

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND VARIANCE APPROVAL TO JIM YEAGER, APPLICANT, AND ROBERT CHEVALLEY, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A TWO-FAMILY DWELLING ON A VACANT LOT BETWEEN 1199/1201 AND 1231/1235 RITCHIE ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on September 25, 2018, the Planning Commission did recommend to this Council the granting of the Conditional Zoning Certificate and variance approval as hereinafter set forth;

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

SECTION 1. That Jim Yeager, applicant, and Robert Chevalley, property owner, are hereby granted Conditional Zoning Certificate and variance approval to permit the construction of a two-family dwelling on a vacant lot between 1199/1201 and 1231/1235 Ritchie Road. The property is zoned R-2 and two-family dwellings are conditionally permitted in this district.

The existing parcel is a flag lot with 67.5 foot of frontage and a width of 135 feet. It is a wooded lot and 42,700 square feet in area. Two-family dwellings are located to the east, west and south of the site. The property to the north is zoned I-2 Industrial and is occupied by Spectrum Surgical. The proposed two-family dwelling would be located 40 feet from the Ritchie Road right-of-way generally in line with the adjacent dwellings. The structure will include a total of approximately 2,700 square feet of living area and vinyl lap siding is proposed for the exterior.

According to C.O.S. Section 1163.04(a)(1)(A) two-family dwellings are permitted in locations where the proposed site is located no more than 300 feet from two or more two-family dwellings that are located on the same street as the proposed site.

<u>Conditional Use</u>	<u>Min. Lot Area</u>	<u>Min. Lot Width</u>	<u>Front</u>	<u>Side/Rear</u>
Two-Family in an R-2 District	24,000 sq. ft.	135	40'	10'/30'.

This proposal shall be in accordance with the provisions contained under Sections 1143.01 through 1143.13 and Sections 1163.01 through 1163.04, C.O.S.

(A) Said variance granted hereunder includes:

1. This approval grants a variance from C.O.S. Section 1163.03(1) to locate the dwelling on the portion of the lot which is less than 135 feet in width.

(B) Further, said 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 \$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. To the Building Department's approval of construction plans.


3. This approval is non-assignable and may not be transferred without the consent of Council.
4. 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.
5. The authorization granted by this legislation shall become null and void if it is not signed or if the bond is not posted within 30 days from the effective date of this legislation.

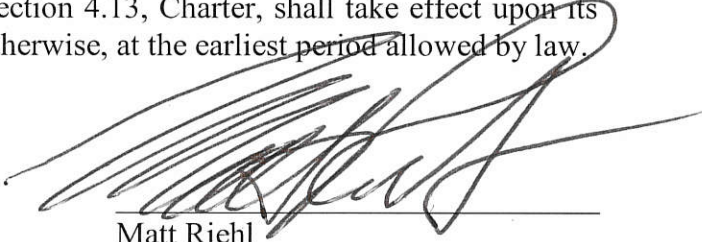
SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and committees and subcommittees that resulted in those formal actions 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 immediately preservation of the public health and safety for the reason that the applicant wishes to start construction before the weather can adversely affect it 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 10/11/18

ATTEST

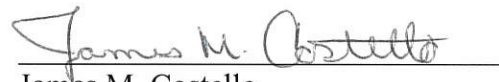

 Bonnie J. Emahiser
 CLERK OF COUNCIL


 Matt Riehl
 PRESIDENT OF COUNCIL

FILED WITH MAYOR 10/12/18

APPROVED

FILED WITH CLERK 10/12/18


 James M. Costello
 MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE 10/12/18

 Amber K. Zibritosky
 LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Jim Yeager, applicant, and I Robert Chevalley, 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.

10-12-18
 Date


 Jim Yeager

 Date

 Robert Chevalley