

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL
CHAGRIN FALLS, OHIO

3893

IN RE: VARIANCE REQUEST OF) FINAL ORDER OF COUNCIL
KIMBERLY STEGER) AND CONCLUSIONS OF FACT
FOR PROPERTY LOCATED AT)
135 SOLON ROAD) ADMINISTRATIVE ORDER
) NO. 2015- 47

This matter is before the Chagrin Falls Village Council pursuant to the request of Kimberly Steger ("the Applicant"). The Applicant owns the residence at 135 Solon Road ("the Subject Property"). The Applicant has requested variances from Sections 1125.03(k)(3) and 1145.02(b) of the Village of Chagrin Falls Codified Ordinances to permit the construction of a covered porch with a front yard setback of sixteen feet two inches (16'-2").

Under Section 1125.03(k)(3), the minimum front yard setback for a porch that exceeds 48 square feet is thirty feet (30') in the R1-50 zoning district. Therefore, the Applicant is seeking a front yard setback variance of thirteen feet ten inches (13'-10"). Additionally, pursuant to Section 1145.02(b) of the Codified Ordinances, non-conforming dwellings shall not be altered, added to or enlarged unless the additions are made to conform to the yard, coverage and height regulations of the district in which it is located. Therefore, the Applicant is seeking a variance from this provision to construct the proposed porch.

The Village of Chagrin Falls Board of Zoning Appeals met on October 27, 2015, received evidence and testimony, and heard the arguments of the Applicant and her representatives. The Board of Zoning Appeals, on a vote of 4-0, recommended that Council grant the requested variances.

This Council held a public hearing on November 9, 2015, 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 is located on the east side of Solon Road and has an existing front yard setback of twenty two feet and four inches (22'-4") making it a legal non-conforming dwelling.

2) The Applicant seeks to add a covered front porch across the front of the dwelling with a front yard setback of sixteen feet two inches (16'-2").

3) The Board of Zoning Appeals noted that the Subject Property is located on a busy street.

4) The Board found that the Applicant is seeking to improve the aesthetics of the house. The Subject Property is located in a unique area and on a busy road. The proposed porch will match the architecture of the house. The size of the proposed porch is necessary in order to provide a seating area. The project will add value and functionality to the Subject Property.

5) The Board found that although the front yard setback variance may seem substantial, the proposed porch is an aesthetic porch, like a landscaping feature, which only extends six feet (6') from the house into the front yard setback.

6) The Board found that the essential character of the neighborhood will be enhanced by the porch addition and despite notices being sent out, no neighbors attended the Board's hearing to object to the variances.

7) The Board found that granting the variances will not adversely affect the delivery of governmental services.

8) The Board found that the Applicant purchased the Subject Property with some confusion regarding the location of the right-of-way and, therefore, the front yard setback variance is greater than the Applicant initially thought it would be.

9) The Board found that the Applicant's predicament feasibly cannot be obviated through some method other than a variance, except to keep the existing stoop.

10) The Board found that the spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance because the proposed porch will enhance the Subject Property.

11) The BZA heard no testimony against the proposed variances, and this Council is persuaded that no harm will result to the neighborhood if the variances are granted.

12) This Council finds that the Applicant has demonstrated a practical difficulty in the use of the Subject Property, which is a result of the strict application of the zoning ordinance. The Board determined that the dwelling is located in the required front yard and that no porch could be built without a variance.

13) This Council further finds, as recommended by the Board of Zoning Appeals, that while the variance is substantial, it would not substantially change the character of the neighborhood.

14) This Council also finds and determines that the spirit and intend of the zoning code would be observed, and substantial justice will be done, by granting the variance and that there is no adverse impact on governmental services. This conclusion is supported by the fact that the neighbors did not object to this variance.

WHEREFORE, IT IS ORDERED, that the variances from Section 1125.04(k)(3) and 1145.02(b) be and are hereby granted. The Applicant may construct the 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 9th day of November, 2015, 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

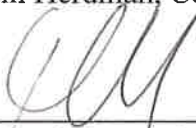


Janis Evans, Council President Pro Tem

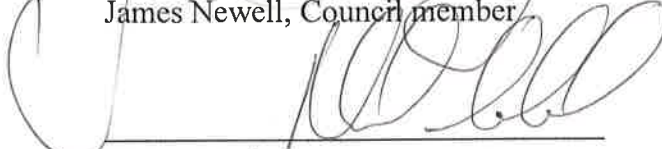
Justin Herdman, Council member



James Newell, Council member



Thomas Muscenti, Council member



Richard Subel, Council member



Janna Lutz, Council member

Notice mailed this 11 day of November, 2015.



Clerk of Council