

RESOLUTION NO.: 71-2008
INTRODUCED BY: Morgan

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO VARIANCES FOR A FENCE AT 1 MERIT DRIVE.

WHEREAS, Merit Brass Co., for property located at 1 Merit Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 760) requesting variances from the fence style and height limitation for privacy fences to permit a 12-foot high solid, wooden privacy fence at that location; the requirements of Building Code Sections 1313.01(a) and 1313.02(a) do not permit a solid fence and there is a height limitation of six 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 fence style and height requirements as set forth in the minutes of the Board's public hearing for Case No. 760; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its September 2, 2008 meeting that the variances 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 requested variances of the applicant, Merit Brass Co., from Codified Ordinance Sections 1313.01(a) and 1313.02(a) to permit a solid, wooden privacy fence 12 feet in height at 1 Merit Drive, as set forth on the plan submitted to the Zoning Board of Appeals, and based upon the reasons set forth in the August 6, 2008 minutes of said Board be, and the same is hereby, confirmed. Council finds there exists a practical difficulty which outweighs the limitations set forth in the Building Code and the granting of the variances is not contrary to the public purpose and intent of the 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 compliance with all legal requirements, including 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