

**VILLAGE OF CHAGRIN FALLS  
BOARD OF ZONING APPEALS  
April 2, 2013**

Members present: Fricke, Williams, Loomis, Holdren, Freshman-Johnson  
Also present: Himes, Lane, Edwards

The meeting was called to order at 8:00 p.m. by Chairman Wade Fricke.

**APPROVAL OF MINUTES**

Moved by Mr. Williams, seconded by Mr. Holdren that the minutes of the meeting held February 26, 2013 be approved. Carried. Ayes: Fricke, Williams, Loomis, Holdren, Freshman-Johnson. Nays: None.

**SWEARING OF WITNESSES**

All were sworn in.

**HAROLD PRAY, 111 EAST COTTAGE STREET - REQUEST FOR A VARIANCE TO SECTION 1125.03(k), AREA, YARD, AND HEIGHT REGULATIONS: MAIN BUILDINGS, PERMANENT PARCEL NO. 931-14-024.**

Mr. Himes explained that the applicant proposes to remove and replace a front porch and stairway. Section 1125.03(k) of our code allows entrance features such as this projection into the required front yard up to 6 feet. This proposed entrance feature projects 14 feet 7 ½ inches into the front yard, therefore, they are requesting a variance to that section to allow for the further projection.

Phil Koepf, architect, said when the owners bought the house they knew that there was issues with the stairs but when they went to have someone investigate further the deterioration was just more than they had thought it was. We've looked at several options. We went from a small garage addition and the steps and actually front porch down to just the steps. What I originally submitted was just the stairs. They are going back to what can we do to try to get a small two-car garage in under this house. The drawings you have in front of you represent the third rendition, which is a smaller porch than we originally planned with the addition of a 6 foot bump-out with a little shed roof garage in the front of the house. The projection of 6 feet is approximately what the existing masonry comes out to at this point. The existing stairs are nonconforming because they come down and they turn. The picture doesn't really show the grating. If you have driven by the house it is approximately 4 feet from the road elevation to that garage entrance. You not only have a steep slope, once you get the stairs, but if you bring the stairs out any you are chasing the stairs down the hill. In order to get these stairs, which are noncompliant in terms of their elevation, their step up, I had to add one more tread coming out and one more tread going sideways. So that puts us even further out than these existing stairs.

Mr. Fricke asked, is the porch itself compliant coming out 6 feet? Is it just the stairway? Mr. Himes said if it were just the porch that would be allowable. Mr. Holdren asked about the garage extension. Mr. Himes said the garage extension is not covered under that section. That would require a front yard setback variance. I believe the house is currently at the front yard setback.

Mr. Fricke asked, so the garage needs a variance or does not? Mr. Himes said yes, if they are going to extend the face of the garage that actually is part of the house because it is an attached garage so that is required to meet the setback requirement of 35 feet. They would need a variance to the code that requires the 35 foot front yard.

Mr. Williams asked, is the front edge of the house sitting in the front yard setback then? Mr. Koepf said the front edge of the existing house is right on the line. The porch, the steps, and the new garage all project out into the front yard. When we made the application it was just the one. Mr. Williams asked, how much do the new steps in this design increase the current existing encroachment? Mr. Koepf said I think about 2 feet. Mr. Williams asked, beyond where the current steps are now? Mr. Koepf said yes.

Mr. Fricke asked, what is the necessity to push the garage out 6 feet? Mr. Koepf said it is currently a one-car garage and we are actually flipping that wall a little bit so you can get past the stairs that go up because right now it is like 28 inches. This is a very narrow little garage. The garage door is 16 feet but the total garage width is like 19. There is not a lot of opening doors and keeping anything on either side.

Mr. Williams asked, what other section of the code do we need a variance to then? Mr. Himes said it would be Section 1135.03(f), front yard depth.

Mr. Himes said the advertisement that went out to the neighbors within 300 feet was just for Section 1125.03(k) for the projection. The notice would not have included that front yard variance. Ms. Lane said the board could act on the one tonight but the other one there would have to be notices.

Ellen Takas, 140 Division Street, said that looks very nice.

Moved by Mr. Williams, seconded by Mr. Holdren to recommend approval of the applicant's request to Section 1125.03(k), front yard setback. The code requires a 35 foot setback, the applicant is asking for 20 feet 4 ½ inches for a total variance of 14 feet 7 ½ inches. I would like to note that this is a replacement to the existing steps, which are crumbling due to age, a 45 year old structure. Mr. Williams said I will correct that. Six feet is allowed 14 feet 7 ½ inches is requested for a total variance of 8 feet 7 ½ inches. The homeowner was just to simply replace those with upgraded and improved access to the front door. I would also like to note that there were no objections from the neighbors who were notified of this particular variance request. In terms of finding an addition to those things, regarding the finding of practical difficulty, the entrance to the front of the house I think is critical to the value of the overall house and denying them continued access to the front door could be a serious detriment to the owner. Is the variance substantial? No, I don't believe it is. It is a replacement of existing steps. The projection into the front yard is greater but it also allows for a

more standard approach to the house as opposed to the current very steep, nonconforming steps that they have there from the original construction. Will the variance adversely affect governmental services? No, the current nonconforming steps are going to be replaced with steps that conform to a modern design standard and actually improve access to the delivery of governmental services. I include in that the delivery of safety services, police & fire, giving them better access to the house in case of an emergency. Can the property owner's predicament feasibly be obviated through some method other than a variance? The applicant did express that there were challenges with the topography hence the extended projection into the front yard. The steep slope that they are dealing with necessitated that additional 8 feet 7 ½ inch projection.

Williams: Aye.

Loomis: Aye.

Fricke: Aye.

Freshman-Johnson: Aye.

Holdren: Aye.

Mr. Himes said this will go to Council on April 8, 2013 for final action.

**WEST COTTAGE LLC, 47 WEST COTTAGE STREET - REQUEST FOR A VARIANCE TO SECTION 1125.03(f), AREA, YARD, AND HEIGHT REGULATIONS: MAIN BUILDINGS, PERMANENT PARCEL NO. 931-12-011.**

Mr. Himes explained that the applicant proposes to construct a new dwelling on this vacant lot. The former structure was condemned and demolished. It is a R1-60 zone, which requires a 35 foot front yard setback pursuant to Section 1125.03(f) of our code. The proposed structure is setback 18 feet from the right-of-way. This is a hillside parcel. It has a slope of approximately 25%. They will be required to have the grading and landscape plan and hydrological controls approved by the village's engineer. The restriction on lot disturbance does not apply in this case because of the previously developed lot and basically previously disturbed for that development. The foundation plan will also require our engineer's approval.

Robert Vitt said what you see here is a drawing of West Cottage. It shows the adjacent structures on the south side of West Cottage. You can see the approximate alignment in comparison to the other structures. The new unit that is being proposed for construction on that lot is larger than the one that was demolished. It is about the same location from the street, within a foot or two of the original house setback. If we were to try to move the house back to the 35 foot setback, which would have been substantially further back than the previous house, it would have been literally down hill by two stories. The house next door, which is also probably within 2 feet of the proposed setback of this one, but if you recall driving by that house it is already a floor below. The entrance is below street level and they do not have a garage and they don't have a parking apron. They did create an

apron on the street for parking. Part to establish our setback was looking at the main setback of the houses on the street and then determining also what we needed for a parking apron. That is a very narrow street and it is very difficult to park on there and permit safe access around it. There is a swale on the south side, which makes it a little bit difficult to access an automobile from the passenger side if you are parked on the south side of the street. We established this dimension that permitted us to have a sufficient apron at the front of the garage where you can park two or three automobiles and not be parked over the sidewalk. This also permits us to enter the house on the main level. This house would have a partial basement. The basement is smaller than the footprint of the house, similar to the homes that are on East Summit Street.

Mr. Vitt said the rear half of this house is actually supported on a structural steel framing system that is supported by caissons that are drilled deep into the earth. The other thing that determined where we could situate the house is portions of the foundation of the original house that was there, that house had four very large concrete monolith foundations that were installed in the 1990's when the basement floor failed. We can't get them off the site and remove them so we actually have to work around them. That also determined the positioning of the house and the size of the basement and structural steel support system. By looking at this particular location on the hillside, we think we solved the problem of access on the main level and street side, the issues of parking, and also I think the safety services would have a much easier time dealing with servicing this particular house on the location that is proposed and the elevation that is proposed. In the course of building this house we would also remove a series of railroad ties that have reached their service life. The railroad ties are rotted and they are not functioning very well as a retaining wall so they would be removed and the site would be re-graded, probably in its entirety, and re-vegetated.

Mr. Vitt said we are required to submit a drawing to the city engineer with respect to the foundation design. We are going to go ahead and drill three core holes on that site pretty much right through the center of the house from the east to the west lot line. I would assume one will go down to bedrock and that will determine the depth of the other two. We anticipate that this house will be supported by deep caisson type drilled shaft foundations. We are actually asking for that variance from 35 feet to 18 feet. That is the only variance that we require for this particular house. The house will be built at probably close to the 20% site coverage and that is permitted under the R1-60 zone. The side yard and rear yard we don't require any variances. Height we don't require a variance. This house will be rather tall from the rear elevation, which would be the west, but that is primarily driven by the fact that the rear of the house is up on 20 foot high structural steel columns.

Mr. Holdren asked, doesn't it also have the right to go to the Planning and Zoning Commission. Mr. Himes said right, the Planning and Zoning Commission does have the authority to adjust front yard setbacks to the average on the street up to two-thirds of the total required setback. The Planning and Zoning Commission can decrease the required front yard setback by a maximum of 10 feet. So, in this case where they are going from 35 down to 18 it would be outside the Planning and Zoning Commission's authority to do that.

Dan Puianno asked questions about the monolith foundations, which Mr. Vitt answered.

Mark Puinno, Carter Homes LLC 58 West Orange Street, talked in length about the West Orange Street project and the proposed retaining wall for that project.

Ellen Takas, 140 Division street, questioned why Mr. Vitt would even want to build a house at this location because of the cracks in the earth. Mr. Vitt explained why he is building here. Mrs. Takas' husband commented about building permits and the West Orange Street project.

Mr. Vitt was asked if the variance is granted, are you going to move forward with this house before you start moving forward with Phase II on West Orange Street? Mr. Vitt said our highest priority is building the primary wall on Phase II.

Moved by Mr. Williams, seconded by Mrs. Loomis to recommend approval to Council for the variance request of the owner of the 47 West Cottage street property to Section 1125.03(f), front yard setback requirement. The requirement is 35 feet and the applicant is requesting an 18 foot setback for a total variance of 17 feet. The owner of the property wishes to build a new home in the same essential location of the previous home that was ordered demolished by the village so the setback will be similar to what was there previously. The applicant is also proposing that the alignment with the new dwelling will be essentially the same alignment as the other homes on West Cottage. The applicant expressed that there are some challenges with the steep hillside so the setback being requested is going to be supportive for the delivery of governmental services whether it be mail, safety services, police & fire, and alike. The owner has also expressed the desire to construct a dwelling that will satisfy the engineering designs of the hillside and that is up to the village engineer to approve final foundation designs. Will the character of the neighborhood be altered? I think the character of the neighborhood will be supported by a home being built there where there was one before.

Williams: Aye.

Loomis: Aye.

Fricke: Aye, for the reasons stated in the motion.

Freshman-Johnson: Aye.

Holdren: Aye.

Mr. Himes said this will go to Council for final action on April 8, 2013.

The meeting adjourned at 9:12 p.m.

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Wade Fricke, Chairman  
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