

**VILLAGE OF BUCKEYE LAKE, OHIO
ORDINANCE NUMBER 2015-19**

AN ORDINANCE AMENDING SECTION 511 OF THE BUCKEYE LAKE ZONING REGULATIONS RELATING TO VARIANCES.

WHEREAS, the Buckeye Lake Planning Commission has reviewed the matter of variances for garages situated upon a lot separate from the lot of the residence it is to service; and

WHEREAS, the Planning Commission has held two public hearings on the subject; and

WHEREAS, the Planning Commission has submitted its recommendations to Council,

NOW, WHEREFORE, Be It Ordained by the Council of the Village of Buckeye Lake, State of Ohio:

SECTION 1: That Section 511 of the Buckeye Lake Zoning Regulations currently reads as follows:

SECTION 511 VARIANCE

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, non-conforming use of neighboring, lands, structures, or buildings in the immediate neighborhood, may be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

SECTION 2: That Section 511 of the Buckeye Lake Village Regulations is hereby AMENDED and shall read as follows:

SECTION 511 VARIANCE

- A. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, non-conforming use of neighboring, lands, structures, or buildings in the immediate neighborhood, may be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

- B. The Board of Zoning Appeals may authorize upon appeal a variance in a R-2 District for a detached garage on separate property, subject to the sole discretion of the Zoning Board of Appeals under the following conditions:
 - 1. This applies when lots cannot be combined due to street, alley or easement impediment. The garage lot must be directly opposite or diagonally positioned to the residence;

2. The garage lot must be permanently identified with a deed restriction to the residential lot. Release of the deed restriction can be considered by variance with appropriate residential conformity;
3. The garage must be consistent in design and size with the residence. While the size must be proportionate to the residence, the maximum garage size permitted is a three car capacity;
4. The building must conform to all existing setbacks; and
5. The garage and residence must be rented or leased together to the same user. The primary user of the garage must be the occupant of the residence identified by deed or lease.

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

ADOPTED this 26th day of October, 2015

Attest: Valerie L. Hans
Council Clerk, Valerie L. Hans

Jeryne Peterson
Council President, Jeryne Peterson

Date filed with Mayor: October 26, 2015

Date Approved by Mayor: October 26, 2015

Clay Carroll
Mayor, Clay Carroll

Approved as to Form: Richard S. Bindley
Richard S. Bindley, Solicitor