

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL  
CHAGRIN FALLS, OHIO

3879

IN RE: VARIANCE REQUEST OF ) FINAL ORDER OF COUNCIL  
JAMES AND CAROL LONGENECKER ) AND CONCLUSIONS OF FACT  
FOR PROPERTY LOCATED AT )  
65 WEST SUMMIT STREET ) ADMINISTRATIVE ORDER  
) NO. 2015- 33

This matter is before the Chagrin Falls Village Council pursuant to the request of James and Carol Longenecker (“the Applicants”). The Applicants own the residence at 65 West Summit Street (“the Subject Property”). The Applicants have requested variances from Section 1125.03(g) and 1145.02(b) of the Village of Chagrin Falls Codified Ordinances to permit the construction of an attached garage addition to the east side of the existing legal non-conforming dwelling. The proposed side yard setback is four feet (4'). Under Section 1125.03(g), the minimum side yard setback is required to be five feet (5'). Additionally, pursuant to Section 1145.02(b) of the Codified Ordinances, non-conforming dwellings shall not be altered, added to or enlarged unless the additions are made to conform to the yard, coverage and height regulations of the district in which it is located.

The Village of Chagrin Falls Board of Zoning Appeals met on August 25, 2015, received evidence and testimony, and heard the arguments of the Applicants. The Board of Zoning Appeals, on a vote of 3-0, recommended that Council grant the requested variances.

This Council held a public hearing on September 14, 2015 and considered the matter. 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) 65 West Summit Street is located on the south side of West Summit Street.
- 2) The Applicants seek to build an attached garage addition four feet (4') from the east side lot line.
- 3) The Board of Zoning Appeals noted that the existing dwelling is non-conforming due to a twelve foot (12') encroachment into the required rear yard.
- 4) The Board noted that the interior space would be impractically small for furniture and circulation if the Applicants complied with the five foot (5') setback requirement.
- 5) The Board noted that the addition could not feasibly be located elsewhere on the existing house.
- 6) The Board found that the essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variances.
- 7) The Board found that the variances were insubstantial.

8) The Board heard no testimony against the proposed variance, and this Council is persuaded that no harm will result to the neighborhood if the variances are granted.

9) This Council finds that the Applicants have demonstrated a practical difficulty in the use of their property, which is a result of the strict application of the zoning ordinance.

10) This Council further finds, as recommended by the Board of Zoning Appeals, that the variance is not substantial and would not substantially change the character of the neighborhood.

11) 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 variance. This conclusion is supported by the fact that no neighbors objected to the variances.

WHEREFORE, IT IS ORDERED, that the variances from Sections 1125.03(g) and 1145.02(b) of the Codified Ordinances be and are hereby granted. The Applicants may construct the project in accordance with the proposed plans. This document is deemed by Council to be the final order in this matter.

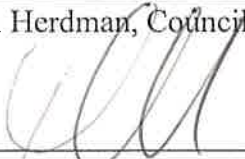
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the Applicants, and any other parties requesting same, by first class mail, and note the mailing date upon this Order. The decision of this Council shall be deemed final upon the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

Adopted this 14<sup>th</sup> day of September, 2015, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

Village of Chagrin Falls Council

  
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Steven Patton, President of Council

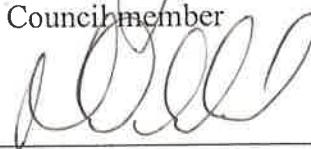
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Justin Herdman, Council member

  
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Thomas Muscenti, Council member

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Janna Lutz, Council member

  
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Jan Evans, Council President Pro Tem

  
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James Newell, Council member

  
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Richard Subel, Council member

Notice mailed this 10 day of October, 2015.

  
Clerk of Council