

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL 3683
CHAGRIN FALLS, OHIO

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
JACKIE AND CHRISTOPHER)	<u>AND CONCLUSIONS OF FACT</u>
LOCKHART FOR PROPERTY)	
ON 50 EAST SUMMIT STREET)	<u>ADMINISTRATIVE ORDER NO.</u>
)	<u>2013- 04</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of Jackie and Christopher Lockhart ("the applicants"). The applicants own the existing non-conforming residence at 50 East Summit Street ("the subject property"). The applicants have requested a variance from Section 1125.03(f) and 1145.02(b) of the Village of Chagrin Falls Codified Ordinances to permit the construction of a stairway in the required front yard. Under Section 1125.03(f), the minimum front yard setback is to be thirty-five feet (35').

The Village of Chagrin Falls Board of Zoning Appeals met on December 18, 2012, received evidence and testimony, and heard the arguments of the applicant. The Board of Zoning Appeals, on a vote of 4-0, recommended that Council grant the requested variances.

This Council considered the matter on January 14, 2013, upon the record 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 south side of East Summit Street on a steep slope going down from the road.
- 2) The applicants seek to build a stairway from an existing brick patio in the front yard up to road level. The stairway extends from the edge of the right of way approximately 20 feet down slope to the patio.
- 3) The Board of Zoning Appeals found that the proposed stairway is an improvement to the subject property and does not adversely affect the essential character of the neighborhood.
- 4) The Board of Zoning Appeals determined that the existing dwelling was built with a non-conforming deck in the front yard setback, and due to the slope, the only safe way to get from the patio to the deck is via the proposed stairway. This Council finds that the applicants, therefore, have demonstrated a practical difficulty in the use of their property, which is a result of the strict application of the zoning ordinance.
- 5) This Council further finds, as recommended by the Board of Zoning Appeals, that the variances are not substantial because while the proposed stairs will extend into the front yard setback, they will not increase the existing non-conformity of the property.
- 6) This Council also finds that the proposed project will not adversely affect the delivery of governmental services or otherwise adversely impact the health, safety or welfare of the community.

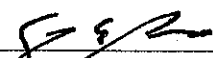
7) This Council also finds and determines, as recommended by the Board of Zoning Appeals, that the spirit and intent of the zoning code is observed, and substantial justice is done, by granting the variances. This conclusion is supported by the facts that the proposed stairway will improve the property, and the neighborhood will not be altered by the proposed variances. No objections have been made to the proposed variances, and the record reflects that two neighbors expressed support for the variances. The subject property will be improved by the proposed project.

WHEREFORE, IT IS ORDERED that the variances to Codified Ordinance Sections 1125.03(f) and 1145.02(b), requested by the applicants, the plans for which are on file with the Building Commissioner, be and are hereby granted. The applicants may construct the proposed project in accordance with the proposed plans. This document is deemed by Council to be the final order in this matter.

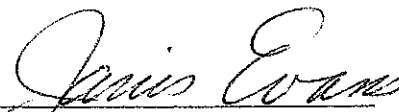
IT IS FURTHER ORDERED that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the applicants, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 14th day of January, 2013, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

Village of Chagrin Falls Council



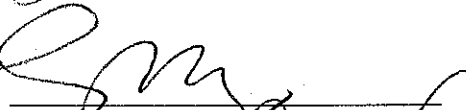
Steven Patton,
President of Council



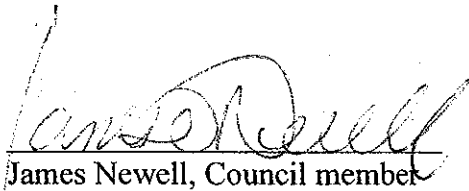
Janis Evans,
Council President Pro Tem




Michael Chess, Council member



Janna Lutz, Council member



James Newell, Council member



Richard Subel, Council member



James Holdren, Council member

Notice mailed this 14 day of January, 2013.



Clerk of Council