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ORDINANCE NO. ~~67~~-03

By: Mr. McClelland

An Ordinance to grant a Councilmatic Variance to permit certain uses of an accessory structure on the property at 105 South Parkview Avenue in the City of Bexley, Ohio.

Whereas, on August 14, 2003, the Bexley Board of Zoning Appeals granted Variance No. 177-03 to permit the construction of an accessory structure located on the property known as 105 South Parkview Avenue, Bexley, Ohio; and,

Whereas, the present owners of said property, Dr. and Mrs. Harlan Meyer wish to use a portion of the structure for living space, said living space to be a recreation/play space and guest quarters, and

Whereas, Bexley code Section 1260.11(b) prohibits the use of accessory structures for dwelling uses, and

Whereas, the design and size of the accessory structure is appropriate to the architecture of the property and the neighborhood and has received architectural review approval from the Bexley Architectural Review Board and an area variance from the Bexley Board of Zoning Appeals, and

Whereas, the use of accessory structures in this neighborhood includes living spaces that have been grandfathered since the adoption of Code Section 1260.11(b) or have been granted Councilmatic Variances since adoption of Code Section 1260.11(b);
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 proposed accessory structure on the property known as 105 South Parkview Avenue, Bexley, Ohio, as living space for recreation/play space and guest quarters, subject to the following conditions:

- (a) There shall be no expansion of the existing accessory structure beyond what was approved by the Board of Zoning appeals on August 14, 2003;
- (b) Occupants of the accessory structure shall be required to utilize off-street parking on the property;
- (c) The accessory structure shall at no time be utilized by persons other than members and guests of the family of the owner of the property.
- (d) The accessory structure shall at no time be occupied full time nor shall it be utilized as a dwelling unit.

- (e) 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 any time 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: 10-14, 2003

Attest: [Signature]
Clerk of Council

[Signature]
President of Council

[Signature] 10/14/03
David H. Madison, Mayor

9.09.03 First Reading
9.23.03 Second Reading
10.14.03 Third Reading.
Passed