

ORDINANCE NO. 12-13

By: Matt Lampke

An Ordinance to grant a Councilmatic Variance to permit certain uses of an existing accessory structure on the property at 361 N. Parkview Avenue in the City of Bexley, Ohio.

Whereas, on March 14th, 2013, the applicant has applied to the Bexley Board of Zoning Appeals for a recommendation to Bexley City Council for a variance to permit the existing and additional habitable space to be approved in an existing accessory structure, located on the north side of the property, to allow cooking, bathing and toilet facilities: and,

Whereas, the present owner of said property, wishes to install a full bathroom and kitchen in said accessory structure; and

Whereas, Bexley code Section 1260.11(b) prohibits the use of accessory structures for a dwelling unit.

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 361 N. Parkview Avenue, Bexley, Ohio, as living space, said space being a bathroom and kitchen, subject to the following conditions:

- a) The accessory structure shall be used as recommended by the Board of Zoning appeals, and as approved by this Ordinance.
- b) 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.
- c) There shall be no expansion of the existing accessory house beyond what was approve by the Board of Zoning Appeals on September 11, 1997.
- d) There shall be no reduction of the present off-street parking on the property;
- e) Occupants of the accessory house shall be required to use a portion of the existing off-street parking on the property;

- f) The accessory house shall at no time be rented or leased, provided that anyone may occupy the accessory house (a) in exchange for services rendered to the owner of the property and/or the payment of the utility charges, maintenance expenses, taxes, assessments insurance premiums of similar expenses, or (b) if no money, goods, or services are given in exchange for the right to occupy the accessory house.
- g) 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 complete. 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, floor, 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: _____, 2013

President of Council

Attest: _____
Clerk of Council

Approved: _____, 2013

Ben Kessler, Mayor