

BY: Cadyn Thomas Brinkley

An Ordinance to amend Section 1264.14 of the Codified Ordinances of the City of Bexley and to declare an emergency.

WHEREAS, Council has the inherent power and authority to grant variances from and exceptions to the Zoning Code; and

WHEREAS, Council has from time to time granted variances from the Zoning Code pursuant to its inherent power and authority; and

WHEREAS, Council has determined that it would be desirable to codify its authority to grant variances and to specify the conditions under which it will exercise such authority; now, therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Section 1264.14 of the Codified Ordinances be, and the same hereby is, amended to read as follows:

1264.14 VARIANCES.

(a) Requests for variances from this Zoning Code shall be heard and decided by Council or the Board of Zoning Appeals as permitted under the provisions of this Chapter.

(b) The Board of Zoning Appeals shall have the power to authorize variances from the provisions of this Zoning Code. A variance is a modification of the provisions of this Zoning Code where such modification will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Zoning Code. Variances may be granted only where the following requirements are met:

- (i) Literal enforcement of this Zoning Code will result in an unnecessary hardship with respect to the property.
 - (ii) The unnecessary hardship is caused by unique characteristics of the property which are not applicable to other properties in the same district, and the unique characteristics do not result from the actions of the applicant.
 - (iii) The variance observes the intent of this Zoning Code, produces substantial justice and is not contrary to the public interest.
- (c) Council may grant the following zoning variances:
- (i) Permit a variation in the lot or yard requirements of any district where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions if such variance will not have a materially adverse effect on the surrounding property or neighborhood and is not contrary to the public interest.

(ii) Permit a use of the property not permitted by the Zoning District established on the property if such use will not have a materially adverse effect on the surrounding property or neighborhood, such use is not contrary to the public interest and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

(iii) Permit a variation from any other provision of this Zoning Code if such variance will alleviate some hardship or difficulty, will not have a materially adverse effect on the surrounding property or neighborhood, is consistent with the general purposes of this Zoning Code, and is not contrary to the public interest.

In authorizing a variance, the Council may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Zoning Code.

Section 2. That this Ordinance is an emergency ordinance necessary for the preservation of the public peace, health and safety; and, therefore, such ordinance shall go into effect upon its passage and its approval by the Mayor.

PASSED: September 10, 1985

ATTEST: John W. Hombly
Clerk of Council

John W. Hombly
President of Council

APPROVED: Sept 10, 1985

David H. Madison
David H. Madison,
Mayor

July 23, 1985 - 1st reading

July 25, 1985 - 2nd reading

Sept. 10, 1985 - 3rd reading
adopted