

ORDINANCE NO. 113-23

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MARK & AMY LADEGAARD TO ALLOW FOR THE DEVELOPMENT OF AN EXISTING FLAG LOT LOCATED ON KINZEL ROAD, PERMANENT PARCEL NO. 04-00-014-105-068 INTO TWO SEPARATE PARCELS TO FACILITATE THE CONSTRUCTION OF TWO SINGLE-FAMILY HOMES IN THE R-1 SINGLE-FAMILY ZONING DISTRICT AND DECLARING AN EMERGENCY

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

WHEREAS, Mark & Amy Ladegaard own property in the R-1 zoning district on Kinzel Road, to wit: A 7.36 acre flag lot, Permanent Parcel No. 04-00-014-105-068; and

WHEREAS, the Ladegaards have presented plans to Planning Commission on October 18, 2023 proposing to develop this flag lot into two separate parcels to facilitate the construction of no more than two (2) single-family dwellings; and

WHEREAS, Planning Commission held a public hearing on October 18, 2023 and by a vote of Five (5) to Zero (0) recommended granting the development of the flag lot into no more than two (2) separate parcels to facilitate construction of two (2) single-family homes; and

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

WHEREAS, having reviewed the plans for the development of the existing flag lot into two (2) separate conforming single-family lots, one approximately 4.26 acres and the other approximately 3.18 acres, together with the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the community 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 Mark & Amy Ladegaard to develop their flag lot on Kinzel Road, Permanent Parcel No. 04-00-014-105-068, into two (2) separate parcels to facilitate the construction of no more than two (2) single-family dwellings, Council hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit as set forth in the attached [Exhibit A](#), incorporated herein by this reference, subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That the development of the flag lot proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its October 18, 2023; 2) that the lot shall be split into no more than two (2) buildable lots created for two (2) single-family dwelling units, one on a parcel approximately 4.26 acres and the other on a parcel approximately 3.18 acres; 3) no dwelling unit, garage, accessory building or the like shall be constructed within 50 feet from the rear property line of the parcels located at 36171, 36201, 36235, 36261 and 36299 Kinzel Road, exclusive of a driveway; 4) that there shall be only one

(1) sixty (60) foot access drive off of Kinzel Road to be shared by the owners of both parcels by way of a shared driveway easement to be created and recorded as part of the lot split; 4) the Special Use Permit granted herein is conditioned upon applicant and any subsequent owner meeting all applicable requirements set forth in the Avon Codified Ordinances, especially Sections 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 – Owner agrees that a certified copy of this ordinance will be referenced in or attached to both deeds created by the lot split so that the conditions set forth herein will run with the land.

Section 4 - 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 5 - 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 development of an existing flag lot on Kinzel Road into two separate parcels; 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: _____
Electronically and at City Hall as
Provided by Council

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