

RESOLUTION NO.: 64 -2011  
INTRODUCED BY: O'Toole

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD  
OF APPEALS WITH RESPECT TO VARIANCES FOR AN ACCESSORY  
STRUCTURE AT 4929 GERALDINE AVENUE.

WHEREAS, Nathan Weintraub, for property located at 4929 Geraldine Avenue in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 785) requesting variances from Zoning Code Section 1173.05(k) to permit the construction of an accessory shed upon the subject property within the required side yard setback and setback from a dwelling; and

WHEREAS, the Zoning Board of Appeals recommended at its August 3, 2011 regular meeting that the variance be granted to permit the placement of an accessory shed two feet from the side yard property line and three feet from the dwelling on the property instead of the required 10-foot side yard setback and the required 20-foot setback from the dwelling on the property pursuant to Section 1173.05(k), all as set forth in the Minutes of the Board's public hearing for Case No. 785; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its September 6, 2011 meeting that the variance be granted with the condition that the Division of Fire approve the placement of the shed and the Division of Fire has approved the placement of shed pursuant to the variances as requested;

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 variances requested by the applicant, Nathan Weintraub, to Codified Ordinance Section 1173.05(k) to permit placement of the accessory structure at 4929 Geraldine Avenue, as set forth in the materials submitted to the Zoning Board of Appeals, and based upon the reasons set forth in the August 3, 2011 Minutes of said Board, be, and the same are hereby, confirmed. Council finds there exists a practical difficulty which outweighs the limitations set forth in the Zoning Code and the granting of the variances is not contrary to 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 be in 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