

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL  
CHAGRIN FALLS, OHIO

3828

IN RE: VARIANCE REQUEST OF )  
GEOFFREY AND LISA POPE )  
FOR PROPERTY LOCATED AT )  
67 MAY COURT )

FINAL ORDER AND  
DECISION OF COUNCIL  
CONCLUSION OF FACT  
ORDER NO. 2014-66

This matter is before the Chagrin Falls Village Council pursuant to the request of Geoffrey and Lisa Pope ("the Applicants"). The Applicants own the residence at 67 May Court ("the Subject Property"). The Applicants have requested a variance from Section 1125.04(a)(6)(D) of the Village of Chagrin Falls Codified Ordinances to permit the construction of a detached garage seventeen feet (17') in height with a side yard setback of three feet (3') and a rear yard setback of three feet (3'). Under Section 1125.04(a)(6)(D), the minimum side yard setback and the minimum rear yard setback is to be three feet (3') plus one foot (1') for each foot the garage height exceeds fifteen feet (15'), equal to a five foot (5') setback in this case for the side yard and the rear yard.

The Village of Chagrin Falls Board of Zoning Appeals (BZA) met on September 23, 2014, 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 approve the requested variance.

This Council held a public hearing on October 13, 2014, 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) The Subject Property, 67 May Street, is located on the north side of May Court.
- 2) The Applicants seek to build a detached garage, seventeen feet (17') in height and three feet (3') from the rear and side property line.
- 3) The Board of Zoning Appeals noted that the Architectural Review Board (ARB) reviewed a proposed fifteen foot (15') high detached garage which conformed to the Code and found it to be out of character with the existing dwelling. The Applicants were advised by the ARB that a steeper pitch to the roof would be more appropriate. The Applicants revised their plans to incorporate the steeper roof pitch which necessitated the requested variance.
- 4) The BZA heard no testimony against the proposed variance, and this Council is persuaded that no harm will result to the neighborhood if the variance is granted.
- 5) The BZA found that the proposal will remove an existing non-conforming garage and improve the delivery of governmental services, providing better access for emergency services in particular.
- 6) 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 because the Applicants revised their plans at the request of the ARB to increase the roof pitch of the garage to make it more in character with the existing dwelling which caused the need for the variance.

Furthermore, the proposed detached garage will be in greater conformity with the required setback requirements than the existing garage.

7) This Council finds, as recommended by the BZA, that granting the variance will not adversely affect the delivery of governmental services.

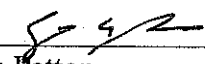
8) This Council finds and determines that the spirit and intent of the Zoning Code is observed, and substantial justice is done, by granting the variance. This conclusion is supported by the fact that the neighborhood will not be changed by the variance, no objections have been made to the variance, and the Subject Property will be improved by the proposed project.

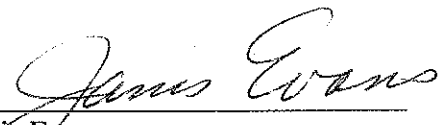
WHEREFORE, IT IS ORDERED, that the variance from Section 1125.04(a)(6)(D) of the Codified Ordinances be and is hereby granted. The Applicants may construct the project in accordance with the proposed plans on file with the Building Commissioner. This document is deemed by Council to be the final order in this matter.

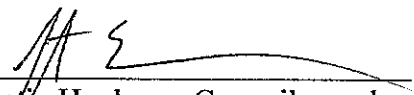
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the Applicant, and any other parties requesting same, by first class mail, and note the mailing date upon this Order. The decision of this Council shall be deemed final upon the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

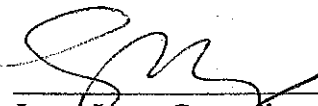
Adopted this 13<sup>th</sup> day of October, 2014, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.


Village of Chagrin Falls Council

  
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 Steven Patton,  
 President of Council

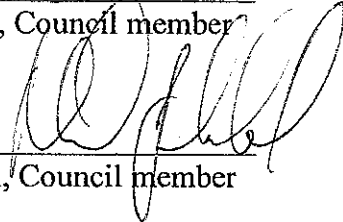
  
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 Janis Evans,  
 Council President Pro Tem

  
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 Justin Herdman, Council member

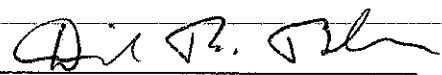
  
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 Janna Lutz, Council member

  
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 James Newell, Council member

  
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 Thomas Muscenti, Council member

  
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 Richard Subel, Council member

Notice mailed this 23 day of October, 2014.

  
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 Clerk of Council