

RESOLUTION NO.: 73 -2008
INTRODUCED BY: Morgan

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO A YARD SETBACK VARIANCE AT 465 CATLIN DRIVE.

WHEREAS, Jonathan and Lynn Kittredge, for property located at 465 Catlin Drive in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case No. 759) requesting a variance from the required front yard setback requirement to permit the addition to a garage thereby reducing the already nonconforming setback of 45 feet to 37 feet in contravention of Zoning Code Sections 1173.3 and 1181.03(b); and

WHEREAS, pursuant to Section 1185.07 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. 759; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its September 2, 2008 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 of the City in recommending the granting of the requested variance of the applicants, Jonathan and Lynn Kittredge, from Codified Ordinance Sections 1173.03 and 1181.03(b) to permit the addition onto a garage resulting in a 37 foot front yard setback at 465 Catlin Drive, as set forth in the materials submitted to the Zoning Board of Appeals, and based upon the reasons set forth in the August 6, 2008 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 applicants.

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