

RESOLUTION NO.: 104 -2015
INTRODUCED BY: Alexander

**A RESOLUTION CONFIRMING THE RECOMMENDATION OF
THE ZONING BOARD OF APPEALS WITH RESPECT TO THE
REQUEST FOR VARIANCES FOR SUBLOT 71 LOCATED ON
LOXLEY DRIVE AND APPROVING THE VARIANCES.**

WHEREAS, Camrich Properties, LLC (the “applicant”), filed an application with the Zoning Board of Appeals (Case No. 814) requesting certain variances to Table 1173.03 of the City’s Planning and Zoning Code to permit a lot width of 74 feet instead of the required 75 feet and permit a minimum square footage of 11,929 instead of the required 12,000 square feet for a residential lot in an R-2 Zoning District for property located on Loxley Drive known as Sublot 71 in the City of Richmond Heights; and

WHEREAS, pursuant to Section 1185.06 of the Planning and Zoning Code, at its November 18, 2015 regular meeting the Zoning Board of Appeals recommended that this Council grant the requested variances based upon the reasons set forth in the minutes of the Board; and

WHEREAS, at its December 1, 2015 meeting, the Planning and Zoning Committee of Council, after hearing all the evidence and arguments presented by the interested parties, voted 3 to 0 to recommend to the Council as a whole to confirm the recommendation of the Zoning Board of Appeals and, therefore, approve the requested variances;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: This Council finds that the action of the Zoning Board of Appeals in recommending the granting of the variances requested by Camrich Properties, LLC from the requirements of Table 1173.03 of the City’s Planning and Zoning Code in order to permit the development of a residential lot in an R-2 Zoning District having a 74 feet width and containing 11,929 square feet is supported by a preponderance of reliable, substantial and probative evidence and the applicant was able to demonstrate practical difficulties in complying with Table 1173.03 of the City’s Planning and Zoning Code.

Section 2: This Council grants the variances requested by Camrich Properties, LLC based upon the findings in Section 1 of this Resolution and the following conclusions of fact:

The property in question will not yield a reasonable return and there cannot be any beneficial use of the property without the variances. The

variances are insubstantial because of the proposed 71 square foot lot size difference and the difference of one foot to the required lot width. The essential character of the neighborhood would not be substantially altered and/or adjoining properties would suffer interference with their proper future development and rights as a result of the variances. The variances would not adversely affect the delivery of government services. The applicants purchased the property without knowledge of the zoning restriction. The property in question has unique or exception circumstances or conditions as being locked up by surrounding property that do not apply to other property within the same zone and the variances would be justified on any lot where similar, unique or exceptional circumstances prevail. The applicant's predicament feasibly cannot be resolved through some method other than the variances. The purpose, intent, and objectives of the Zoning Code and the Master Plan of the City would be observed and substantial justice done by granting the variance.

Section 3: The Clerk is instructed to mail a copy of this Resolution to the applicant by certified mail, return receipt requested.

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 the 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.

Section 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____
David H. Roche, Mayor

APPROVED: _____

ATTEST: _____
Betsy Traben
Clerk of Council
Eloise Cotton-Henry
President of Council