



5) The Board of Zoning Appeals noted that while the Village has considered installing sidewalks on Monticello Drive in the past, no sidewalks exist on Monticello Drive, and no plan for sidewalks on Monticello Drive is currently being considered.

6) The Board of Zoning Appeals noted that if the Village decided to install sidewalks on Monticello Drive in the future, the Applicant could be subject to a special assessment at that time.

7) The Board of Zoning Appeals noted that no neighbors spoke in opposition to the appeal.

8) Adjacent neighbors David Loomis and Dori Loomis presented evidence and testified in support of granting the appeal specifically, that they own the adjacent two lots on Monticello Drive and have no plans to develop the vacant lot closest to the Subject Property; there are no sidewalks on Monticello Drive, so requiring a sidewalk along the frontage of the Subject Property would create a sidewalk to nowhere which would not be in keeping with the neighborhood on Monticello Drive and the area generally; and the Village has never made a decision as to which side of Monticello Drive should have sidewalks if sidewalks were to be installed, so if the Applicant is required to install the sidewalk, it may end up being on the wrong side of the street.

9) The Board of Zoning Appeals recommended that this Council grant the appeal.

10) The Board of Zoning Appeals found that the Village Administrator strictly construed the code in rendering his decision.

11) The Board of Zoning Appeals found that based on the testimony presented by the Applicant and other interested parties, there were reasonable grounds to recommend that the appeal be granted.

12) This Council is satisfied that there are reasonable grounds for granting the appeal. While the Village has considered installing sidewalks on Monticello Drive in the past, sidewalks do not exist on Monticello Drive and requiring the Applicant to install a sidewalk would not be in keeping with the existing neighborhood. Furthermore, if the Village decides to install sidewalks on Monticello Drive, it is not certain at this time on which side of the street the sidewalk will be located. This Council finds that the Applicant, therefore, has demonstrated that he is entitled to an exception from the requirement that sidewalks be installed across the Monticello Drive frontage of the Subject Property.

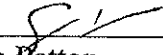
WHEREFORE, IT IS ORDERED, that the appeal of the Applicant from the decision of the Chief Administrative Officer denying his request for an exemption from the requirement of Section 903.01 to provide sidewalks on both frontages of the Subject Property is granted. The Applicant is not required to install a sidewalk on the Monticello Drive frontage of the Subject Property. This document is deemed by Council to be the final order in this matter.

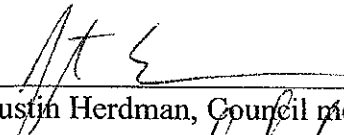
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the Applicant, and any other parties requesting same, by first

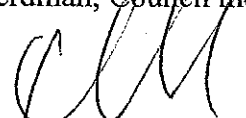
class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the date the Clerk mails this document, as provided herein.

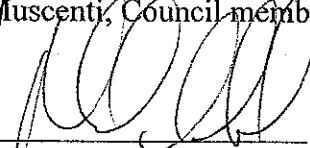
Adopted this 14<sup>th</sup> day of July, 2014, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

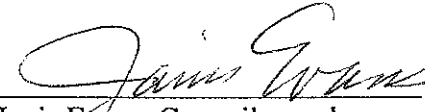
Village of Chagrin Falls Council

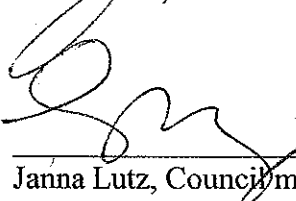
  
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Steven Patton,  
President of Council

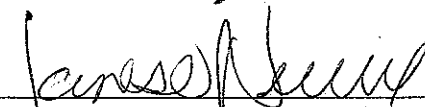
  
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Justin Herdman, Council member

  
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Thomas Muscenti, Council member

  
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Richard Subel, Council member

  
\_\_\_\_\_  
Janis Evans, Council member

  
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Janna Lutz, Council member

  
\_\_\_\_\_  
James Newell, Council member

Notice mailed this 1 day of AUGUST, 2014.

  
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Clerk of Council