

Amended Ordinance 42-12

Introduced by: Matt Lampke

An Ordinance to approve a variance to allow a lot split located at 2115 Clifton Avenue, Bexley, Ohio, said variance being necessary as the new lot will not meet existing R-3 zoning requirements. Said variance application and proposed lot split attached hereto.

WHEREAS, Joseph F. Kuspan and Dorri J. Steinhoff have requested permission to split the existing lot located at 2115 Clifton Avenue; and

WHEREAS, said lot split will not meet the existing R-3 zoning requirements, as the principal structure will be closer to the side yard property line than the code allows; and

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

Section 1. Based upon the findings set forth in the recitals to this Ordinance and pursuant to this Council's 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 2115 Clifton Avenue, Bexley, Ohio is hereby approved, subject to the August 27, 2012 Decision of the Planning Commission and the September 13, 2012 Decision of the Board of Zoning Appeals.

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

Benjamin J. Kessler, Mayor

Date

Clerk of Council

Dated: _____, 2012

President of Council

Dated: _____

First Reading 8-14-12
Second Reading 8-28-12
Third Reading 9-4-12 - TABLED
Removed from Table - 10-9-12
Passed 10-9-12

CITY OF BEXLEY
Board of Zoning Appeals

Decision

The City of Bexley Board of Zoning Appeals and Architectural Review Board took the following action at its meeting on September 13, 2012.

Application No.: 12-003CC
Applicant: Owner
Owner: Joe Kuspan & Dorri Steinhoff
Location: 2115 Clifton Avenue

REQUEST: The applicant is seeking a recommendation to Bexley City Council (in accordance with Ordinance No. 42-12) to allow the existing lot to be split to create a separate parcel/building lot between 2115 Clifton Avenue and 2125 Clifton Avenue. The applicant is also seeking a recommendation to City Council for a variance to allow the existing principal structure at 2115 Clifton Avenue to encroach into the east side yard setback.

Motion: To adopt the Findings of Fact and Conclusions of Law presented by Kathy Rose: The Board finds it appropriate to recommend approval of the lot split and variance request based on the following:

- 1) This is an isolated case in that the original plat was for 3 separate lots.
- 2) This is a unique situation and the Planning Commission supports it on its own merits, being surrounded by 3 Planned Unit Residential (PUR) Districts.
- 3) The new east lot line for 2115 Clifton is shifted 1 foot to the east in order to maintain the minimum fire safety code setback of the existing principal structure at 2115 Clifton Avenue, making the newly created lot (2121 Clifton Ave.) approximately 49' in width – adjustments to accommodate safety code and existing sidewalk – to be verified by Zoning Officer.
- 4) The footprint of the new home is to be substantially similar to the proposed conceptual footprint.
- 5) The proposed setbacks for the new dwelling are maintained.
- 6) The mature trees on the newly created lot are preserved to the best extent possible.

The applicant, Joe Kuspan, agreed to the Findings of Fact and Conclusions of Law as stated.

Action: Approval Recommended with conditions.

Staff Certification:

Recorded in the Official Journal this
13th day of September, 2012

Karen Bokor
Residential Design Consultant

Kathy Rose
Zoning Officer

PUBLIC NOTICE
CITY OF BEXLEY ARCHITECTURAL REVIEW BOARD
BOARD OF ZONING APPEALS

The Bexley Architectural Review Board will hold a Public Meeting on the following case on Thursday, September 13th, 2012, at 7:00 P. M., in City Council Chambers, Bexley City Hall, 2242 East Main Street, Bexley, Ohio.

The Board of Zoning Appeals hears requests for Special Permits and Appeals for Variances to the requirements of the Zoning Code, Ordinance No.8-72.

SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the Public Hearing. It is a rule of the Board to withdraw an application when a representative is not present.

Application No.: 12-0003 CC
Applicant: Owner
Owner: Joe Kuspan & Dorri Steinhoff
Location: 2115 Clifton Avenue

REQUEST: **The applicant is seeking a recommendation to Bexley City Council (in accordance with Ordinance No. 42-12) to allow the existing lot to be split to create a separate parcel/building lot between 2115 Clifton Avenue and 2125 Clifton Avenue. The applicant is also seeking a recommendation to City Council for a variance to allow the existing principal structure at 2115 Clifton Avenue to encroach into the east side yard setback.**

A copy of this application is available for review in the Building Department office during the hours of 8:00 A.M. until 4:00 P.M. If you have any questions, please call the Bexley Building Department at 559-4240.

Please contact the City of Bexley at 559-4240 at least 48 hours before the scheduled meeting if you need any accommodation or assistance in order to participate at the meeting.

Mailed by 09-06-2012

CITY OF BEXLEY PLANNING COMMISSION



Decision and Record of Action –August 27, 2012

The City of Bexley Planning Commission took the following action at this meeting:

1. **Location: 2115 Clifton Avenue**

Application #:12-0003

Applicant: Owner

Owner: Joe Kuspan & Dorri Steinhoff

Zoning: R-3

Request: Bexley City Council requests that Planning Commission and Board of Zoning Appeals make a recommendation to permit the existing lot to be split to create a separate parcel/building lot between 2115 Clifton Avenue and 2125 Clifton Avenue. The applicant is also seeking a recommendation to City Council for a variance to allow the existing principal structure at 2115 Clifton Avenue to encroach into the east side yard setback.

MOTION: To recommend approval of this request to City Council, permitting the lot split based on the following: 1) This is an isolated case in that the original plat was for 3 separate lots; 2) It is a unique situation and the Planning Commission supports it on it's own merits, being surrounded by 3 Planned Unit Residential (PUR) Districts; 3) the new east lot line for 2115 Clifton be shifted 1 foot to the east in order to maintain the minimum fire safety code setback of the existing principal structure at 2115 Clifton Avenue, making the newly created lot (2121 Clifton Avenue) 49' in width; 4) the footprint of the new home is to be substantially similar to the proposed conceptual footprint; 5) The proposed setbacks for the new dwelling be maintained; and 6) The mature trees on the newly created lot be preserved to the best extent possible.

VOTE: 7-0 by the Planning Commission to recommend approval to City Council.

RESULT: This application was recommended for approval to City Council.

Staff Certification

Recorded in the Official Journal this ____
day of _____, 2012.

Kathy Rose
Planning Officer

Cc: Applicant, Development Office, File Copy

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.

Benjamin J. Kessler, Mayor

Dated: _____

Clerk of Council

Dated: _____, 2016

President of Council

Dated: _____