

RESOLUTION NO.: 69-2007  
INTRODUCED BY: Morgan

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING  
BOARD OF APPEALS RELATED TO A RESIDENTIAL GARAGE AT  
26810 HUCKLEBERRY DRIVE.**

WHEREAS, William Carrick, for property located at 26810 Huckleberry Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 750) requesting variances from Zoning Code Sections 1135.04(c)(1) and 1173.03(k) which permit only three (3) total garage spaces on a lot in a single-family residential zoning district and the applicant is requesting to build a new two-car detached garage on the property in addition to his existing two-car garage that is part of his home on the property, and the applicant is proposing to build the new detached garage four (4) feet from the west property line instead of the required setback of ten (10) feet; 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 garage space limitation and the setback requirement as set forth in the minutes of the Board's public hearing for Case No. 750; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its July 10, 2007 meeting that the requested variances be granted with condition and based upon the plan submitted to the Zoning Board of Appeals and upon the minutes of said Board;

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 requested variances to the applicant, William Carrick, from Codified Ordinance Sections 1135.04(c)(1) and 1173.03(k) to permit the construction of a two-car detached garage at 26810 Huckleberry Drive, which garage may be four (4) feet from the west property line instead of the required ten (10) feet, as set forth on the plan submitted to the Board, and based upon the reasons set forth in the June 6, 2007 minutes of said Board be, and the same is hereby, confirmed. The approval of the aforesaid variances is conditioned upon the use of the subject garage being for personal vehicles and not for any commercial use or as habitable living area.

Section 2: This Council finds there exists a partial difficulty which outweighs the limitation set forth in the Zoning Code and the granting of the requested variance with the condition is not contrary to the public purpose and intent of the Code.

Section 3: The Clerk is 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:\_\_\_\_\_

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Daniel J. Ursu, Mayor

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

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

Betsy Traben  
Clerk of Council

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David H. Roche  
President of Council