

RESOLUTION NO.: 17 -2009
INTRODUCED BY: Morgan

A RESOLUTION BOTH CONFIRMING AND REVERSING CERTAIN ACTIONS OF THE ZONING BOARD OF APPEALS WITH RESPECT TO VARIANCE REQUESTS FOR WALL SIGNS AT 760 RICHMOND ROAD.

WHEREAS, Lee-Silsby Associates, the property owner and on behalf of its tenant, Enterprise Rent-A-Car, for property located at 760 Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case Number 762) requesting variances from Codified Ordinance Section 1179.05 (a) and (b)(3) to increase the maximum square footage allowed for a wall sign on the front (east) elevation of the building from 31.5 square feet to 55 square feet and to add a second wall sign on the south elevation of the building that is proposed to exceed the maximum allowable square footage from 18.9 square feet to 67.5 square feet; and

WHEREAS, pursuant to Section 1185.06 of the Planning and Zoning Code of the City, the Zoning Board of Appeals at its February 4, 2009 regular meeting recommended that this Council deny the requested variance to increase the area of the wall sign proposed for the front (east) elevation of the building from the allowable maximum of 31.5 square feet to 55 square feet; approve a second wall sign attached to the south elevation of the building; and approve a lesser variance than requested for the second wall sign on the south elevation of the building from 18.9 square feet to 55 square feet instead of the 67.5 square feet requested by the applicant; and

WHEREAS, it is the recommendation of the Planning and Zoning Committee of Council that the actions of the Zoning Board of Appeals be confirmed with respect to the second wall sign on the south elevation of the building, be reversed with respect to the square footage of the sign on the front (east) elevation of the building, thereby recommending the granting of the requested variance, and be reversed with respect to the square footage of the second sign on the south elevation and grant the requested variance to increase the square footage on the second sign with conditions, all based upon the record before the Board and the Council Committees;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The actions of the Zoning Board of Appeals with respect to the variances from the sign regulations of the City Code as requested by Lee-Silsby Associates, on behalf of its tenant, Enterprise Rent-A-Car, at 760 Richmond Road in the City of Richmond Heights, are confirmed or reversed as follows:

- (a) Council reverses the recommendation of the Zoning Board of Appeals and grants a variance to permit a 55-square foot wall sign on the front (east) elevation of the subject building;
- (b) Council confirms the recommendation of the Zoning Board of Appeals to grant the variance for a second wall sign on the south elevation of the subject building; and

(c) Council reverses and modifies the recommendation of the Zoning Board of Appeals and grants a wall sign of up to 67.5 square feet on the south elevation of the subject building with the condition that the size of the lettering and the appearance of the lettering of the sign be identical to the size and appearance of the lettering of the wall sign on the front (east) elevation of the subject building.

Section 2: This Council finds that based upon the record before the Zoning Board of Appeals and the evidence and arguments presented by the applicant's representative to this Council's Planning and Zoning Committee and its Committee of the Whole, the actions by this Council in Section 1 of this Resolution are supported by reliable, substantial and probative evidence on the whole record and by the following findings: the south elevation of the subject building is near the corner of Richmond Road and Wilson Mills Road (although not located at the corner of said streets); the commercial building on the actual corner of said intersection is set back considerably from Richmond Road exposing to view the south elevation of the subject building from Wilson Mills Road; the subject building is a single use building and not attached to other commercial establishments or buildings; the proposed sign is designed as a wrap-around structure located across the front (east) elevation and around the corner of the building onto the south elevation; and there is no location on the property to place a ground or monument sign. The variances approved herein are also conditioned upon the subject signs being constructed as set forth in the plans, designs and elevations filed with the Building Department and as presented to this Council.

Section 3: The Clerk is hereby 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: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council