

RESOLUTION NO.: 70-2007
INTRODUCED BY: Morgan

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS GRANTING VARIANCES FOR THE RECONSTRUCTION OF A RESTAURANT AT 820 RICHMOND ROAD.

WHEREAS, Cipriani Properties, represented by its lessee, Western Reserve Restaurant Management, Inc., for property located at 820 Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 751) requesting variances from the Zoning Code in order to permit the reconstruction of a new Wendy's Restaurant at said location which variances are:

- (1) A variance from Section 1173.04 to permit a front yard setback of 60.7 feet instead of the required 75-foot setback;
- (2) A variance from Section 1173.05(i) to permit a rear yard setback of 42 feet instead of the required 50 feet;
- (3) A variance from Section 1175.05(c) to have 37 parking spaces instead of the required 39 spaces for this business use and a variance from Section 1175.07(a)(1) for the parking spaces to be 9 feet in width instead of the required 9 feet 6 inch-width; and
- (4) A variance from Section 1177.02(a) to forego the construction of a required solid masonry wall between the open off-street parking areas on the site and the adjacent properties zoned as single-family residential and to substitute a six-foot high board-on-board fence on the west side of the site;

WHEREAS, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variances as set forth above and as set forth in the minutes of the Board's public hearing for Case No. 751; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its July 10, 2007 meeting that the requested variances be granted with a condition based upon the reasons set forth in the minutes of the Zoning Board of Appeals meeting on June 6, 2007 and upon the plans submitted to the Zoning Board of Appeals and to said Committee;

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 granting of the requested variances to the applicant, Cipriani Properties, from Codified Ordinance Sections 1173.04, 1173.05(i), 1175.07(a)(1), 1175.05(c) and 1177.02(a) to permit the reconstruction of a restaurant at 820 Richmond Road, as set forth in the plans submitted to the Board and to this Council's Planning and Zoning Committee, and based upon the reasons set

forth in the June 6, 2007 minutes of said Board be, and the same is hereby, confirmed with the condition that a six-foot high board-on-board fence be constructed on the west side of the site.

Section 2: This Council finds there exists a practical difficulty which outweighs the limitations set forth in the Zoning Code and the granting of the requested variances are not contrary to the public purpose and intent of the Code and are necessary and appropriate in order to completely reconstruct the restaurant building on the subject property which was damaged by fire.

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: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council