

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

