

**VILLAGE OF CHAGRIN FALLS  
BOARD OF ZONING APPEALS  
August 25, 2015**

Members present: Fricke, Holdren, Freshman-Johnson  
Also present: Himes, Lane, Edwards

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

**APPROVAL OF MINUTES**

Moved by Mr. Holdren, seconded by Mrs. Freshman-Johnson that the minutes of the meeting held July 28, 2015 be approved. Carried. Fricke, Holdren, Freshman-Johnson. Nays: None.

**SWEARING OF WITNESSES**

All were sworn in.

**JAMES AND CAROL LONGENECKER, 65 WEST SUMMIT STREET - REQUEST FOR A VARIANCE TO SECTION 1125.03(g), AREA, YARD, AND HEIGHT REGULATIONS: MAIN BUILDINGS, AND SECTION 1145.02(b), NONCONFORMING BUILDINGS, PERMANENT PARCEL NO. 931-12-033.**

Mr. Fricke said there are only three members here tonight and the code requires an affirmative vote of three of the five so you will need a unanimous vote tonight. You could rethink and come back when we have five members here. The applicant chose to go forward tonight.

Mr. Himes said the dwelling is in the R1-60 zone and the applicants are proposing an addition to their dwelling. The existing dwelling is a legal nonconforming dwelling. The nonconformity is from an encroachment of about 12 feet into the rear yard setback. They are converting an existing garage space into living space and adding a garage to the side of that. The required minimum setback is 5 feet and they are proposing a setback of 4 feet. They need a variance to Section 1125.03(g), which requires the side yard setback of 5 feet and Section 1145.02(b), which states that additions to nonconforming dwellings must comply with the area, yard, and height regulation.

Pat Hurst, Hurst Design Build Remodel, said currently they have a really small dining room. We've explored other options of where to put this addition and it really made sense to convert the garage into some living space and add a one-car garage. They currently have a one-car attached garage, which we are going to maintain with the addition. Part of that addition is taking some of the space from the existing garage area so the addition itself is not adding all that much space but we do need that 1 foot in order to just maintain that one-car bay. There is really no good location to add on from a roof line standpoint and everything else. We did go through preliminary architectural review.

They had a couple of recommendations but overall the design went well. I think if we did an addition anywhere else on the home there is really no good spot for it, particularly a detached garage. I don't even think there would be a way to do that. We look at this as being the best solution aesthetically; it will look a little bit more like a two-car type garage. There is plenty of distance between the homes. I believe the requirement is 15 feet between structures and I believe we are a little closer to 18 feet even with this 1 foot variance.

Mr. Fricke asked, the existing garage, will that be the first floor master or is that going to be the dining room? Mr. Hurst said no, they have a first floor bedroom but that is on the opposite side of the home. There are two bedrooms towards the west side of the home. On this side they have a smaller kitchen, there is a family room in the back, and there is a small dining room. They just want a little bit more room for their dining room table and open up the kitchen a little bit towards that space. Mr. Fricke said it is only a 1 foot request. Is there any reason why you can't take the 1 foot out of the garage, move the new garage over 1 foot? Mr. Hurst said comfortably to add it to where you pull a vehicle in and to be able to open and get out that is kind of like the minimum. They have a smaller vehicle and that would be the absolute minimum that we could do. Mr. Fricke asked, couldn't you take 1 foot out of the converted area and just get your 1 foot that way? Mr. Hurst said not without doing major structural work getting back into that existing area because that area on the back side of the house is also an addition so that would be a little bit complicated to do. Mr. Fricke asked, if you were to take the 1 foot heading east that would make that converted room too small to have a dining room? Mr. Hurst said we did explore that without doing a variance and it just made it too small to where you couldn't have a 42" or 44" wide dining room table, chairs on each side, and be able to maneuver around there. It was pretty limiting and right now what is on that side where the garage is going to go they just have a concrete drive coming around that side and it is still a little tight with how they have the fence on that back so all they need is that 4 feet because initially the homeowner requested 3 and he said all we need is our walkway. We are barely even going to go around that side and we said 3 is just way too tight. If you are carrying something or even if it is a wheelbarrow you are going to encroach on the neighbor's property.

Mr. Fricke asked, the new brick walk, is that going to be on their property line? Mr. Hurst said yes, what they have currently is a brick paver area and they have a patio on the back. We are going to salvage all the bricks and use them for the sidewalk as well as a walk in the front. The terrace in the back is going to be new stone like a blue stone or something like that.

Mr. Fricke asked, how old is this house? Mr. Hurst said it is not that old; it is not a century home. I want to say it was built in the early 50's. It is made to look like an older home but it is not that old.

Mr. Hurst said we really did look at how can we do this without a variance and it just wasn't a really good way to accomplish it without that 1 foot variance. Mr. Fricke said you conceivably have enough room on the other side of the house to put in an attached garage but I assume that is much more of a big project. Mr. Hurst said yes, that creates other complications because if we did that we would run into another issue there because we are at 14/3 and we would be asking for a variance, probably even a greater variance on that side.

Moved by Mrs. Freshman-Johnson, seconded by Mr. Holdren to approve the variances. Mrs. Freshman-Johnson said the existing nonconforming dwelling is not being affected but needs to go through the variance process to once again reaffirm the nonconforming back yard setback variance of 12 feet and then the variance being added during this request is to 1125.03(g), the 5 foot side yard setback. They are asking for a 1 foot variance to 4 feet to have a one-car garage attached to the house and they are converting an existing garage into heated living space. The ability to make the additional heated living space 1 foot smaller to avoid the variance doesn't allow for what we will call normal and natural living space with furniture alignment being constricted and the space there for not being reasonably met. There is no ability to put a garage in other parts of the yard. It would deter from the value of the house removing the value of the yard in the back and keeping the current driveway on the east side of the house, which aligns with the rest of the street. The character of the neighborhood is being sustained with the renovations to the house. There is no argument from any neighbor to the con of this addition and all communication has gone out.

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

Freshman-Johnson: Aye.

Holdren: Aye.

Mr. Himes said this will go to Council for final action on September 14, 2015.

The meeting adjourned at 8:15 p.m.

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Wade Fricke, Chairman  
lgb