

RESOLUTION NO.: 23 -2012
INTRODUCED BY: Alexander

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO A HEIGHT VARIANCE FOR A BUILDING TO BE CONSTRUCTED AT 26701 CHARDON ROAD.

WHEREAS, M.A.C.E. Association, for property located at 26701 Chardon Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 793) requesting a variance from Zoning Code Section 1173.03 for a height variance for construction of a community center building that would permit the highest point of the building to be 33 feet 5 inches in height; 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 height requirement of the Code with conditions, as set forth in the minutes of the Board's public hearing for Case No. 793; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its April 3, 2012 meeting that the variance with the recommended conditions 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 variance requested by the applicant, M.A.C.E. Association, from Codified Ordinance Section 1173.03, to permit the construction of a community center building with the highest point of the building being 33 feet, 5 inches in height, as set forth in the plans submitted to the Zoning Board of Appeals and based upon the reasons set forth in the March 7, 2012 minutes of said Board be, and the same is hereby confirmed, subject to the following condition:

A 20-foot wide buffer yard shall continually be maintained abutting the adjoining residentially-used property along the most northerly boundary of the subject property, which buffer yard shall be located from the northwest corner of the subject property at Brush Road and going easterly approximately 200 feet. Within the buffer yard, the owner shall maintain the currently-existing trees and vegetation but the owner may add additional landscape plantings to the buffer yard.

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: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council