

**VILLAGE OF CHAGRIN FALLS  
BOARD OF ZONING APPEALS  
May 28, 2013**

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

The meeting was called to order at 8:00 p.m. by Mr. Williams.

**APPROVAL OF MINUTES**

Moved by Mr. Holdren, seconded by Mrs. Loomis that the minutes of the meeting held April 2, 2013 be approved. Carried. Ayes: Williams, Holdren, Loomis, Freshman-Johnson. Nays: None.

**SWEARING OF WITNESSES**

Mr. Williams said this is not a complete Board. All members of the Board of Zoning Appeals are not in attendance. There are only four out of the five and you need three out of the five members to affirmatively approve the variance. You have the option, because we do not have a full Board here tonight, to delay until we do have a full Board or we can simply proceed. The applicant agreed to proceed.

All witnesses were sworn in.

**HAROLD PRAY, 111 EAST COTTAGE STREET - REQUEST FOR A VARIANCE TO SECTION 1125.03(F), AREA, YARD, AND HEIGHT REGULATIONS: MAIN BUILDINGS, PERMANENT PARCEL NO. 931-14-024**

Mr. Himes explained that Mr. Pray was in front of you at the April meeting for a variance to rebuild the front entryway into the house and it encroaches into the front yard setback about 14 feet where it is allowed to encroach by 6 feet. At that meeting they had also mentioned that they wanted to extend the front of the garage, hence the drawings showing that. We did not have time to get that notice into the mail or into the newspaper advertisement so they are back for that modification, which is a 6 foot extension towards the street across the front of the garage about 23 feet wide to increase the depth of the garage. The existing house is right at the 35 foot setback, which is required in that R1-60 zone. To build this addition onto the garage they would need a variance to Section 1125.03(f), that requires a 35 foot setback from the right-of-way.

Mr. Williams said, just so we are clear for the record, the variance that was addressed by the Board the last time we got together for the landing and the steps that will replace the existing crumbling steps. It was recommended for approval by the BZA. Mr. Williams asked, how did Council act on that recommendation? Mr. Himes said it was approved by Council as well.

Phil Koepf, architect, said you saw these drawings in a little bit more sketchy detail in the April 2<sup>nd</sup> meeting. The only difference between these drawings and what you saw is a level of detail showing the side elevation and better detail of the structure. It has been reviewed by the Architectural Review Board and they made some recommendations that have to go back to them because the garage is, even though we are coming out 6 feet it is still very tight because there is a wall there. It narrows in the back. It is a one-car garage all the way back but we are trying to make this a two-car garage, side by side, so they suggested we actually eliminate that corridor to get some width there and put in an entry. It will be a little bit wider so that when you get your car in you can actually get out of it. Right now a single car can go in there and there is probably 4 feet or 5 feet in front of a reasonably sized car. We add 6, there will be some storage space back there. The problem is the width so if we can get the variance to come out we can deal with getting two cars in there and figuring out whether or not we do an entrance from the side, we do one from the front, or we do one garage door or two garage doors. That is more architectural; that is not a variance.

Mr. Williams said on the drawing you show basically 16, 17 feet with that wall in place and you remove the wall and you've got 22 feet in width on the inside to work with. Mr. Koepf said 22 feet in most cases is about normal for a garage. Mr. Williams asked, so the garage door remains 16 feet wide or will you have a wider garage door? Mr. Koepf said what we are looking at is actually moving the 16 foot garage door to try to keep the man door on the front making it smaller. Or, two single like 8 foot, which is what the Prays would prefer. What they suggested at the ARB was to try to move the door around to the side but you still have the problem of trying to get around that other car, which is abutting right up against the wall that can't be moved. Six feet will help a lot.

Mr. Williams said I don't know if this is relevant or not but you can actually incorporate the man door into the garage door itself. Mr. Koepf said architecturally I don't think so.

Mr. Williams asked Mr. Pray, how long have you been in the house now? Mr. Pray said about a year. Mr. Williams asked, when you originally bought the house I take it your intention was just to replace the front steps, which is kind of how it sounded when it was presented. You knew the steps were crumbling and falling away when you bought the house. Mr. Pray said right. Mr. Williams said so the extension for the garage was kind of a secondary consideration. Mr. Pray said after one Winter we decided we wanted both cars in the garage.

Mr. Williams asked, Ben, have there been any questions or objections voiced by the neighbors? Mr. Himes said no, we have had no calls and no letters from the neighbors. Mr. Williams asked, was proper notification given? Mr. Himes said right, mailed and advertised.

Moved by Mr. Holdren, seconded by Mrs. Loomis to grant the variance for the 6 feet that they are requesting. I do not think that the variance is substantial. They want a two-car garage with Winters in Cleveland, which makes sense. I do think this will be an improvement in the neighborhood. They are upgrading this whole package, upgrading the steps, upgrading the garage, and upgrading the look of the house. So, I think it will be an improvement for the neighborhood. It would not impact the delivery of government services.

Loomis: Aye.

Williams: Aye, and I would like to add to Jim's motion that I don't believe the buyers bought this house with the specific knowledge of the zoning limitation, particularly for this zoning with the 6 foot variance request and that consideration for improving the house through this extension to the garage is an improvement was a secondary thought to the primary variance, which was the replacement of the crumbling steps on the front of the house. I'd also like to add to that motion that, and acknowledge that, there were no objections from any of the neighbors and that they were all properly notified. I think the spirit and intent of the code is observed. I think the Prays are acknowledging the code through the limited scope of their variance request. It is only a 6 foot addition. The variance can not be feasibly obviated through some other means and I think it is a topographical issue with house. It is not as if they could tear the garage off or extend the garage into the rear yard given that the slope rises from the front yard to the back yard. And, that in support of what Jim said, I think this is a substantial improvement to the neighborhood and will not cause any detriment to the surrounding properties.

Freshman-Johnson: Aye.

Holdren: Aye.

Mr. Himes said this will go to Council on June 10, 2013 for final action.

The meeting adjourned at 8:15 p.m.

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Robert Williams (Acting Chairman)  
lgb