

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

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
JOYCE POPLAR FOR PROPERTY)	<u>AND CONCLUSIONS OF FACT</u>
AT 33 EAST ORANGE STREET)	<u>ADMINISTRATIVE ORDER NO.</u>
)	<u>2013- 64</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Joyce Poplar ("the Applicant"). The Applicant owns the existing non-conforming residence at 33 East Orange Street ("the Subject Property"). The Subject Property is located on the north side of East Orange Street. The Applicant proposes to build an attached garage to the existing single family residence on the Subject Property.

The proposed garage addition would be located one foot nine inches (1' 9") from the side lot line and four feet seven and one-half inches (4' 7-1/2") from the rear lot line. Section 1125.03(g) of the Codified Ordinances requires the main building to be set back a minimum of three feet (3') from the side lot line. Section 1125.03(h) requires a rear yard setback of thirty feet (30').

The existing dwelling is non-conforming to the side yard set back. Section 1145.02(b) requires additions to non-conforming dwellings to comply with the area yard and height regulations of the district.

The proposed side yard setback of one foot nine inches (1' 9") also conflicts with Section 1339.02 of the Building Code which states that no roof, eave, cornice or projection of any kind shall be built within or protrude closer than three feet (3') to any lot line.

The proposed driveway covers forty-eight percent (48%) of the required rear yard. Section 1125.04(b)(4) limits the improved area designed for parking and driveways to thirty percent (30%) of the required rear yard.

The Village of Chagrin Falls Board of Zoning Appeals met on September 24, 2013, received evidence and testimony, and heard the arguments of the Applicant. The Board of Zoning Appeals, on a vote of 4-0, recommended that Council grant the requested variances.

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 October 14, 2013.

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 Orange Street.
- 2) The Applicant proposes to build an attached garage to the existing non-conforming single family residence on the Subject Property. The proposed garage addition is located one foot nine inches (1' 9") from the side lot line and four feet seven and one-half inches (4' 7-1/2") from the rear lot line.
- 3) The Applicant also plans to demolish the existing detached garage and to build a new attached garage.
- 4) The Board of Zoning Appeals found that the proposed garage would reduce the visual impact of the Subject Property when viewed from the street and would be a general improvement to the neighborhood.
- 5) The Board of Zoning Appeals noted that there would be no impact on the delivery of governmental services by granting the variances.
- 6) The Board of Zoning Appeals found that the variances are not substantial with the exception of the rear yard variance but noted that the existing house is already in the thirty foot (30') rear yard setback and that the variance would not adversely affect the neighborhood. It was noted that four neighbors submitted letters of support and no opposition was expressed.
- 7) The Board of Zoning Appeals noted that the existing driveway would be used and, therefore, the lot coverage by the driveway would remain the same.
- 8) The Board of Zoning Appeals found that the character of the neighborhood was improved by granting the variances.
- 9) This Council is satisfied that the proposed addition 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 Applicant, therefore, has demonstrated a practical difficulty in the use of her property, which is a result of the strict application of the zoning ordinance.
- 10) This Council finds, as recommended by the Board of Zoning Appeals, that the proposed addition is an improvement to the Subject Property and does not adversely affect the essential character of the neighborhood.

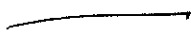
11) This Council also finds and determines, as recommended by the Board of Zoning Appeals, that the spirit and intent of the Zoning Code is observed, and substantial justice is done, by granting the variances. This conclusion is supported by the fact that the neighborhood will not be substantially altered by the proposed variances and the Subject Property will be improved by the proposed project.

WHEREFORE, IT IS ORDERED, that the variances to Codified Ordinance Section 1125.03(g), 1125.03(h), 1145.02(b), 1339.02, 1125.04(b)(4) requested by the Applicant, the plans for which are on file with the Building Commissioner, be and are hereby granted. The Applicant 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 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 14th day of October, 2013, 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



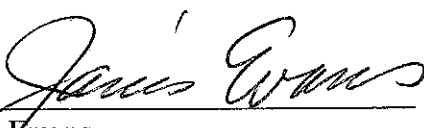
Justin Herdman, Council member



James Newell, Council member



James Holdren, Council member



Janis Evans,
Council President Pro Tem

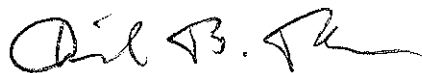


Janna Lutz, Council member



Richard Subel, Council member

Notice mailed this 4 day of November, 2013.



Clerk of Council