

ORDINANCE NO. 41-13

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT FOR
NISHA ROY (SOMNATH) TO ALLOW CONSTRUCTION OF
A SINGLE-FAMILY RESIDENTIAL DWELLING ON A
FLAG LOT AT 38780 FRENCH CREEK ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance No. 220-04, passed on December 28, 2004, Council granted a Special Use Permit to Somnath Roy for the creation of a flag lot between 38770 and 38882 French Creek Road; and

WHEREAS, Nisha Roy, Somnath's wife, wishes to construct a single-family dwelling unit on the flag lot located at 38780 French Creek Road; and

WHEREAS, pursuant to ACO §1262.04(b), an amendment to the Special Use Permit is required to develop the flag lot and said development must comply with §1280.04(l); and

WHEREAS, Planning Commission held a public hearing on March 20, 2013, and by a vote of five (5) to zero (0) recommended amending said Special Use Permit; and

WHEREAS, having reviewed the plans for the proposed building as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city that the previously granted Special Use Permit be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That having considered the matter of granting an amendment to the Special Use Permit for Nisha Roy (Somnath) to develop the flag lot she owns at 38780 French Creek Road, Council hereby accepts the recommendation of the Planning Commission and agrees to amend said Special Use Permit to facilitate the construction of a single-family residential dwelling unit at said location subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That all conditions set forth in Ordinance No. 220-04 remain in effect; 2) that the project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its March 20, 2013 meeting; and 3) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(i) and 1280.06(l). Any expansion, development, enlargement, improvement, change or the like, other than maintenance of the property in its current condition, will require an amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by City Council.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this

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Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend a Special Use Permit for the property located at 38780 French Creek Road, (Nisha Roy, owner) to construct a single-family residential dwelling on said lot; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director