

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL 3601
CHAGRIN FALLS, OHIO

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
DR. STEVEN W. KING,)	<u>AND CONCLUSIONS OF FACT</u>
FOR PROPERTY LOCATED AT)	<u>ADMINISTRATIVE ORDER NO.</u>
291 BELL STREET)	<u>2011- 55</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Dr. Steven W. King ("the applicant"). The applicant owns the residence at 291 Bell Street ("the subject property"). The applicant has requested a variance from Section 1145.02(b) and Section 1125.03(f) of the Village of Chagrin Falls Codified Ordinances to permit the construction of a closet as an addition to an existing bedroom.

Section 1145.02(b) prohibits alterations to nonconforming buildings unless the alterations and original building are made to conform to the yard, coverage and height regulations of the district where the building is located. The existing home is a nonconforming structure.

Section 1125.03(f) requires a residential building in a R1-60 district to have a minimum front yard setback of thirty-five feet (35'). The existing home is approximately twenty-five feet (25') into the front yard setback. The proposed addition will be setback twenty-three feet and nine inches (23'-9"). The applicant, therefore, is requesting a front yard variance of eleven feet and three inches (11'-3").

The Village of Chagrin Falls Board of Zoning Appeals met on July 26, 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 considered the matter upon the record created by the Board of Zoning Appeals on August 8, 2011. 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 existing home at 291 Bell Street, a nonconforming structure, was constructed in the 1850's, before the enactment of the Zoning Code and setback requirements.
- 2) The applicant seeks to construct a closet addition to an existing bedroom. The proposed addition is approximately sixty square feet (60'). The proposed addition will provide a closet in a modest sized bedroom that currently does not have a closet. The

applicant's project also includes work that will preserve and restore certain features of the home and correct drainage issues.

3) The Board of Zoning Appeals noted that the Architectural Board of Review reviewed the applicant's project and approved the project.

4) The Board of Zoning Appeals noted that the applicant's project preserves the historical significance of the home and that the Village's historical consultant approved of the proposed changes.

5) The Board of Zoning Appeals heard no testimony against the proposed variances, and the applicant testified that the neighbors have expressed support for the project. The applicant also testified that the neighboring residence to the east, the residence most impacted by the proposed addition, is approximately eighty to ninety feet (80' - 90') feet away from the applicant's home.

6) This Council finds that the applicant has demonstrated a practical difficulty in the use of his property, which is a result of the strict application of the zoning ordinance. The Board determined that the existing home and the bedroom that is included in his project sits substantially into the required front yard and, therefore, a closet addition cannot be added to the bedroom without a variance.

7) This Council further finds, as recommended by the Board of Zoning Appeals, that the variances are not substantial and will not substantially change the character of the neighborhood. This Council concludes that the proposed addition, and the accompanying work, will improve the character of the neighborhood and maintain the historical features of the applicant's home and, thereby, enhance the neighborhood.

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

9) This Council finds that the applicant's desire to provide a closet in a bedroom 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 addition.

WHEREFORE, IT IS ORDERED, that the variances to Codified Ordinance Sections 1145.02(b) and 1125.03(f), requested by the applicant, the plans for which are on file with the Building Commissioner, be and are hereby granted. The applicant may construct the proposed addition. This document is deemed by Council to be the final order in this matter.

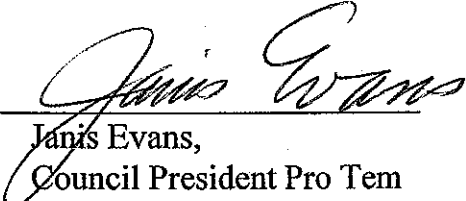
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the applicant, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 8th day of August, 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



Janis Evans,
Council President Pro Tem



Adam Jacobs, Council member

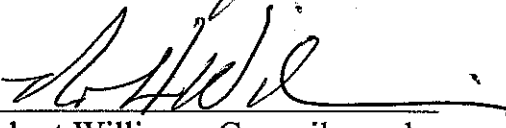


Janna Lutz, Council member



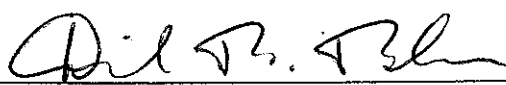
Dwight Milko, Council member

Richard Subel, Council member



Robert Williams, Council member

Notice mailed this 19 day of August, 2011.



Clerk of Council