

RESOLUTION NO.: 100-2016  
INTRODUCED BY: Alexander

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD  
OF APPEALS WITH RESPECT TO THE REQUEST FOR A VARIANCE FOR  
A FENCE AT 358 BALMORAL DRIVE.

WHEREAS, Alex Raychinshtayn, for property located at 358 Balmoral Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 818) requesting a variance from Codified Ordinance Section 1313.04 for approval of a wood picket privacy fence already erected, in the absence of a permit, in the required side yard setback of the corner lot approximately 34 inches from the sidewalk; 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. 818;

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 for property located at Balmoral Drive from Codified Ordinance Section 1313.04 for approval of a wood picket privacy fence already erected, in the absence of a permit, in the required side yard setback of the corner lot that is approximately 34 inches from the public sidewalk adjacent to said property, as presented to the Zoning Board of Appeals and which is based upon the reasons set forth in the September 21, 2016 minutes of said Board, is hereby confirmed.

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 variance is not contrary to the purpose and intent of the Building Code.

Section 3: The Clerk is 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: \_\_\_\_\_

\_\_\_\_\_  
David H. Roche, Mayor

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

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

Betsy Traben  
Clerk of Council

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Eloise Cotton-Henry  
President of Council