

RESOLUTION NO.: 2 -2012
INTRODUCED BY: Alexander

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO AN APPLICATION TO EXPAND A NON-CONFORMING USE, AN INTERNET SWEEPSTAKES CAFE, AT 5164 WILSON MILLS ROAD.

WHEREAS, Cyber World Entertainment, for property located at 5164 Wilson Mills Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 791) requesting to expand a nonconforming use, an internet sweepstakes cafe, in order to expand the business into the store front space next to the existing Cyber World Entertainment establishment so as to double the size of the current business, the expansion of which is governed by Zoning Code Section 1181.05(a); and

WHEREAS, the Zoning Board of Appeals recommended at its December 7, 2011 regular meeting that the proposed expansion of the business be granted but inadvertently termed the recommendation as being the granting of a variance rather than the expansion of a nonconforming use as provided by the Zoning Code; however, the reasons for the recommended expansion are set forth in the minutes of the Board's public hearing for Case No. 791; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its January 3, 2012 meeting that the expansion of this nonconforming use be granted;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The action of the Zoning Board of Appeals of the City in recommending the expansion of the nonconforming internet sweepstakes cafe use at 5164 Wilson Mills Road as proposed to the Zoning Board of Appeals and as set forth in the reasons in the December 7, 2011 minutes of said Board be, and the same is hereby, confirmed. This Council finds that the proposed expansion meets the conditional use standards for internet sweepstakes cafes set forth in the Zoning Code and is a reasonable expansion due to this specific location in the City.

Section 2: The Clerk is instructed to mail a copy of this Resolution to the applicant.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council