

SUBSTITUTE ORDINANCE NO. 56 -95

By: John H. Offenberg

An Ordinance to grant variances pursuant to Section 1264.14(c)(2) and (3) of the Codified Ordinances for property located at 2631 East Main Street to permit the property which is zoned Office Commercial (OC) to be used for retail sales and service purposes and to permit the use of the existing drive-in facility for customer service.

WHEREAS, Cord Camera Centers, Inc. has requested a variance under Section 1264.14(c)(2) of the Codified Ordinances for property located at 2631 East Main Street (the "Property"), which is presently zoned Office Commercial, to allow the use of the Property for retail sales and service purposes and has agreed to comply with all applicable environmental and building code requirements; and

WHEREAS, the continued use of the existing drive-in facility requires either a conditional use permit under Section 1264.15 of the Codified Ordinances or a variance under Section 1264.14(c)(3) of the Codified Ordinances; and

WHEREAS, the neighboring properties located in the same block of East Main Street have been permitted to be used for retail sales purposes by virtue of (i) the preexistence of a nonconforming use (2643 E. Main Street), and (ii) the granting of a variance in Ordinance No. 42-95 (2651 E. Main Street); and

WHEREAS, Council has not in the past and will not now rezone an individual parcel in the OC District to accommodate a non-conforming use and uniformly deals with proposed non-conforming uses through the variance procedure; and

WHEREAS, Council is presently considering a master plan for the Main Street corridor and has been advised by the planning consultants developing such plan that the proposed use is appropriate; and

WHEREAS, the building on the Property was in existence prior to the adoption of the current zoning code, was originally used for retail purposes and is not well suited for certain permitted uses, thereby creating practical difficulties in finding an appropriate reuse of the Property; and

WHEREAS, the proposed use of the Property is consistent with the permitted uses of the neighboring commercial properties, will not have a materially adverse effect on the surrounding properties and neighborhood, and has been endorsed by various neighboring property owners; and Council has concluded that the proposed use is not contrary to the public interest; and

WHEREAS, Cord Camera Centers, Inc. has submitted a traffic access and intersection study which indicates that the traffic volume of the proposed use, including the continued use of the drive-in facility by Cord Camera Centers, Inc., is expected to be less than the volume of the currently permitted use as a bank and the use of the property for retail sales and service, including the continued use of the drive-in facility, by Cord Camera Centers, Inc. will not have a materially adverse effect on the surrounding properties and neighborhood; the City's traffic engineer has concurred with the conclusions of such study; Council has been advised and concluded that the projected reduction in traffic will improve the flow of vehicular traffic and enhance pedestrian walkways; and Council has concluded that the proposed use, including the use of the drive-in facility, is not contrary to the public interest; and

WHEREAS, Council has concluded that postponing permission to use the Property for the proposed retail use until the completion of the master zoning plan for Main Street would constitute an undue hardship or difficulty upon the current owner of the Property and also the purchaser, Cord Camera Centers, Inc.

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

Section 1. That the granting of the variance would not have an adverse effect on the surrounding properties or neighborhood, would assist in generating a vigorous business climate on Main Street, would alleviate hardships imposed on the use of the building which was in existence prior to adoption of the current zoning, and would comply with Council's power and authority to grant variances as set forth in Section 1264.14(c)(2) and (3).

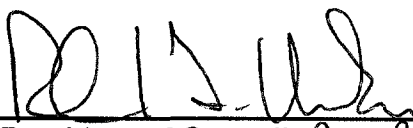
Section 2. That the proposed use of the building for the sale of, and servicing of, photographic supplies and equipment is compatible with the recognized permitted uses in the Office Commercial Zoning District, produces substantial justice, and is not contrary to the public interest.

Section 3. That, based upon the findings of fact and conclusions of law set forth above, variances to use the property located at 2631 East Main Street for retail sales and service, specifically the sale and servicing of photographic supplies and equipment, and to use the existing drive-in facility for customer service are hereby granted.

Section 4. That these variances are limited to the period of time the building is occupied by Cord Camera Centers, Inc., and the use shall revert to uses permitted under the Office Commercial Zoning District when vacated by Cord Camera Centers, Inc.

Section 5. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: October 31, 1995

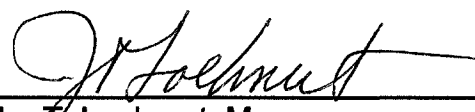


President of Council *Pres Pro Temp*

Attest: 

Clerk of Council

Approved: October 31, 1995



John V. Loehnert, Mayor

*October 17, 1995 - 1st reading
October 24, 1995 - 2nd reading
October 31, 1995 - 3rd reading
Adopted*

VELMA'S
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PUBLIC NOTICE

This is to inform you that a public meeting will be held by the Engineering and Plats Committee of the Council of the City of Bexley, Ohio, at 5:00 P.M., Tuesday, October 24, 1995, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 56-95. This Ordinance if approved, will allow 2631 East Main Street, which is zoned for Office Commercial use to be used for retail sales and service; the retail sales and service to be Cord Camera Centers, Inc.

A public hearing on this Ordinance will be held by Bexley City Council on the same date, Tuesday, October 24, 1995, at 7:00 P.M., which is the regularly scheduled meeting of City Council. All interested persons are invited to attend.

Mailed October 18, 1995.

