

## RESOLUTION 051-2023

### *Procedure for Sidewalk Variances*

Cuyahoga County, Ohio

Trustee Zver Moved for adoption of the Following:

#### **Be It Resolved** by the Township Trustees of Olmsted Township

**WHEREAS**, the Cuyahoga County Land Development Regulations (“LDR”) require construction of public sidewalks in front of newly-constructed homes, providing, in part:

A. Sidewalks shall be required on both sides of public and private streets, shall connect with existing sidewalks on streets adjacent to or within the land subdivided, and shall be placed to enable the eventual continuation with proposed or future sidewalks in the vicinity of the land subdivided.

B. Sidewalks Along Existing Streets: Whenever the boundary of a subdivision is contiguous to an existing street, a sidewalk shall be required to be constructed along the portion of the existing street that adjoins the subdivision.

LDR Section 106.06; and,

**WHEREAS**, the Olmsted Township Zoning Resolution (“Zoning Resolution”) similarly provides for the placement of public sidewalks along parcel frontage of new construction, in part through incorporation of the County LDR:

All structures shall comply with the standards and requirements of the building regulations adopted and administered by the Olmsted Township Building Department; and, where applicable, the Cuyahoga County Land Development Regulations as adopted and administered by the Cuyahoga County Planning Commission and the Cuyahoga County Department of Public Works.

Zoning Resolution Section 101.05; and,

**WHEREAS**, on County Road locations, owners may encounter difficulty conforming to the LDR sidewalk requirement due to location-specific right-of-way conditions, utility conflicts, power poles, fire hydrants, drainage ditches, and other such considerations; and,

**WHEREAS**, the County has recommended the waiver of the LDR sidewalk requirement in those instances where compliance is frustrated for the reasons stated above.

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

1. Generally, new construction along or adjacent to a County Road must continue to comply with Zoning Resolution Section 101.05, incorporating LDR Section 106.06.

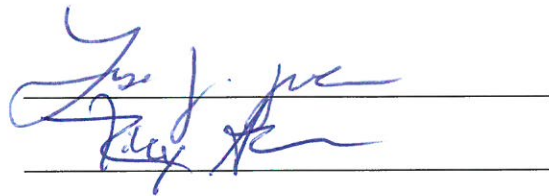
2. If the County has approved a site specific waiver under LDR 106.06 for any project or application, the project must still conform under Zoning Resolution Section 101.05, unless a variance is sought and obtained from the Olmsted Township Board of Zoning Appeals.

3. In those instances where a homeowner has obtained a County waiver from LDR 106.06 and, thereafter, submits an application to appear before the Board of Zoning Appeals to request a variance from Zoning Resolution Section 101.05, under the circumstances addressed herein, the fee for such application shall be waived. Consideration and determination of the variance request must be consistent with the applicable standard of the Revised Code and Zoning Resolution and rendered on a case-by-case basis.

Trustee Alton 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 10<sup>th</sup> day of May, 2023.



Township Trustees

Attest: Brian W. Hillett  
Township Fiscal Officer