

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND VARIANCE APPROVAL TO JEFF HUFFMAN, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A 5,000 SQUARE FOOT ACCESSORY BUILDING ON A 10.7 ACRE PARCEL LOCATED AT 3878 KENT ROAD, IN THE CITY OF STOW.

WHEREAS, on November 6, 2018, the Planning Commission did prudently consider and did recommend to this Council the granting of conditional zoning certificate and variance approval 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 Jeff Huffman, property owner, is hereby granted conditional zoning certificate and variance approval to permit the construction of a 5,000 sq. ft. accessory building on a 10.7 acre parcel located at 3878 Kent Road. The property is zoned R-3 and accessory buildings of this size are conditionally permitted.

The applicant is proposing to locate the building in the rear yard 150 ft. from the house, 140 ft. from the west property line and 20 ft. from the east property line. The Redemption Chapel is located to the east of this property and a single-family property is located to the west. Accessory buildings on large lots are permitted according to the following regulations from C.O.S. Section 1163.04(k):

- (k) Accessory Buildings on Large Lots. In any Residential District, an accessory building larger than permitted by the regulations set forth in Section 1143.07(b) may be permitted in compliance with the following:
  - (1) The accessory building shall have an area not to exceed two and one-half percent of the area of the lot or 6,000 sq. ft., whichever is lesser.
  - (2) On lots with an area of one acre or more, such accessory building shall be permitted in the rear yard.
  - (3) On lots with an area of three acres or more, such accessory building shall be permitted in the side or rear yard.
  - (4) Such accessory building shall be located no less than 150 ft. from a public right-of-way and no less than 50 ft. from a side or rear lot line.

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 1163.04(k) to locate the structure 20 ft. from the east property line (50 ft. required).

(B) Further, such proposal 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 Section 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. The building being located at least 20 feet from the east property line (adjacent to the Redemption Chapel property).
3. The two lots being consolidated.
4. The Building Departments approval of construction plans.
5. The semi-trailer being removed prior to construction.
6. This approval is non-assignable and may not be transferred without the consent of Council.
7. 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 on the construction of the accessory building and single family home.
8. 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 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 shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

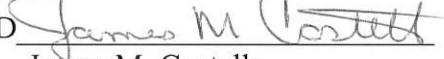
ADOPTED BY COUNCIL 11/15/18

ATTEST

  
Bonnie J. Emahiser  
CLERK OF COUNCIL

  
Matt Riehl  
PRESIDENT OF COUNCIL

FILED WITH MAYOR 11/19/18

APPROVED   
James M. Costello  
MAYOR

FILED WITH CLERK 11/19/18

APPROVED AS TO FORM

EFFECTIVE DATE 12/19/18

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Amber K. Zibritosky  
LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

We, Jeff Huffman, 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

\_\_\_\_\_  
Jeff Huffman