

BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL
CHAGRIN FALLS, OHIO

3641

IN RE: VARIANCE REQUEST OF) FINAL ORDER OF COUNCIL
CG II DEVELOPERS, LLC) AND CONCLUSIONS OF FACT
FOR PROPERTY LOCATED AT)
500 SOLON ROAD) ADMINISTRATIVE ORDER NO.
) 2012- 21

This matter is before the Chagrin Falls Village Council pursuant to the request of CG II Developers, LLC ("the applicant"). The applicant owns the existing non-conforming residence at 500 Solon Road ("the subject property"). The applicant has requested a variance from Section 1125.03(f) of the Village of Chagrin Falls Codified Ordinances to permit the construction of an attached three car garage and addition. The proposed garage and addition will result in a front yard setback of ten feet and ten inches (10'-10"). Under Section 1125.03(f), the minimum front yard setback is fifty feet (50') in the R1-100. The applicant is also requesting a variance from Section 1145.02(b) prohibiting alterations to nonconforming buildings unless the alterations and original building are made to conform to the yard, coverage and height regulations of the district where the building is located.

The Village of Chagrin Falls Board of Zoning Appeals met on April 24, 2012, received evidence and testimony, and heard the arguments of the applicant. The Board of Zoning Appeals, on a vote of 5-0, recommended that Council grant the requested variances on the condition that the Police Chief review the sight lines and a determination is made that the garage and driveway configuration pose no increased safety hazard to the residents of the subject property and the neighbors.

This Council considered the matter upon the record created by the Board of Zoning Appeals on June 11, 2012. 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) 500 Solon Road is located on the northwest side of Solon Road.
- 2) The applicant seeks to build an attached three car garage on the front of the existing dwelling. The plans for the proposed project result in a front yard setback of ten feet and ten inches (10'-10"). The Board of Zoning Appeals noted that the garage will be approximately twenty-five feet (25') from the pavement edge of Solon Road.

3) The proposed garage and addition were reviewed by the Architectural Board of Review, and preliminary approval was granted provided that certain adjustments were made to the roof pitch.

4) The Board of Zoning Appeals acknowledged that a similar variance was granted at 530 Solon Road.

5) The Board of Zoning Appeals determined that the existing dwelling was built with a non-conforming front yard setback and that the topography of the subject property, including a ravine in the rear of the property, prohibits expansion of the existing residence in another manner. The Board of Zoning Appeals also noted that parking is not permitted on Solon Road and that the topography of the subject property limits the areas available for parking. This Council finds that the applicant, therefore, has demonstrated a practical difficulty in the use of their property, which is a result of the strict application of the zoning ordinance.

6) The Board of Zoning Appeals determined that the proposed driveway configuration enhances the safety of vehicles entering and exiting the subject property. Furthermore, the Police Chief, in accordance with the request of the Board of Zoning Appeals, reviewed the project and requested variance and has no objections to the requested variance based upon his review of the line of sight and safety issues. This Council finds, therefore, that the condition of recommendation imposed by the Board of Zoning Appeals has been satisfied.

7) This Council finds that the proposed garage is an improvement to the subject property and does not adversely affect the essential character of the neighborhood.

8) This Council further finds, as recommended by the Board of Zoning Appeals, that the front yard variance is substantial, however, the area of the proposed addition is only 9.4% of the existing front yard area.

9) This Council also finds that the proposed project will not adversely affect the delivery of governmental services.

10) This Council also finds and determines 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 neighborhood will not be changed by the proposed variances, no objections have been made to the proposed variances and 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 applicant, the plans for which are on file with the Building Commissioner, be and are hereby granted. The applicant 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.

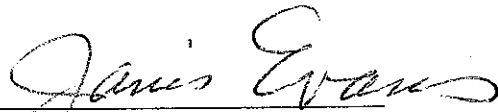
IT IS FURTHER ORDERED that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the applicant, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the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

Adopted this 11th day of June, 2012, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

Village of Chagrin Falls Council



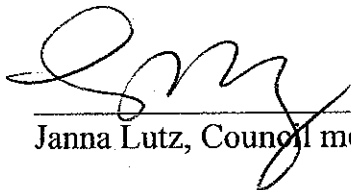
Steven Patton,
President of Council



Janis Evans,
Council President Pro Tem



Michael Chess, Council member

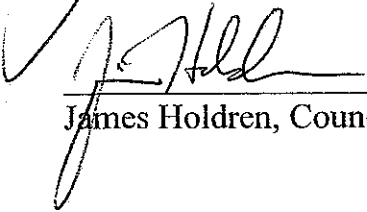


Janna Lutz, Council member



James Newell, Council member

Richard Subel, Council member



James Holdren, Council member

Notice mailed this 22 day of June, 2012.



Clerk of Council