

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL 3657
CHAGRIN FALLS, OHIO

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
SANPAL, LLC,)	<u>AND CONCLUSIONS OF FACT</u>
FOR PROPERTY LOCATED AT)	
26 SOUTH FRANKLIN STREET)	<u>ADMINISTRATIVE ORDER NO.</u>
)	<u>2012- 37</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Sanpal, LLC (“the applicant”), owner of the property located at 26 South Franklin Street (“Property”), and Dr. Lauren Goldschmidt, an individual with a purchase agreement to purchase the Property contingent upon the granting of a parking variance. The applicant and Dr. Goldschmidt have requested a variance from Section 1141.02(a)(1) of the Village of Chagrin Falls Codified Ordinances to permit a medical office use of the Property without the provision of additional parking facilities.

Section 1141.02(a)(1) requires accessory off-street parking facilities to be provided in conformance with the schedule in Section 1141.05 as a condition precedent to the occupancy of a building or whenever the use of an existing building is changed to a use requiring more parking facilities.

The Village of Chagrin Falls Board of Zoning Appeals met on July 24, 2012, received evidence and testimony, and heard the arguments of the applicant. The Board of Zoning Appeals, on a vote of 3-0, approved a motion to recommend that Council grant the requested variance.

This Council considered the matter upon the record created by the Board of Zoning Appeals on August 13, 2012. This Order and the 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 Property is located within the Office District.
- 2) The applicant seeks to use a part of the ground floor for a dental office, a medical office use. The previous tenant used the Property for a general office use.
- 3) The Board of Zoning Appeals noted that the Property does not have a parking plan and is unable to provide parking that complies with Village requirements for maneuverability.

4) The Codified Ordinances require eight parking spaces for the dental office use and seven parking spaces for the remaining general office use, for a total of fifteen parking spaces.

5) The Board of Zoning Appeals noted that the existing use has nine parking spaces. The Board of Zoning Appeals further noted that any new general office use would not be required to provide additional parking facilities and that new parking facilities are not required when a change of use occurs in the Central Shopping District, an area that is one block north of the Property.

6) The Board of Zoning Appeals found that there is no increase in total square footage of the building, but only a change in the use of the office space.

7) The Board of Zoning Appeals noted that the variance would not adversely affect the character of the neighborhood and would in fact improve the character of the neighborhood since Dr. Goldschmidt plans to renovate the building and invest in the restoration of the building. No objections were heard from neighboring property owners.

8) This Council finds that the applicant has demonstrated a practical difficulty in the use of the Property resulting from the strict application of the zoning ordinance.

9) This Council also finds that the applicant's and Dr. Goldschmidt's predicament cannot be feasibly obviated through some method other than a variance as there is no parking plan that can be presented demonstrating compliance with Village requirements.

10) This Council further finds, as recommended by the Board of Zoning Appeals, that the variance is not substantial and will not adversely affect the delivery of governmental services.

WHEREFORE, IT IS ORDERED, that the variance to Section 1141.02(a)(1), requested by the applicant and Dr. Goldschmidt, the plans for which are on file with the Building Commissioner, be and is hereby granted. This document is deemed by Council to be the final order in this matter.

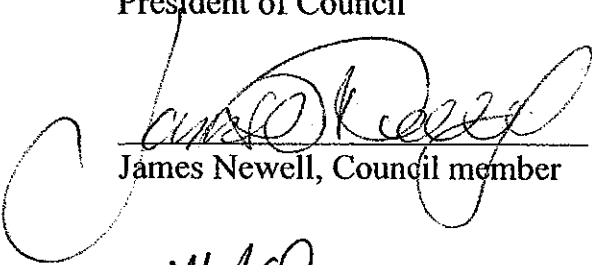
IT IS FURTHER ORDERED, that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the applicant, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 13th day of August, 2012, 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 member



James Newell, Council member

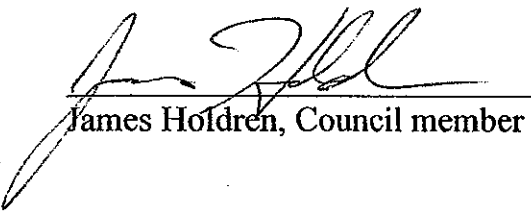


Janna Lutz, Council member



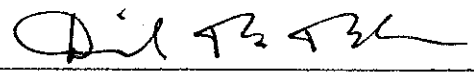
Michael Chess, Council member

Richard Subel, Council member



James Holdren, Council member

Notice mailed this 22 day of August, 2012.



Clerk of Council