

RESOLUTION NO.: 86-2008
INTRODUCED BY: Morgan

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO THE VARIANCE REQUEST OF NAPOLI ENTERPRISES FOR A WALL SIGN AT 5115 WILSON MILLS ROAD.

WHEREAS, Napoli Enterprises for property located at 5115 Wilson Mills Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 761) requesting variances from Codified Ordinance Section 1179.05(b)(3) to permit a second wall sign on the north wall of the building at said location and to increase the allowed square footage of the sign from 24.5 square feet to 30 square feet; and

WHEREAS, pursuant to Section 1185.06 of Ordinance No. 72-72, the Planning and Zoning Ordinance of the City, the Zoning Board of Appeals at its September 3, 2008 regular meeting recommended that this Council approve the requested variances; and

WHEREAS, it is the recommendation of the Planning and Zoning Committee of Council that the action of the Zoning Board of Appeals be confirmed and the variance requests be granted, based upon both the record before the Zoning Board of Appeals and the record before said Committee;

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 in recommending the approval of the variances requested by Napoli Enterprises from Codified Ordinance Section 1179.05(b)(3) in order to have a second wall sign on the north elevation of the building and for the sign to exceed the maximum allowed square footage by five and one-half square feet at 5115 Wilson Mills Road in the City of Richmond Heights, be, and the same is hereby, confirmed with the condition that the sign be located and be as specified in the plans presented to the Planning and Zoning Committee of Council.

Section 2: This Council finds that based upon the record before the Zoning Board of Appeals, the evidence and arguments presented by Napoli Enterprises' representative to this Council's Planning and Zoning Committee and the Zoning Board of Appeals, the action of the Zoning Board of Appeals to recommend the requested variances is supported by reliable, substantial and probative evidence on the whole record.

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