

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL 3706
CHAGRIN FALLS, OHIO

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
HAROLD PRAY FOR PROPERTY)	<u>AND CONCLUSIONS OF FACT</u>
ON 111 EAST COTTAGE STREET)	
)	<u>ADMINISTRATIVE ORDER NO.</u>
)	<u>2013- 27</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Harold Pray ("the Applicant"). The Applicant owns the existing residence at 111 East Cottage Street ("the Subject Property"). The Subject Property is located on the north side of East Cottage Street. The Applicant proposes to construct a new entrance feature consisting of an unenclosed porch and stair from the driveway. The applicant requests a variance from Section 1125.03(k) to permit a projection into the required front yard of fourteen feet seven and one-half inches (14' -7 ½"). Under Section 1125.03(k), an entrance feature may project into the required front yard a maximum distance of six feet (6'). Therefore, a variance of eight feet seven and one-half inches (8'-7 ½") is needed to construct the proposed porch and stairs.

The Village of Chagrin Falls Board of Zoning Appeals met on April 2, 2013, and 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.

Council considered the matter at its meeting held on April 8, 2013, upon the record that was created by the Board of Zoning Appeals. 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 north side of East Cottage Street.
- 2) The Applicant proposes to construct a new entrance feature consisting of an unenclosed porch and stair from the driveway that projects into the required front yard fourteen feet seven and one-half inches (14' -7 ½"). Under Section 1125.03(k), an entrance feature may project into the required front yard a maximum distance of six feet (6').
- 3) The Board found that the proposed porch and stair will replace an existing similar entrance feature which is severely deteriorated, but necessary to navigate the steep slope from the driveway to the front door. It was also noted that no objections were heard from neighbors.
- 4) The Board found that the proposed porch and stair are critical to the value of the Subject Property because they provide safe access to the house due to the steep slope from the driveway to the front door.
- 5) The Board found that the variance request is not substantial because the proposed porch and stair will replace the existing deteriorated and nonconforming entrance feature and will provide better access to the house with a more modern design.

6) The Board of Zoning Appeals noted that the variance will improve the delivery of governmental services and particularly those of safety services should the need arise to access the house.

7) The Board found that the Applicant's predicament cannot be obviated by means other than a variance due to the challenges presented by the topography of the Subject Property which require the proposed entrance feature to extend into the front yard an additional eight feet seven and one-half inches (8' 7 1/2").

8) This Council finds that the Applicant, therefore, has demonstrated a practical difficulty in the use of his property, which is a result of the strict application of the zoning ordinance.

9) This Council finds, as recommended by the Board of Zoning Appeals, that the proposed entrance feature is an improvement to the Subject Property and does not adversely affect the essential character of the neighborhood.

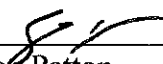
10) This Council also finds and determines, as recommended by the Board of Zoning Appeals, that the spirit and intent of the zoning code is observed, and substantial justice is done, by granting the variance. This conclusion is supported by the facts that the neighborhood will not be adversely altered by the proposed variances, the Subject Property will be improved by the proposed project, and the Applicant is seeking the minimum variances necessary to obtain a reasonable access to the front door of the property.

WHEREFORE, IT IS ORDERED that the variance to Codified Ordinance Section 1125.03(k), 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 project in accordance with the plans. This document is deemed by Council to be the final order in this matter.

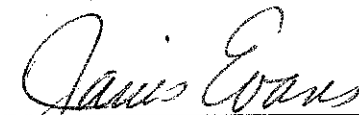
IT IS FURTHER ORDERED that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the Applicant, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 8th day of April, 2013, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

Village of Chagrin Falls Council



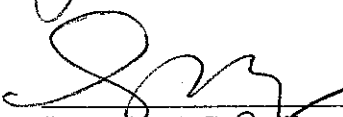
Steven Patton,
President of Council



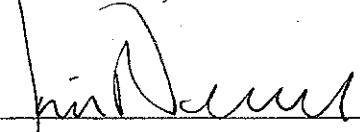
Janis Evans,
Council President Pro Tem



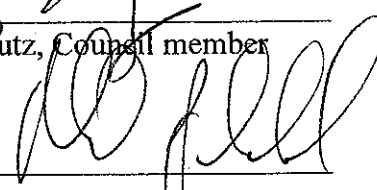
Michael Chess, Council member



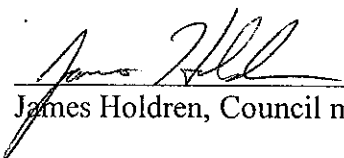
Janna Lutz, Council member



JAMES NEWELL, COUNCIL MEMBER
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RICHARD SUBEL, COUNCIL MEMBER


James Holdren, Council member

Notice mailed this 13 day of May, 2013.


Clerk of Council