

RESOLUTION NO.: 157-2022
INTRODUCED BY: Jordan

**A RESOLUTION CONFIRMING THE RECOMMENDATION OF
THE ZONING BOARD OF APPEALS WITH RESPECT TO ITS
GRANT OF A USE VARIANCE APPLICATION AT 25618
HIGHLAND ROAD.**

Whereas, for property located at 5618 Highland Road (PPN 662-07-012) (the "Property") in the City of Richmond Heights, Rasheed Warith, the owner (the "Applicant"), filed an application with the City's Zoning Board of Appeals (Case No. 849) requesting a use variance from the permitted uses in Codified Ordinance Section 1135.02, "Permitted Uses", for the R-1 Single-Family Residential District in which the Property is located;

Whereas, the Applicant's application requested a variance to the use regulations of Zoning Code Section 1135.02 in order to permit the use of the Property as a two-family residential dwelling in a R-1 Single-Family Residential District, which is not permitted in that District;

Whereas, pursuant to Sections 1185.06 and 1185.07 of the City's Zoning Code, at its regular meeting on October 5, 2022, the Zoning Board of Appeals ("ZBA") recommended that Council grant the requested use variance and adopted conclusions of fact to support the granting of a use variance;

Whereas, at its public meetings on November 1 and December 6, 2022, the Planning and Zoning Committee of Council reviewed the Zoning Board of Appeals recommendation in ZBA Case No. 849 and recommended to this Council that the ZBA's recommended decision be reversed by the Council so as to deny the requested use variance.

Whereas, at its meeting on December 13, 2022, this Council's Committee of the Whole passed a motion to request the Director of Law to prepare a resolution of Council to confirm the subject variance for consideration at Council's regular meeting on December 20, 2022;

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 in recommending the grant of the use variance requested by the Applicant, Rasheed Warith, from the permitted uses of Codified Ordinance Section 1135.02 for a two-family residential dwelling use at

the Property is hereby confirmed and the Applicant's use variance application is, therefore, granted.

Section 2: This Council finds that based upon the record before the Zoning Board of Appeals and the evidence presented to this Council's Planning and Zoning Committee and Council's Committee of the Whole, the recommendation of the ZBA to grant the requested variance and the ZBA's findings are supported by the evidence because the evidence before this Council supports the standards for an "undue hardship" applicable to the Applicant's use variance application under Codified Ordinance Section 1185.06. The complete record of the proceedings before the Zoning Board of Appeals, the Planning and Zoning Committee of this Council, and the Council's Committee of the Whole are incorporated by reference herein.

Section 3: This Council also finds that although there is no evidence in the record of this case that the subject home was used as a two-family home as a legal nonconforming use prior to the City's Zoning Code regulation permitting only single-family homes in the zoning district in which the subject home is located, the home was used as a single-family home for a lengthy period of time dating back to the 1970's and until recently and without significant interference with the use and enjoyment of neighboring properties.

Section 4: The Clerk is instructed to mail a copy of this Resolution to the Applicant.

Section 5: 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 6: This Resolution shall take effect and be in force from and after the earliest period allowed by law and upon the signature of the Mayor.

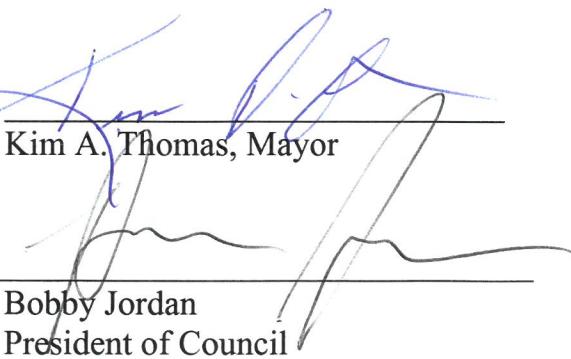
PASSED: January 10, 2023

APPROVED: January 10, 2023

ATTEST: Betsy Traben

Betsy Traben
Clerk of Council


Kim A. Thomas, Mayor


Bobby Jordan
President of Council