ORDINANCE NO. 23- 04

By: <u>Mr. Weber</u>

An Ordinance to grant a variance pursuant to Section 1264.14(c)(2) of the Codified Ordinances for property located at 2761 East Main Street, to permit the property which is zoned Mixed Use Commercial (MUC) to be used for the sale of convenience items in conjunction with an existing nonconforming use, the existing use being a gasoline station.

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

<u>Section 1.</u> That Ismail Jallaq has requested a variance for property located at 2761 East Main Street to allow the use of the property for the sale of convenience items in conjunction with an existing nonconforming use.

<u>Section 2.</u> That the applicant understands and has agreed to comply with parking, environmental review and building code requirements.

<u>Section 3.</u> That the approval of the variance would not have an adverse effect on the surrounding property's or neighborhood, alleviates hardship imposed on the continued nonconforming use of the property, which use 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).

<u>Section 4.</u> That the proposed use of the building for the sale of convenience items in conjunction with the existing nonconforming gasoline station is compatible with the recognized permitted uses in the Mixed Use Commercial District, produces substantial justice and is not contrary to the public interest.

<u>Section 5.</u> That this variance is limited to the period of time 2761 East Main Street is occupied by Ismail Jallaq.

<u>Section 6.</u> That this application for the variance should be and it is therefore, granted.

<u>Section 7.</u> That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed:_____, 2004

_____
President of Council

Attest:_____
     Clerk of Council

3.09.04 First Reading
3-70-04 Second Reading
4.13.04. Third Reading. Tabled.

Passed:_____, 2004

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David H. Madison, Mayor