

ORDINANCE NO. 51-19

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO RICHARD & PAULINE SCHNEIDER TO ALLOW FOR LOT CONSOLIDATION, LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE NORTH SIDE OF SCHWARTZ ROAD, WEST OF 32370 SCHWARTZ ROAD, PERMANENT PARCEL NOS. 04-00-026-108-017, AND 04-00-026-108-018, AND DECLARING AN EMERGENCY

WHEREAS, Avon Codified Ordinance '1262.04(b) requires a Special Use Permit for the creation/development of a flag lot in the R-1 zoning district; and

WHEREAS, Richard & Pauline Schneider, own property in the R-1 zoning district at 32370 Schwartz Road, Permanent Parcel Nos. 04-00-026-108-017 and 04-00-026-108-018, and have presented plans to Planning Commission on May 15, 2019 proposing to consolidate and then split said parcels and create a flag lot; and

WHEREAS, Planning Commission held a public hearing on May 15, 2019, and by a vote of Five (5) to Zero (0) recommended granting the lot split and the Special Use Permit for a flag lot at said location; and

WHEREAS, the granting of this Special Use Permit requires approval by Council.

WHEREAS, having reviewed the plans for the proposed creation of the flag lot 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 Special Use Permit be granted.

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 a Special Use Permit to Richard & Pauline Schneider to consolidate the two parcels into one and then split that 4.12 acre parcel into two parcels with Parcel 1 being 0.8670 acres and Parcel 2 being a 3.2282 flag lot in the R-1 zoning district located at 32370 Schwartz Road, from Permanent Parcel Nos. 04-00-026-108-017 and 04-00-026-108-018 (see attached Exhibit A), Council hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit, subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That the creation of the flag lot proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its May 15, 2019 meeting; and 2) that no dwelling unit, garage, accessory building or the like shall be constructed within 50 feet from the rear property line of the parcel located at 32370 Schwartz Road; 3) the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.04(i) and 1280.06(l). Except as otherwise provided herein, any expansion, development, enlargement, improvement, change or the like, other than utilization of the property as a permitted use in R-1 and compliance with all R-1 zoning requirements set forth in Chapter 1262, e.g., maintaining the required setbacks for dwelling units or accessory buildings for that zoning district, will require an amendment to this Special Use Permit, with a recommendation from 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 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 authorize a Special Use Permit for the creation of a flag lot on the north side of Schwartz Road, west of 32370 Schwartz Road, from Permanent Parcel Nos. 04-00-026-108-017 and 04-00-026-108-018; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

William D. Logan, Acting Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director