

**VILLAGE OF CHAGRIN FALLS  
BOARD OF ZONING APPEALS  
February 26, 2019**

Members present: Fricke, Freshman-Johnson, Holdren, Kraemer, Lipp  
Also present: Flynn, Jamieson, Edwards

The meeting was called to order at 8:00 p.m. by Chairman Wade Fricke.

**SWEARING OF WITNESSES**

All were sworn in.

**JIM AND BETH ALUNNI, 70 EAST SUMMIT STREET - REQUEST FOR A VARIANCE TO SECTION 1125.03(k)(3), AREA, YARD, AND HEIGHT REGULATIONS: MAIN BUILDINGS, PERMANENT PARCEL NO. 931-13-008.**

Mr. Jamieson said their property is located in the R1-60 zoning district and they are proposing a front porch addition to their house. The proposed front porch is 327 square feet. In that zoning district there is a 35' required minimum front yard setback distance. The proposed front porch will go over that line by 4', 7" by 32', 6" in length. Section 1125.03(k)(2) states that entrance features such as this porch not exceeding 48 square feet may project into a required yard a maximum of 6'. The proposed front porch and stairs cover the 327square feet so they are asking for a variance to that section. This project was presented to the ARB on February 5<sup>th</sup> where they were granted preliminary approval with several revisions to some architectural design elements of the project.

Rebecca Pantuso, Clemens Pantuso Architecture, said we are asking for permission to exceed the front yard setback. We want to get coverage and get overhang so we want to put a porch on. If we put a front porch on and we do not come to this meeting tonight or ask for special permission we are 3' away from the house so it would literally be a hallway porch, if you will. We would like to go out beyond that. We are trying to make a usable front porch. Unfortunately, the house is set up in a way that the porch is on the far side of the lot, not the driveway side so you have to walk past the whole house to get to it, which is making our length of porch a little longer than ideal. We wouldn't be here if we could just do a short little porch at the end. We opted not to take it all the way to the driveway because we would be exceeding even more. We are not trying to get any more than what visually looks good for the street, the house, and functions. It is also important to note that we are, even though our front yard setbacks have changed through the course of the years, no farther forward to the street than our neighbors; we are still behind their front yard line.

Mr. Fricke said the code is allowing you 48 square feet and need how much? Mrs. Pantuso said 153 square feet over the setback if you subtract our the 48 that we are allowed. Mr. Newell said so the way the code is written, they are allowed to cross the front yard setback, which is 35' if it is less than

48 square feet but because it is more they actually need a variance for the front yard setback so it doesn't really matter the 156 square feet I think it is just a 4 foot 7 variance for the front yard. Mr. Jamieson said you could look at it either way. I kind of deliberated back and forth both ways and looked at it as a 6' protrusion into the yard past the setbacks allowed if you are within the 48' so you either need a variance to the 48' requirement. Mrs. Freshman-Johnson said which is the 1125.03(b)(k)(3) which is a different variance. This is just technicality like do we want to give a variance to that or do you want to give a variance for the setback. Mr. Jamieson said I felt that since the code does allow the protrusion into the required front yard I felt that this was related more to that section than saying you need a full variance to the 35' minimum setback. It can be looked at either way.

Mr. Fricke said what is the distance from the house to the front of the proposed porch? I know it varies but what is the shortest distance? You are proposing 8'? Mrs. Pantuso said correct. Mrs. Lipp said the porch is 8' deep. Mr. Fricke said and how did you arrive at 8' as opposed to 7' or 6'? Mrs. Pantuso said you can put a piece of furniture in front of the house and walk around it. Mrs. Freshman-Johnson said it is only 8' deep at the left side though. It can't be 8' deep in the front. Mrs. Pantuso said it is 8' deep in the front. The four seven is from the front yard setback so we are still less than 6' forward. Mr. Fricke said so are you saying that from the shortest distance it is 8'? Mrs. Pantuso said yes. Mrs. Lipp said does the 8' include some of the stairs as well as the porch? Mrs. Pantuso said no. Mrs. Freshman-Johnson said and what does 1125.03(k)(3) say? Mr. Jamieson said it states that it may project into the required yard a maximum of 6'. Mrs. Freshman-Johnson said so we do have two variance issues here because this extends 8'. Mr. Holdren said this is only 4', 7" extending into the required yard. Mr. Jamieson said it is 8' in depth but yet the first two feet are within outside of that 35' setback. Mrs. Pantuso said it is approximately 4' back from the neighboring house line not stoop or projection. Mr. Fricke said in your professional opinion, is 8' the distance that is comfortable for furniture and walking around? Mrs. Pantuso said it is a usable porch, yes. Mr. Fricke said how did you decide to take it all the way over to the far line? Mrs. Pantuso said just to wrap the house. We don't want to it to look like an addition, we want it to look like it has always been a part of the house.

Jim Alunni said all of my direct neighbors offered to write letters but I didn't know if it was needed. I emailed my neighbors copies of the plans to my neighbors and they were all for it; nobody was against it.

Mrs. Freshman-Johnson said I just want to talk about the neighbors. The front porch looks like it is behind the neighbor to the west and then on the right it does look a little, not much, but similar in line but just in general if you go down the street there is nothing that for record it shows on the plans that it is line with many of the other structures along that street so I think the neighbors aren't going to be expecting something that is going to stick out farther into the setbacks than any other house in that location. Sometimes it is good to kinda show the houses in a row.

Moved by Mrs. Freshman-Johnson, seconded by Ms. Kraemer for a variance request at 70 East Summit Street requesting to build a front porch that projects into the front setback so they would

require a variance to 1125.03(k)(3), which requires that any architectural projection exceeding 48 square feet can not exceed 6' into the front setback. The proposed porch here is going to protrude 4', 7" into the 35' setback in the front yard and in that 4', 7" setback will go approximately 32', 6" creating the requirement for the setback for 153 square feet of the square footage of the front porch. The reason why the porch, they have designed it they compromised on size and actuality to make the functionality maximized but the variance minimized. Creating a smaller porch would create the lack of functionality as well as aesthetically not really meeting the needs of the neighborhood and the current architecture. The variance may seem substantial just because that 4', 7" variance follows the 32' across, but from an aesthetic and a look and feel perspective the variance isn't impacting any extra part of the front yard setback from front to back. It is just that it runs horizontally for 32'. The character of the neighborhood would not substantially altered as the front porch is designed to look and fee as if it belonged there by making it fit into the current architecture of the house. The variance does not adversely affect governmental services, in fact it creates an easier entry path potentially into the house from the driveway. The property owner did not purchase the property knowing that they wanted to do this at the time. The predicament could have been obviated by either not doing a porch or doing a porch this size. They are trying to maximize the functionality and a realistic use of this porch to be able to be able to put a piece of furniture and walk past it as well as minimizing the variance to the best of their ability by not pulling the porch all the way across the front of the house and stopping it at a reasonable area for traffic to come in and out of the front porch. The spirit and intent behind the zoning would be observed if granted. It was not based on the circumstances that are self-created.

Fricke: I would vote aye. I believe that the variance request is substantial but I think that they other factors, including probably most importantly the essential character of the neighborhood would be enhanced by the project so I would vote aye.

Holdren: I would vote aye, for the reasons stated.

Kraemer: I vote aye, for the reason stated. I also think it is a substantial variance but the other reasons are more compelling.

Lipp: Aye, for the reasons stated.

Freshman-Johnson: Aye, for the reasons stated.

Mr. Fricke said this action will be final within fifteen days unless appealed to Council by a petition of three or more Council members.

**SCOTT DAY, 237 NORTH STREET- REQUEST FOR A VARIANCE SO SECTION 1125.04(a)(3), AREA, YARD, AND HEIGHT REGULATIONS: ACCESSORY STRUCTURES, PERMANENT PARCEL NO. 931-06-010.**

Mr. Jamieson said this project is in the R1-50 zoning district. The applicant is proposing to build a detached garage, accessory structure, to replace the current, existing garage that is in poor condition. Section 1125.04(a)(3), accessory structures area, yard, and height regulations requires detached garages to be located a minimum distance of 3' from each lot line. The proposed garage is located 1.4' to 22.1' on the north property line. A variance of 1.6' to .9' is requested. There is a little bit of an angle there on one wall of the garage. This project was presented to the ARB on December 4, 2018. Preliminary approval was granted with several architectural considerations. Final approval was granted for the demolition of the existing garage at that meeting.

Tony from RSA Architects said it is a very simple variance that we are requesting. There is an existing two-car garage there that is in relatively poor condition. It is not very visible because the condition is below grade foundation that runs around it. The idea of razing the garage and rebuilding it came up because that would make it more usable and we would like to place it basically in the same location. I know that the variance is not a lot, 1.5' what's the big deal. Well, the whole idea is that the driveway, or from the corner of the house to the side yard is only 15.5' so getting a driveway that you could do two cars on it at the same time is kind of tight and then being able to come back and then turn into the garage to haggle like a 16' overhead door into it is also very tight. We kind of figured if we could stay within the same foundation footprint we could maintain the existing driveway and it would just be a little bit easier for people to get in and out of it.

Mrs. Freshman-Johnson said so it is in the exact same footprint as the current garage is today? Mr. Jamieson said it is a little bit bigger. Tony said it is not as deep and it gets a little bit wider to the left behind the house. Mrs. Freshman-Johnson said but the right side is in the same spot. You are not making the variance any worse. Tony said correct.

Ms. Kraemer said so the footprint is the same? Mr. Fricke said it is actually smaller. Ms. Kraemer said so there is really nothing that is going to be impacted. Mrs. Freshman-Johnson said actually you are making the variance less because you are taking away more of the variance that goes to the back. Tony said there is actually less footprint on the lot.

Moved by Ms. Kraemer, seconded by Mr. Holdren that we approve the variance request with respect to 1125.04(a)(3) regarding 237 North Street. When we look at the Duncan Factors, will the property yield a reasonable return or will there be any beneficial use of the property without the variance? Obviously there is a garage there that needs to be replaced so there could be a reasonable return but it would be preferable to replace the garage. The variance is not substantial based on the fact that it is within the footprint and in fact smaller than the previously constructed garage. That also applies to the essential character of the neighborhood not being substantially altered. It is not going to adversely affect the delivery of governmental services. Apparently the property owner did not purchase the property with knowledge of the zoning restriction because the garage was there. In terms of the feasibility of any other alternative they are not increasing any impact on the property by replacing the garage in its existing footprint and in fact a little smaller. It would not be contrary to the spirit and intent of the zoning requirement with respect to granting the variance. The variance is certainly based on circumstances that are not self-created.

Lipp: Aye, for the reasons stated.

Freshman-Johnson: Aye, for the reasons stated.

Fricke: I say aye and I would jut say I think this is one of the few ones that meets every one of the eight factors, in my opinion.

Holdren: I vote aye, for the reasons stated.

Kraemer: Aye, for the reasons stated.

Mr. Fricke said this action will be final within fifteen days unless appealed to Council by a petition of three or more Council members.

### **MEETING NOTICE**

Mr. Fricke announced that their next meeting will be held on Tuesday, April 2, 2019 at 7:30 p.m.

The meeting adjourned at 8:34 p.m.

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Wade Fricke, Chairman  
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