

RESOLUTION 079-2025
Determining Nonconforming Use of Parcel No. 264-19-004

Cuyahoga County, Ohio

Be It Resolved by the Township Trustees of Olmsted Township

WHEREAS, this date, July 17, 2025, Trustee Alton moved the adoption of the following Resolution:

WHEREAS, Parcel No. 264-19-004 (27218 Bagley Road, Olmsted Township) is currently zoned under the L-I (Light Industrial District) classification of the Olmsted Township Zoning Resolution; and

WHEREAS, the Parcel Owner, Ashley Kilbane, has applied for and pursued a zone change for the Parcel, to authorize all uses under the classification R-40 (Single Family Residential District); and

WHEREAS, in the process of considering the zone change request, the Owner has supplied information and evidence regarding the prior, lawful, pre-existing, nonconforming use of the Parcel and the intention to continue such use; and

WHEREAS, for some period of time prior to January 1, 2021, the Parcel was improved with a single family residential structure, and that use was established prior to the Parcel being zoned under the L-I classification; and

WHEREAS, the single family structure was demolished on or about January 1, 2021; and

WHEREAS, in 2022, the Owner contacted the Olmsted Township Building Department and Official and expressed the intention to build a new structure on the Parcel for residential use; and

WHEREAS, the contact in 2022 is recognized, under these attendant circumstances, as the functional equivalent of an application for anticipated residential use of the Parcel; and

WHEREAS, such application is recognized as vesting continued residential dwelling use of the Parcel, that anticipated use having been asserted prior to the expiration period applicable to lawful, nonconforming uses under R.C. 519.19.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. The lawful, preexisting, nonconforming use of the Parcel for placement and use of a single family residential structure may be continued under the terms of this Resolution.

2. The nonconforming use allowed herein, together with any accessory uses thereto, must conform to the Single Family Residential District regulations of the Township's Zoning Resolution.

3. The continuation of the authorized nonconforming use must be commenced within two (2) years from the adoption of this Resolution. For purposes of this paragraph, the commencement of construction shall be deemed to be the commencement of the nonconforming use, as long as such construction continues continuously or without unreasonable delay and the residential home is thereafter promptly occupied.

4. In consideration of this Resolution, the related zone change request (Application No. 25OLMT-ZC00001) has been withdrawn, and further proceedings related thereto are rendered moot.

5. The recitals set forth herein shall be material provisions of this Resolution, and the determinations contained herein are based upon the unique facts and evidence supplied to the Board.

Trustee Cole seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 17th day of July, 2025.

J. Alex H.
Thomas L. L.
Tom J. J.

Township Trustees

Attest: Brian W. Gillette
Township Fiscal Officer