

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL
CHAGRIN FALLS, OHIO

3603

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
ABIGAIL STAUDT)	<u>AND CONCLUSIONS OF FACT</u>
FOR PROPERTY LOCATED AT)	
100 CHURCH STREET)	<u>ADMINISTRATIVE ORDER NO.</u>
		<u>2011- 62</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Abigail Staudt ("the applicant"). The applicant owns the residence at 100 Church Street ("the subject property"). The applicant has requested variances from Section 1145.02(b), 1125.03(e), 1125.03(f), and 1125.04(a)(1) of the Chagrin Falls Codified Ordinances to permit the construction of a detached garage and addition to the existing legal nonconforming dwelling ("proposed project").

Section 1145.02(b) of the Chagrin Falls Codified Ordinances authorizes alterations, modernization, or enlargement to existing nonconforming dwellings provided that alterations and enlargements conform to all yard regulations. Section 1125.03(e) limits main building lot coverage to twenty-four percent (24%). Section 1125.03(f) requires a minimum front yard depth of thirty feet (30') and 1125.04(a)(1) requires a minimum detached garage to be twenty feet (20') in length and nineteen feet (19') in width.

The Village of Chagrin Falls Board of Zoning Appeals met on September 27, 2011, received evidence and testimony, and heard the arguments of the applicant. The Board of Zoning Appeals, on a vote of 4-0, recommended that Council grant the requested variances.

This Council met on October 10, 2011, and considered the matter upon the record created by the Board of Zoning Appeals. This Order and the Conclusions of Fact are predicated upon all of the evidence and testimony on the record before Council and, in consideration thereof, the following conclusions of fact are made:

1) The subject property is located on the west side of Church Street. The lot is a challenging site and the existing residence contains two bedrooms and one bathroom.

2) The applicant seeks to build an addition to the front of the dwelling with a setback of twenty-five feet and eight inches (25'-8") and, therefore, the applicant is requesting a front yard variance of four feet and four inches (4'-4"). Portions of the existing residence already project into the front yard setback. The existing dwelling has a front yard setback of twenty-one feet and eleven and half inches (21'-11 1/2"), so the addition does not increase the existing nonconformity.

3) The addition will increase the main building lot coverage to twenty-five and six-tenths percent (25.6%) which exceeds the code allowance of twenty-four percent (24%). The Zoning Code requires a minimum lot area of six thousand (6,000) square feet, however, the subject property, is only five thousand twenty-three (5,023) square feet or seventeen percent (17%) smaller than the required minimum.

4) The applicant also seeks to construct a new, detached garage (the property does not have a garage). The proposed garage is twenty feet (20') in length and fifteen feet (15') in width. Section 1125.04(a)(1) requires a minimum detached garage to be twenty feet (20') in length and nineteen feet (19') in width.

5) The Board of Zoning Appeals heard no testimony against the proposed project. The applicant submitted seven letters from neighbors in support of the application. Two neighbors attended the hearing and voice their support for the proposed project and commented positively on the improvements that the applicant had already made to the subject property.

6) This Council finds that the applicant has demonstrated a practical difficulty in the use of her property, which is a result of the strict application of the zoning ordinance. The Zoning Code is not advanced, in this instance, by denying the applicant permission to construct more living space, including two bedrooms, in an existing two bedroom residence and denying the applicant permission to construct a garage.

7) This Council further finds, as recommended by the Board of Zoning Appeals, that the requested variances are not substantial as the front yard encroachment will not be increased, a smaller garage is consistent with the current garages in the neighborhood, and the requested lot coverage variance is only one and six-tenths percent (1.6%).

8) This Council also finds that granting of the variances will not adversely affect the delivery of governmental services.

9) This Council, noting that Section 1124.04 requires each residential lot to be served by a garage, finds that the applicant's desire to construct a garage cannot be obviated through some method other than a variance.

10) This Council also finds and determines that the spirit and intent of the zoning code would be observed, and substantial justice will be done, by granting the variances.

11) This Final Order and Conclusion of Fact is further supported by the fact that the neighbors do not object to the requested variances and the subject property will be improved by the proposed project.

WHEREFORE, IT IS ORDERED, that the variances requested by the applicant, the plans for which are on file with the Building Department, be and are hereby granted. The applicant may construct additions to her residence and a detached garage in accordance with the proposed plans. This document is deemed by Council to be the final order in this matter.

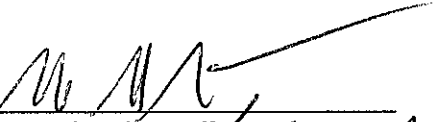
IT IS FURTHER ORDERED, The Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the applicant, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the date the Clerk mails this document, as provided herein.

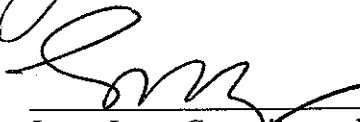
Adopted this 10th day of October, 2011, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

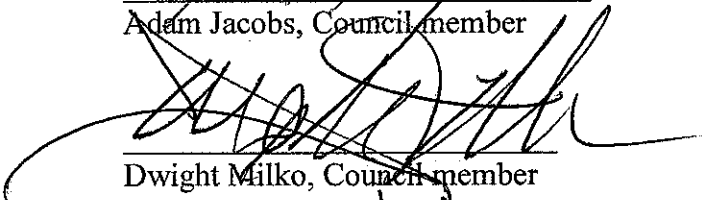
Village of Chagrin Falls Council

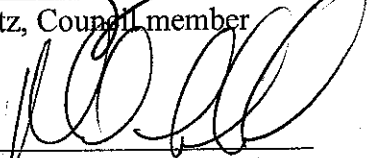

Steven Patton, President of Council

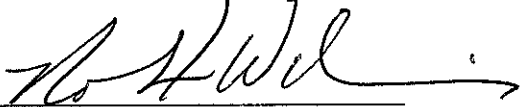

Jan Evans, Council President Pro Tem


Adam Jacobs, Council member

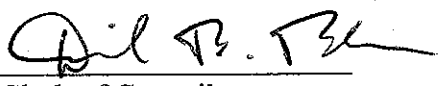

Janna Lutz, Council member


Dwight Milko, Council member


Richard Subel, Council member


Robert Williams, Council member

Notice mailed this 11 day of October, 2011.


Clerk of Council