

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL 3829
CHAGRIN FALLS, OHIO

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
TED AND MICHELLE MCQUADE)	<u>AND CONCLUSIONS OF FACT</u>
FOR PROPERTY)	<u>ADMINISTRATIVE ORDER NO.</u>
AT 137 SOUTH FRANKLIN STREET)	<u>2014- 67</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Ted and Michelle McQuade ("the Applicants"). The Applicants own the existing non-conforming residence at 137 South Franklin Street ("the Subject Property"). The Subject Property is located on the east side of South Franklin Street. The Applicants propose to build an addition and screened porch to the existing single family residence on the Subject Property.

The proposed screened porch addition would be located one foot nine inches (1'9") from the side 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. Therefore, the Applicants are seeking a variance of one foot three inches (1'3").

The existing dwelling is non-conforming as to the side yard set back requirement. Section 1145.02(b) requires additions to non-conforming dwellings to comply with the area yard and height regulations of the district. Therefore, the Applicants are seeking a variance from this requirement.

The proposed side yard setback of one foot (1') 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. Therefore, the Applicants are seeking a variance of two feet (2').

The Village of Chagrin Falls Board of Zoning Appeals met on September 23, 2014, received evidence and testimony, and heard the arguments of the Applicants. The Board of Zoning Appeals, on a vote of 3-0, 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 13, 2014.

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 east side of South Franklin Street.
- 2) The Applicants propose to build an addition and screened porch to the existing non-conforming single family residence on the Subject Property. The proposed screened porch addition will be located one foot (1') from the side lot line.

3) Applicant Michelle McQuade testified that the new screened porch will be less of an encroachment into the side yard than the existing deck.

4) The Board of Zoning Appeals noted that it is not feasible to build the proposed screened porch without the variances as it would render the interior space inadequate for a table and chairs and an indoor grill.

5) The Board of Zoning Appeals found that the variances are not substantial and would not have an adverse effect on the neighborhood. It was noted that four neighbors submitted letters of support and no opposition was expressed.

6) The Board of Zoning Appeals found that the character of the neighborhood was improved by granting the variances.

7) 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 finds that the Applicants, therefore, have demonstrated a practical difficulty in the use of the Subject Property, which is a result of the strict application of the zoning ordinance because of the existing site constraints of a small lot and a non-conforming dwelling.

8) 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.


9) 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 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), 1145.02(b), 1339.02, requested by the Applicants, the plans for which are on file with the Building Commissioner, be and are hereby granted. The Applicants may construct the proposed project in accordance with the plans. This document is deemed by Council to be the final order in this matter.

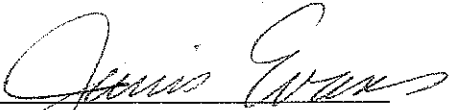
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the Applicants, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the date the Clerk mails this document, as provided herein.

Adopted this 13th day of October, 2014, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

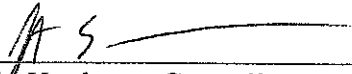
Village of Chagrin Falls Council



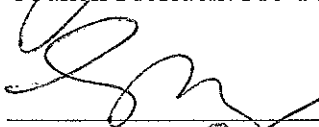
Steven Patton,
President of Council



Janis Evans,
Council President Pro Tem




Justin Herdman, Council member



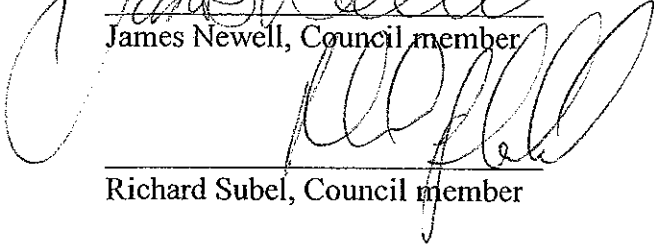
Janna Lutz, Council member



James Newell, Council member



Thomas Muscenti, Council member



Richard Subel, Council member

Notice mailed this 23 day of October, 2014.



Clerk of Council