

RESOLUTION NO.: 1 -2012 (As Amended 2/28/12)
INTRODUCED BY: Alexander

A RESOLUTION CONFIRMING AND MODIFYING THE ACTIONS OF THE
ZONING BOARD OF APPEALS WITH RESPECT TO VARIANCE
REQUESTS FOR CONSTRUCTION OF AN ADDITIONAL ACCESSORY
BUILDING AT 25409 HIGHLAND ROAD.

WHEREAS, Joseph W. Philips, for property located at 25409 Highland Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (“ZBA”), Case No. 790, requesting variances from the Zoning Code requirements at Sections 1135.02(h)(2) and (6) and 1135.04(c)(1) and (3) to permit the construction of a second accessory building on the property for the purpose of storing home-centered business-related vehicles and equipment ; and

WHEREAS, the Zoning Board of Appeals (“ZBA”) recommended at its December 7, 2011 regular meeting that certain of the requested variances be granted with the exception that one of the variance requests not be granted, the result of said recommendations being that there would be permitted to be more than one accessory building located on the property but the proposed accessory structure would not be permitted to have a floor area of 70 feet by 30 feet, as opposed to the maximum permitted size in the Zoning Code of 24 feet by 36 feet, all as set forth in the minutes of the ZBA’s public hearing for Case No. 790; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its January 3, 2012 meeting that the recommendations of the ZBA be confirmed as to all of the requested variances but Council’s Committee-of-the-Whole reviewed the matter on January 10, 2012, and at that time the applicant requested the application be tabled to make revisions to his plans in order to reduce the extent of the requested variances; and

WHEREAS, the applicant has revised the plans for the subject accessory building which now propose to reduce the size of the footprint and lower the height of the proposed building that now requires less of a variance from the maximum permitted size and height of an accessory building -- i.e., the applicant has requested a variance from the maximum permitted size of 24 feet by 36 feet to construct a building that is 65 feet by 30 feet, instead of the originally proposed 70-foot by 30-foot accessory building and at a height of 21 feet instead of the maximum permitted height of 15 feet; and

WHEREAS, at its February 7, 2012 meeting, the Planning and Zoning Committee of Council reviewed the applicant’s revised plans and recommended all of the now requested variances be granted; and

WHEREAS, this Council has determined that the applicant should not be granted a variance from Codified Ordinance Section 1135.02 (h) (6) because it is not necessary for the building as now proposed since the Code requires that the exterior of the proposed building not appear to be used for any purpose other than a residential accessory use;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The actions of the ZBA in recommending the granting of the variances requested by the applicant, Joseph W. Philips, to Codified Ordinance Sections 1135.02(h)(2) and 1135.04(c)(3) be confirmed and that the recommendation of the ZBA that the variance requests from Codified Ordinance Section 1135.04(c)(1) not be granted but be modified to grant a variance from Codified Section 1135.04(c)(1) to the maximum size and height requirements only so as to permit a 65-foot x 30-foot second accessory building on the subject property that is 21 feet in height as set forth in the plans shown to this Council. Furthermore, this Council modifies the ZBA's recommendation to grant a variance to Codified Ordinance Section 1135.02 (h) (6) and finds that such a variance is not required for this proposed building for the reasons set forth in the preamble to this Resolution.

Section 2: Council finds there exists a practical difficulty which outweighs the limitations set forth in the Zoning Code and that supports the variances being granted herein and the granting of such variances would not be contrary to the public purpose and intent of the Zoning Code, provided the following conditions shall attach to the variances being granted:

(a) A paved (asphalt or concrete) driveway shall be installed that meets City requirements, that shall extend from Highland Road to the proposed accessory structure, and which shall be completed by October 1, 2012;

(b) There shall be no restroom or kitchen facilities in the proposed accessory building and it shall not be used for human habitation; and

(c) If the subject property is being used for a permitted home-centered business, the accessory structure which is the subject of the variances being granted shall be used for the storage of all vehicles, trailers, tools and equipment for the home-centered business and there shall be no outside storage of those vehicles and items.

Section 3: The Clerk is 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 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