

RESOLUTION NO.: 16 -2012  
INTRODUCED BY: Alexander

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING  
BOARD OF APPEALS WITH RESPECT TO THE GRANT OF  
VARIANCES FROM REQUIRED SETBACKS OF A PARKING LOT  
AND BUILDING FOR A CONDITIONAL USE.**

WHEREAS, Andrew and Angelo Finamore, for property located at 26915 Chardon Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 792) requesting two variances from the required setbacks for a banquet and restaurant use in an existing building with an existing parking lot that is a conditional use in that zoning district as follows:

A variance from Zoning Code § 1169.08(a)(2) and (b)(2) to vary the required setbacks of a building and parking lot to be used for a banquet facility and a restaurant which are conditionally-permitted uses from the required fifty-foot setback from a residentially-zoned district to the rear of the property so as to permit the building and parking lot to be 45 feet from the residential district ; and

WHEREAS, pursuant to Section 1185.05 of Ordinance No. 72-72, the Planning and Zoning Ordinance of the City, the Zoning Board of Appeals recommended to Council the granting of the variances based upon the reasons set forth in the Minutes of the Board's public hearing for Case No. 792; and

WHEREAS, the Planning and Zoning Committee of this Council reviewed the circumstances related to the two requested variances at its regular meeting on February 7, 2012, and recommended to the entire Council the granting of the variances from the setback requirements.

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 granting of the variance to the applicants, at 26915 Chardon Road, to permit the proposed conditional use of said property for a banquet facility and restaurant use with a building and parking lot located 45 feet from the rear property line adjacent to a residential zoning district when a 50-foot setback is required for both, and which is based upon the reasons set forth in the January 4, 2012 Minutes of said Board be, and the same is hereby, confirmed. This Council finds that the recommendation of the Zoning Board of Appeals is supported by reliable, substantial and probative evidence, that there exists a practical difficulty which outweighs the limitations set forth in the Zoning Code, and the granting of the variances is not contrary to the purpose and intent of the Zoning Code.

Section 2. The Clerk of Council is hereby instructed to mail a copy of this Resolution to the applicants.

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: \_\_\_\_\_

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Daniel J. Ursu, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Betsy Traben  
Clerk of Council

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David H. Roche  
President of Council