

RESOLUTION NO. 2019-54

A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO FRED MOLAI OF THE STOW MUFFLER SHOP, APPLICANT AND PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A BUILDING ADDITION TO THE EXISTING STOW MUFFLER SHOP LOCATED AT 3265 KENT ROAD, IN THE CITY OF STOW.

WHEREAS, on March 26, 2019, the Planning Commission did prudently consider and did recommend to this Council the granting of site plan and variance approvals 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 of the Stow Muffler Shop, applicant and property owner, is hereby granted site plan and variance approvals to permit the construction of a building addition to the existing Stow Muffler Shop located at 3265 Kent Road.

A lot split was recently approved by the Planning Commission (P.C. 2018-007) and City Council (Resolution No. 2018-68) in 2018 to allow the applicant to create a separate lot for his business.

The applicant is proposing to construct a garage addition to the north side of the existing structure. It will be located 2 feet from the new north property line. The structure will be approximately 1,000 square feet in area and the exterior will be sided with metal panels. This structure will be located where there currently is an outdoor storage area that is surrounded by fencing. This will be removed as part of this project. Landscaping is proposed to be located in the front of the existing building adjacent to Kent Road.

This proposal shall be in accordance with the conditions contained herein 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 1145.06 to locate the structure 2 feet from the north property line (20 feet minimum 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 Section 965.01, C.O.S., the applicant shall post a cash or surety bond in the amount of \$700 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 and Engineering Departments' approval of construction and storm water management plans.
3. To the Fire Department's approval of plans.
4. To compliance with the Site Plan and building elevations as approved by the Planning Commission on March 26, 2019 which are incorporated herein by this reference and made a part hereof as if fully reappearing herein.

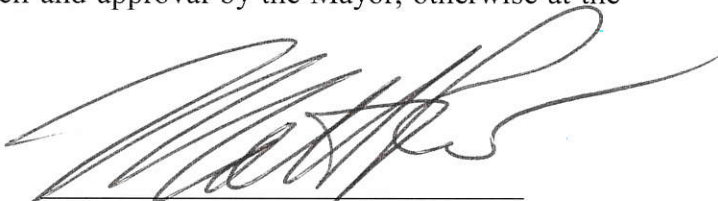
5. This approval is non-assignable and may not be transferred without the consent of Council.
6. This approval shall expire within one (1) year of the date of this enactment unless prior thereto a building permit has been issued and actual construction undertaken.
7. The authorization granted by this 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 Ordinance 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 ordinance was adopted pursuant to Section 4.11 Charter, and shall take effect thirty (30) days its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 3/28/19

ATTEST   
 Bonnie J. Emahiser  
 CLERK OF COUNCIL

  
 Matt Riehl  
 PRESIDENT OF COUNCIL

FILED WITH MAYOR 3/29/19

APPROVED   
 John Pribonic  
 MAYOR

FILED WITH CLERK 3/29/19

APPROVED AS TO FORM

EFFECTIVE DATE 4/28/19

  
 Brendan Mackin  
 LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Fred Molai of the Stow Muffler Shop, applicant and 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.

STOW MUFFLER SHOP

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 By: Fred Molai

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.

