

RESOLUTION NO. 69-2010  
INTRODUCED BY: O'Toole

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO A VARIANCE OF THE FRONT YARD SETBACK REQUIREMENT FOR AN ATTACHED ACCESSORY STRUCTURE AT 4965 HORIZON DRIVE.

WHEREAS, David Hocevar, for property located at 4965 Horizon Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 776) requesting a variance from Zoning Code Section 1173.03 to permit the construction of an attached accessory garage that will not meet the front yard setback requirement; and

WHEREAS, pursuant to Section 1187.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variance to the setback requirement as set forth in the minutes of the Board's public hearing for Case No. 776; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its September 7, 2010 meeting that the variance 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 for the City in recommending the granting of the variance requested by the applicant, David Hocevar, from Codified Ordinance Section 1173.03 to permit construction of an attached accessory garage upon the property at 4965 Horizon Drive which varies from the 60-foot front yard setback requirement in the applicable zoning district so as to permit a 45.7-foot front yard setback of the proposed attached accessory garage, as set forth in the materials submitted to the Zoning Board of Appeals and based upon the reasons set forth in the August 4, 2010 minutes of said Board be, and the same is hereby, confirmed. 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  
{00944956 - 1}

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