

1st reading _____
P&Z Action _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

ORDINANCE NO. 2017-35

AN ORDINANCE GRANTING CERTAIN VARIANCES TO TRUE NORTH ENERGY, LLC, FOR ITS PROPERTY LOCATED AT 27010 CHAGRIN BOULEVARD.

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, True North Energy, LLC is the owner (the “Owner”) of the property located at 27010 Chagrin Boulevard, Orange Village, Ohio (the “Property”); and

WHEREAS, the Property is located in the U-4A Zoning District; and

WHEREAS, Section 1156.04(a) of the Codified Ordinances requires that properties in the U-4A Zoning District have a minimum lot size of one (1) acre; and

WHEREAS, Section 1156.05(a) of the Codified Ordinances requires that properties in the U-4A Zoning District have a minimum front and side yard building setback of thirty-five feet (35’); and

WHEREAS, Section 1156.05(a) of the Codified Ordinances requires that properties in the U-4A Zoning District have a minimum front yard parking setback of twenty feet (20’) and a minimum side yard parking setback of ten feet (10’); and

WHEREAS, Section 1156.05(a) of the Codified Ordinances requires that properties operating an automobile service station pump island in the U-4A Zoning District have the pump islands setback a minimum of thirty-five feet (35’) from the front and side yards; and

WHEREAS, Section 1162.03 of the Codified Ordinances requires that automobile service stations with a building size of three thousand two hundred square feet (3,200 sq. ft.) have at least thirty-one (31) parking spaces; and

WHEREAS, Owner is requesting the following variances from the requirements in Sections 1156.04(a), 1156.05(a) and 1162.03 of the Codified Ordinances to rebuild and make improvements to the fuel dispensing facility located on the Property:

1. A lot size variance in the amount of 0.4 acres from the requirement in Section 1156.04(a) of the Codified Ordinances that lots in the U-4A Zoning District be one (1) acre in size so the Owners may make improvements to the 0.6 acre Property;

2. A side yard building setback variance in the amount of twenty feet (20') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a side yard building setback of thirty-five feet (35') so the Owner may make improvements to the building fifteen feet (15') from the east side yard setback on the Property;
3. A rear yard building setback variance in the amount of eighteen feet (18') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a rear yard setback of thirty-five feet (35') so the Owner may make improvements to the building seventeen feet (17') from the rear yard setback on the Property;
4. A front yard parking setback variance in the amount of ten and one-half feet (10.5') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a minimum front yard parking setback of twenty feet (20') to allow for a front yard parking setback of nine and one-half feet (9.5') on the Property;
5. A side yard parking setback variance in the amount of five feet (5') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a minimum side yard parking setback of ten feet (10') to allow for a side yard parking setback of five feet (5') on the Property;
6. A variance in the amount five feet (5') from the requirement in Section 1156.05(a) of the Codified Ordinances requiring that automobile service station pump islands in the U-4A Zoning District be setback thirty-five feet (35') from the side yard to allow for the construction and renovation of pumping islands thirty feet (30') from the east side yard of the Property;
7. A variance in the amount two feet (2') from the requirement in Section 1156.05(a) of the Codified Ordinances requiring that automobile service station pump islands in the U-4A Zoning District be setback thirty-five feet (35') from the side yard to allow for the construction and renovation of pumping islands thirty-three feet (33') from the west side yard of the Property;
8. A variance in the amount of twenty-one (21) parking spaces from the requirement in Section 1162.03 of the Codified Ordinances that automobile service stations with a building size of three thousand two hundred square feet (3,200 sq. ft.) have a minimum of thirty-one (31) parking spaces to allow for ten (10) parking spaces on the Property.

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 Owner's request for the following variances:

1. A lot size variance in the amount of 0.4 acres from the requirement in Section 1156.04(a) of the Codified Ordinances that lots in the U-4A Zoning District be one (1) acre in size so the Owners may make improvements to the 0.6 acre Property;
2. A side yard building setback variance in the amount of twenty feet (20') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a side yard building setback of thirty-five feet (35') so the Owner may make improvements to the building fifteen feet (15') from the east side yard setback on the Property;
3. A rear yard building setback variance in the amount of eighteen feet (18') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a rear yard setback of thirty-five feet (35') so the Owner may make improvements to the building seventeen feet (17') from the rear yard setback on the Property;
4. A front yard parking setback variance in the amount of ten and one-half feet (10.5') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a minimum front yard parking setback of twenty feet (20') to allow for a front yard parking setback of nine and one-half feet (9.5') on the Property;
5. A side yard parking setback variance in the amount of five feet (5') from the requirement in Section 1156.05(a) of the Codified Ordinances that properties in the U-4A Zoning District have a minimum side yard parking setback of ten feet (10') to allow for a side yard parking setback of five feet (5') on the Property;
6. A variance in the amount five feet (5') from the requirement in Section 1156.05(a) of the Codified Ordinances requiring that automobile service station pump islands in the U-4A Zoning District be setback thirty-five feet (35') from the side yard to allow for the construction and renovation of pumping islands thirty feet (30') from the east side yard of the Property;
7. A variance in the amount two feet (2') from the requirement in Section 1156.05(a) of the Codified Ordinances requiring that automobile service station pump islands in the U-4A Zoning District be setback thirty-five feet (35') from the side yard to allow for

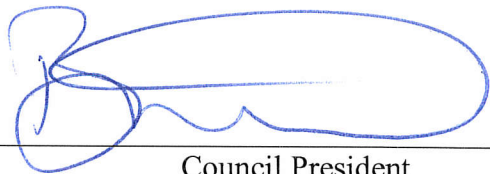
the construction and renovation of pumping islands thirty-three feet (33') from the west side yard of the Property;

8. A variance in the amount of twenty-one (21) parking spaces from the requirement in Section 1162.03 of the Codified Ordinances that automobile service stations with a building size of three thousand two hundred square feet (3,200 sq. ft.) have a minimum of thirty-one (31) parking spaces to allow for ten (10) parking spaces on the Property.

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: Nov. 8, 2017



Council President

Submitted to the Mayor for approval
on this 8th day of Nov., 2017

Approved by the Mayor this
8th day of Nov., 2017

ATTEST:



Clerk of Council

Mayor