

ORDINANCE NO. 84-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ATTILA NAGY TO ALLOW FOR A LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE EAST SIDE OF 4625 CENTER ROAD, PERMANENT PARCEL NO. 04-00-013-000-563 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, Attila Nagy, owns property in the R-1 zoning district at 4625 Center Road, Permanent Parcel No. 04-00-013-000-563, and presented plans to the Avon Board of Zoning and Building Appeals (BZA) on May 4, 2022 proposing a lot split and the creation of a flag lot with 57 feet of frontage and a remainder parcel with 95 feet of frontage requiring a 3 foot and a 5 foot variance, respectively; and

WHEREAS, the BZA granted said variances; and

WHEREAS, Nagy then presented her plans, with approved variances, to Avon's Planning Commission, a public hearing was held on June 15, 2022, and by a vote of Three (3) to Zero (0), Planning recommended granting the lot split and the Special Use Permit for the creation of 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 Attila Nagy to split off a flag lot in the R-1 zoning district located at 4625 Center Road, from Permanent Parcel No. 04-00-013-000-563, (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 June 15, 2022 meeting; and 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); 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, will require an amendment to this Special Use Permit, with a recommendation from Planning Commission and approval by City Council.

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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 at 4625 Center Road, Permanent Parcel No. 04-00-013-000-563, 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 _____

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