

AMENDED ORDINANCE NO. 46-82

BY: James H. Gurn

To authorize a variance to allow for a fence located in the side yard at 272 North Stanwood Road, the premises owned by James L. and Susan Budros.

WHEREAS, James L. and Susan Budros have applied for a variance to allow for the construction of a fence in the side yard set-back area of their residence property located at 272 N. Stanwood Road; and

WHEREAS, said residence property has several unusual and unique characteristics because of its location at an intersection, abutting on the south side to Maryland Avenue, which is a heavily-traveled thoroughfare through the city, and because of the location of the residence on the northeast corner of the lot itself which effectively eliminates any back or rear yard space; and

WHEREAS, the unique characteristics of the property are not applicable to other properties in the same or similar zoning districts, are not resultant from actions of the applicants, and, in effect, impose unnecessary hardships with respect to the property; and

WHEREAS, the approach of the variance would not be detrimental to the character of the surroundings residential neighborhood, would assist in protecting the property, and complies with the requirements of Section 722 of Ordinance No. 8-72; now therefore,

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

Section 1. That the application of James L. and Susan Budros for a variance to authorize and approve a fence located in the side yard set-back of the premises at 272 N. Stanwood Road, complies with the requirements of Section 722 of Ordinance No. 8-72 and is therefore granted for a fence along the south property line of the premises (abutting to the Maryland Avenue right-of-way) and for one (1) fence length around the corner (abutting to the Stanwood Road right-of-way), subject to the conditions of Section 2.

Section 2. That the granting of the variance, as set forth above, be conditioned upon the approval of the type, quality and location of the fence as constructed by the Zoning Officer of the city, which approval shall not be unreasonably withheld

Section 3. That the granting of the variance, as set forth above, be further conditioned upon the execution by the property owners of a hold harmless agreement in a form approved by the City Solicitor in the event that said fence encroaches upon City property.

Section 4. That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 1982

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President of Council

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_, 1982

*Sept. 28, 1982 - First reading*

*Withdrawn - Oct. 12, 1982*

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David H. Madison,  
Mayor