

By: William Schottenstein

An Ordinance to grant variances, pursuant to Section 1264.14(c) of the Bexley Zoning Code, to permit certain uses of an accessory structure on the property at 287 North Parkview Avenue.

WHEREAS, Brian Tuckerman, present owner of the property located at 287 North Parkview Avenue, wishes to construct a single family residence on the property; and

WHEREAS, the proposed structure would have an attached accessory structure which is two stories in height and has a second floor dwelling unit for persons working on the property, specifically a nanny; and

WHEREAS, Bexley Code Section 1260.11(b) prohibits dwelling units in an accessory structure; and

WHEREAS, Bexley Code Section 1260.11(c) limits the heights of accessory structures to 15'; and

WHEREAS, the use of large accessory structures in this neighborhood includes living spaces that have been grand fathered since the adoption of Code Section 1260.11(b) or have been granted councilmatic variances since adoption of Code Section 1260.11(b); and

WHEREAS, the height of the structure is appropriate to the architecture of the principal structure and the neighborhood.

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

Section 1. That a variance is hereby granted to permit the accessory structure on the property known as 287 North Parkview Avenue, Bexley, Ohio, to be two-story in height as shown on approved building drawings submitted for building permit and dated, November 30, 1999.

Section 2. That a variance is hereby granted to permit the use of the accessory structure on the property known as 287 North Parkview Avenue, Bexley, Ohio, as a dwelling unit, subject to the following conditions:

- (a) There shall be no expansion of the existing accessory structure beyond what is shown on the approved building drawings submitted for building permit and dated November 30, 1999.
- (b) Occupants of the accessory structure shall be required to use a portion of the existing off-street parking on the property.
- (c) The accessory structure 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 structure 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 structure.
- (d) Should the accessory structure 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 structure occurs anytime in the future by fire, explosion, flood, riot, or act of God, continued use of the structure which will require a special permit at the discretion of Bexley City Council.

Section 3. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: 1-11, 2000

Don H. Porter
President of Council

Attest: Richard A. Levir
Clerk of Council

Approved: 1/11, 2000

David H. Madison
David H. Madison, Mayor

12/14/99 First reading
12/28/99 Second reading
1/11/00 Third reading. Passed