

RESOLUTION NO. 2017-39

A RESOLUTION GRANTING A LOT SPLIT, INCLUDING VARIANCES, TO RICHARD VITULLO PROPERTY OWNER, OF A PARCEL LOCATED AT 4063/4067 BECKLEY ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on February 28, 2017, the Planning Commission did recommend to this Council the granting of a Lot Split with variances to Richard Vitullo, property owner, as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Richard Vitullo, property owner, is hereby granted a Lot Split, with variance approvals, to create a new lot on Baird Road. The existing lot is a double frontage lot or “through lot” per C.O.S. 1133.01(b)[78] and is 100 feet in width by 230 feet in depth. There is an existing two-family dwelling located at 4063-4067 Beckley Road that was constructed in approximately 1969. The existing lot is proposed to be split into two equal lots each 100 feet in width by 115 feet in depth in order to create a new single family building lot that would have frontage on Baird Road. Since 1992, there have been ten lot splits with variances approved on lots with frontage on both Beckley and Baird Roads.

This proposal shall be in accordance with the conditions contained under Sections 1117.01 through 1117.03, 1119.01 through 1119.04, and 1143.01 through 1143.11, C.O.S.

(A) Said variance granted hereunder includes:

1. This approval grants a variance from C.O.S. Section 1143.03 to create a lot 11,500 square feet in area (minimum of 12,000 square feet is required).
2. This approval grants a variance from C.O.S. Section 1163.03 to permit the exiting two-family dwelling to be located on a lot less than 18,000 sq. ft.
3. This approval grants a variance from C.O.S. Section 1121.05(f) to reduce the lot depth to 115 feet.


(B) Further such approval shall be contingent upon the applicant complying with the following terms and conditions:

1. The applicant shall either execute the Assent and Acceptance By Applicant attached hereto or, in lieu thereof, and pursuant to 1137.04(6), C.O.S., the applicant shall post a cash or surety bond in the amount of \$500.00 to the City of Stow to guarantee the applicant's faithful performance of all conditions and stipulations contained herein. Said bond shall be in a form approved by the Law Director.
2. To the City Engineer's approval of the lot split.
3. This approval is non-assignable and may not be transferred without the consent of Council.
4. The authorization granted by this legislation shall become null and void if it is not signed or if the bond is not posted within thirty (30) days from the effective date of this legislation.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Resolution was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that applicant wishes to effectuate the lot split as soon as possible, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 3/9/17

ATTEST   
Bonnie J. Emahiser  
CLERK OF COUNCIL

  
Mike Rasor  
PRESIDENT OF COUNCIL

FILED WITH MAYOR 3/13/17

APPROVED   
Sara Kline  
MAYOR

FILED WITH CLERK 3/13/17

APPROVED AS TO FORM

EFFECTIVE DATE 4/12/17

  
Amber K. Zibritosky  
LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Richard Vitullo, property owner, have read the foregoing enactment by Stow City Council and do hereby assent and accept all terms and conditions contained herein as being the basis upon which approval was granted and upon which the authorized activity is expressly conditioned.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard Vitullo