

RESOLUTION NO.: 14 -2010  
INTRODUCED BY: O'Toole

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO A VARIANCE FOR CONSTRUCTION OF A DETACHED GARAGE AT 160 BRUSH ROAD.**

WHEREAS, James Porter, for property located at 160 Brush Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case Number 771) requesting a variance from Zoning Board Section 1135.04(c)(1) and (3) to permit construction of a detached three-car garage on the property; and

WHEREAS, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variance as set forth in the minutes of the Board's public hearing for Case Number 771; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its March 2, 2010 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, James Porter, from Codified Ordinance Section 1135.04(c)(1) and (3) to permit construction of a detached three-car garage on the property at 160 Brush Road, as set forth in the materials and plans submitted to the Zoning Board of Appeals and based upon the reasons set forth in the February 3, 2010 minutes of said Board be, and the same is hereby, confirmed with the condition that the applicant complete the consolidation of the lot on which the subject garage will be located with the applicant's adjoining lot, as approved by this Council pursuant to Resolution No. 2-2010 on January 12, 2010. 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 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

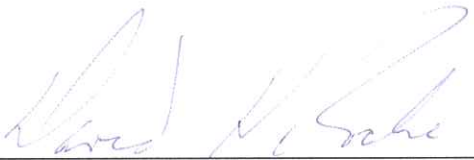
meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 9, 2010   
Daniel J. Ursu, Mayor

APPROVED: March 9, 2010

ATTEST: Betsy Traben  
Betsy Traben  
Clerk of Council

  
David H. Roche  
President of Council