

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The owners of the property located at 700 Grandon Ave. filed an application for an area use variance of this property. (Application no. 19529) The owner of the property is Jason Deskins. Attorney Connie Klema represents the property owner.

Ordinance 42-24 was introduced by City Council to address this application. The area variance in this case is governed by Section 1226.11(c) of the Bexley Codified Ordinances. This provision grants the Bexley City Council the authority to hear area variances such as the present case.

The City properly noticed the hearing which was held on January 28, 2025. At the hearing, the City Building and Zoning Administrator presented the application. Based on the criteria set for in section 1226.11(c), Mr. Klingler recommended City Council approve the application based on the criteria contained in the City ordinance.

In reviewing an application for an area variance, City Council is required to consider the following criteria:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) Whether the variance is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The applicant must establish, by a preponderance of the evidence, that the area variance is warranted.

The applicant addressed the above-criteria in its initial application. The applicant did not submit new evidence at the hearing. No evidence or arguments in opposing the application were presented at the hearing.

After viewing the facts presented in this case, City Council concludes that the applicant has met his burden of proof to support approval of the area variance subject to the qualifications set for in Ordinance 42-20.

1. Although the evidence shows the property in question is already part of 700 Grandon Ave., the specific area to be severed does not yield a reasonable return and the lot split and resulting area variance would address this criterion.

2. The area variance is not substantial. The new south platted lot will not be substantially different than other properties in the area.
3. The area variance will not impact the essential character of the neighborhood.
4. The area variance will not impact the delivery of government services.
5. The applicant purchased this property knowing the restriction, however, City Council does not find this factor to be controlling.
6. The applicant seeks to split the south platted area of the property to build a single family home which is consistent with the neighborhood use. This cannot be done without a lot split and area variance.
7. Granting the application is consistent with the spirit and intent of the zoning code.

Based on the evidence and applicable criteria, City Council hereby grants the area variance requested for 700 Grandon Ave. in application 19529, subject to the terms and conditions set forth in Ordinance 42-20.