

AMENDED ORDINANCE NO. 68 – 03

By: Mr. McClelland

An Ordinance to grant a Councilmatic Variance to permit certain uses of an accessory structure on the property at 326 North Columbia Avenue in the City of Bexley, Ohio.

Whereas, on September 11, 2003, the Bexley Board of Zoning Appeals granted Variance No. 232 to permit the construction of an accessory structure located on the property known as 326 North Columbia Avenue, Bexley, Ohio; and

Whereas, the present owners of said property, Mr. and Mrs. Richard Snowdon wish to use a portion of the structure for living space, said living space to be an office/study space; and

Whereas, the proposed accessory structure does not meet certain of the requirements of Section 1260.11 of the Planning and Zoning Code which regulates accessory structures and, therefore, requires a variance from this Council; and

Whereas, the Board of Zoning Appeals has granted the proposed accessory structure a setback variance and, sitting as the Bexley Architectural Review Board, a certificate of appropriateness; and

Whereas, this Council has conditioned similar variances for accessory structures by imposing limitations on the use of any living space in such accessory structures in keeping with the intent of the Planning and Zoning Code to preserve open space and appropriate separation of living spaces on adjacent properties within single family residential districts ; and

Whereas, the property owners have signed and delivered a letter agreement to the City agreeing to certain limitations on the use of the living space in the proposed accessory structure (the "Property Owners Agreement") consistent with the Planning and Zoning Code and precedent, and a copy thereof is attached to this Ordinance as Exhibit A and is incorporated herein by reference.

**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 326 North Columbia Avenue, Bexley, Ohio, as living space for an office/study space, 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 September 11, 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 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) The provisions of the Property Owners Agreement; and;
- (f) 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: 11-11, 2003

Attest: [Signature]
Clerk of Council

[Signature]
President of Council

Approved: 11/11, 2003

[Signature]
David H. Madison, Mayor

11-11-03 Removed from table
Amended Ordinance substituted.

Passed.

November 11, 2003

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

Re: Accessory Structure at 326 North Columbia Avenue

Ladies and Gentlemen:

The undersigned have requested a variance from Council to permit a portion of a proposed accessory structure, a garage, to be used for home office/study and lavatory. We are writing to correct and/or clarify statements made during a meeting of the Engineering and Plats committee of the Bexley City Council on October 28, 2003, and to agree to certain limitations on the use of the garage.

When asked why we wanted an office above my garage, the response was to the effect "to conduct business out of our house...." That statement was unintentionally misleading, and therefore, a poor choice of words. Neither of the undersigned now conducts or in the future intends to conduct a trade, profession or business from the property. Currently neither of us is employed. By "conducting business" we simply meant we would use the space in question to work on personal affairs customarily performed at home such as personal investments, home management, volunteer and other personal activities, and tasks ancillary to any future employment or business conducted by either of us off the premises.

Therefore, for the purpose of inducing Bexley City Council to grant the proposed variance, the undersigned, for themselves, their successors and assigns, agree that (i) no portion of the garage shall be used as a "dwelling unit" as defined in Section 1268.12 of the Bexley Zoning and Planning Code (the "Code") without the granting of a further variance by Council, and (ii) no home occupation shall be conducted on the premises without compliance with Section 1260.16 of or any successor provision, as in effect from time to time.

Sincerely,



Rick Snowdon



Marlee Snowdon