

RESOLUTION NO.: 47 -2007
INTRODUCED BY: Morgan

**A RESOLUTION CONFIRMING THE ACTION OF THE ZONING
BOARD OF APPEALS WITH RESPECT TO VARIANCES FOR A
GROUND SIGN AT HILLTOP PLAZA ON WILSON MILLS ROAD.**

WHEREAS, Public Star Realty, for property located at the Hilltop Plaza on the south side of Wilson Mills Road and east of Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 749) requesting three variances from the Zoning Code requirements for a ground sign to be erected; those variances being from Section 1179.05(d) to permit an increase in the sign area from the maximum permitted 32 square feet to 60 square feet in area, an increase in the maximum height above grade from 8 feet to 9 feet, and a decrease in the minimum setback from the public right-of-way from the required 15 feet to 11 feet; and

WHEREAS, pursuant to Section 1185.05 of Ordinance No. 72-72, the Planning and Zoning Ordinance of the City, the Zoning Board of Appeals recommended to Council the granting of the aforesaid three variances based upon the reasons set forth in the minutes of the Board's public hearing for Case No. 749; and

WHEREAS, the Planning and Zoning Committee of this Council has reviewed the Zoning Board of Appeals recommendation on the three variances and has recommended to the entire Council the granting of this aforesaid variances with a condition;

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 three variances to the applicant, Public Star Realty, for property known as Hilltop Plaza, located on the south side of Wilson Mills Road east of Richmond Road, to permit an increase in the maximum square footage of the area of a permanent ground sign from 32 square feet to 60 square feet in area as set forth at Section 1179.05(d); to permit an increase in the height above grade of the sign from the maximum of 8 feet to 9 feet above grade pursuant to the same Section of the Code; and to decrease the minimum setback of the sign from the public right-of-way from the required minimum of 15 feet to 11 feet pursuant to said Section of the Code; and which action is based upon the reasons set forth in the April 4, 2007 minutes of said Board be, and the same is hereby, confirmed. This Council finds the recommendation of the Zoning Board of Appeals is supported by reliable, substantial and probative evidence, that there exists a partial difficulty which outweighs the limitations set forth in the Zoning Code, particularly due to the size and frontage of the Hilltop Plaza property, and the granting of the variances is not contrary

to the purpose and intent of the Zoning Code. The within variances are granted with the condition that the existing meter box in the vicinity of the proposed sign be retained.

Section 2: The Clerk is hereby 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 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