

RESOLUTION NO: 20-2007
INTRODUCED BY Morgan

A RESOLUTION REVERSING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO THE REQUEST FOR A VARIANCE TO THE SIDE YARD SETBACK REQUIREMENT FOR A SINGLE-FAMILY HOME ADDITION AT 25409 HIGHLAND ROAD AND GRANTING A LESSER VARIANCE THAN REQUESTED BY THE APPLICANT.

WHEREAS, Joe Phillips, for property located at 25409 Highland Road in the City of Richmond Heights, Ohio, filed an application with the Zoning Board of Appeals (Case No. 747) requesting a variance to Section 1173.05(k) to permit a reduction in the required side yard setback from 9 feet to 1 foot; and

WHEREAS, pursuant to Section 1185.06 of the Planning and Zoning Code, the Zoning Board of Appeals at its February 7, 2007 regular meeting recommended that this Council deny the variance request based upon the reasons set forth in the Minutes of the Board; and

WHEREAS, this matter was heard by the Planning and Zoning Committee of City Council at its regular meeting on March 6, 2007, at which time evidence and arguments were made by the applicant and by the City administration with respect to the variance request, and it was agreed by the applicant to reduce his variance request to have a side yard setback of 1 foot and to increase it to a side yard setback of 5 feet, thereby requiring the granting of a variance of 4 feet from the required setback of 9 feet; and

WHEREAS, it is the recommendation of the Planning and Zoning Committee of Council that the action of the Zoning Board of Appeals be reversed and a variance be granted to the required side yard setback for a 4-foot variance, thereby leaving a 5-foot side yard setback for the proposed addition to the single-family home on the subject property, based upon the circumstances unique to this particular property;

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 denial of the variance requested by Joe Phillips from Codified Ordinance Section 1173.05(k) in order to construct an addition to the single-family home at 25409 Highland Road one foot from the westerly side yard property line be, and the same is hereby, reversed.

Section 2: This Council grants a variance of 4 feet from the required 9 foot side yard setback for the construction of an addition to the single-family home at 25409 Highland Road so as to create a side yard setback from said addition of 5 feet, which variance is based upon the demonstration of a practical difficulty by the applicant before the Planning and Zoning Committee of Council, as well as the Zoning Board of Appeals.

Section 3: The Clerk is hereby instructed to mail a copy of this Resolution to the applicant.

Section 4: 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 5: This Resolution shall take 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