

**VILLAGE OF CHAGRIN FALLS
BOARD OF ZONING APPEALS
September 23, 2014**

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

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

Mr. Fricke said we do have a quorum but the ordinances of the village require that we have three affirmative votes for anything. You are free to say I would rather take my chances with a full board of five but you are welcome to present to the three of us.

APPROVAL OF MINUTES

Moved by Mrs. Loomis, seconded by Mrs. Freshman-Johnson that the minutes of the meeting held June 24, 2014 be approved. Carried. Ayes: Fricke, Loomis, Freshman-Johnson. Nays: None.

SWEARING OF WITNESSES

All were sworn in.

GEOFFREY AND LISA POPE, 67 MAY COURT - REQUEST FOR A VARIANCE TO SECTION 1125.04(a)(6)(d), AREA, YARD, AND HEIGHT REGULATIONS: ACCESSORY STRUCTURES, PERMANENT PARCEL NO. 932-17-046.

Mr. Himes said they are proposing a detached garage in the rear yard with a 3' setback from the rear lot line and 3'6" from the side lot line. The height is proposed at 17', which would require an additional 1' setback from both sides and the rear for each additional foot over 15'. They have 2 additional feet over 15' so they would need a 5' setback from both the side and rear lot lines.

Bill Childs said the existing garage was attached and we are tearing that down. We are proposing the garage detached at the rear, left hand side of the property. We went in front of the Architectural Review Board with this proposal. It had a lower pitch that was to code and they suggested, based on the architecture of the home, a little higher pitch. It is actually a 12/12 pitch and we were proposing a 6/12 pitch. We modified it based on their suggestion and we did a 10/12. I looked at 12/12 and it was just too steep. It is basically 3' higher to get a little better character and it looks a little more pleasing. It is a small garage. Normal garages are 24' X 24' so this is really only 20' X 20'. That is the biggest we could get it because their house, there is such a tight turn here and the lot is so small to begin with. We made it as big as we possibly could. Mr. Himes said the height is allowable but they need the additional setback; they are at 3' and they need 2 additional feet because of the 2' over 15'. Mr. Childs said the hardship is if you pull the house over you won't be able to use the garage; it is very tight. Mr. Fricke asked, will the garage be 3' from the back and the side? Mr.

Childs said yes.

Moved by Mrs. Freshman-Johnson, seconded by Mrs. Loomis to approve the variance to Section 1125.04(a)(6)(d). As part of the code the distance of the garage from the side and rear shall increase by 1' for any amount of feet over 15' from the elevation of the roof of a garage. In this case they presented a 16', almost a 17' pitch, which means they need another 2' variance from the side and back yard. The ARB required that the conforming garage plan would meet better architectural needs by raising the pitch of the roof to be inline with the architecture of the current structure of the house and they require the steep pitch to be raised by a couple of feet. In addition to those reasons, the existing garage, which is located currently on the property line, will be eliminated, which will relieve a current variance from that existing structure. It will greatly improve the look and feel of the property creating a natural driveway back to a garage and it will probably add to the ability for safety and fire services to get to all parts of the property in the back now by opening up that driveway. There has been no negative feedback from any neighbors that are not agreeable. For those reasons, I move to accept the variance.

Loomis: Aye.

Fricke: Aye, and I would just say thank you for the motion. I would make it clear that the applicant had a conforming proposal and it was the ARB who asked them to add 2', which is necessitating the need for the variance. I support it for all the reasons of the variance.

Freshman-Johnson: Aye.

Mr. Himes said this will go to Council for final action on Monday, October 13, 2014.

JAMES OWEN, 20 KENTON ROAD - REQUEST FOR A VARIANCE TO SECTION 1125.04(a)(3), AREA, YARD, AND HEIGHT REGULATIONS: ACCESSORY STRUCTURES, ROAD, PERMANENT PARCEL NO. 931-02-017.

Moved by Mrs. Freshman-Johnson, seconded by Mrs. Loomis to extend the application of James Owen at 20 Kenton Road.

Loomis: Aye.

Fricke: Aye.

Freshman-Johnson: Aye.

TED AND MICHELLE MCQUADE, 137 SOUTH FRANKLIN STREET - REQUEST FOR A VARIANCE TO SECTION 1125.03(g), AREA, YARD, AND HEIGHT REGULATIONS: MAIN BUILDINGS, SECTION 1145.02(b), NONCONFORMING BUILDINGS, AND SECTION 1339.02, NO PROJECTION WITHIN THREE (3) FEET OF A PROPERTY LINE,

PERMANENT PARCEL NO. 932-15-009.

Mr. Himes said the applicant is proposing a screened-in porch and an addition to the rear and side of the existing house. The existing house is nonconforming in that it does not meet the side yard setback. Section 1125.03(g) of our code requires that the main building be set back a minimum of 3' from the side lot line. The proposed screened-in porch is located 1' from the side lot line. It is an existing nonconforming building. Section 1145.02(b) requires additions to nonconforming dwellings to comply with the area, yard, and height regulations of the district. Section 1339.02 of the building code states that no roof, eave, cornice, or projection of any kind shall be built within or protrude closer than 3' to any lot line. Their plan is at 1' and that does not comply with that section.

Mr. Fricke asked, so the bulk of the front of the house is 3' then there is a bay window that extends about 1' and then there is a current deck that is right up at the lot line now? Mr Himes said correct.

Michelle McQuade said the people in 1987, it was a one-bedroom home, built an addition which was the first floor master. With that they did the deck that is behind it that does extend about 2 ½ to 3' past the house and they did the screened-in porch. She showed pictures of the property. She said we are requesting 1' of the property line to potentially, because we are doing an addition, we are going to close in this existing screened-in porch to enhance the kitchen and dining room area. We are thinking about hopefully doing a screened-in porch here off of the master bedroom. We are not asking to go to where the actual structure is today.

Mrs. McQuade said I did get signatures from every single neighbor that touches our property line from the left to the right to the back.

Mr. Fricke said it all makes sense to me. One of the things we have to look at is practical difficulty so I wanted to make sure we are clear on the record on that. You had an application, some measurements about the practical difficulty of fitting the table and chairs in the screened-in porch. One of the questions you could ask is well this is all beautiful but why can't you just make the screened-in porch move in and conform? Mrs. McQuade said in all honesty, if you are going to do a screened-in porch you want to be able to at least sit in there and enjoy it. If we got the variance there was going to be an undercover grill area at this location. So, because of that, because we wanted an indoor grill area and in order to fit a couple of chairs in that is why we are asking for that variance.

Mr. Fricke asked, what would be the distance from the front of the grill to the house? Mrs. McQuade said if I had to guess I would say 10'. Mr. Himes said about 8'; it is pretty tight. Mrs. Freshman-Johnson said so if you made it 6' you have a chair and a small table no tables and chairs and no grill. Mrs. McQuade said I know that that seems like a luxury but that is the whole reason to have a grill inside. I respect whatever you guys decide because I am also part of the Historical Society and Your Home Town so I want to make sure it is good for the village. Right now the intent on this addition is to do all wood siding to keep in character of the home but if it is closer, which is fine, I am going to do Hardie board with concrete to protect that area.

Mrs. Loomis asked, is the new screened-in porch less of an encroachment to the side yard than the existing deck? Mrs. McQuade said yes, because the existing deck at the one corner, which is the west/south corner, is really close up to the property line and then as you go on you get a little bit more variance but maybe at the very end is a foot away from the property line.

Moved by Mrs. Freshman-Johnson, seconded by Mrs. Loomis to make a motion in regards to the residence at 137 South Franklin Street in the R1-50 zoning district. It is a current nonconforming dwelling and Section 1145.02(b) requires any addition to a nonconforming dwelling to comply with the area, yard, and height regulations of the district. The proposed addition, a screened-in porch is only going to be located 1' from the side lot, which normally requires 3'. Section 1125.03 requires the main building to be set back a minimum of 3' from the side lot so they are requesting a 2' variance so they can be 1' away from the side lot. In addition, Section 1339.02 of the building code states that no roof, eave, cornice, or projection of any kind shall be built within or protrude closer than 3' to any lot line. So, the feasibility of this addition by making it smaller to conform with the sections of the code proposed above would make the room so small it would be almost non-useable besides a small chair and a table so for feasibility purposes the request for the 2' additional to the side lot is requested. It doesn't adversely affect any neighbor as proven by the signatures received from everybody. It stays with the conforming look and feel of the house and neighborhood and the intent is to beautify and extend the house's useful life. For those reasons I make a motion to approve the variances presented above.

Loomis: Aye.

Fricke: Aye, for all the reasons of the motion.

Freshman-Johnson: Aye.

Mr. Himes said this will go to Council for final action on Monday, October 13, 2014.

Mr. Fricke said we will greatly miss Dory. You have done a wonderful service to the village and we really appreciate all you have done. I can't imagine going on the BZA without you but you have other wonderful things going on so we really thank you. And, we also thank you for staying on longer than you thought you might be staying on. The village is forever in your debt. Mrs. Loomis said thank you. It has been a privilege working with everyone and maybe in a few years perhaps I could come back.

The meeting adjourned at 8:38 p.m.

Wade Fricke, Chairman
lgb