

1st reading _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

**ORDINANCE NO. 2016-26
(AS AMENDED)**

**AN ORDINANCE
GRANTING A REAR YARD SETBACK VARIANCE TO
BRUCE AND LINDA MITTLEMAN TO ALLOW FOR THE
CONSTRUCTION OF A DECK ON THE REAR OF THE
HOUSE ON THE PROPERTY LOCATED AT 213 LAKE
MEADE DRIVE.**

WHEREAS, the Charter of Orange Village, Article III, Section 9(g), provides that Council may grant variances after public hearing where there is substantial and unreasonable hardship in carrying out the spirit and intent of the Zoning Code; and

WHEREAS, Sterling Lakes Building Company was the owner of the property commonly known as 213 Lake Meade Drive, Orange Village, Ohio (the "Builder"); and

WHEREAS, Bruce and Linda Mittleman ("Purchasers") have purchased the Property from Sterling Lake Building Company; and

WHEREAS, the Property is located in an S-1 District; and

WHEREAS, Section 1170.06(e) of the Codified Ordinances provides that "buildings shall be setback from internal lot lines within a development as directed and authorized by the Planning and Zoning Commission and as shown on the development plan;" and

WHEREAS, the development plan for the Lakes of Orange indicates that the Property has a rear yard setback of twenty-five feet (25'); and

WHEREAS, Purchasers intend to construct an outdoor deck sixteen feet (16') wide and twelve feet (12') deep, which would result in an encroachment into the rear yard setback of ten feet and two inches (10' 2"); and

WHEREAS, this Ordinance was referred to the Planning and Zoning Commission for recommendation and report; and

WHEREAS, a public hearing has been held regarding this matter; and

WHEREAS, Council has adopted conclusions of fact regarding the requested variance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That this Council hereby grants and approves a rear yard variance of up to ten feet and two inches (10' 2") from the requirements set forth in Section 1170.06(e) of the Codified Ordinances, and the development plan for the Lakes of Orange, to allow for the construction of a deck that would be sixteen feet wide (16') and twelve feet (12') deep on the rear of the property located at 213 Lake Meade Drive, in conformance with the plans and specifications on file with the Building Commissioner.

SECTION 2. That actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

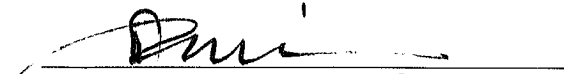
SECTION 3. That this Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: January 11, 2017

Submitted to the Mayor for approval
on this 11 day of January, 2017

ATTEST:


Clerk of Council


Council President Pro-Tem

Approved by the Mayor this
11 day of January, 2017


Mayor