

REQUESTED BY APPLICANT
APPROVED BY PLANNING COMMITTEE
INTRODUCED BY PRIBONIC

RESOLUTION NO. 2017-99

A RESOLUTION GRANTING APPROVAL TO MICHAEL GROSSI, APPLICANT, AND ROGER BOURGEOIS, PROPERTY OWNER, FOR THE EXTENSION OF A USE OF A NONCONFORMING STRUCTURE FOR THE PROPERTY LOCATED AT 4526 STOW ROAD, IN THE CITY OF STOW, TO UTILIZE THE SITE FOR OFFICE USE, AND DECLARING AN EMERGENCY.

WHEREAS, on September 12, 2017 the Planning Commission did prudently consider and did recommend to this Council approval of the extension of a use of a nonconforming structure for the property located at 4526 Stow Road for office use 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 Michael Grossi, applicant, and Roger Bourgeois, property owner, are hereby granted approval for the extension of a use of a nonconforming structure for the property located at 4526 Stow Road to utilize the site for office use. The property is zoned R-2 Residential. Per C.O.S. Section 1191.03(b), the use of a nonconforming structure may be extended with the recommendation of the Planning Commission and approval by City Council.

The 1.1-acre property is located on the west side of Stow Road. The property to the north is zoned C-3 and is occupied by Hickey’s Karate, and the property to the south is occupied by a single family dwelling and is zoned R-2 Residential. The properties located on the east side of Stow Road across from the subject site are zoned R-3 Residential.

The applicant is proposing to utilize the existing building for an office use and install a monument sign 16 square feet in area along Stow Road. Based on previous feedback from the Planning Commission to enhance the exterior of the building, the applicant and property owners are also proposing to renovate the exterior of the structure by removing the existing garage doors, constructing an additional entrance, constructing roof structures over the existing and proposed new entrance doors, installing seven windows along the front of the structure, installing masonry (faux brick) along the base and Dryvit on the remaining portion of the front façade, and painting the rear and side facades.

As a way of background, this property was most recently approved for use by the Cornerstone Community School for classroom/office. There was a plan to build a school campus on the site but that was never completed. Prior to the school use it was used for an ambulance service operation. Both of these prior uses were conditionally permitted in R-2 Districts.

Said proposal shall be in accordance with the provisions contained under Sections 1143.01 through 1143.11, and Sections 1163.01 through 1163.04, C.O.S. Further, such extension 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 965.01, C.O.S., the applicant shall post a cash or surety bond in the amount of \$500 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 Building Department’s approval of an occupancy permit.

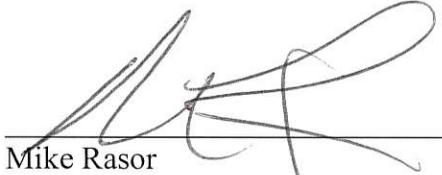
- 3. To compliance with the Site Plan as approved by the Planning Commission on September 12, 2017, which is incorporated herein by reference and made a part hereof as if fully reappearing herein.
- 4. This approval is non-assignable and may not be transferred without the consent of Council.
- 5. This approval shall expire within one (1) year of the date of this enactment unless prior thereto a building permit has been issued and actual construction undertaken.
- 6. The authorization granted by this legislation shall become null and void if it is not signed within 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 committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. That 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 continue business usage of this property 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 9/28/17

ATTEST 
 Bonnie J. Emahiser
 CLERK OF COUNCIL


 Mike Rasor
 PRESIDENT OF COUNCIL

FILED WITH MAYOR 9/29/17

APPROVED 
 Sara Kline
 MAYOR

FILED WITH CLERK 9/29/17

APPROVED AS TO FORM

EFFECTIVE DATE 9/29/17


 Amber K. Zibritosky
 LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Michael Grossi, applicant, and I, Roger Bourgeois, 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.

9/28/17
 Date


 By: Michael Grossi

 Date

 By: Roger Bourgeois

I, Bonnie J. Emahiser, Clerk of Council, do hereby certify that copies of the forgoing were posted in accordance with Section 10.13 C.O.S.

