

# RECORD OF ORDINANCES

Ordinance No. 2021-36

Passed

20

**AN ORDINANCE GRANTING A COUNCILMANIC VARIANCE TO CHAPTER 1286.16 OF THE PICKERINGTON CITY CODE TO PERMIT A DRIVE -THRU RESTAURANT WITHIN THE OLDE PICKERINGTON VILLAGE OVERLAY DISTRICT**

**WHEREAS**, Brandon and Barbara Gilbert are in contract to purchase property located at 46 East Columbus Street, Pickerington, Ohio 43147 (the "Property") within the Olde Pickerington Village District; and

**WHEREAS**, Brandon and Barbara Gilbert, through an LLC, B&B Gilbert, LLC, has entered a contract with a national chain corporation that owns and operates old-fashioned soda shops but said contract is contingent upon securing permission for a drive-thru queue from the City; and

**WHEREAS**, Chapter 1286.16(C) of the Pickerington City Code does not permit drive-thru queues in the Olde Pickerington Village District or the underlying C2 Zoning District for the Property; and

**WHEREAS**, Chapter 1272.09 of the Pickerington City Code permits the Board of Zoning Appeals to grant use variances to the City Code provided certain criteria are met; and

**WHEREAS**, Chapter 1272.09(d) of the Pickerington City Code provides City Council with the ability to grant councilmanic variances when a use variance would not meet the criteria or otherwise be permitted by the City Code; and

**WHEREAS**, to facilitate this proposed use that is compatible with the character of Olde Pickerington Village, Council desires to grant a councilmanic use variance permitting a drive-thru queue at the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PICKERINGTON, FAIRFIELD-FRANKLIN COUNTIES, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:**

**Section 1.** City Council hereby grants the Property located at 46 East Columbus Street a variance from Chapter 1286.16 of the Pickerington City Code so that the Property can develop a drive-thru queue.

**Section 2.** This variance shall be effective for this use only and shall not continue beyond any sale of the Property.

**Section 3.** This ordinance shall be effective on the earliest date provided by law.

APPROVED BY: \_\_\_\_\_  
Lee A. Gray, Mayor

DATE OF APPROVAL: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Heather M. Moore, City Clerk

SPONSOR: CONSENT AGENDA

APPROVED AS TO FORM AND LEGALITY OF PURPOSE: \_\_\_\_\_  
Philip K. Hartmann, Law Director