

RESOLUTION NO.: 50 -2015  
INTRODUCED BY: Alexander

A RESOLUTION CONFIRMING THE ACTION OF ZONING BOARD OF APPEALS WITH RESPECT TO A VARIANCE FOR A SETBACK FOR A NEW MARATHON STATION AT 456 RICHMOND ROAD.

WHEREAS, the Richmond Height Marathon Gas Station, for the property located at 456 Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals requesting a variance from the Zoning Code which requires a building to be setback from the right-of way 90 feet; and

WHEREAS, pursuant to Section 1185.05 of the Zoning Code, the Planning and Zoning Ordinance of the City, the Zoning Board of Appeals recommended to Council the granting of the aforesaid variance based upon the reasons set forth in the minutes of the Board's public hearing.

WHEREAS, the Planning and Zoning Committee of this Council has reviewed the Zoning Board of Appeals recommendation and has recommended to the entire Council the granting of the variance;

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 for the Richmond Heights Marathon Station, located at 456 Richmond Road, to permit the construction of a building that will decrease the minimum setback of the building from the public right-of-way from the required 90 feet, to 50 feet, as set forth in Section 1165.03(a)(2) of the Zoning Code, and which action is based upon the reasons set forth in the May 20, 2014 minutes of said Board be, and the same is hereby, confirmed. This Council finds the recommendation of the Zoning Board of Appeals is supported by reliable, substantial and probative evidence, 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 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: \_\_\_\_\_

David H. Roche, Mayor

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

ATTEST: \_\_\_\_\_

Betsy Traben  
Clerk of Council

Eloise Cotton Henry  
President of Council