

RESOLUTION NO.: 47 -2012  
INTRODUCED BY: Alexander

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO THE REQUEST FOR A VARIANCE TO CONSTRUCT A FENCE AT 354 BALMORAL DRIVE.

WHEREAS, James Talty, for property located at 354 Balmoral Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 797) requesting a variance from Codified Ordinance Section 1313.04 to permit construction of a 4-foot high fence in a required yard area on said property; and

WHEREAS, pursuant to Section 1185.07 of the Codified Ordinances, the Zoning Board of Appeals recommended that Council grant the requested variance based on the reasons set forth in the minutes for Case No. 797;

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 request for a variance to James Talty for property located at 354 Balmoral Drive from Codified Ordinance Section 1313.04 to permit construction of a 4-foot high fence in the front yard in the location on said property as presented to the Zoning Board of Appeals and which is based upon the reasons set forth in the June 6, 2012 minutes of said Board be, and the same is hereby, confirmed with the conditions that the fence be the style and construction as represented to the Board

Section 2: Council finds there exists a practical difficulty which outweighs the limitations set forth in the Building Code and that the granting of the variances is not contrary to the purpose and intent of the Building Code.

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: \_\_\_\_\_

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Daniel J. Ursu, Mayor

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

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

Betsy Traben  
Clerk of Council

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David H. Roche  
President of Council