

RESOLUTION NO.: 31 -2012
INTRODUCED BY: Alexander

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING
BOARD OF APPEALS WITH RESPECT TO VARIANCES FOR A WALL
TO BE REPLACED AT 691 WILSON MILLS ROAD.**

WHEREAS, the Cleveland Electric Illuminating Company, for property located at 691 Wilson Mills Road, City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 795) requesting variances from Codified Ordinance Sections 1313.02(a) and 1313.06 to permit the construction of an accessory privacy fence/wall at a height of 9 feet, instead of the permitted maximum height of 6 feet, and to permit barbed wire at the top of the fence/wall when barbed wire is not permitted by the Code; and

WHEREAS, pursuant to Section 1187.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variances as set forth in the Minutes of the Board's public hearing for Case No. 795; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its May 1, 2012 meeting that the variances 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 granting of the variances requested by the applicant, Cleveland Electric Illuminating Company, from Codified Ordinance Sections 1313.02(a) and 1313.06 to permit construction of a privacy fence/wall of 9 feet in height which varies from the maximum permitted height of 6 feet and to permit three strands of barbed wire on the fence/wall when barbed wire is not permitted by the Code, as set forth in the materials submitted to the Zoning Board of Appeals, be, and the same is hereby, confirmed. Council finds that a practical difficulty exists which outweighs the limitations set forth in the Codified Ordinances and the granting of the variances is not contrary to public purpose and intent of the Codified Ordinances.

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