

RESOLUTION NO.: 1 -2010  
INTRODUCED BY: Morgan

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING  
BOARD OF APPEALS WITH RESPECT TO VARIANCES OF SIDE  
YARD SETBACK REQUIREMENTS FOR AN ACCESSORY  
STRUCTURE AT 25990 HIGHLAND ROAD.**

WHEREAS, Amy D. Mackay, DVM, by and through her representative, architect J. Todd Anderson, for property located at 25990 Highland Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 767) requesting two variances from Zoning Code Section 1173.04 to permit the construction of an accessory garage that will not meet the side yard setback requirements for two sides of the garage on said property; and

WHEREAS, pursuant to Section 1187.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variances to the setback requirements as set forth in the minutes of the Board's public hearing for Case No. 767; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its January 5, 2010 meeting that the variances 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 variances requested by the applicant, Amy D. Mackay, DVM, from Codified Ordinance Section 1173.04 to permit construction of a detached accessory garage upon the property at 25990 Highland Road which varies from the 15-foot side yard setback requirement for accessory structures in the applicable zoning district and to permit 6-foot side yard setbacks on two sides of the proposed accessory garage, as set forth in the materials submitted to the Zoning Board of Appeals and based upon the reasons set forth in the December 2, 2009 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 variances 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  
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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 its passage and signature by the Mayor.

PASSED: January 12, 2010

Daniel J. Ursu  
Daniel J. Ursu, Mayor

APPROVED: January 12, 2010

David H. Roche  
David H. Roche  
President of Council

ATTEST: Betsy Traben  
Betsy Traben  
Clerk of Council