

**VILLAGE OF CHAGRIN FALLS
BOARD OF ZONING APPEALS
October 22, 2019**

Members present: Fricke, Holdren, Kraemer, Lipp
Also present: Markowitz, Jamieson, Edwards

The meeting was called to order at 7:30 p.m. by Chairman Wade Fricke.

Mr. Fricke said we have four members present, out of five, and the code says that you have to have three affirmative votes to grant the variance. It is your choice if you would like to proceed with just four people here tonight but there is no guarantee that we will have five members present next month.

Swearing of Witnesses

All were sworn in.

John and Julia Azzolina, 204 Monticello Drive - Request for a variance to Section 1125.03(h), Area, Yard, and Height Regulations: Main Buildings, and Section 1145.02(b), Nonconforming Buildings, Permanent Parcel No. 932-26-040.

Mr. Jamieson said this is in the R1-100 zoning district. They are proposing the demolition of an existing sunroom at the rear of the property, an addition of a family room at the rear of the house, and a covered entry porch at the front of the house. The first variance is to Section 1125.03(h), where the code requires a 50' required setback and the new family room addition is at a 32.11 foot setback so they need a variance of 17.89 feet. The second variance is to Section 1145.02(b). The current house already extends 7' into the required 50' rear yard setback making the building nonconforming. Any nonconforming building shall not be altered, added to, or enlarged unless the additions and the original building are made to conform to the yard regulations of the district in which it is located, except a nonconforming dwelling may be altered, modernized, or enlarged provided the alternations and enlargements conform to all the yard regulations and setbacks. This project went before the ARB on October 1, 2019 for preliminary approval, which was granted with the stipulation of pulling the front entry pedimented porch forward to define the facade and use of masonry rather than wood materials for the porch. Mr. Fricke said the front porch is not an issue for us at all? Mr. Jamieson said no, it is not.

George Clemens, architect for the project, said one clarification is that there is an existing sunroom back here that is in very bad shape. It actually does project more than 7' into the setback. We have it at 33.66 feet from the property line so that is 16.33 feet into the setback. Our approach to this was to follow that line. This room is a little bigger and it is moving a little towards the middle of the house and that is for the purpose of making it relate. We are also trying to make this new family

room related more back to the kitchen and create more of an open area. We are basically using that same back line because we are on an angle to the rear. The new corner is slightly closer, so it is 32.14 feet from the property line so that is a foot and half closer than it was before. It also projects the same distance from the back of the house so it will be a much more attractive structure. It is going to enhance the property value and the character of this part of the village for the neighbors. The ground rises up here a little bit and we have a privacy fence along the back wall so it is a very private back yard. The neighbors have been notified of this and I don't think anyone had anything negative to say; they are very supportive. They are not here to represent themselves but there has been no concerns by any of the neighbors. This is a significant encroachment into the 50' yard setback. We are bound by the existing house, which is basically bringing us into that setback no matter what. We are only going roughly one and a half feet closer to the rear lot line so I think the net affect of this would not be significant in any way to any of the neighbors or the character except for being a big improvement in the quality of construction and their value.

Mr. Fricke said George, how did you determine the size of the room? Mr. Clemens said we are trying to hold that line so in determining the size of the room we first decided that that was an adequate depth of room and I think it is something like a little less than fifteen and a half feet inside, so that depth could work for the room. The width we really determined by working out just the furniture layout. When you have an element on the back wall like a fire place, television, a focal point just working the layout of furniture around that so we though this was not too small and not too big.

Ms. Kraemer said is the elevation of the roof line higher? Obviously you have the chimney, but otherwise is it significantly higher than what was there? Mr. Clemens said it is about less than four feet higher. It is a little higher because it has a very shallow room and we wanted to make this room have a nice volume. The peak of it is still below the eave of the house. It is not like it went from a one-story to a two-story.

Julia Azzolina said we have talked to our neighbors about this project and they are aware of everything ongoing and they offered to come tonight in support of the project. I told them I didn't know if we needed them or not, but they are all in support of the project and they are happy to write that down if anybody needs it.

Mr. Markowitz said the aerial view shows that the other house on the cul-de-sac to the right, it looks like it is encroaching in the setback as well.

Moved by Ms. Kraemer, seconded by Mr. Holdren that we approve the variance request at 204 Monticello Drive with respect to Section 1125.03(h), Area, Yard, and Height Regulations: Main Buildings and Section 1145.02(b), Nonconforming Buildings for the property at that address. At looking at the project, I believe that the property could yield a reasonable return but these are improvements based on construction primarily within the existing footprint of the house. I think the variance is somewhat substantial based on the amount of encroachment that is already into the rear yard but again, you are tearing down and replacing an existing part of the structure that was already

substantially encroaching into the rear yard. I think it would enhance the character of the neighborhood in a positive way. The properties are not going to be impacted negatively and there has been some discussion of the support of the neighbors for the project. I don't think it will affect the delivery of governmental services in any negative way. Probably, the property owner did not purchase this knowing that it was substantially encroaching in the rear yard. There is not another alternative method to replace the existing structure without encroaching into the rear yard setback because it is a nonconforming use and clearly the new structure would, just looking at the photographs, be a significant enhancement to what is there. I think that it would meet the spirit and intent of our zoning code to allow the variance for this project to be completed and I don't think there is a self-created circumstance that contributed to the need for this variance. So, for those reasons, I move that we approve the variance request. I would add to my motion that the encroachment would be in the total amount of 17.86 feet into the rear yard and the variance be allowed for a total of 17.86 feet into the rear yard setback.

Fricke: I would vote aye. To me, the only negative in the application is that the variance is substantial. However, I find that the shape of the yard, the fact that the existing structure is already there, and the owner has kept their addition on the same back line of the current structure are substantial in my opinion. I think the fact that noone has come to complain, and there has been no negative received at all, and essentially what they are doing is improving the existing structure and it is virtually in the same footprint. So, for those reasons as well as the reasons stated in the motion, I would vote aye.

Holdren: I vote aye, for the reasons stated.

Kraemer: Aye, for the reasons stated.

Lipp: I vote 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.

The meeting adjourned at 7:53 p.m.

Wade Fricke, Chairman
lgb