

1st reading _____
P&Z Action _____
2nd reading _____
3rd reading 11-14-18
Voted On 11-14-18
Ayes: 7 Nays: 0
PASSED ☒ DEFEATED _____

ORDINANCE NO. 2018-35

AN ORDINANCE GRANTING A REAR YARD SETBACK VARIANCE TO MARK AND CAROLINE KANGAS FOR THEIR PROPERTY LOCATED AT 29850 SMITHFIELD ROAD, ORANGE VILLAGE, OHIO.

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, Mark and Caroline Kangas are the owners (the "Owners") of the property located at 29850 Smithfield Road, Orange Village, Ohio (the "Property"); and

WHEREAS, the Property is located in the U-1 Zoning District; and

WHEREAS, Section 1148.08 of the Orange Village Codified Ordinances requires that properties in the U-1 Zoning District have a minimum rear building setback of fifty feet (50'); and

WHEREAS, because the Owners' property fronts on both Smithfield and North Hilltop Roads, to the north and west respectively, the southern property line and the eastern property are both "rear lot lines" by operation of Section 1140.05(24)(H) of the Orange Village Codified Ordinances; and

WHEREAS, Owners are requesting a variance from the requirement of 1148.08 of the Codified Ordinances in the amount of thirty feet (30') to the permit an addition to be constructed on the east side of the Owners' residence not less than twenty feet (20') from the eastern rear lot line; and

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

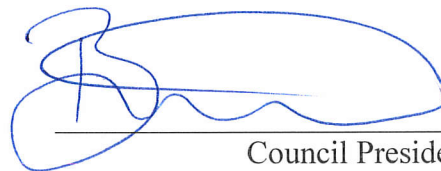
SECTION 1. That this Council hereby grants and approves Owners' request for a rear yard building setback variance in the amount of thirty feet (30') from the requirement in Section 1148.08 of the Codified Ordinances that properties in the U-1 Zoning District have a rear yard

building setback of fifty feet (50') so the Owners may make improvements to the east-side of their residence no nearer than twenty feet (20') from the eastern property line, in accordance with the plans and specifications on file with the Village's Building Department.

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. 14, 2018




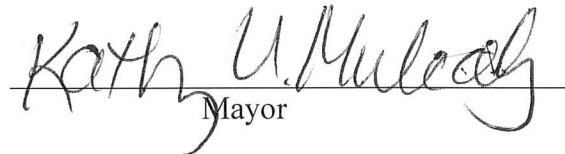
Council President

Submitted to the Mayor for approval
on this 14th day of Nov., 2018

Approved by the Mayor this
17th day of Nov, 2018

ATTEST:



Clerk of Council

Mayor