

RESOLUTION NO.: 100-2012  
INTRODUCED BY: Alexander

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS TO DENY THE REQUEST FOR A VARIANCE TO CONSTRUCT A SECOND ACCESSORY BUILDING AT 400 HARRIS ROAD.**

WHEREAS, Dwight Elliot, for property located at 400 Harris Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 802) requesting a variance from the accessory building regulations governing Single-Family Residential Districts to permit a second accessory building, a 12 ft. x 16 ft. shed, in contravention of the prohibition thereof in Zoning Code Section 1135.04(c)(3); and

WHEREAS, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council deny the requested variance based upon the reasons set forth in the minutes of the Board's public hearing for Case No. 802; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its meeting on December 4, 2012 that the variance not 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 denial of the requested variance to the applicant, Dwight Elliot, from Codified Ordinance Section 1135.04(c)(3) to permit the construction of a second accessory building, a 12 ft. x 16 ft. shed, at 400 Harris Road, and which is based upon the reasons set forth in the November 7, 2012 minutes of said Board be, and the same is hereby, confirmed. Council finds that there does not exist a practical difficulty which outweighs the limitations set forth in the Zoning Code and the granting of the variance is contrary to the purpose and intent of the Zoning Code.

Section 2: The Clerk is hereby 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: \_\_\_\_\_

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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