

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

3917

|                                     |   |                                       |
|-------------------------------------|---|---------------------------------------|
| <b>IN RE: VARIANCE REQUEST OF</b>   | ) | <b><u>FINAL ORDER OF COUNCIL</u></b>  |
| <b>RICHARD PAULSON FOR PROPERTY</b> | ) | <b><u>AND CONCLUSIONS OF FACT</u></b> |
| <b>LOCATED AT</b>                   | ) |                                       |
| <b>255 BELL ROAD</b>                | ) | <b><u>ADMINISTRATIVE ORDER</u></b>    |
|                                     | ) | <b><u>NO. 2016- 15</u></b>            |

This matter is before the Chagrin Falls Village Council pursuant to the request of Richard Paulson ("the Applicant"). The Applicant proposes to build a new dwelling on a vacant lot at 255 Bell Road, Permanent Parcel Number 931-19-012 ("the Subject Property"), which is in the R1-60 zone. The Applicant has requested a variance from Section 1125.03(e)(f) of the Village of Chagrin Falls Codified Ordinances to permit the construction of a dwelling that will encroach 13' in the 35' front yard setback, and create a lot coverage for the proposed dwelling of 22.5%, while the permitted lot coverage is only 20%.

The Village of Chagrin Falls Board of Zoning Appeals met on April 26, 2016, received evidence and testimony, and heard the arguments of the Applicant's representative, Bill Joyce, builder. Mr. Joyce indicated building a home on the lot was tough since it is only 105' deep and the requirement for a lot in a R1-60 district is about 120' deep. Mr. Joyce had been before the Board on a prior plan for the property in question that required substantial variances. Since that time, he has modified the proposed dwelling's plans to move the master bedroom to the second floor, which reduced the footprint of the house by 600 square feet. Even in doing so, there were some things that the Applicant could not overcome that still necessitated the variances.

The Board did not receive any opposition for the variances. Frank Reagan, the prospective buyer and Craig Platt, 263 Bell Street, spoke in favor of the variances.

The Board of Zoning Appeals, on a vote of 4-0, recommended that Council grant the requested variance.

This Council held a public hearing on May 9, 2016, and considered the matter. 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 Subject Property is located on 255 Bell Road.
- 2) The Applicant seeks to build a new home on a vacant lot which will require a 13' front yard setback variance and a 2.5% lot coverage variance as required by Section 1125.03(e) and (f).

3) The Board found that significant progress had been made from earlier plans for the property that were not approved.

4) The Board found that the topography of the lot created challenges for the construction of a home on the property, that most houses on Bell Road have setback variances, and the proposed dwelling would be in line with neighboring homes and consistent with the angle of the road.

5) The Board found that the essential character of the neighborhood would not be impacted by granting the variance.

6) The Board determined that despite notices being sent out, no neighbors objected to the variances and two people present spoke in support of the variance.

7) The Board found that granting the variances will not adversely affect the delivery of governmental services.

8) The Board found that the variances were not substantial, that the Applicant significantly reduced the footprint of the proposed home from prior plans, and found that this was the best option for placement of the dwelling.

9) The Board found that the Applicant's predicament feasibly cannot be obviated through some method other than a variance.

10) The Board found that the spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variances.

11) The BZA heard no testimony against the proposed variances, and this Council is persuaded that no harm will result to the neighborhood if the variances are granted.

12) This Council finds that the Applicant has demonstrated a practical difficulty in the use of the Subject Property, which is a result of the strict application of the zoning ordinance.

13) This Council further finds, as recommended by the Board of Zoning Appeals, that granting the variances will not substantially change the character of the neighborhood.

14) This Council also finds and determines that the spirit and intent of the zoning code would be observed, and substantial justice will be done, by granting the variances and that there is no adverse impact on governmental services. This conclusion is supported by the fact that the neighbors did not object to the variances.

WHEREFORE, IT IS ORDERED, that the variances from Section 1125.03(e) and (f) are hereby granted. Subject to approval by the Village of Chagrin Falls Architectural Review Board ("ARB"), the Applicant may construct the project in accordance with the proposed plans. This document is deemed by Council to be the final order for the variances requested 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 9th day of May, 2016, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

Village of Chagrin Falls Council



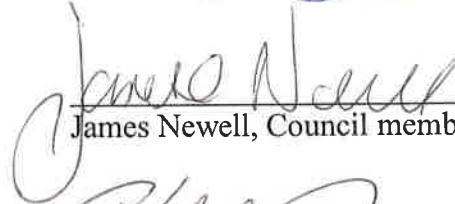
Karl Maersch, President of Council



Nancy Rogoff, Council President Pro Tem



Brett Berkobein, Council member



James Newell, Council member



Thomas Muscenti, Council member



Robert Schleper, Council member



Janna Lutz, Council member

Notice mailed this 31 day of May, 2016

  
Clerk of Council