

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

3668

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
ROBERT GRODIN)	<u>AND CONCLUSIONS OF FACT</u>
FOR THE PROPERTY KNOWN AS)	
PERMANENT PARCEL NO.)	<u>ADMINISTRATIVE ORDER NO.</u>
932-25-007)	<u>2012- 48</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Robert Grodin ("the applicant"). The applicant owns permanent parcel number 932-25-007 located on the south side of Meadow Lane at its intersection of Hillside Drive (the "subject property"). The applicant has requested variances from Sections 1125.03(b) and 1125.03(c) of the Village of Chagrin Falls Codified Ordinances to permit a subdivision of the existing lot in order to create a new lot that would not be sufficiently wide under the code, either as to its frontage at the street or at the building line.

The Village of Chagrin Falls Board of Zoning Appeals met on September 25, 2012, received evidence and testimony, and heard the arguments of the applicant. The Board of Zoning Appeals, on a vote of 0-5, defeated a motion to recommend that Council grant the requested variance.

This Council considered the matter on October 8, 2012, upon the record created by the Board of Zoning Appeals. This Final Order of Council and 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) Parcel No. 932-25-007 is located on the south side of Meadow Lane at its intersection with Hillside Drive.
- 2) The applicant seeks to subdivide the lot creating a new lot that has 26.72 feet of street frontage in the R1-100 zoning district. Sections 1125.03(b) and (c) of the Zoning Code require 100 feet of lot width at the building line and 100 feet width frontage at the street, respectively.
- 3) The Board of Zoning Appeals noted that the subject property is approximately 1.3 acres.
- 4) The Board of Zoning Appeals noted that the requested variance frontage is one-fourth of the requirement and is therefore substantial.
- 5) The Board determined that practical difficulties are not present in this case. The owner has a residence on the lot. The applicant made no showing that the usage of the property is in any way affected by the strict compliance with the zoning code, other than to limit the usage of the property to one dwelling rather than two.
- 6) This Council further finds, as recommended by the Board of Zoning Appeals, that the variances are substantial and would be detrimental to the character of the neighborhood.

7) This Council also finds and determines that the spirit and intent of the zoning code would not be upheld by granting the variances. Flag lots are not generally permitted in the Village.

WHEREFORE, IT IS ORDERED, that the variances to Codified Ordinance Sections 1125.03(b) and 1125.03(c) requested by the applicant are hereby denied. This document is deemed by Council to be the final order in this matter.

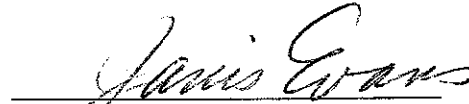
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the applicant, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 8th day of October, 2012, 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

Michael Chess, Council member



Janna Lutz, Council member



James Newell, Council member

Richard Subel, Council member



James Holdren, Council member

Notice mailed this 12 day of October, 2012.



Clerk of Council