

RESOLUTION NO.: 111-2018
INTRODUCED BY: Alexander

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS REGARDING THE DENIAL OF VARIANCES AT 160 RICHMOND ROAD FOR A GRAVEL DRIVEWAY.

WHEREAS, Myrle Weems, for property located at 160 Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 828) requesting two variances from Zoning Code Section 1175.13: (1) a variance from Section 1173.13(c)(3)(D) which requires the materials of the additional width of a driveway to match the materials of the existing driveway; and (2) a variance from Section 1173.13(d) which requires driveways to be constructed of concrete or a similar hard surface, as approved by the City Engineer; and

WHEREAS, Mr. Weems desires to construct a substantial extension of his existing hard surface driveway using #3 washed gravel instead of a hard surface; and

WHEREAS, the Zoning Board of Appeals recommended at its August 15, 2018 regular meeting that the variances be denied for the reasons set forth in the minutes of the Board's public hearing for Case No. 828; and

WHEREAS, after a thorough review of the facts in Case No. 828, the Planning and Zoning Committee of this Council recommended at its meeting on October 2, 2018 that the variances be denied.

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The actions of the Zoning Board of Appeals of the City in recommending the denial of the variances requested by the applicant, Myrle Weems, at 160 Richmond Road, to Codified Ordinance Section 1175.13(c)(3)(D) and (d) to permit a gravel driveway, based upon the reasons set forth in the August 15, 2018 minutes of said Board, is confirmed. In addition to this Council's acceptance of the Board's reasons for denial, Council also finds there does not exist a practical difficulty which outweighs the limitations set forth in the Zoning Code and the granting of the variance would be contrary to the public purpose and intent of the Zoning Code because the applicant created his own practical difficulty and hardship by constructing the gravel driveway without a permit, the fact that even if properly paved it would not meet Zoning Code's driveway width limitations, and the gravel surface is not a concrete or similar hard surface that can be approved by the City Engineer.

Section 2: The Clerk is instructed to cause a copy of this Resolution to be delivered to the applicant and a record kept of its receipt by 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.

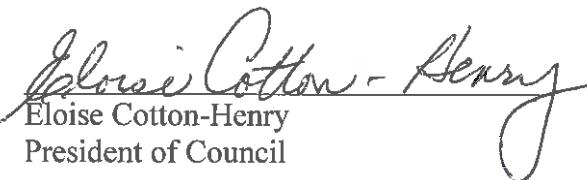
PASSED: October 23, 2018



David H. Roche, Mayor

APPROVED: October 23, 2018

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council



Eloise Cotton-Henry
President of Council