

Ordinance 80-02

By: Mr. McClelland

An Ordinance to grant a Councilmatic Variance to permit the construction of two 40" high stone pillars in the front yard of 2334 Boston Avenue as shown on the attached plan that is made a part of this Ordinance, and to declare an emergency.

Whereas, the owners of 2334 Boston Avenue have proposed the construction of two 40" stone pillars in the front yard of said property as part of an overall landscape plan, and

Whereas, pillars this height are prohibited in a front yard in any residential zoning district by Bexley Code Section 1262.02 except as approved by Bexley City Council, and

Whereas, in considering this application, City Council has found the pillar design to be compatible with other properties in the neighborhood, and has found that the pillars are an integral part of an overall landscape plan. **NOW, THEREFORE,**

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

Section 1. That a Councilmatic variance should be and hereby is approved for the construction of two 40" stone pillars in the front yard 2334 Boston Avenue.

Section 2. That the landscape and pillar plans are attached and made a part of this Ordinance.

Section 3. That this Ordinance is an emergency Ordinance necessary for the immediate preservation of public welfare, the emergency being the need to construct the pillars as part of the installation of the landscape plan, and shall become law upon the signature of the Mayor.

Passed: Oct 8, 2002

*John Minis*  
President of Council

Attest: *[Signature]*  
Clerk of Council

Approved: 10/8, 2002

*[Signature]*  
David H. Madison, Mayor

9-10-02 First Reading  
9-24-02 Second Reading  
10-08-02 Third Reading  
Passed.

# CONSENT AND HOLD HARMLESS AGREEMENT

The undersigned property owner and the City of Bexley, Ohio (the "City") agree as follows:

The property owner has sought and obtained permission from the City of Bexley to construct stone pillars as indicated below on the property described below and in the easement/right-of-way as described. Approval of the stone pillars and use of an easement/right-of-way area that is public property is conditioned upon this Agreement.

Michael and Patricia Schiff, their successors and assigns (collectively the "Owners"), shall save the City harmless from any and all damages which may arise from, or grow out of, the construction, installation, maintenance, repair, relocation, removal or replacement of the stone pillars for any reason and shall defend, at their own cost, every suit in which the City of Bexley, Ohio, shall be made a party, brought and prosecuted for the recovery of any such damages; that the occupancy of public property is hereby permitted merely as an accommodation to the said grantees and that no right, title or interest of the public is waived or abridged in any way thereby; that the Owners, upon notice from the City of Bexley, Ohio, duly authorized by the Council of Bexley, Ohio, shall forthwith remove said stone pillars from the public property occupied by it and shall yield to said City all rights to occupy the public property used for such sidewalk whenever said City shall determine the same to be necessary or desirable; that the Owners release the City, its employees and agents, from any liability for damage to the stone pillars arising out of or in connection with any cause whatsoever; that said stone pillars shall be so constructed as to not interfere with or damage any utility facilities or to impede nor interfere with in any way the use of the easement/right-of-way area, streets, alleys, sidewalks, and curbs by the City and the public; and in the event that the City determines changes to the stone pillars to be necessary or desirable, the Owner shall promptly make any such changes, relocations, or rearrangements solely at their expense.

This Agreement shall not be construed as in any way limiting the rights presently held by the City in the easement/right-of-way areas, or the use thereof for public purposes, except to promote the construction and maintenance of the stone pillars in the easement/right-of-way area.

2334 Boston Avenue  
Address of Property

Street Right-Of-Way  
Type of Easement/Right-Of-Way

Lot Nos. 345; 8; 9 and 10 in the additions  
Bullitt Park Amended  
Lot Numbers or Other Description

Stone pillars  
Building or Structure

40' Measured from the  
Center of Boston Avenue  
Easement/Right-Of-Way Width  
Property Location

30'  
Maximum Encroachment Into  
Easement/Right-Of-Way

Street, Sidewalk & Public Utilities  
Services Existing in Easement/  
Right-Of-Way

Ordinance No. 89-90  
Approving Authority

This Agreement shall be binding on and for the benefit of the parties hereto and their respective successors and assigns.

**STATE OF OHIO, COUNTY OF FRANKLIN:**  
**SS:**

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of October, 2002 by David H. Madison, Mayor of the City of Bexley, Ohio, and Gary Qualmann, Auditor of the City of Bexley, Ohio.

[Signature]  
Witness

[Signature]  
Mayor

[Signature]  
Witness

[Signature]  
Auditor

[Signature]  
Notary Public  
ANITA S. HUGHES  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JULY 26, 2003

**STATE OF OHIO, COUNTY OF FRANKLIN:**  
**SS:**

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of November, 2002 by Michael S. Schiff and Patricia Schiff.

[Signature]  
Witness

[Signature]  
Property Owner

[Signature]  
Witness

[Signature]  
Property Owner



TIFFANY N. LARIMER  
Notary Public, State of Ohio  
My Commission Expires  
08/21/06

[Signature]  
Notary Public

\*\*\*\*\* CITY OF BEXLEY \*\*\*\*\*  
2242 E.MAIN STREET  
BEXLEY, OHIO 43209

\* \* \* \* \* CITY COUNCIL REVIEW \* \* \* \* \*  
\* \* \* \* \*

Permit Date: 09/03/2002

App. No.: 35 CC

Address: 2334 BOSTON AV

Scope of Work: RESIDENTIAL REVIEW

Project: PIERS FOR CC VARIANC

Owner: SCHIFF MICHAEL S  
2334 BOSTON AV  
BEXLEY OH 43209-

SCHIFF PATRICIA F

Telephone: - -

Applicant: OWNER

, BDBAST

Telephone:

An application to request review upon payment of a fee  
of \$ \$50.00 is hereby granted. Receipt number: 5450

Owner/Agent: ROGERS KRAJNAK ARCH

Chief Building Official: \_\_\_\_\_ Date: \_\_\_\_\_

applicant audit file packet/Dorothy

\* \* \* \* \*  
Date of Review Meeting: \_\_\_\_\_

**PAID**



RECEIVED  
BEXLEY BUILDING  
DEPT. 9-3-02

TRANSMITTAL

**Date:** 09.03.02

**Address:** Bexley City Council  
2242 East Main Street  
Bexley, Ohio 43209

**Attention:** Kathy Rose

**Re:** Schiff Residence  
2334 Boston Avenue  
RKA Job Number 02022

**Sent Via:** Hand-delivered.

**Contents:** (14) copies of Councilmatic Variance request for above, dated 09.01.02

**Remarks:**

**Signed:**

  
Justin M. Tague

APPLICATION NUMBER 3500  
FILING FEE: \$ 50

**CITY OF BEXLEY, OHIO**  
**APPLICATION TO APPEAR BEFORE**  
**BEXLEY CITY COUNCIL**

- 1. This application is submitted for: (please check)  
 Rezoning     Lot Split     Plat Approval     Variance

2. APPLICATION SUBMITTED FOR PROPERTY LOCATED:  
2334 BOSTON AVENUE

3. NAME OF APPLICANT: ROGERS KRAJNAK ARCHITECTS, INC.

ADDRESS: 243 EAST LIVINGSTON AVENUE, COLUMBUS, 43215

TELEPHONE NUMBER: 461.0243

4. NAME OF OWNER: MIKE SCHIFF

ADDRESS: 2334 BOSTON AVENUE, BEXLEY, 43209

TELEPHONE NUMBER: 449.4313

5. Narrative description of project (attached additional sheets, if necessary.)  
THE CONSTRUCTION OF TWO LIMESTONE PIERS APPROX.  
24" SQUARE BY 40" IN HEIGHT. (SEE ATTACHED  
DRAWINGS)

6. IF THIS APPLICATION INVOLVES A VARIANCE, PLEASE EXPLAIN WHY THE VARIANCE IS NECESSARY. (Attach additional sheets, if necessary.)

OWNER IS SEEKING A VARIANCE TO BUILD  
TWO LIMESTONE PIERS WITHIN THE CITY  
RIGHT-OF-WAY.

APPLICANT:  DATE 09.01.02

(NOTE: If the applicant is not the owner, a letter from the owner stating his or her approval of the application must be submitted with the application.)

RECEIVED  
BEXLEY BUILDING  
DEPT. 9-3-02

08.27.02

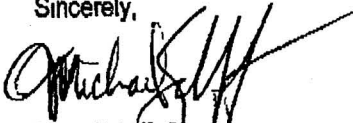
City of Bexley  
Bexley City Council  
2242 East Main Street  
Bexley, Ohio 43209

Re: Councilmatic Variance Request  
2334 Boston Avenue

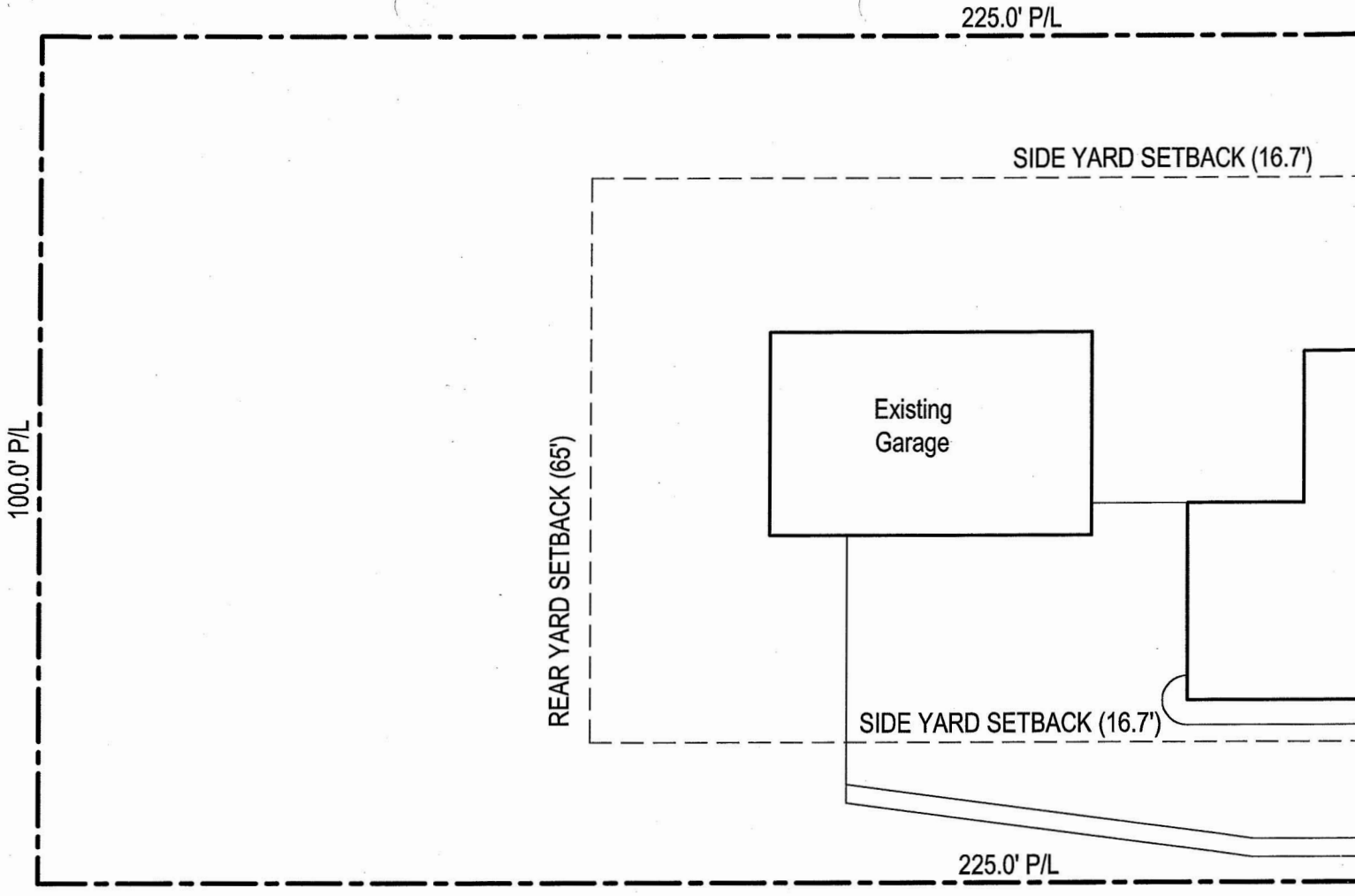
To Whom It May Concern:

I am writing you this letter to authorize Darryl Rogers, AIA of Rogers Krajnak Architects, Inc. to act as the applicant for our submission of documents for a variance request to build two stone piers in the city right-of-way.

Sincerely,

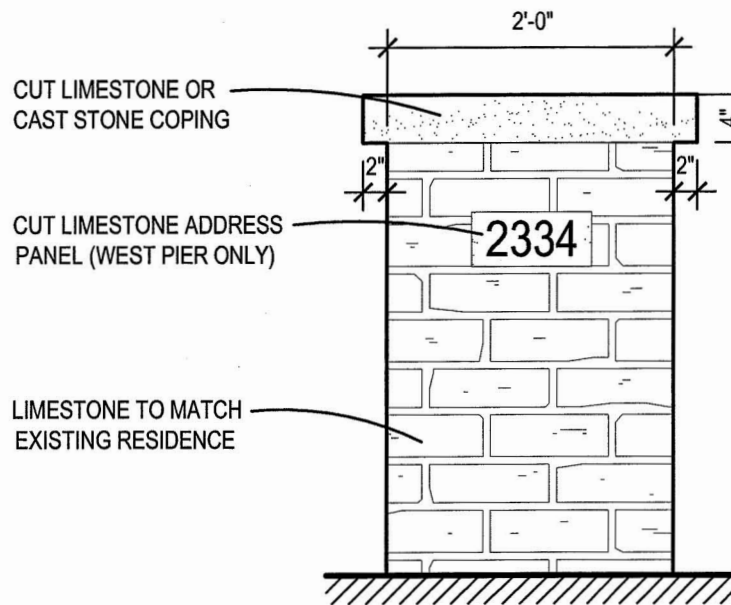


Mike Schiff, Owner



# SITE PLAN

1" = 20'-0"



# PIER ELEVATION

3/4" = 1'-0"