

RESOLUTION NO.: 126 -2007
INTRODUCED BY: Morgan

**RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD
OF APPEALS WITH RESPECT TO A SETBACK VARIANCE FOR AN
ACCESSORY STRUCTURE AT 346 BALMORAL DRIVE.**

Whereas, Carl J. Carter, for property located at 346 Balmoral Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 754) requesting a variance from the required side yard setback of six feet to permit the construction of a detached storage structure one foot from the side property line; and

Whereas, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant a variance to the setback requirement for the proposed structure to be three feet from the side property line as set forth in the minutes of the Board's public hearing for Case Number 754; and

Whereas, the applicant has agreed with the Board's recommendation; and

Whereas, the Planning and Zoning Committee of this Council recommended at its November 6, 2007 meeting that the setback variance as recommended by the Zoning Board of Appeals be granted;

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 variance to the applicant, Carl J. Carter, from Codified Ordinance Section 1173.05 to permit the construction of a detached storage structure three feet from the side property line, based upon the reasons set forth in the October 3, 2007 Minutes of said Board, be, and the same is hereby confirmed. Council finds that there exists a practical difficulty which outweighs the limitations set forth in the Zoning Code and the granting of the variance is not contrary to the public purpose and intent of the Zoning Code.

Section 2: The Clerk is hereby instructed to mail a copy of this Resolution to the applicant.

Section 3: 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 full compliance with all legal requirements, including those set forth in Section 121.22 of the Ohio Revised Code.

Section 4: 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