

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

3935

IN RE: VARIANCE REQUEST OF CPD)	<u>FINAL ORDER OF COUNCIL</u>
REALTY & HOLDINGS LLC FOR)	<u>AND CONCLUSIONS OF FACT</u>
PROPERTY LOCATED AT 262 SOUTH)	
FRANKLIN STREET)	<u>ADMINISTRATIVE ORDER</u>
)	<u>NO. 2016- 33</u>

This matter is before the Chagrin Falls Village Council pursuant to the request of CPD Realty & Holdings LLC (the "Applicant"). The Applicant seeks a variance to Sections 1123.03(f) and (g) and Section 1145.02(b) of the Village of Chagrin Falls Codified Ordinances to allow a front porch addition which encroaches into the front yard setback, and to permit an addition to the rear of the existing home which encroaches into the side yard setback on the south elevation of the property located at 262 South Franklin Street, Permanent Parcel Number 932-26-010 (the "Subject Property").

The Village of Chagrin Falls Board of Zoning Appeals met on May 24, 2016, received evidence and testimony, and heard the arguments of the Applicant. The Applicant indicated that the current porch on the front of the home is more like a stoop, and they want to add to the porch to the south on the front of the house. The Law Director reviewed the drawing of the porch width and the size of the porch, and that scaling the plan, the depth of the porch was approximately 8 to 9 feet, which would provide a 34 foot setback from the front right-of-way line. The Applicant indicated that it would be acceptable if the variances were granted so that the setback is no greater than the existing setback with a front porch in its current location. The Applicant confirmed they are looking for a 16 foot variance rather than a 20 foot variance.

The Applicant confirmed that the expansion of the house in the rear would not encroach any further into the south side yard than currently existing. The Applicant clarified that they are requesting a variance to expand an existing non-conforming dwelling and to also allow the living space expansion within the side yard setback.

Some of the neighbors attended and none of the members of the audience opposed the variances, and the closest neighbor to the south supported the variances.

The Board of Zoning Appeals voted, 5 to 0, to recommend that Council grant the variances to allow expansion of a non-conforming building, to reduce the front yard setback for the porch and the side yard setback for the expansion of the house to permit the porch to be 34 feet 8 inches from the front lot line, needing a 15.2 foot variance for the 50 foot front yard setback, and granting a variance of 9.9 feet to the 14 foot south side yard setback.

This Council held a public hearing on June 13, 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 at 262 South Franklin Street and located in the R-1-100 Single-Family Residential District.

2) The Applicant seeks to widen the front porch and to expand the rear of the home which requires variances from Sections 1125.03(f) and (g) and Section 1145.02(b) of the Village of Chagrin Falls Codified Ordinances.

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

4) The Board determined that despite notices being sent out, no one spoke in opposition to the variances request.

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

6) The Board found that the variances, although substantial, were moderated since Applicant was not proposing to build any further into the setback than currently exists

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

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

9) Council is persuaded that no harm will result to the neighborhood if the variances are granted.

10) 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.

11) 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.

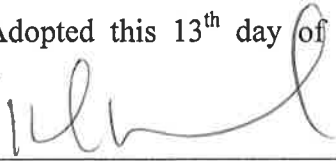
12) This Council also finds and determines that the spirit and intent of the Zoning Code would be observed, and substantial justice will be done, by granting the variances and that there is no adverse impact on governmental services.

WHEREFORE, IT IS ORDERED, that the variances from Sections 1125.03(f) and (g) and Section 1145.02(b) of the Village of Chagrin Falls Codified Ordinances are hereby granted. 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 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 13th day of June, 2016, by a majority of the Village of Chagrin Falls Council.



Karl Maersch, President of Council

Notice mailed this 16 day of June, 2016



Clerk of Council