

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL
CHAGRIN FALLS, OHIO

3806

IN RE: VARIANCE REQUEST OF) FINAL ORDER OF COUNCIL
BARTOLOMEO & AMANDA) AND CONCLUSIONS OF FACT
GIANNATTASIO FOR PROPERTY)
AT 119 AND 121 EAST SUMMIT ST.) ADMINISTRATIVE ORDER NO.
) 2014- 44

This matter is before the Chagrin Falls Village Council pursuant to the request of Bartolomeo and Amanda Giannattasio ("the Applicants"). The Applicants own two adjacent vacant lots, specifically 119 and 121 East Summit Street, in the Falls Walk development ("the Subject Property"). The Subject Property is located on the north side of East Summit Street. The Applicants propose to build one single-family dwelling with a total square footage of 3,780 on the Subject Property. Codified Ordinance Section 1159.06 provides that the dwelling unit area of each dwelling in a cluster development shall not exceed 2,800 square feet. Therefore, the Applicants are seeking a variance of 980 square feet from this maximum square footage requirement.

The Village of Chagrin Falls Board of Zoning Appeals met on June 24, 2014, received evidence and testimony, and heard the arguments of the Applicants. The Board of Zoning Appeals, on a vote of 4-0, recommended that Council grant the requested variance.

Council considered the matter upon the record that was created by the Board of Zoning Appeals, and heard the matter at its meeting held on July 14, 2014.

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) The Subject Property is located on the north side of East Summit Street.
- 2) The Applicants propose to build one single-family dwelling with a total square footage of 3,780 on the Subject Property.
- 3) The Board of Zoning Appeals noted that while the Subject Property is part of the Falls Walk development, it is located on a separate private drive that is at the edge of the development and in an area of other larger homes.
- 4) The Board of Zoning Appeals noted that no neighbors spoke in opposition to the variance.
- 5) The Board of Zoning Appeals found that the Subject Property could yield a reasonable return and beneficial use could be made of the Subject Property without the variance because the proposed dwelling could be built with a detached garage and meet the 2,800 square foot requirement.

6) The Board of Zoning Appeals found that the variance is not substantial because each lot could be used to build a dwelling up to 2,800 square feet for a total of 5,600 square feet and here, the Applicants are proposing to use two lots to built one dwelling with a total of 3,780 square feet so, the square footage of the proposed house spread across two lots is less.

7) The Board of Zoning Appeals found that the character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment if the variance was granted because the Subject Property is located at the southeastern corner of the Falls Walk development in an area of homes of a similar size and shape as the proposed dwelling and the character of the Falls Walk development is met by the design of the proposed dwelling.

8) The Board of Zoning Appeals found that granting the variance would not adversely affect the delivery of governmental services and that there would be no difference if one dwelling or two dwellings were built on the Subject Property.

9) The Board of Zoning Appeals found that the variance was the result of self-created circumstances and could be avoided if the proposed dwelling was constructed with a detached garage, but the Zoning Code supports attached garages.

10) This Council is satisfied that the proposed dwelling does not constitute an unreasonable use of the property, and the health, safety and welfare of the Village is not enhanced by the strict application of the Zoning Code to the Subject Property. This Council further finds that the Applicants, therefore, have demonstrated a practical difficulty in the use of the Subject Property, which is a result of the strict application of the zoning ordinance.

11) This Council finds, as recommended by the Board of Zoning Appeals, that the proposed dwelling is an improvement to the Subject Property and does not adversely affect the essential character of the neighborhood.


12) This Council also finds and determines, as recommended by the Board of Zoning Appeals, 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 substantially altered by the variance and the Subject Property will be improved by the proposed project.

WHEREFORE, IT IS ORDERED, that the variance to Codified Ordinance Section 1150.06 requested by the Applicants, and the plans for which are on file with the Building Commissioner, be and is hereby granted. The Applicants may construct the proposed project in accordance with the plans. This document is deemed by Council to be the final order in this matter.

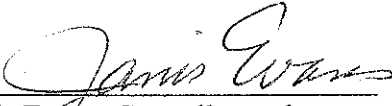
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the Applicants, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 14th day of July, 2014, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

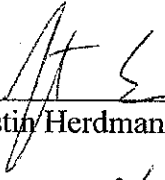
Village of Chagrin Falls Council



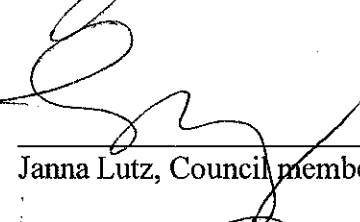
Steven Patton,
President of Council



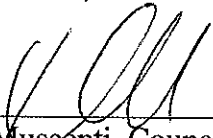
Janis Evans, Council member



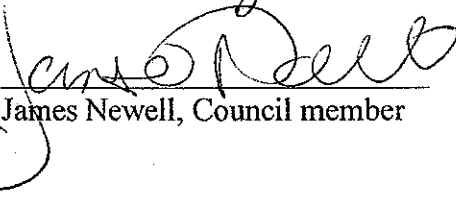
Justin Herdman, Council member



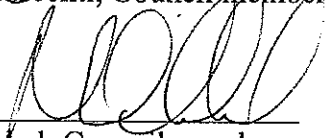
Janna Lutz, Council member



Thomas Muscanti, Council member

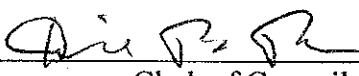


James Newell, Council member



Richard Subel, Council member

Notice mailed this 1 day of August, 2014.



Clerk of Council