

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

3919

IN RE: VARIANCE REQUEST OF)	<u>FINAL ORDER OF COUNCIL</u>
CHAGRIN FALLS EXEMPTED VILLAGE)	<u>AND CONCLUSIONS OF FACT</u>
SCHOOLS FOR PROPERTY LOCATED)	
AT)	<u>ADMINISTRATIVE ORDER</u>
400 EAST WASHINGTON STREET)	<u>NO. 2016- 17</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of the Chagrin Falls Exempted Village Schools ("the Applicant"). The Applicant proposes to replace the existing nonconforming high school scoreboard sign with a new scoreboard for the high school property located at 400 East Washington Street, Permanent Parcel Number 931-20-011 ("the Subject Property"). The Applicant has requested a variance from Sections 1143.04(b), 1143.06(a) and (b), and 1143.11(a) of the Village of Chagrin Falls Codified Ordinances to allow the construction of the new scoreboard sign.

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 Glenn Ramage, architect. The Applicant indicated that the current scoreboard sign is decades old and is not structurally sound. In order to fix the structural and safety issues, the Applicant is proposing to replace the existing scoreboard with a new scoreboard that is very similar in design to bring such up to current technology standards. The Applicant stated that the new scoreboard will be slightly larger than the existing scoreboard; approximately 15% larger. The existing scoreboard is 12' X 20' and the new scoreboard will be 11' X 25'. The Applicant stated that the new scoreboard would be mounted a foot higher than the existing scoreboard so that the top of the scoreboard would be at the same level that it is now, minus the decorative arches. The old scoreboard has an arch on top and the new scoreboard would have an open truss arch on top. The illumination of the scoreboard would be very similar to what it is now except that it would be LED lights instead of the incandescent lights that it has now. The new scoreboard will not have any video or changeable copy and the only illumination will be the LED lights to light up the scores.

The Board did not receive any opposition for 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 400 East Washington Street.
- 2) The Applicant seeks to replace an existing scoreboard sign with a new scoreboard

sign which requires variances from Sections 1143.04(b), 1143.06(a) and (b), and 1143.11(a) of the Village of Chagrin Falls Codified Ordinances.

3) The Board found that the Village has previously approved such signs in the Parks and Institutions zoning classification, that the sign is similar to the existing sign in size and style, the existing sign has structural deficiencies, the aesthetics of the sign are preferable to the existing scoreboard sign, and there are practical problems if the sign was not illuminated.

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

5) The Board determined that despite notices being sent out, no neighbors objected to the variance requests.

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

7) The Board found that the variances were not a substantial change.

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

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

10) 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.

11) 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.

12) 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.

13) 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 Sections 1143.04(b), 1143.06(a) and (b), and 1143.11(a) of the Village of Chagrin Falls Codified Ordinances are hereby granted. Applicant may construct the project in accordance with the proposed plans. This document is deemed by Council to be the final order for the variance 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 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 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



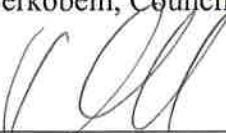
Nancy Rogoff, Council President Pro Tem



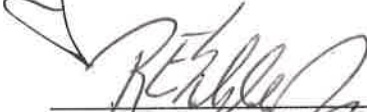
Brett Berkobein, Council member



James Newell, Council member



Thomas Muscenti, Council member



Robert Schléper, Council member



Janna Lutz, Council member

Notice mailed this 31 day of May, 2016



David B. Bloom, Clerk of Council