ORDINANCE NO. 23-2017

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE RATIFYING AND AFFIRMING THE
DECISION OF THE ARCHITECTURAL BOARD OF REVIEW
IN ABR DOCKET NO. 06-2017, AND DECLARING AN
EMERGENCY

WHEREAS, a public hearing was held on April 11, 2017 on the timely appeal to
Council of the decision dated March 9, 2017 of the Architectural Board of Review in
ABR Docket No. 06-2017 on PP# 281-05-006; and

WHEREAS, this Council has taken into consideration the record in ABR Docket
No. 06-2017, and the testimony, evidence and arguments presented at the Council Public
Hearing on said appeal on April 11, 2017. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED
FALLS, OHIO, THAT:

SECTION 1. This Council finds and determines that the March 9, 2017 decision
of the Architectural Board of Review in ABR Docket No. 06-2017 denying the requested
variance and finding unnecessary hardship and/or practical difficulty required for the
granting of a variance under the Code have not been satisfied or met by the Applicant and
therefore the ABR decision is supported by substantial, reliable and probative evidence,
is not contrary to law, and the same is hereby ratified and affirmed.

SECTION 2. That Notice of the decision by this Council through this Ordinance
shall be mailed by the Clerk to the Appellant and the ABR, and the Appellant shall have
further appeal rights in accordance with law including Ohio Revised Code Chapter 2506.

SECTION 3. The Council finds and determines that all formal actions of this
Council relating to the adoption of this Ordinance 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 Ordinance is declared to be an emergency measure necessary
for the immediate preservation of the public peace, health and safety of the City for the
reason that the decision by Council as to the appeal must be determined by Ordinance
within fifteen days of closing the public hearing. This Ordinance shall therefore take
effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor or otherwise at the earliest time allowed by law.

________________________
Linda Garrity, President of Council

PASSED: ____________________

APPROVED: ____________________  Date
Ann Marie Donegan, Mayor

APPROVED AS TO FORM:
Gregory Sponseller, Director of Law

ATTEST: ____________________
Angela Mancini, Clerk of Council

First Reading: ____________________

Second Reading: ____________________

Third Reading: ____________________

<table>
<thead>
<tr>
<th></th>
<th>Yea</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garrity</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>Haviland</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>Sculac</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>Gorski</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>Stibich</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>Duncan</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>Miller</td>
<td>___</td>
<td>___</td>
</tr>
</tbody>
</table>