

RESOLUTION NO.: 23-2009
INTRODUCED BY: Morgan

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING
BOARD OF APPEALS WITH RESPECT TO A VARIANCE FOR AN
ACCESSORY STRUCTURE AT 26810 HUCKLEBERRY DRIVE.**

WHEREAS, William Carrick, for property located at 26810 Huckleberry Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 763) requesting a variance from Zoning Code Section 1135.04(c)(3) to permit the construction of a second detached accessory structure upon the property; and

WHEREAS, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variance to the setback requirement as set forth in the minutes of the Board's public hearing for Case No. 763; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its April 7, 2009 meeting that the variance be granted;

NOW, THEREFORE, be it resolved by the Council, 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 requested by the applicant, William Carrick, from Codified Ordinance Section 1135.04(c)(3) to permit a second detached accessory structure upon the property at 26810 Huckleberry Drive, as set forth in the materials submitted to the Zoning Board of Appeals, and based upon the reasons set forth in the April 1, 2009 minutes of said Board be, the same is hereby, confirmed. Council finds 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 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: _____

David H. Roche
President of Council

ATTEST: _____

Betsy Traben
Clerk of Council