

## **ORDINANCE NO. 2-22**

### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO KATHLEEN R. & JOHN T. GORBACH TO ALLOW FOR A LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE SOUTH SIDE OF 34625 DETROIT ROAD, PERMANENT PARCEL NO. 04-00-022-105-014 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**, Kathleen R. & John T. Gorbach, own property in the R-1 zoning district at 34625 Detroit Road, Permanent Parcel No. 04-00-022-105-014, and has presented plans to Planning Commission on December 15, 2021 proposing to split said parcel and create a flag lot; and

**WHEREAS**, Planning Commission held a public hearing on December 15, 2021, 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 Kathleen R. & John T. Gorbach to split off a flag lot in the R-1 zoning district located at 34625 Detroit Road, from Permanent Parcel No. 04-00-022-105-014, (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 shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its December 15, 2021 meeting; 2) the Special Use Permit granted herein is conditioned upon applicant and his or her heirs and assigns meeting all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.04(i) and 1280.06(l); and 3) complying with all stipulations set forth in the Order of the Board of Zoning and Building Appeals dated 1/5/22. Except as otherwise provided herein, any expansion, development, enlargement or improvement, 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

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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 authorize a Special Use Permit for the creation of a flag lot at 34625 Detroit Road, Permanent Parcel No. 04-00-022-105-014, to enable construction of a new home at the owner's earliest convenience; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, 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