

RESOLUTION NO.: 38-2010
INTRODUCED BY: O'Toole

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO VARIANCES FOR A GARAGE AT 400 HARRIS ROAD.

WHEREAS, Dwight Q. 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. 774) requesting variances from Zoning Code Sections 1135.04(c)(1) and 1173.05(k) to permit the construction of a detached garage upon the property; and

WHEREAS, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variances to the maximum floor area and height requirements and the side yard setback requirements of the Code, as set forth in the minutes of the Board's public hearing for Case No. 774; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its June 8, 2010 meeting that the variances be granted with conditions;

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, Dwight Q. Elliot, to Codified Ordinance Sections 1135.04(c)(1) and 1173.05(k) to permit the maximum floor area of the proposed detached garage to be 30 feet x 40 feet rather than the maximum floor area permitted of 24 feet x 36 feet, to permit the accessory garage to be up to 18 feet in height rather than the required maximum 15 feet, and to permit a reduction of the side yard setback requirement from 10 feet to 7 feet 4 inches for the property at 400 Harris Road, as set forth in the materials submitted to the Zoning Board of Appeals; and based upon the reasons set forth in the May 5, 2010 minutes of said Board, be, and the same is hereby, confirmed with the conditions that the existing two-car detached garage on the subject property be removed prior to or immediately upon completion of the construction of the garage which is the subject of these variance requests and that any recreational vehicles located at the subject property be placed in the garage which is the subject of the variance at all times, and this confirmation of the variances is subject to approval of the roof of the proposed garage by the City's Architectural Review Board. Council finds there exists a practical difficulty which

outweighs the limitations set forth in the Zoning Code and with the aforesaid conditions, the granting of the variances 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