

RESOLUTION NO.: 81 -2012  
INTRODUCED BY: Alexander

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO A THE DENIAL OF VARIANCE REQUESTS AT 160 RICHMOND ROAD.**

WHEREAS, Myrle Weems, for property located at 160 Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 800) requesting variances from Zoning Code Section 1135.04(c)(2)(A) and (B) to permit the construction of a greenhouse which is proposed to exceed the maximum height and floor area requirements for accessory structures; and

WHEREAS, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council deny the variances as set forth in the minutes of the Board's public hearing for Case No. 800; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its October 2, 2012 meeting that the requested variances be denied;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The actions of the Zoning Board of Appeals of the City in recommending the denial of the variances requested by the applicant, Myrle Weems, from Codified Ordinance Section 1135.04(c)(2)(A) and (B) to permit the construction of an accessory structure, a greenhouse, as set forth in the materials submitted to the Zoning Board of Appeals, and based upon the reasons set forth in the September 5, 2012 minutes of said Board, be, and the same are hereby, confirmed. This Council finds that the recommendation of the Zoning Board of Appeals is supported by reliable, substantial and probative evidence and that the applicant failed to establish a practical difficulty that would outweigh the limitations set forth in the Zoning Code and that the granting of the variances would be contrary to the public purpose and intent of the Zoning Code.

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 be in 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