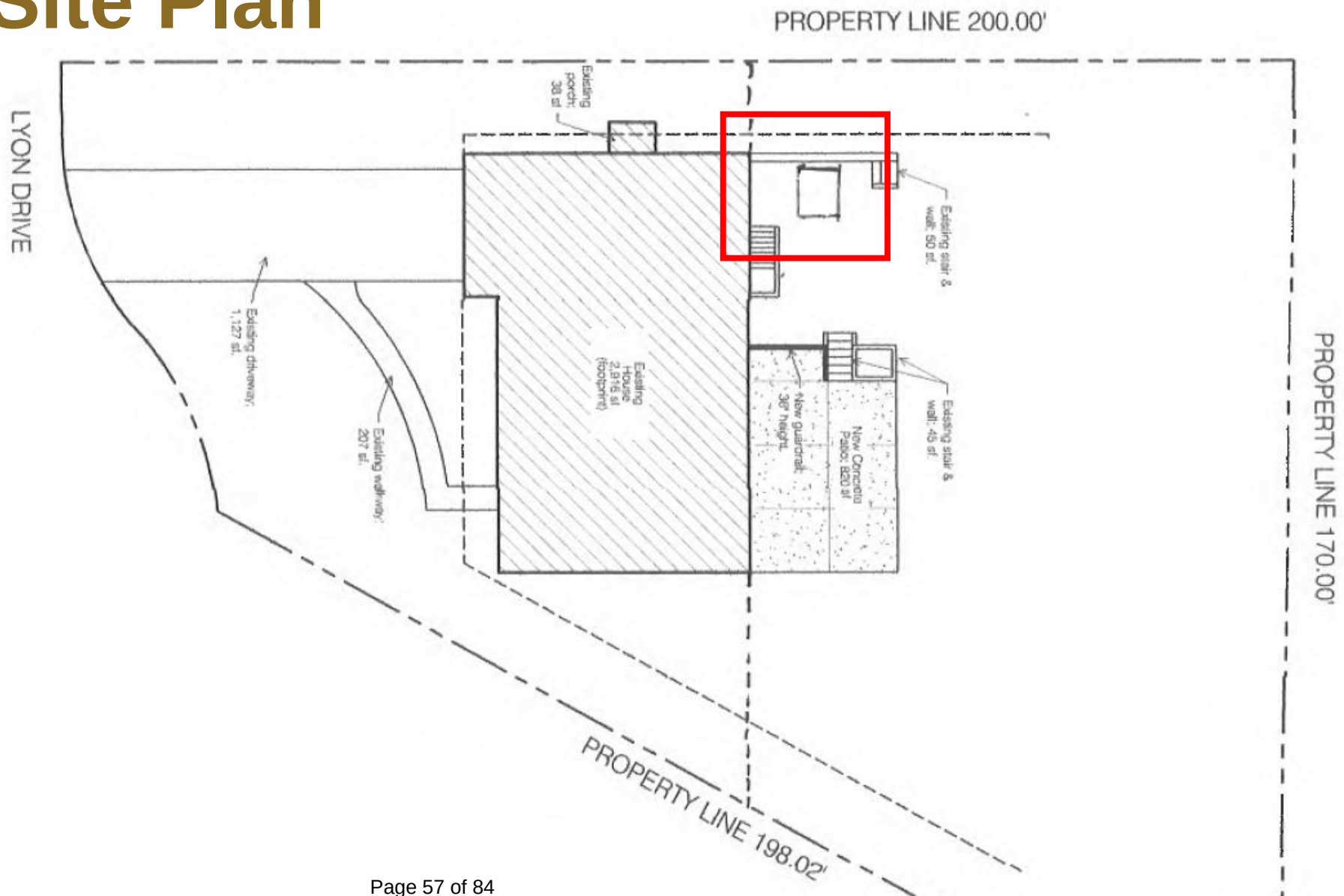
BZAP Staff Report Pictures



Google Maps ® Aerial – Looking North



Proposed Site Plan





Proposed Hot Tub Location





23-331

Variance Application

Status: Active

Date Created: Jan 23, 2023

Applicant

Bill Creedon
billcreedon@gmail.com
3744 Lyon Dr
Columbus, OH 43220
6149496818

Primary Location

3744 LYON DR
UPPER ARLINGTON, OH 43220

Owner:

CREEDON WILLIAM R
14806 DETROIT LAKEWOOD,, OH 44107

BZAP Information

BZAP Case #

VAR-08-23

Status

Pending

BZAP Determination Date

02/15/2023

Vote Tally

--

Primary Variance

Accessory structure

Findings of Fact for Approval/Denial

--

Variance Request

To allow a hot tub to encroach up to 15'-3" into the 90-foot rear yard platted setback, which is not permitted.

BZAP conditions

--

Variance Information

Describe Variance Request

Owner desires to install a hot tub directly behind the home which would result in an encroachment of 15 feet in the platted rear setback. Variance requested to UDO Article 6.09 to permit an accessory structure to be located forward of a platted building line.

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?

3744 Lyon Drive is located along a platted 95-foot rear yard setback adjacent to the Ohio State University Golf Course. The rear of the home is located at the rear setback. As a result, any accessory structure directly behind the home would require a variance. The only compliant location would be on the south side of the house which would significantly impact the neighbor and be highly visible from the street.

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. It will permit the homeowner to install a hot tub 15 feet in front of the platted build line whereas other lands in the same district would not be permitted to do so without first obtaining approval of a similar variance.

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. If granted, the variance will permit the hot tub to be placed in the least conspicuous location and cause the least impact on the neighbors.

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. The only compliant location would be on the south side of the house which would significantly impact the neighbor and be highly visible from the street.

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

Yes. The property value will be unaffected.

GENERAL INFORMATION

Address: 3744 Lyon Drive
Upper Arlington, Ohio 43220
Parcel: 070-080689-00

Scope of Project: The project consists of the renovation of the entire first floor with reconfiguration of the existing spaces and removal of walls to create an open plan. The project also includes converting the rear porch into interior space with a new great space. All windows, doors, & millwork are to be replaced at the first floor.

First Floor Existing Interior Area: 2,172 sf
Concert Porch to Interior Space: 182 sf
Total First Floor Renovation Area: 2,354 sf

ZONING: R-1B

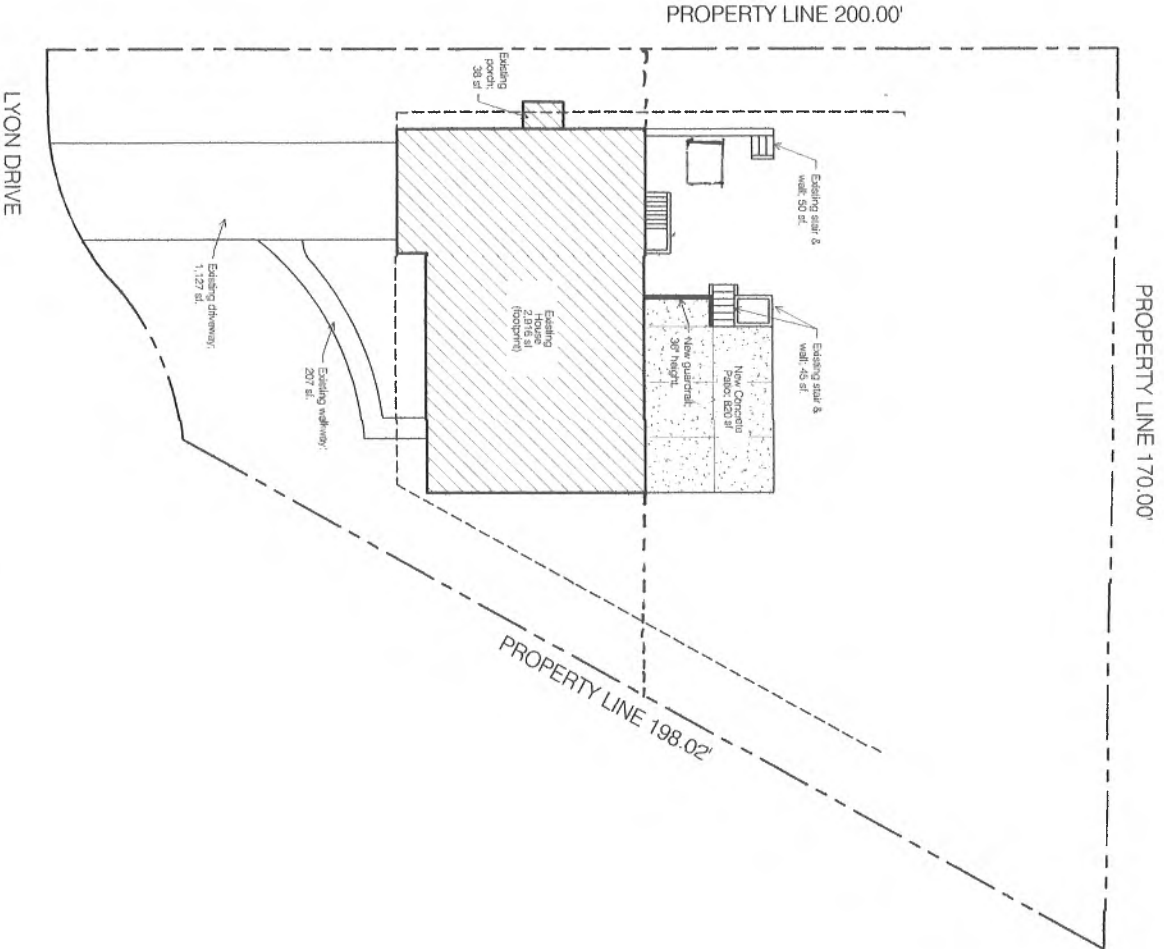
Lot Area & Lot Width	Actual	Zoning Req'd
Lot Area: 22,282 sf	22,282 sf	90'
Lot Width: 90'	Varies	90'
Building Cover Limit	Actual	Zoning Req'd
Basement	2,318 sf	6,432 sf (28%)
Main House	2,318 sf	
Basement Total	2,318 sf	Max Zoning
Development Cover Limit	Actual	Zoning Req'd
Basement	2,354 sf	8,000 sf (40%)
Basement	1,127 sf	
Basement	1,227 sf	
Rear deck, walk, walls	149 sf	
Deck Court	616 sf	
New Rear Porch	820 sf	
Deck Court Total	5,812 sf	Max Zoning

SHEET INDEX

A1.0	Site Plan & General Info	A4.0	Basement Ceiling Plan
A2.0	Foundation Plan	A4.1	First Floor Ceiling Plan
A2.1a	First Floor Demo Plan	A4.2	First Floor Ceiling Plan
A2.1b	First Floor New Work Plan	A4.3	Interior Elevations
A3.1	Exterior Elevations	A4.4	Interior Elevations
A3.2	Exterior Elevations	A4.5	Interior Elevations
A3.3	Exterior Elevations	E.0	Basement Electric Plan
		E.1	First Floor Electric Plan
		HP.1	HVAC & Plumbing Plans

DESIGN CRITERIA

Design Criteria:
Wind Speed = 115 mph
Seismic Design = 0.2
Vibration = None
Frost Line Depth = 36"
Termites = Moderate to Heavy
Soil Barrier Underlayment = Yes, Rigidized
Floor Live Load = 40 psf
Snow Load = 20 psf
Foundation Concrete Compressive Strength = 2,500
Slab Concrete Compressive Strength = 3,000 (at least 5% 7%)



A4 SITE PLAN

SCALE: 1/16" = 1'-0"



3744 Lyon Drive
Upper Arlington, Ohio 43220

Owner:
Creston Residence
3744 Lyon Drive
Upper Arlington, Ohio 43220

Architect:
Bendis Paces
580 Northwest Blvd
Columbus, OH 43212
(614) 267-1234
bendis@bendispace.com



SITE PLAN &
GENERAL INFO

March 4, 2021
Permit Set
3744.LD

A1.0

3744 Lyon Drive
Upper Arlington, Ohio 43220

Owner:
Crescent Real Estate
3744 Lyon Drive
Upper Arlington, Ohio 43220

Architect:
Brenda Payer
380 Northwest Blvd
Upper Arlington, Ohio 43212
b.payer@bcbuchanan.com

BASEMENT
ELEC PLAN

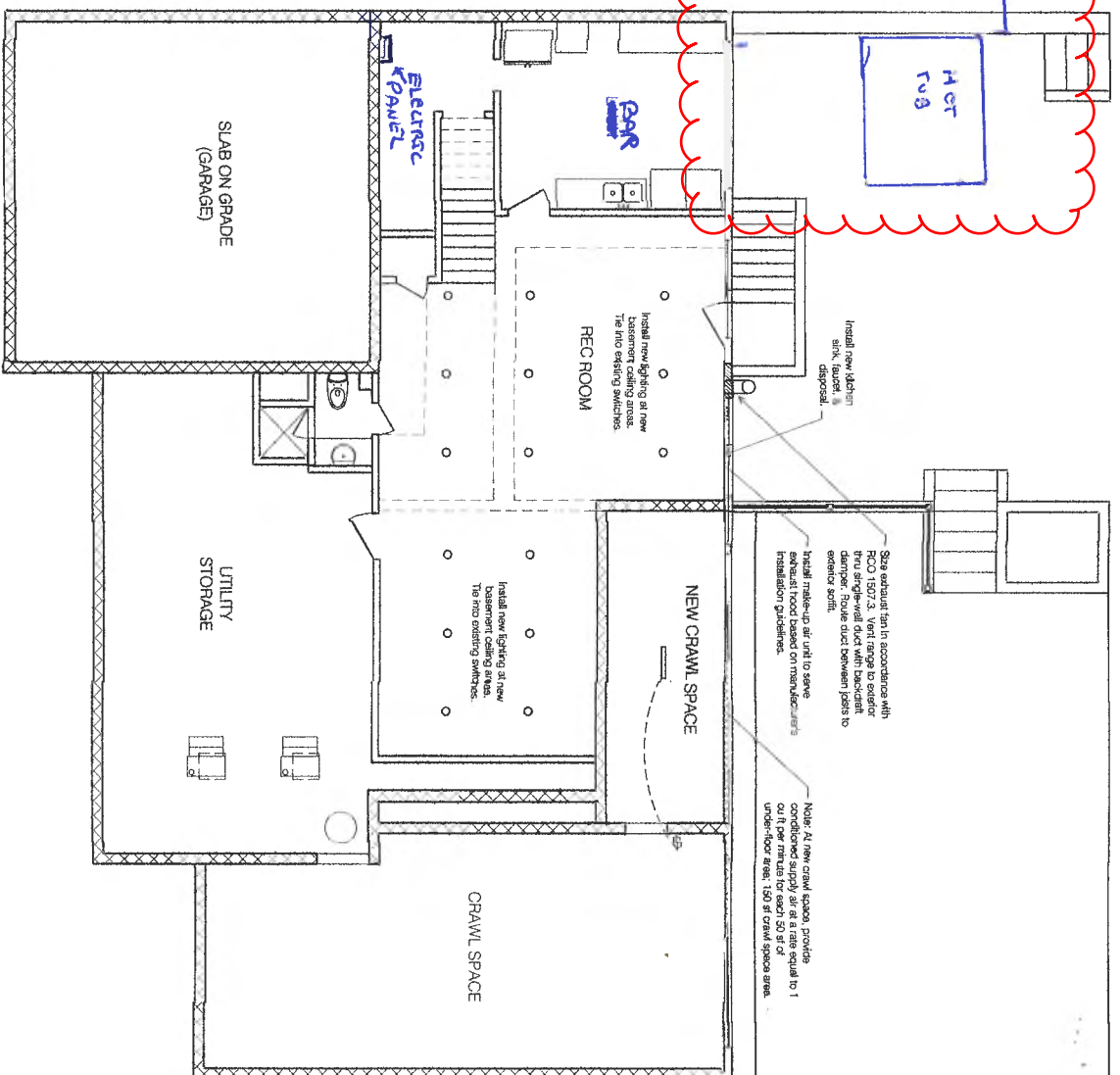
E.0

May 16, 2021

Permit Set
3744.LD



Tag Plan



A5 BASEMENT ELECTRIC PLAN
SCALE: 3/16" = 1'-0"





























3744

ADER
ERE
EDON





3744

ADER
ERE
EDON







3600 Tremont Road | Upper Arlington, OH 43221
614-583-5070 | upperarlingtonoh.gov

Certification of Notice

Location of property subject to BZAP request: 3744 Lyon Drive

Install hot tub behind house, 15 feet beyond platted build line

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.

Address of Property to be notified:	Property Owner Name:	Property Owner Signature or Certified Mail No.:	Date obtained or Mail sent:
3758 Lyon Dr. Col. OH 43220	Hallarn	<i>Frankie Hallarn</i>	1/16/23
3734 Lyon Dr. Col. OH 43220	Fast	<i>Susan Fast</i>	1/16/23
1723 Grace Ln. Col. OH 43220	Krumm	<i>Christopher W. Krumm</i>	1/16/23
1720 Grace Ln. Col. OH 43220	Colachis	<i>Sheri Colachis</i>	1/16/23
1534 N. High St. Col. OH 43201	State of Ohio	7021 1970 0000 7156 0105	1/20/2023
3650 Reed Rd. Col. OH 43220	Wellington School	7021 1976 0000 7156 0129	1/20/2023
Applicant Signature: <i>William R. Greder</i>			Date: 1/20/2023

NOTICE

January 20, 2023

State of Ohio
1543 N. High Street
Columbus, Ohio 43221

RE: Notice of Application for Zoning Variance

Property: 3744 Lyon Drive, Columbus, Ohio 43220

State of Ohio:

The property owner at 3744 Lyon Drive, Columbus, Ohio 43220 has submitted an application for a Zoning Variance to the Upper Arlington Board of Zoning and Planning (BZAP). The application requests a variance from UDO Article 6.09 to permit a hot tub to be located 15 feet forward of a platted 95-foot rear yard setback building line.

The application will be heard by the BZAP on **FEBRUARY 15, 2023, at 6 PM** at the Upper Arlington Municipal Services Center, 3600 Tremont Road, Upper Arlington, Ohio 43221.

For more information, you may contact the Upper Arlington Planning Division at planning@uaoh.net.

Thank you,



William R. Creedon
Property Owner

NOTICE

January 20, 2023

Wellington School
3650 Reed Road
Columbus, Ohio 43220

RE: Notice of Application for Zoning Variance

Property: 3744 Lyon Drive, Columbus, Ohio 43220

Wellington School:

The property owner at 3744 Lyon Drive, Columbus, Ohio 43220 has submitted an application for a Zoning Variance to the Upper Arlington Board of Zoning and Planning (BZAP). The application requests a variance from UDO Article 6.09 to permit a hot tub to be located 15 feet forward of a platted 95-foot rear yard setback building line.

The application will be heard by the BZAP on **FEBRUARY 15, 2023, at 6 PM** at the Upper Arlington Municipal Services Center, 3600 Tremont Road, Upper Arlington, Ohio 43221.

For more information, you may contact the Upper Arlington Planning Division at planning@uaoh.net.

Thank you,



William R. Creedon
Property Owner

7021 1970 0000 7156 0129

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Columbus, OH 43221

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☐ Return Receipt (electronic)	\$	\$0.00
☐ Certified Mail Restricted Delivery	\$	\$0.00
☐ Adult Signature Required	\$	\$0.00
☐ Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.60

Total Postage and Fees \$7.85

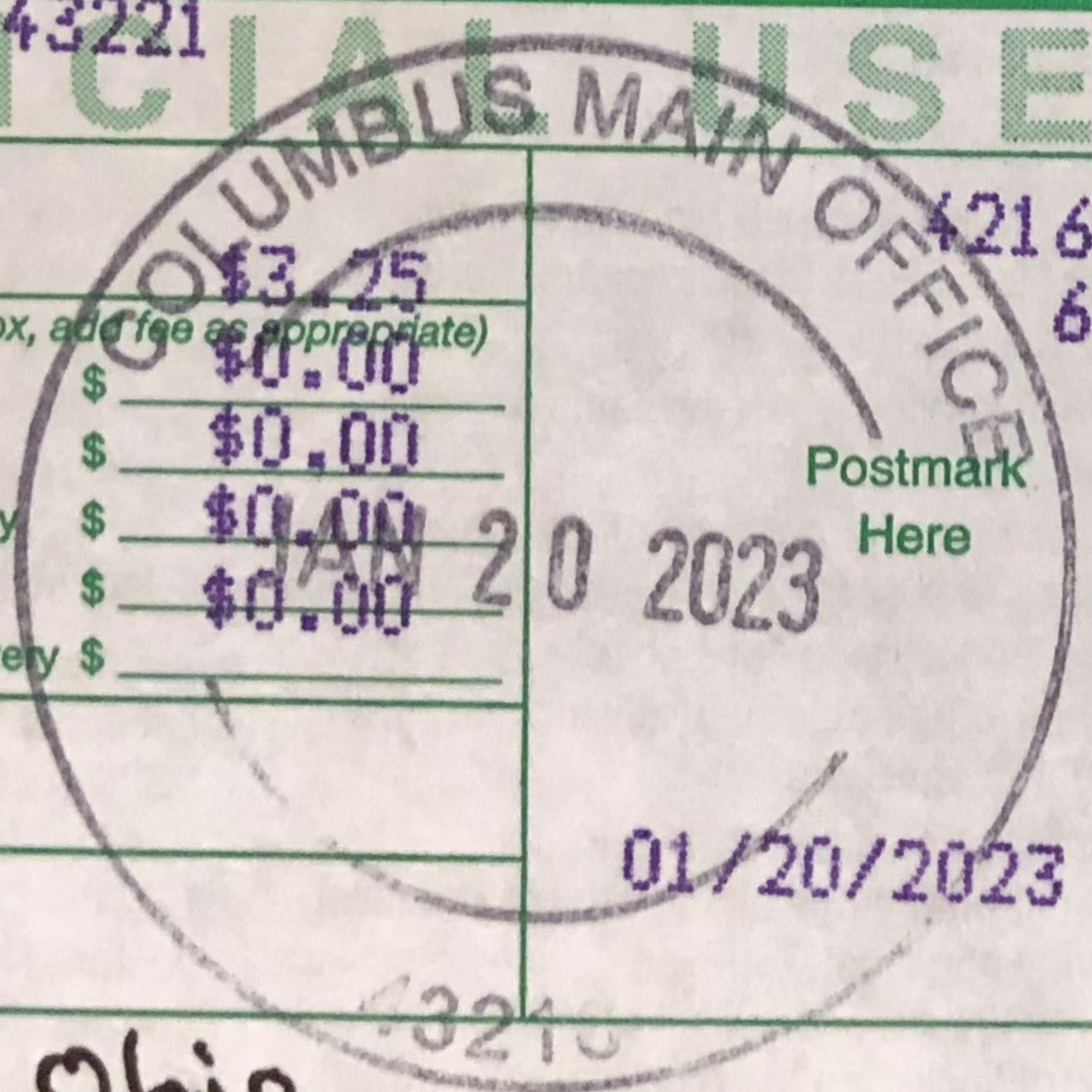
Sent To State of Ohio

Street and Apt. No., or PO Box No.
1543 N. High St.

City, State, ZIP+4[®]
Columbus OH 43221

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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Columbus, OH 43220

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☐ Return Receipt (electronic)	\$	\$0.00
☐ Certified Mail Restricted Delivery	\$	\$0.00
☐ Adult Signature Required	\$	\$0.00
☐ Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.60

Total Postage and Fees \$7.85

Sent To Wellington School

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3650 Reed Rd

City, State, ZIP+4[®]
Columbus OH 43220

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7021 1970 0000 7156 0129

