

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

3611

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| IN RE: VARIANCE REQUEST OF |) | <u>FINAL ORDER OF COUNCIL</u> |
| RICHARD AND LISA VAROS |) | <u>AND CONCLUSIONS OF FACT</u> |
| FOR PROPERTY LOCATED AT |) | |
| 107 WALNUT STREET |) | <u>ADMINISTRATIVE ORDER NO.</u> |
| PERMANENT PARCEL NO: 932-05-046 |) | <u>2011- 70</u> |

This matter is before the Chagrin Falls Village Council pursuant to the request of Richard and Lisa Varos ("the applicants"). The applicants own the residence at 107 Walnut Street ("the subject property"). The applicants have requested variances from Section 1125.04(a)(3) and 1125.04(a)(6)(d) of the Chagrin Falls Codified Ordinances to permit the construction of a detached garage that will be seventeen feet (17') tall and will be within two feet (2') of the side and rear property lines ("proposed project").

Section 1125.04(a)(3) states that detached garages shall be located only in rear yards, a minimum distance of three feet from each lot line and in no event shall such architectural features extend to within three (3) feet of any lot line.

Section 1125.04(a)(6)(D) requires that side and rear setback lines shall increase by one foot (1') for each one foot (1') of building height over fifteen feet (15') and where the computation results in a fractional unit, the requirement shall be rounded up to the closest foot. Section 1125.04(a)(6)(D), therefore, requires a garage that is seventeen feet (17') tall to be five feet (5') away from the side and rear lot lines.

The applicant, therefore, is requesting a variance of three feet (3') from the requirements of the Chagrin Falls Codified Ordinances.

The Village of Chagrin Falls Board of Zoning Appeals met on October 25, 2011, 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 variances.

This Council met on November 14, 2011, and considered the matter upon the record created by the Board of Zoning Appeals. 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 Walnut Street. The lot is forty-five feet (45') wide and one hundred twelve and one-half feet (112.5') deep.
- 2) The applicants seek to build a detached garage, twenty-four feet (24') wide by twenty feet (20') deep and seventeen feet (17') high with setbacks of two feet (2') to the rear and side lot lines.

3) The Board of Zoning Appeals noted that the neighboring properties were notified pursuant to the requirements of the Codified Ordinances, and no objections were received. No testimony against the proposed project was heard at the meeting.

4) The Board of Zoning Appeals noted that the Architectural Board of Review reviewed the proposed project and, noting that the proposed garage is consistent with the home, approved the project.

5) The Board of Zoning Appeals noted that the proposed garage is a functional two (2) car garage, and the proposed placement of the garage is consistent with the traditional placement of a garage.

6) This Council finds that the applicants have demonstrated a practical difficulty in the use of their property, which is a result of the strict application of the zoning ordinance. The Zoning Code is not advanced, in this instance, by denying the applicants permission to construct the proposed garage.

7) This Council further finds, as recommended by the Board of Zoning Appeals, that the requested variances are not substantial and notes that several of the garages on abutting lots are larger.

8) This Council also finds that the applicants' predicament cannot feasibly be obviated through some method other than a variance as the Board of Zoning Appeals noted that the required setback of five feet (5'), if enforced, would make vehicular access to the garage impractical.

9) This Council also finds that granting of the variances will not adversely affect the delivery of governmental services.

10) This Council also finds and determines that the spirit and intent of the Zoning Code would be observed, and substantial justice will be done, by granting the variances.

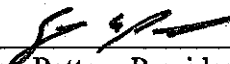
11) This Final Order and Conclusion of Fact is further supported by the fact that the neighbors do not object to the requested variances and the subject property will be improved by the proposed project.

WHEREFORE, IT IS ORDERED, that the variances requested by the applicants, the plans for which are on file with the Building Department, be and are hereby granted. The applicants 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 14th day of November, 2011, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

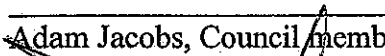
Village of Chagrin Falls Council



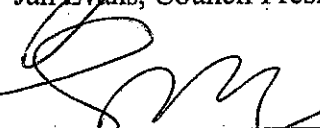
Steven Patton, President of Council



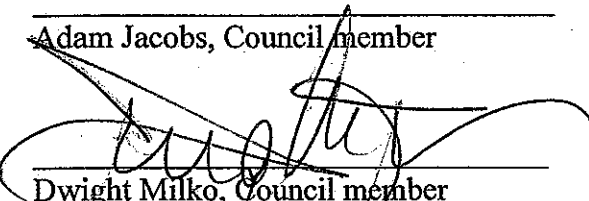
Jan Evans, Council President Pro Tem



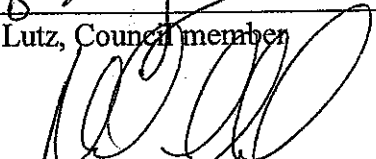
Adam Jacobs, Council member




Janna Lutz, Council member



Dwight Milko, Council member

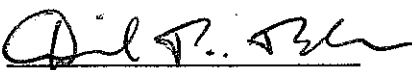


Richard Subel, Council member



Robert Williams, Council member

Notice mailed this 17 day of November, 2011.



Clerk of Council