

By Carolee Thomas Chisley

An ordinance to grant a Councilmatic Variance to permit certain uses of an existing accessory structure on the property at 170 South Parkview Avenue.

WHEREAS, on May 8, 1967, the Bexley Zoning Commission granted a variance, under Ordinance No. 456, to permit the conversion of a garage located on the property known as 170 South Parkview Avenue, Bexley, Ohio into an accessory house having approximately 1,250 square feet of floor space; and

WHEREAS, the present owner of said property, Mrs. Kathryn W. Smith, has used the accessory house for a variety of uses during the period of time from 1967 to the present, including living space for persons employed on the property, guest quarters for invited guests and guest quarters for members of the family; and

WHEREAS, the City of Bexley adopted a new Zoning Code on May 9, 1972, which prohibited the construction and use of accessory houses as dwelling houses; and

WHEREAS, the subject house was constructed and occupied five years in advance of said zoning restrictions and because of lack of clarity as to its nonconforming status a Councilmatic Variance has been requested to clarify and define the future use of the accessory house; NOW THEREFORE,

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

SECTION 1. That a Councilmatic Variance is hereby granted to permit the use of the accessory house on the property known as 170 South Parkview Avenue, Bexley, Ohio as a dwelling unit, subject to the following conditions;

- (a) There shall be no expansion of the existing accessory house;
- (b) There shall be no reduction of the present off-street parking on the property;
- (c) Occupants of the accessory house shall be required to use a portion of the existing off-street parking on the property;
- (d) The accessory house shall at no time be rented to persons other than members of the family of the owner of the property, provided that anyone may occupy the accessory house (a) in exchange for services rendered to the owner of the property or the payment of the utility charges, maintenance expenses, taxes, assessments, insurance premiums or similar expenses or (b) if no money, goods or services are given in exchange for the right to occupy the accessory house.
- (e) Should the accessory house be damaged by fire, explosion, flood, riot or act of God, the use may be continued as before any such calamity provided the structure has not been destroyed to the extent of more than ninety percent of the replacement cost at the time of destruction, and provided such reconstruction is started within one year of such calamity and is continued in a reasonable manner until completed. If more than ninety percent of the replacement cost at the time of destruction of the accessory house

occurs anytime in the future by fire, explosion, flood, riot or act of God, continued use of the structure will require a special permit at the discretion of Bexley City Council.

SECTION 2. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: December 10, 1985

John H. ...  
President of Council

ATTEST: John W. ...

APPROVED: December 10, 1985  
David H. Madison  
David H. Madison, Mayor

Nov. 26, 1985 - 1<sup>st</sup> reading  
Dec. 10, 1985 - 2<sup>nd</sup> reading  
Dec. 10, 1985 (2<sup>nd</sup> reading) - 3<sup>rd</sup> reading  
Susp. & Adopt.