

NEW  
 SUBSTITUTE ORDINANCE NO. 4-94

By: John H. Offenberg

An Ordinance to grant a variance pursuant to Section 1264.14(c)(2) of the Codified Ordinances for property located at 510 N. Cassady Road to permit the property which is zoned Neighborhood Commercial (NC) to be used for carry out and delivery food service purposes.

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

Section 1. That Louise Bethel as the property owner and Nancy and Joseph Gillilian as the prospective tenants (collectively the "applicants") have requested a variance for property at 510 N. Cassady Road to allow the use of the property for the operation of "Tommy's Pizza", a business which has been located at 2768 E. Fifth Avenue for 41 years. This variance shall be limited to carry out and delivery service only (no dining room service), and shall limit the hours of operation to:

Monday through Thursday - 10:30 am - 11:00 pm  
 Friday 10:30 am - 12:00 am  
 Saturday 12:00 pm - 12:00 am  
 Sunday 4:00 pm - 10:00 pm

Section 2. That the applicants agree that food products and/or beverages are not to be consumed on the premises, which shall include both the Tommy's Pizza establishment and the parking area located on the same lot.

Section 3. That the applicants understand and agree to comply with conditions of this Ordinance as well as parking, environmental review and building code requirements.

Section 4. That the approval of the variance does not have an adverse effect on the surrounding properties or neighborhood, would assist in generating a vigorous business climate on N. Cassady Road, alleviates difficulties imposed on the use of the building which was in existence prior to adoption of the current zoning and complies with Council's power and authority to grant variances as set forth in Section 1264.14(c)(2).

Section 5. That the proposed use of the building as a pizza shop with carry out and delivery service only, the limitations on operations and the business experience and reputation of the applicants make Tommy's Pizza compatible with the permitted uses in the Neighborhood Commercial Zoning District, produce substantial justice, and such use as so conditioned is not contrary to the public interest.

Section 6. That this variance is limited to the period of time the building is occupied by Nancy and Joseph Gillilian doing business as Tommy's Pizza, and the use shall revert to uses permitted under the Neighborhood Commercial Zoning District when vacated by Nancy and Joseph Gillilian.

Section 7. That the variance should be, and it is therefore, granted for the purpose and on the terms and conditions set forth in this Ordinance.

Section 8. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 1994

John M. Brennan  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 1994

\_\_\_\_\_  
David H. Madison, Mayor

March 8, 1994 -  
Ordinance failed  
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