

**ORDINANCE NO. 24-2017**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE REVERSING 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 met or satisfied by the Applicant is not supported by substantial, reliable and probative evidence, in that Council finds that the Applicant Property-Owner has demonstrated the existence of unnecessary hardship or practical difficulty as required by the Code and therefore the said Decision of the Architectural Board of Review is hereby reversed and the requested variance is hereby granted.

**SECTION 2.** That Notice of the decision by this Council through this Ordinance shall be mailed by the Clerk to the Appellant and the Architectural Board of Review, and the parties 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.** That this Ordinance is an Order on an Administrative Appeal to Council from a decision of the Architectural Board of Review but because it is a reversal of the Decision of the Architectural Board of Review it requires a minimum vote of approval of not less than five (5) members elected to Council.

