

RESOLUTION NO.: 33 -2009  
INTRODUCED BY: Morgan

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING  
BOARD OF APPEALS WITH RESPECT TO A VARIANCE FOR A  
FENCE AT 4841 MONTICELLO BOULEVARD.

WHEREAS, Michael Rotman, for property located at 4841 Monticello Boulevard in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 764) requesting variances from the fence style and height limitation for privacy fences to permit a 4-foot high board-on-board, wooden privacy fence to be partially located in the front yard at that location; the requirements of Building Code Section 1313.02(a) and (b)(1) do not permit a privacy fence, such as a board-on-board fence, to be in a front yard or a fence in the front yard to exceed three feet in height; 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. 764; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its June 9, 2009 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, Michael Rotman, from Codified Ordinance Section 1313.02(a) and (b)(1) to permit a wooden privacy fence 4 feet in height to protrude into the front yard at 4841 Monticello Boulevard, as set forth on the plan presented to the Zoning Board of Appeals, and based upon the reasons set forth in the June 3, 2009 minutes of said Board be, and the same are hereby, confirmed with the condition the fence be either a shadow box fence or a solid board fence with a one-inch separation between boards. Council finds there exists a practical difficulty which outweighs the limitations set forth in the Building Code and the granting of the variances are 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:\_\_\_\_\_

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Daniel J. Ursu, Mayor

APPROVED:\_\_\_\_\_

ATTEST:\_\_\_\_\_

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Betsy Traben  
Clerk of Council

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David H. Roche  
President of Council