

AMENDED ORDINANCE NO. 23 - 04

By: Richard F. Weber

An Ordinance to approve the expansion of a structure at 2761 East Main Street, which is a pre-existing nonconforming service station use, from approximately 540 square feet to not more than 1,500 square feet, subject to the conditions, among others, that the present use of the building and property as a service station be continued without any change and that the structure and the property comply with all other applicable zoning and planning, parking and building code requirements.

WHEREAS, Ismail Jallaq has requested permission to increase the size of the building on property located at 2761 East Main Street (the "Property") from approximately 540 square feet to not more than 1,500 square feet;

WHEREAS, the Property is used as a service station which is a pre-existing nonconforming use in the Mixed Use Commercial District;

WHEREAS, the proposed expansion of the building constitutes an expansion of the nonconforming service station use, such expansion cannot be granted by the Main Street Redevelopment Commission because it does not meet the requirements of Section 1264.04 of the Planning and Zoning Code, and such expansion can, therefore, only be granted by this Council;

WHEREAS, Mr. Jallaq has agreed that if the size of the building is expanded, he will continue to use the Property solely as a service station without any change and will not expand such use, including, without limitation, by using the building as a convenience store which is also not a permitted use in the Mixed Use Commercial District;

WHEREAS, currently certain retail sales are made from vending machine on the exterior of the existing building, and Mr. Jallaq has agreed that if the expanded building is constructed, all retail sales, except the dispersing of gasoline, will be made from inside the building and all exterior vending machines will be removed;

WHEREAS, Mr. Jallaq has to agreed to certain conditions on the use of the Property, including limitations on the products which may be sold, hours of operation and compliance with laws; and

WHEREAS, approval of the expansion of the building on the Property solely in conjunction with the existing nonconforming service station use would not have an adverse effect on the surrounding properties or neighborhood, would facilitate improvements to the Property more in keeping with permitted uses in the Mixed Use Commercial District and the Main Street Guidelines, and would produce substantial justice and would not be contrary to the public interest;

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

Section 1. That, based upon the findings set forth in the recitals to this Ordinance and pursuant to this Council's power and authority to grant variances under Section 1264.14(c)(2) of the Planning and Zoning Code, expansion of the structure at 2761 East Main Street from approximately 540 square feet to no more than 1,500 square feet is hereby approved, subject to the following conditions:

(a) The Property will continue to be used solely as a service station as defined in Section 1268.32 of the Planning and Zoning Code as operated as of the date of the adoption of this Ordinance; and the business conducted on the Property shall be limited to the sale of automobile fuels, oils, and

accessories and the retail items listed at subsection (b) and no body repair, repair or replacement of parts or accessories or mechanical repair shall be performed on the Property;

(b) Retail sale items sold on the Property shall be limited to non-alcoholic beverages, ice, snacks, cigarettes, gum and candy;

(c) Except for the dispersing of fuels, all retail sales shall be conducted solely inside the building, all exterior vending machines shall be removed and there shall be no outside retail sales or displays;

(d) The daily hours of operation of the service station shall begin no earlier than 6:00 A.M. and end no later than 11:59 P.M.;

(e) The changes to the Property, including the proposed expansion of the building, shall be approved by the Main Street Redevelopment Commission pursuant to Chapter 1224 of the Planning and Zoning Code and shall otherwise comply with all applicable laws and regulations, including, without limitation, those regulating signage, parking and building and safety standards; and

(f) The applicant shall, for himself, his successors and assigns, agree in writing to be bound by the terms and conditions of this Ordinance and all applicable laws and regulations.

Section 2. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

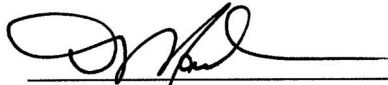
Passed: 5-11, 2004

Attest: 
Clerk of Council

President of Council

Passed: 5/11, 2004

5-11-04 Ord 23-04 removed from table. Amended ordinance 23-04 substituted. Passed



David H. Madison, Mayor