

**RESOLUTION NO. 2023-10
INTRODUCED BY: MAYOR BENJAMIN I. HOLBERT, III**

A RESOLUTION ADOPTING THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION TO GRANT BRAINARD OFFICE LLC VARIANCES FROM THE SIGN LOCATION RESTRICTIONS OF SECTIONS 1321.03(R)(1) AND 1321.07 OF THE VILLAGE’S CODIFIED ORDINANCES TO PERMIT A SHOPPING CENTER GATEWAY SIGN TO BE LOCATED WITHIN THE PUBLIC RIGHT-OF- WAY AT 3449 E. BRAINARD, AND TO BE SET BACK LESS THAN 22 FEET FROM THE CURB, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to an application dated January 23, 2023 (P&Z Case No. 2023-01A), received by the Village Building Department, Brainard Office LLC (“the Applicant”) requested variances from the sign location restrictions contained in Codified Ordinance Sections 1321.03(r)(1) and 1321.07 to permit a shopping center gateway sign, identified as “Sign A”, to be located within the public right-of-way at 3449 E. Brainard, and to be set back less than 22 feet from the curb; and

WHEREAS, on February 7, 2023, the Planning and Zoning Commission, after a public hearing thereon, determined that variances from the application of the sign location restrictions of Sections 1321.03(r)(1) and 1321.07 would not be detrimental to the general welfare, health, or safety of the Village, or the immediate neighborhood, or injure the appropriate use of neighboring property, and would substantially serve the public convenience and welfare; and

WHEREAS, the Planning and Zoning Commission has recommended that Council approve the variance application in Case No. 2023-01A to permit variances from the location requirements of Sections 1321.03(r)(1) and 1321.07 to permit a shopping center gateway sign, identified as “Sign A”, to be located within the public right-of-way at 3449 E. Brainard, and to be set back less than 22 feet from the curb, contingent upon an Easement Agreement acceptable to Council being entered into between the Village and the Applicant;

NOW, THEREFORE, Be it Resolved by the Council of the Village of Woodmere, County of Cuyahoga, State of Ohio that:

Section 1. The Council hereby adopts the recommendation of the Planning and Zoning Commission and grants the application (P&Z Case No. 2023-01A) of Brainard Office LLC for variances from the location requirements of Sections 1321.03(r)(1) and 1321.07 to permit a shopping center gateway sign, identified as “Sign A”, to be located within the public right-of-way at 3449 E. Brainard, and to be set back less than 22 feet from the curb, contingent upon an Easement Agreement acceptable to Council being entered into between the Village and the Applicant.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in open meetings 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 the Village's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village and for the further reason to immediately permit construction to timely begin on the signage. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED: _____

Nicole Y. Culliver, PhD., Council President

Benjamin I. Holbert, III, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST:

Juliasena W. Stevenson, Clerk of Council

I, Juliasena W. Stevenson, as Clerk of Council of the Village of Woodmere, Ohio do hereby certify that the foregoing is a true and correct copy of Resolution No. 2023-10 adopted by the Council of said Municipality on the ____ day of _____, 2023.

Juliasena W. Stevenson, Clerk of Council