

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL
CHAGRIN FALLS, OHIO

3642

IN RE: VARIANCE REQUEST OF) FINAL ORDER OF COUNCIL
FIELDS COLLINS PROPERTIES, LLC) AND CONCLUSIONS OF FACT
FOR PROPERTY LOCATED AT)
91 NORTH MAIN STREET) ADMINISTRATIVE ORDER NO.
) 2012- 22

This matter is before the Chagrin Falls Village Council pursuant to the request of Jonathan Fields, on behalf of Fields Collins Properties, LLC (“the applicant”). The applicant owns the commercial building located at 91 North Main Street (“the subject property”). The applicant has requested a variance from Section 1137.04(a) of the Village of Chagrin Falls Codified Ordinances to permit a second story addition.

Section 1137.04(a) requires a twenty foot (20') rear yard setback and a five foot (5') side yard setback. The proposed project provides for a zero foot (0') rear yard setback and a zero foot (0') side yard setback.

The Village of Chagrin Falls Board of Zoning Appeals met on April 24, 2012, received evidence and testimony, and heard the arguments of the applicant. The Board of Zoning Appeals, on a vote of 5-0, recommended that Council grant the requested variance.

This Council considered the matter upon the record created by the Board of Zoning Appeals on May 14, 2012. 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) 91 North Main Street is located on the west side of North Main Street.
- 2) The applicant seeks to build a second story addition over the existing non-conforming first floor that is set back on the side and rear by approximately one foot.
- 3) The Board of Zoning Appeals noted the side and rear yard encroachment are existing, and there is no increase in the amount of the encroachment.
- 4) The Board of Zoning Appeals heard no testimony against the proposed variance and were persuaded that no harm will result to the neighborhood if the variance is granted. The addition will not be visible from the street, and the existing roof line will be extended to the rear and not raised.

5) The Board of Zoning Appeals noted that the proposed second floor project will provide additional space to a current tenant and will enhance a building in the Retail Business District. The Board of Zoning Appeals also noted that the proposed second floor addition "mirrors" the footprint of the existing first floor. This Council, therefore, finds that the proposed addition is an improvement to the subject property and is not substantial.

6) The Board of Zoning Appeals noted that there is no other way to add additional space to the subject property. This Council finds that the applicant, therefore, has demonstrated a practical difficulty in the use of their property, which is a result of the strict application of the zoning ordinance.

7) This Council further finds, as recommended by the Board of Zoning Appeals, that the variance will not substantially change the character of the neighborhood.

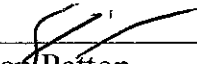
8) This Council also finds and determines that the spirit and intent of the zoning code is observed, and substantial justice is done, by granting the variance. This conclusion is supported by the facts that the neighborhood will not be changed by the proposed variance, no objections have been made to the proposed variance and the subject property will be improved by the proposed second floor addition.

WHEREFORE, IT IS ORDERED that the variance to Codified Ordinance Section 1137.04(a), requested by the applicant, the plans for which are on file with the Building Commissioner, be and is hereby granted. The applicant may construct the proposed second story addition 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 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 May, 2012, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

Village of Chagrin Falls Council

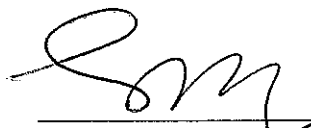


Steven Patton,
President of Council

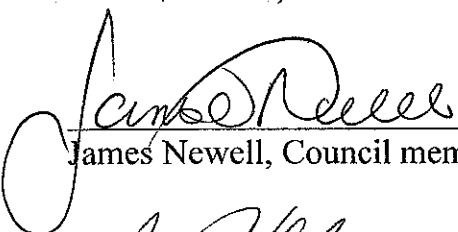
Janis Evans,
Council President Pro Tem



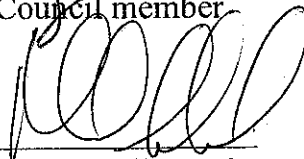
Michael Chess, Council member



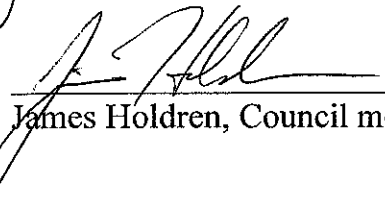
Janna Lutz, Council member



James Newell, Council member

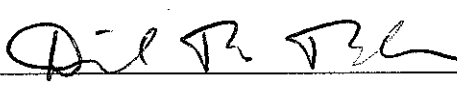


Richard Subel, Council member



James Holdren, Council member

Notice mailed this 22 day of May, 2012.



Clerk of Council