**ORDINANCE 09-16**

Introduced by: Stephen Keyes

**An Ordinance amending Amended Ordinance No. 42-12 to modify certain conditions of the variance granted to the property located at 2121 Clifton Avenue that allowed it to be split from property located at 2115 Clifton Avenue, Bexley, Ohio and form a new lot that would not meet existing R-3 zoning requirements.**

WHEREAS, the codified ordinances of the city of Bexley reserve to and grant Bexley City Council the authority to grant variances from the minimum lot requirements of any zoning district in the Planning and Zoning Code and to attach conditions to any variances granted, and

WHEREAS, on October 12, 2012 by Council granted a variance from the minimum lot requirements in the R-3 zoning district to allow the creation of the parcel now located at 2121 Clifton Avenue, being Franklin County Auditor’s parcel number 020-004857, subject to six conditions identified in the August 27, 2012 Decision of the Bexley Planning Commission and the September 13, 2012 Decision of the Board of Zoning Appeals; and

WHEREAS, copies of the August 27, 2012 Decision of the Bexley Planning Commission, the September 13, 2012 Decision of the Board of Zoning Appeals, and the illustration of proposed conditions that was before the Commission, Board and Council are attached as Exhibits 1, 2 and 3 respectively; and

WHEREAS, property located at 2121 Clifton Avenue (parcel number 020-004857) has been subdivided or split from a then larger parcel whose street address is 2115 Clifton Avenue (Franklin County Auditor’s parcel number 020-000067). The new parcel at 2121 Clifton Avenue is 47.27 feet by 159.00 feet and the parcel contains 7,515.93± square feet; and

WHEREAS, the new owners of the property at 2121 Clifton Avenue have requested that City Council amend some of the conditions of the variance granted by council in Ord. No. 42-12; and

WHEREAS, following a duly noticed hearing upon the owners’ application to amend select conditions of the lot-split variance on the property at 2121 Clifton Avenue, and, based upon a preponderance of reliable, substantial and probative evidence from the hearing, City Council made a Decision and adopted findings of fact, conclusions of law and determinations; and

WHEREAS, this ordinance amending Amended Ordinance No. 42-12 is adopted to put into effect the decision of Council.

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

Section 1. Section 1 of Amended Ordinance 42-12 is hereby amended as set forth below with the amendments being underlined and all other provisions of Amended Ordinance 42-12 shall remain in full force and effect except as expressly amended herein:

Based upon the findings set forth in the recitals to this Ordinance and pursuant to Councils power and authority to grant variances of the Planning and Zoning Code of the City of Bexley, said variance as requested for the property located at 2121 Clifton Avenue, Bexley, Ohio is hereby approved, subject to the attached August 27, 2012 Decision of the Planning Commission and the attached September 13, 2012 Decision of the Board of Zoning Appeals, except as expressly amended herein.

Condition 5 of the Decisions attached as Exhibits 1 and 2 is hereby amended to provide:

The proposed setbacks for the new dwelling shown on Exhibit 3 are maintained except that the west side yard setback shall be reduced from 13 feet from the western property line to 8 feet.

Section 2. That this ordinance shall be in full force and effect from and after the earliest date permitted by law.

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Benjamin J. Kessler, Mayor

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Clerk of Council

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2016

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President of Council

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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