

**ORDINANCE NO. 75-24**

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE 2.58 ACRE PARCEL OF LAND LOCATED ON DETROIT ROAD, NEAR JAYCOX (ACROSS FROM MARTIN'S DELI), PERMANENT PARCEL NO. 10-04-00-022-102-083 FROM R-1 SINGLE-FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD BUSINESS DISTRICT (WASILKO)**

**WHEREAS**, the owner, Gregg Wasilko, submitted an application to rezone the 2.58-acre parcel of land located on the north side of Detroit Road, near Jaycox (across from Martin's Deli), Permanent Parcel No. 10-04-00-022-102-083 from R-1 Single-Family Residential to C-1 Neighborhood Business District was submitted to Planning Commission pursuant to Article VII, Section 2(d) and Article VII, Section 2(e)(3) of the Avon City Charter; and

**WHEREAS**, the Planning Commission, on June 19, 2024, held a Public Hearing on said amendment; and

**WHEREAS**, on June 19, 2024, the Planning Commission reviewed the proposed amendment to rezone this parcel of land as further described herein and considered the public comments and presentations of all interested parties and by a vote of Five (5) in favor and Zero (0) opposed, recommended the amendment to Ordinance No. 413-68 to allow the 2.58 acres of land located on the north side of Detroit Road, near Jaycox (across from Martin's Deli), Permanent Parcel No. 10-04-00-022-102-083 to be rezoned from R-1 Single-Family Residential to C-1 Neighborhood Business District; and

**WHEREAS**, Council, on July 1, 2024, authorized a Public Hearing; and

**WHEREAS**, said Public Hearing was duly publicized according to law and was held on September 9, 2024, at 7:15 P.M.; and

**WHEREAS**, notice of the time and place of such Public Hearing has been given to record title holders of property immediately adjacent to, adjoining and abutting on such area, zone, or district proposed to be modified.

**WHEREAS**, Council finds that the recommendation of Planning Commission is reasonable and in the best interests of the safety, health, and welfare of Avon's citizens and deems it desirable that Ordinance No. 413-68 be amended to rezone the 2.58 acres of land located on the north side of Detroit Road, near Jaycox (across from Martin's Deli), Permanent Parcel No. 10-04-00-022-102-083 from R-1 Single-Family Residential to C-1 Neighborhood Business District. (Wasilko property)

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:**

Section 1 - That Ordinance No. 413-68, passed January 15, 1969, commonly known as the Zoning Ordinance of the City of Avon, Ohio, as amended, shall be further amended as provided hereafter.

Section 2 - That from the effective date of this Ordinance, the 2.58 acres of land located on the north side of Detroit Road, near Jaycox (across from Martin's Deli) be, and the same is hereby rezoned from R-1 Single-Family Residential to C-1 Neighborhood Business District, Permanent Parcel No. 10-04-00-022-102-083, the parcel being more fully described in Exhibit A, which is attached hereto and incorporated herein by this reference. Said parcel of land consists of less than five (5) acres and is adjacent to property that is already zoned commercial. As such, it does not require an affirmative vote of the majority of the electors at a general election.

Section 3 - That all provisions of Ordinance No. 413-68 and its various amendments, shall remain in full force and effect.

Section 4 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading 7-8-24  
Second Reading 8-12-24  
Third Reading 9-9-24

PASSED: September 9, 2024 DATE SIGNED: September 9, 2024

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: September 10, 2024

Bryan K. Jensen  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

Posted: September 11, 2024  
Electronically and at City Hall as  
Provided by Council

Prepared By:

John A. Gasior, Esq.  
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 75-24, passed by the Council of said City on September 9, 2024.

IN WITNESS WHEREOF, I have on this 11th day of September 2024, affixed my signature and official seal.

Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 75-24 - Pg. 1

Parcel #2  
15001936DE-02  
2.5809 AC  
112,423 SQ. FT.

FIDELITY NATIONAL TITLE  
COMPANY, LLC  
5340 MEADOW LANE  
SHEFFIELD VILLAGE, OH 44054

Situated in the City of Avon, County of Lorain and the State of Ohio and known as being part of Original Avon Township Section Number 22 and being further bounded and described as follows:

Commencing at the centerline intersection of Detroit Road (S.R. 254), 66 feet wide and Jaycox Road 60 feet wide, being referenced by a mag nail set. Thence South 78°16'36" East, along said centerline of Detroit Road, a distance of 428.23 feet to a mag nail set, said point being the Principal Place of Beginning;

Course 1: Thence North 00°39'24" East along the easterly line of a parcel of land now or formerly owned by Mark T. Wasilko and Gregg M. Wasilko, Trustees, as recorded in Instrument Number 2001-0764456 of the Lorain County Deed Records, a distance of 492.41 feet to an iron pin set, and passing through an iron pin set on a northerly line of said Detroit Road a distance of 33.62 feet;

Course 2: Thence along a new division line, South 89°20'14" East, a distance of 218.91 feet to a 1/4 inch iron pin found (S 0.45, E 0.27) at the northwesterly corner of a parcel of land now or formerly owned by Richard E. and Kathleen J. Herbst, Trustees, as recorded in Instrument Number 1992-0202038 of the Lorain County Deed Records;

Course 3: Thence South 00°23'37" West along the westerly line of said Herbst land, a distance of 522.25 feet to a mag nail set in the centerline of said Detroit Road and passing through an iron pin set on the northerly line of said Detroit Road a distance of 489.16 feet;

Course 4: Thence North 85°23'41" West along said centerline of Detroit Road, a distance of 106.39 feet to a mag nail set at an angle point thereon;

Course 5: Thence North 78°16'36" West, continuing along the said centerline of Detroit Road, a distance of 117.35 feet to the Principal Place of Beginning, containing a gross area of 2.5809 acres (112,423 Sq. Ft.) of land of which 0.1695 acres (7,382 Sq. Ft.) lies within the Right-Of-Way of Detroit Road (S.R. 254), leaving a net area of 2.4114 acres (105,041 Sq. Ft.) of land according to a survey by Alex Marks P.S. 8616 for Atwell, LLC., dated 02-06-2015, and being the same more or less and being subject to all legal highways and easements of record.

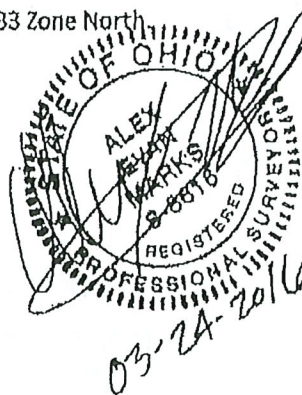
LORAIN COUNTY TAX MAP DEPT.  
P.E. No. 04-00-022-102-083

All iron pins set are "ATWELL" capped 5/8" rebar 30" long.

Basis of Bearings is the Ohio State Plane Coordinate System NAD83 Zone North

☒ APPROVED / ☐ REJECTED  
BY THE CITY ENGINEER OF AVON, OHIO  
RYAN E. CUMMINS, P.E., CPESC

THIS APPROVAL IS FOR GENERAL PLAN & SCOPE ONLY AND DOES NOT RELIEVE THE AUTHORS OF THE DOCUMENTS FROM PROFESSIONAL RESPONSIBILITY FOR ACCURACY OF DESIGN, CONFORMITY TO APPLICABLE ORDINANCES AND ERRORS OR OMISSIONS



CHAIRPERSON  
SECRETARY

APPROVED  
PLANNING COMMISSION  
DATE 5.2.16  
AVON, OHIO

