

RESOLUTION NO. 17-2022

INTRODUCED BY: COUNCIL AS A WHOLE

A RESOLUTION TO REVERSE THE DECISION OF THE OLMSTED FALLS ARCHITECTURAL BOARD OF REVIEW WITH REGARD TO THE REQUEST OF DORSEY FAUGHT TO REPLACE WINDOWS ON A RESIDENTIAL PROPERTY KNOWN AS 7456 COLUMBIA ROAD, CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 281-03-036, AND DECLARING AN EMERGENCY

WHEREAS, the City's Architectural Board of Review (ABR) is created, organized and exists in accordance with Section 1206.04 and Chapter 1444 of the Codified Ordinances, and its powers and duties are set out in Section 1206.04 and Section 1444.04 of the Codified Ordinances; and

WHEREAS, the establishment of the City's Historic Area Conservation District is provided in Chapter 1262 of the Codified Ordinances; and

WHEREAS, both Chapter 1262 and Chapter 1444 provide that, before a repair permit for a property in the Historic Area Conservation District may be issued by the City's Building Department the request to repair must be reviewed by the ABR; and

WHEREAS, Dorsey Faught has requested that he be permitted to replace damaged windows with vinyl windows at the existing residential structure located on the real property known as 7456 Columbia Road, Cuyahoga County Auditor's Permanent Parcel Number 281-03-036; and

WHEREAS, on March 10, 2022 the ABR voted to deny issuing a Certificate of Appropriateness to Dorsey Faught to permit him to remove and replace eight (8) windows, in accordance with Section 1444.05 of the Codified Ordinances; and

WHEREAS, the reasons given for denial of the Certificate of Appropriateness include the location of the residential structure in the Historic Area Conservation District, and the fact that the ABR's Design Guidelines provide that vinyl windows are inappropriate in the Historic District; and

WHEREAS, the denial of the Certificate of Appropriateness was appealed to City Council by letter dated March 16, 2022; and

WHEREAS, pursuant to the Codified Ordinances a Special Council Meeting was convened on April 7, 2022 to hear the appeal by Dorsey Faught of the decision of the ABR; and

WHEREAS, Dorsey Faught was present and was permitted to present his arguments and contentions in support of his request in the form of sworn testimony and documentation introduced as exhibits; and

WHEREAS, evidence supporting the decision of the ABR was provided to Council to assist Council in reviewing the request; and

WHEREAS, members of the public were also presented with the opportunity to provide sworn testimony on the issue; and

WHEREAS, this Council has reviewed the record, the testimony presented at the special meeting and the exhibits introduced at the special meeting, and has determined to reverse the decision of the ABR. Now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1. This Council determines to reverse the decision of the City's Architectural Board of Review made on March 10, 2022 with regard to the request of Dorsey Faught for a Certificate of Appropriateness permitting him to remove and replace eight (8) windows on a residential structure on the real property known as 7456 Columbia Road, Cuyahoga County Auditor's Permanent Parcel Number 281-02-036.

SECTION 2. This Council hereby directs the Architectural Board of Review to grant to Dorsey Faught a Certificate of Appropriateness, in accordance with Chapter 1444 of the Codified Ordinances, to permit him to remove and replace eight (8) windows on the residential structure located on the real property known as 7456 Columbia Road.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution 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. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the reason that the decision by Council as to the request should be made as soon as possible. Therefore, this Resolution shall therefore take effect immediately upon the passage by the affirmative vote of not less than five members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Cornel Munteanu, President of Council

PASSED: _____

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

APPROVED AS TO FORM: _____
John Castele, Asst. Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Munteanu	_____	_____
Chitester	_____	_____
Jones	_____	_____
McFadden	_____	_____
Wolanin	_____	_____
Buchholz	_____	_____
Saari	_____	_____