

MINUTES OF MEETING

INDIAN HILL PLANNING COMMISSION

January 17, 2017

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, January 17, 2017 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul F. Madden
Richard C. Wiggers
Abbot A. Thayer
Joseph W. Rhodenbaugh
Rita M. Stolper

Members Absent: None

Officials Present: Jonathan D. West, Assistant City Manager

Visitors Present: Mark Dierkers, Mark Dierkers Architecture
Rohit Nayak, 8375 Beacon Hill Road

Chairman Madden calls the meeting to order and asks for those in attendance to please stand, raise their right hand, and be sworn in prior to presentation of the case.

Item Number 1: Minutes and Findings of Fact for the December 20, 2016 meeting: Chairman Madden asks for comments or corrections to the December 20, 2016 Planning Commission minutes and Findings of Fact. There being none, Mr. Thayer made a motion to approve the minutes and Findings of Fact. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

Item Number 2: Case #17-001 – Rohit Nayak is requesting variance approval to construct an addition on the rear of the existing home. The addition will be set back at a distance of 14' from the existing detached garage where a 20' setback is required per **Section 56.3** of the Indian Hill Zoning Ordinance. The property is located at 8375 Beacon Hill Road.

Mr. Mark Dierkers, with Mark Dierkers Architecture, comes before the Commission on behalf of the applicant and states that they would like to add a covered porch for outdoor enjoyment as well as using the area for dining. The proposed area was chosen because it is right behind the existing dining room and kitchen area. The proposed covered porch has three 9.5" x 9.5" columns with a flat roof.

Staff Report: Mr. West reviews previous actions as follows:

- October 14, 1958 – The Commission approved a variance for the construction of a carport set back 10' from the corner of the existing house located at 7230

Algonquin Drive. The Commission found that granting the variance would not be contrary to public interest and would result in the orderly development of the property.

Mr. West states that the subject property is located in District "B" – three acre minimum and contains 3.163 acres. The property is located in the Breezy Hill Farm Subdivision (Lot 1). The home and pool were built in 1983, the existing 780 SF detached garage was constructed in 2002, and the two-story addition with a basement and additional interior renovations were made in 2009.

The proposed addition is a 15'-9" x 15'-9" covered porch with a concrete floor, outdoor grilling area, and a roll down solar screen that is built into the roof. The plans show cedar wrapped posts and cedar fascia boards on the proposed covered porch. The property owner has chosen this location for the covered porch because it is located adjacent to the dining room and kitchen from a function standpoint. The addition is located 14' from the existing detached garage (where a 20' setback is required). The existing detached garage is located 27' from the nearest point of the existing home (closest corner of existing dining room) and approximately 35' from the house adjacent to the existing kitchen/pantry.

Other improvements to the property that are not part of the variance request include three new patios to be located (1) behind the existing great room adjacent to the proposed new covered porch, (2) behind the existing study and connected to the side of the existing great room, and (3) between patio 1, patio 2, and the existing pool deck/swimming pool.

Mr. West states that the variance application request is based on exceptional practical difficulty and is complete. **Section 56.3** of the Indian Hill Zoning Ordinance requires that "Unless an integral part of a dwelling, an accessory structure ... shall be distant not less than twenty (20) feet from every other structure on the same lot." The existing detached garage is not an integral part of the dwelling; therefore, it is an accessory structure.

To help support the Commission's decision to approve or deny the requested variance, Staff has prepared written findings of fact per **Section 101.53 Standards for Variances** – The Commission shall not grant a variance as authorized in **Section 101.52** unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which supports written conclusions that:

(1) The variance request arises from physical conditions of the lot which are very unusual, that is, conditions which are rarely found in the same district, and the conditions are created by the provisions or requirements of this ordinance and not by an action or actions of the property owner or the applicant, such that the literal interpretations of the ordinance would deprive the property owner or the applicant of rights commonly enjoyed by other properties in the same district;

The variance request does not arise from physical conditions of the lot. The lot is not unusual; these conditions are often found in the same district. The conditions are created as a result of the previous property owner constructing a detached garage where it's currently located. The literal interpretations of the ordinance would NOT deprive the property owner of rights commonly enjoyed by other properties in the same district.

The property owner has other options adjacent to the proposed location that would meet all of the required setbacks. This includes the area where the existing deck is located between the kitchen and dining room, where new patio #1 is proposed, or where new patio #2 is proposed.

Therefore the request does not meet standard No. 1.

(2) The particular physical surroundings, shape, or topographical condition of the specific property involved would cause undue hardship or exceptional practical difficulty for the owner, lessee or occupant, as distinguished from a mere inconvenience, or would conflict with the Village's adopted land use objectives and policies, if the provisions of this ordinance were strictly enforced;

The particular physical surroundings, shape, or topographical condition of this lot does NOT cause undue hardship or exceptional practical difficulty for the owner, as distinguished from a mere inconvenience based on where the owner would like to construct the covered porch addition.

The request would not conflict with the Village's adopted land use objectives and policies.

Therefore the request does not meet standard No. 2.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the Village streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood; and

Granting the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood. The proposed addition will be behind the existing home. The proposed improvements will not impact property values or the overall public safety of the neighborhood.

Therefore the request meets standard No. 3.

(4) The variance desired will not conflict with the general purpose and intent of this ordinance.

The improvements to the home will not conflict with the general purpose and intent of the Indian Hill Zoning Ordinance, specifically, the addition will not have a negative effect on “public health, safety, convenience, comfort, morals, prosperity, and general welfare.”

Therefore the request meets standard No. 4.

Mr. West summarizes by stating that the variance request does not satisfy Standards (1) and (2) for variances, but does satisfy Standards (3) and (4). Staff posted a legal notice in the paper 30 days prior to the hearing as well as properly notifying the adjacent property owners. No comments have been received.

Mr. Wiggers comments that there are other options for the addition that would not require a variance. Chairman Madden and Mr. Thayer note that they also feel there are other options, and that the request does not meet the four standards for a variance as noted above.

After further discussion, Mr. Wiggers made a motion to deny the variance request. Mr. Thayer seconded, and the motion was approved by a unanimous voice vote.

There being no further business to come before the Commission, Mr. Wiggers made a motion to adjourn. Mr. Thayer seconded, and the motion was approved by a unanimous voice vote.

Respectfully submitted,

Paul F. Madden, Chairman

ATTEST:

Jonathan D. West, Secretary Pro-tem