

ORDINANCE NO. 15-18

By: Tim Madison

An Ordinance granting a use variance for the property located at 81 N. Drexel Avenue to permit an assisted living facility in an existing single-family residential structure in an R-2 zoning district.

WHEREAS, 81 N. Drexel Avenue is a single-family home located on a 1.5 acre parcel zoned R-2, Intermediate Density Single-Family Residential District at the northeast corner of Drexel Avenue and Clifton Avenue being Franklin County Auditor's Parcel No. 020-002227; and

WHEREAS, Benjamin M. Babeaux and Holly P. Fahey, prospective buyers, have applied for a use variance for the purpose of using the property at 81 N. Drexel Avenue as a senior assisted living residence with a maximum household size being 16 persons; and

WHEREAS, the proposed use includes a residential program that provides housing, supervision, personal care services, non-medical health related services, or a combination of these to residents who need help performing activities of daily living including bathing, dressing, eating and toileting; and

WHEREAS, assisted living facilities and multi-family uses are not permitted in the R-2 zoning classification; and

WHEREAS, only City Council has the power to grant use variances in the City of Bexley as provided by Bexley City Code Section 1226.11(d) when the applicant proves such variances meet the criteria set forth in Section 1226.11(d) by clear and convincing evidence.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bexley, County of Franklin, State of Ohio, that:

Section 1. Council finds that, following a duly noticed hearing, the Applicants have proven, by clear and convincing evidence, that they meet the factors set forth in Bexley City Code Section 1226.11(d)(1) - (7) for a use variance to establish a senior assisted living residential use in an R-2 zoning district in the existing residential structure located at 81 N. Drexel Avenue in the City of Bexley.

Section 2. A use variance is hereby granted to permit a senior assisted living residential use in the existing single-family dwelling for the property located at 81 N. Drexel Avenue with the following terms and conditions: (1) there shall be a maximum of 16 residents all of whom shall require assisted living services and shall be more than 62 years of age except for 2 who may be owners, residential operators or staff; (2) the existing structures on the property shall be maintained and there shall be no exterior modifications to those structures; (3) shall be in compliance

all applicable federal, state, and local laws and regulations and shall maintain accreditation with a nationally recognized accreditation body, at all times; (4) the use variance shall terminate upon discontinuation of the use for a period of six months; (5) the use shall not be permitted to be expanded.

Section 3. This Ordinance shall become effective from and after the earliest period provided by law.

Passed _____, 2018

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2018

Ben Kessler, Mayor

First Reading: 5-8-18

Second Reading:

Third Reading:

Passed: