

4) Mr. Graham testified that the proposed screened porch will have a hip roof with a lower pitch than the main house, it will be transparent in appearance and open underneath, and it will be the same elevation as the existing deck.

5) Mr. Graham testified that due to the existing nonconforming conditions at the Subject Property, there is no other place to build the proposed screened porch.

6) The Board of Zoning Appeals found that there will be minimal impact on the neighbors since the porch is located where it cannot be seen from the neighboring properties due to the curved shape of the Subject Property and the abandoned railroad embankment at the rear of the Subject Property which creates an effective screen.

7) The Board of Zoning Appeals found that the variance is not substantial because of the minimal impact described above and the fact that the existing deck is currently located within the required rear yard setback. In addition, it is largely one corner of the proposed screened porch and not the entire porch that will extend into the rear yard setback.

8) The Board of Zoning Appeals found that the Applicants' predicament could not feasibly be obviated through some method other than a variance because there is no other location to build the screened porch due to the existing nonconforming conditions at the Subject Property.

9) The Board of Zoning Appeals found that granting the variance to permit the proposed screened porch would improve the usability of the Subject Property by permitting single-level living.

10) This Council finds that the proposed porch addition is an improvement to the Subject Property and does not adversely affect the essential character of the neighborhood.

11) This Council finds that the Applicants have demonstrated a practical difficulty in the use of the Subject Property, which is a result of the strict application of the Zoning Ordinance because the intent of the rear yard setback is to provide appropriate buffering between existing uses and the curved nature of the Subject Property and the abandoned railroad embankment beyond the rear lot line provide such buffering and, therefore, these existing conditions meet the spirit and the intent of the zoning regulation and warrant granting the variance to permit the Applicants to build the proposed screened porch.

12) This Council further finds, as recommended by the Board of Zoning Appeals, that the variance is not substantial.

13) This Council also finds that the proposed project will not adversely affect the delivery of governmental services.

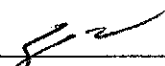
14) This Council also finds and determines that the spirit and intent of the Zoning Code is observed, and substantial justice is done, by granting the variance. This conclusion is supported by the facts that the neighborhood will not be changed by the proposed variance, no objections have been made to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

WHEREFORE, IT IS ORDERED that the variance to Codified Ordinance Section 1125.03(h) requested by the Applicants, the plans for which are on file with the Building Commissioner, be and is hereby granted. The Applicant may construct the proposed project in accordance with the proposed plans. This document is deemed by Council to be the final order in this matter.

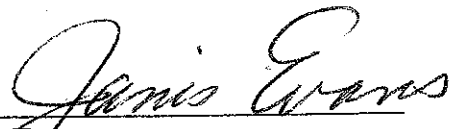
IT IS FURTHER ORDERED that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the Applicants, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 28th day of April, 2014, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

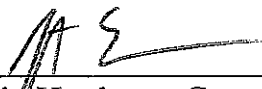
Village of Chagrin Falls Council




Steven Patton,
President of Council



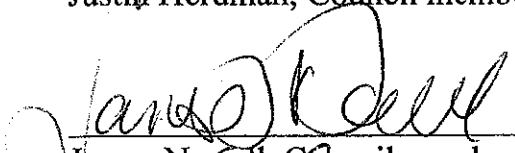
Janis Evans,
Council President Pro Tem



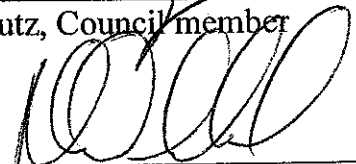
Justin Herdman, Council member



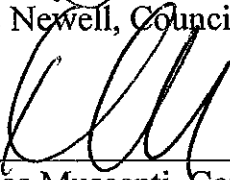
Janna Lutz, Council member



James Newell, Council member



Richard Subel, Council member



Thomas Muscenti, Council member

Notice mailed this 30 day of APRIL, 2014.

A handwritten signature in black ink, appearing to read "Dil B. P.", written over a horizontal line.

Clerk of Council