

AMENDED ORDINANCE NO. 39 -90BY: Albert J. Myers

An Ordinance to grant a variance pursuant to Section 1264.14(c)(3) of the Codified Ordinances for property located at 303 North Parkview Avenue and to approve a private street.

WHEREAS, Malcolm D. Jeffrey, Nancy Jeffrey Kingsley and Walter Jeffrey, Jr. have applied for a variance for the property located at 303 North Parkview Avenue from so much of Section 1252.03(a) of the Codified Ordinances as prohibits the construction of a new private street closer than 240 feet to an existing adjacent lot line; and,

WHEREAS, Malcolm D. Jeffrey, et al., have also applied for the approval of a new private street on the property at 303 North Parkview Avenue; NOW, THEREFORE,

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

Section 1. That City Council finds that approval of the requested variance will alleviate a hardship, will not have a materially adverse effect on the surrounding property or neighborhood, is consistent with the general purpose of the Zoning Code and is not contrary to the public interest and that City Council has the requisite power and authority to grant the requested variance by virtue of Section 1264.14(c)(3) of the Codified Ordinances.

Section 2. That the variance for the property at 303 North Parkview Avenue from so much of Section 1252.03(a) of the Codified Ordinances as prohibits the construction of a new private street closer than 240 feet to an existing adjacent lot line as requested in the application of Malcolm D. Jeffrey, et al., be, and the same is, hereby granted on the conditions set forth in the succeeding Section.

Section 3. That the variance set forth in the preceding Section shall be subject to the following conditions:

(a) Applicants shall prepare detailed plans and specifications for the construction of the new private street, for the installation of all utilities and for all grading, which plans and specifications shall conform with the application of Malcolm D. Jeffrey, et al., including without limitation, Exhibits A, B, C, D and E thereof, or Applicants shall secure the approval of City Council to any such nonconformity. Such construction, installation and grading shall not commence until such detailed plans and specifications have been approved by the City Engineer. The City Engineer shall approve such plans and specifications if he finds, (1) that the same conform to the application of Malcolm D. Jeffrey, et al., including without limitation, Exhibits A, B, C, D and E thereof, or that any nonconformity has been approved by City Council; (2) that the same comply with the policies and practices of the City of Bexley; and (3) that the same represent good engineering practices. Construction of the new private street, installation of all utilities and all grading shall be in full compliance with the plans and specifications so approved. Any modification of the approved plans and specifications shall require the approval of the City Engineer and if any such modification does not conform with the application of Malcolm D. Jeffrey, et al., including without limitation, Exhibits A, B, C, D and E thereof, or with any nonconformity previously approved by City Council, then such nonconformity

shall also require the approval of City Council. Such construction of the new private street, installation of utilities and grading shall be completed either before the construction of any residence on the property or concurrently with the construction of the first residence on the property; provided, however, that no certificate of occupancy shall be issued for any residence until such construction of the new private street, installation of utilities and grading has been completed; and provided further that application of the final surface course of asphalt on the private street may occur up to two years after substantial completion of the private street with base or intermediate courses of asphalt.

(b) Such new private street shall serve not more than six (6) lots conforming with the application of Malcolm D. Jeffrey, et al., including without limitation, Exhibits A, B, C, D and E thereof, or otherwise conforming with the requirements of the R-1 zoning district.

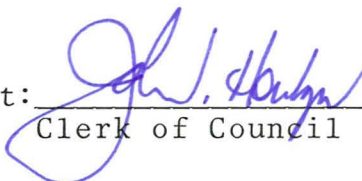
Section 4. That the new private street over the property at 303 North Parkview Avenue as designated and delineated on Exhibits A, B, C, D and E to the application of Malcolm D. Jeffrey, et al., be, and the same is, hereby approved.

Section 5. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

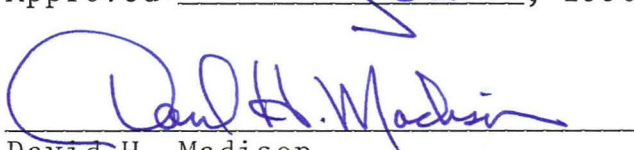
Passed: May 22, 1990



President of Council

Attest: 

Clerk of Council

Approved: May 22, 1990


David H. Madison
Mayor

Apr. 24, 1990 - 1st reading
May 8, 1990 - 2nd reading
May 22, 1990 - 3rd reading
Adopted

City of Bexley, Ohio
2242 East Main Street, 43209 235-8694

City Council

David H. Madison, Mayor

John T. Loehnert, President
John H. Offenbergl
William N. Bellamy
Albert J. Myers
Joanne H. Ranft
Robert K. Schmitz
Mark R. Masser
James H. Gross, City Attorney
John W. Hornberger, Auditor

PUBLIC HEARING

This is to inform you that a public meeting will be held by the Council of the City of Bexley, Ohio, at 7:00 P.M., Tuesday, May 22, 1990, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 39-90. This Ordinance, if approved, will grant a variance pursuant to Section 1264.14(c)(b) of the Codified Ordinances for property located at 303 North Parkview Avenue and will approve a private street.