

RESOLUTION NO.: 46 -2011  
INTRODUCED BY: O'Toole

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD  
OF APPEALS WITH RESPECT TO A VARIANCE FOR AN ACCESSORY  
STRUCTURE AT 380 BALMORAL DRIVE.

WHEREAS, Alphonza Palmer, for property located at 380 Balmoral Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 781) requesting a variance from Zoning Code Section 1135.04(c)(2)(C) to permit the construction of an accessory shed upon the subject property; and

WHEREAS, pursuant to Section 1135.04(c)(2)(C), the Zoning Board of Appeals recommended at its May 3, 2011 regular meeting that the variance be granted to permit the subject lot which is larger than 15,000 square feet to have an accessory structure that exceeds 1% of the lot area or 180 square feet; the applicant is proposing to construct a 240 square foot building on the property, all as set forth in the Minutes of the Board's public hearing for Case No. 781; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its June 14, 2011 meeting that the variance 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 variance requested by the applicant, Alphonza Palmer, to Codified Ordinance Section 1135.04(c)(2)(C) to permit the maximum floor area of the proposed accessory structure to exceed the permitted square footage so as to permit a 240-square foot accessory building at 380 Balmoral Drive, as set forth in the materials submitted to the Zoning Board of Appeals, and based upon the reasons set forth in the May 3, 2011 Minutes of said Board, be, and the same is hereby, confirmed. Council finds there exists a practical difficulty which outweighs the limitations set forth in the Zoning Code and the granting of the variance is not contrary to 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: \_\_\_\_\_  
Daniel J. Ursu, Mayor

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

ATTEST: \_\_\_\_\_  
Betsy Traben  
Clerk of Council  
David H. Roche  
President of Council