

RESOLUTION NO.: 110 -2007
INTRODUCED BY: Morgan

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD
OF APPEALS WITH RESPECT TO THE REQUEST FOR A VARIANCE TO
CONSTRUCT A FENCE AT 25819 CHARDON ROAD.**

WHEREAS, Larry Usatamwen, for property located at 25819 Chardon Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 753) requesting variances from Codified Ordinance Section 1313.02(a) and (b) to permit construction of a 6-foot high board-on-board fence in the front yard on said property; and

WHEREAS, pursuant to Section 1185.07 of the Codified Ordinances, the Zoning Board of Appeals recommended that Council grant the requested variance based on the reasons set forth in the minutes for Case No. 753;

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 request for a variance to Larry Usatamwen for property located at 25819 Chardon Road from Codified Ordinance Section 1313.02(a) and (b) to permit construction of a 6-foot high board-on-board fence in the front yard in the location on said property as presented to the Zoning Board of Appeals and which is based upon the reasons set forth in the September 5, 2007 minutes of said Board be, and the same is hereby, confirmed with the conditions as recommended by the Board as follows:

- (a) the fence be a 6-foot high board-on-board fence;
- (b) the setback of the fence be at least the same as the sign setback requirements for that Zoning District; and
- (c) the fence not be constructed closer than 10 feet from the public street right-of-way.

Section 2: Council finds there exists a practical difficulty which outweighs the limitations set forth in the Building Code and that the granting of the variances is not contrary to the purpose and intent of the Building Code.

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