

A RESOLUTION GRANTING A LOT SPLIT, INCLUDING VARIANCES, TO FRED MOLAI OWNER OF THE STOW MUFFLER SHOP OF A PARCEL LOCATED AT 3265 KENT ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on May 22, 2018, the Planning Commission did recommend to this Council the granting of a Lot Split with variances to the Stow Muffler Shop 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 Fred Molai owner of the Stow Muffler Shop is hereby granted a Lot Split, with variance approvals, to permit the creation of a lot for his existing business in the Stow Plaza property located at 3265 Kent Road. The Stow Muffler Shop has been in business at this location since 2001.

The proposed lot is 12,000 square feet in area. The applicant is also proposing to renovate the façade of the exiting Muffler Shop and add landscaping north of the building. The proposed renovation includes the addition of a roof, new wall panels and masonry at the lower level of the structure.

This proposal shall be in accordance with the conditions contained under Sections 1145.01 through 1145.14, C.O.S.

(A) Said variances granted hereunder include:

1. This approval grants a variance from C.O.S. Section 1145.04 to create a lot 12,000 sq. ft. in area (minimum 40,000 sq. ft. required).
2. This approval grants a variance from C.O.S. Section 1145.06 to locate a building 19 feet from the rear/side property line (minimum of 20 ft. required).

(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 965.01, C.O.S., the applicant shall post a cash or surety bond in the amount of \$1,100 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. All construction shall be made in compliance with the applicant's site plan submitted to the Planning Commission on May 22, 2018, which is incorporated herein by this reference and made a part hereof as if fully reappearing herein.
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.

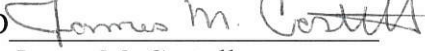
ADOPTED BY COUNCIL 6/14/18

ATTEST


Bonnie J. Emahiser
CLERK OF COUNCIL


Matt Riehl
PRESIDENT OF COUNCIL

FILED WITH MAYOR 6/15/18

APPROVED 
James M. Costello
MAYOR

FILED WITH CLERK 6/15/18

APPROVED AS TO FORM


EFFECTIVE DATE 6/15/18


Amber K. Zibritosky
LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Fred Molai, owner of the Stow Muffler Shop, 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.

6-18-18
Date

STOW MUFFLER SHOP

By: Fred Molai