

ORDINANCE NO. 52-2019

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE REVERSING THE DECISION OF THE PLANNING AND ZONING COMMISSION IN P&Z DOCKET NOS. 04-2019 AND 05-2019, AND DECLARING AN EMERGENCY

WHEREAS, a public hearing was held on June 11, 2019 on the timely appeal to Council of the decision dated May 15, 2019 of the Planning and Zoning Commission in P&Z Docket Nos. 04-2019 and 05-2019 on PP# 281-05-013, 281-03-013 and 281-03-009; and

WHEREAS, this Council has taken into consideration the record in P&Z Docket Nos. 04-2019 and 05-2019, and the testimony, evidence and arguments presented at the Council Public Hearing on said appeal on June 11, 2019. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, OHIO, THAT:

SECTION 1. This Council finds and determines that the May 15, 2019 decision of the Planning and Zoning Commission in P&Z Docket Nos. 04-2019 and 05-2019 granting the requested variance and finding unnecessary hardship and/or practical difficulty pursuant to Codified Ordinance Section 1470.16 is not supported by substantial, reliable and probative evidence, in that Council finds that the Applicant Property-Owner has not demonstrated the existence of unnecessary hardship or practical difficulty as required by Section 1470.16 and therefore the said Decision of the Planning and Zoning Commission is hereby reversed and the requested variance is hereby denied.

SECTION 2. That Notice of the decision by this Council through this Ordinance shall be mailed by the Clerk to the Appellants and the Applicant, and the Applicant Property-Owner shall have further appeal rights in accordance with law including Ohio Revised Code Chapter 2506.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is an Order on an Administrative Appeal to Council from a decision of the Planning and Zoning Commission and therefore, pursuant to Charter Section 5.06(2), is not subject to the three reading rule but because it is a reversal of the Decision of the Planning and Zoning Commission it requires a minimum vote of approval of not less than five (5) members elected to Council.

SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City for the reason that the decision by Council as to the appeal must be determined by Ordinance within fifteen days of closing the public hearing. This Ordinance shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor.

Paul Stibich, President of Council

PASSED: _____

APPROVED: _____
James P. Graven, Mayor *Date*

APPROVED AS TO FORM: _____
Andrew D. Bemer, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Stibich	____	____
Jones	____	____
Munteanu	____	____
Gorski	____	____
Nicolay	____	____
Duncan	____	____
Fenrich	____	____