

AN ORDINANCE GRANTING A VARIANCE PURSUANT TO SECTION 1222.05(A) OF THE CITY OF FAIRLAWN CODIFIED ORDINANCES TO ALLOW THE PLAT OF A SIX-PARCEL SUBDIVISION OF PARCEL #0902214 LOCATED ON BRUNSDORPH ROAD TO BE AMENDED; AUTHORIZING THE EXECUTION THEREOF AND DECLARING AN EMERGENCY

WHEREAS, the developer requested approval of a six-parcel subdivision of Parcel #0902214 located on Brunsdorph Road from the City of Fairlawn Planning Commission, and final approval of the subdivision plan has been given; and

WHEREAS, the subdivision plan is for a new residential six-parcel subdivision of Parcel #0902214 located on Brunsdorph Road; and

WHEREAS, the plat for the six-parcel subdivision of Parcel #0902214 located on Brunsdorph Road was submitted to Council for its acceptance, and a public hearing was held pursuant to Section 1222.02 of the City of Fairlawn Codified Ordinances, and on November 21, 2022, Council passed Ordinance 2022-062 approving the plat, and it was subsequently duly executed; and

WHEREAS, since the approval of the plat for the six-parcel subdivision of Parcel #0902214 located on Brunsdorph Road, the developer has encountered some difficulty with unusual topography and other conditions in the subject area, such that strict application of the code relating to the subdivision plat would result in an undue hardship for the developer and/or homeowners; and

WHEREAS, Section 1222.05(a) of the City of Fairlawn Codified Ordinances provides that whenever “a tract is to be subdivided and is of unusual size or shape or surrounded by unusual topography, soil or other natural conditions so that strict application of these Subdivision Regulations would result in hardship or injustice, Council may vary such requirements by modifying them so that the property may be developed in an appropriate manner, in keeping with the public welfare and interests of the City and with the general intent and spirit of these Regulations;” and

WHEREAS, permitting the developer to modify the plat to remove the sidewalks approved in the six-parcel subdivision of Parcel #0902214 located on Brunsdorph Road would allow for the property to be developed in an appropriate manner and would be in keeping with the City’s interests and the public welfare and would comport with the general intent and spirit of the City’s related regulations.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF FAIRLAWN, OHIO THAT:

Section 1: The six-parcel subdivision of Parcel #0902214 located on Brunsdorph Road is hereby amended to eliminate the sidewalks previously approved, subject to the approval of the City Engineer.

Section 2: The Mayor, the Council President, and the Clerk of Council are hereby authorized and directed to sign the documents necessary to carry out the intent this Ordinance when the proper plans have been reviewed and approved by the City Engineer, all fees and deposits have been paid, all improvements have been completed or performance bonds guaranteeing completion have been deposited, and all agreements with the City concerning the completion of such improvements have been signed and accepted.

Section 3: It is hereby found and determined that this legislation complies with Section 121.22, O.R.C. regarding notification of meetings, and all deliberations of this Council pertaining hereto have been conducted in accordance therewith.

Section 4: This Ordinance is hereby declared to be an emergency measure for the health, safety, and welfare of the residents of the City of Fairlawn for the reason that is necessary to provide safety for the residents and property of the

City of Fairlawn and it shall therefore be in full force and effect from and after its enactment and approval by the Mayor at the earliest period allowed by law.

Enacted: _____ 2024

Approved: _____ 2024

Jonathon Groza, President of Council

Russell T. Sharnsky, Mayor

Approval of the form and corrections by R. Bryan Nace, Director of Law:

CERTIFICATION OF PASSAGE

I, Tonja K. Caldwell, Clerk of Council of the City of Fairlawn, hereby certify that the foregoing Ordinance was duly and regularly passed at a meeting on _____, 2024.

Tonja K. Caldwell, Clerk of Council

CERTIFICATION OF POSTING

This is to certify that on _____, 2024 the within Ordinance was published as required by Section 222.03(a) of the Codified Ordinances of the City of Fairlawn.

Tonja K. Caldwell, Clerk of Council