

MINUTES OF MEETING
INDIAN HILL PLANNING COMMISSION

May 15, 2018

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, May 15, 2018 at 7:00 p.m. in the Council Chambers of the Village Administration building.

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

Members Absent: Abbot A. Thayer

Officials Present: Jonathan D. West, Assistant City Manager

Visitors Present: Mike Wentz, Wentz Design
Erin Reid, 5855 Miami 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 March 20, 2018 meeting: Chairman Madden asks for comments or corrections to the March 20, 2018 Planning Commission minutes and Findings of Fact. There being none, Mr. Rhodenbaugh 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 #18-005: Mike Wentz, on behalf of the owners Jason and Erin Reid, is requesting variance approval and authorization to expand a non-conforming home on a non-conforming lot. The applicant is requesting a variance to the rear yard setback to construct two additions. The property is located at 5855 Miami Road.

Mr. Mike Wentz, of Wentz Design, comes before the Commission on behalf of the owners and states that they would like to add a mudroom behind the existing garage that would not worsen the existing non-conforming condition.

Mr. Wentz presents the Commission with a modified plan from what was previously submitted. The former plan was for an 11' X 2.7' addition into the rear yard to expand the proposed great room, whereas the revised will simply infill a 2' X 4.5' section and not extend beyond the existing structure at the rear of the property.

Staff Report: Mr. West reviews the parcel history and previous Planning Commission actions as follows:

- July 10, 1952 – A site clearance release permit was issued for a new single family dwelling.
- December 4, 1964 – A site clearance release permit was issued for an addition.
- November 19, 1999 – A site clearance release permit was issued for a remodel with an exterior landing/steps.
- October 15, 2004 – A site clearance release permit was issued for room additions/detached garage.
- December 21, 2004 – The Planning Commission approved a variance for a screened porch addition to the rear of the home. The addition did not worsen the existing non-conforming rear yard setback.
- April 19, 2005 – A site clearance release permit was issued for a screened porch.

Mr. West describes the subject property as being located in District “C” – one acre minimum, and having an existing non-conforming home located 64.9' from the rear lot line (75' rear yard setback is required). The non-conforming lot has a net lot area of 0.813 acres (gross lot area of 0.988 acres) where a minimum of 1.0 net acre is required. In addition, the property has an existing lot coverage of 26%, where a maximum of 25% is required. The existing single family dwelling was built in 1952. Staff found one Planning Commission record from 2004 associated with the screened porch addition onto the rear of the home. The Commission approved the variance because the addition did not worsen the existing non-conforming rear yard setback.

The applicant is requesting variance approval for the following two additions:

1. To construct a 143.7 SF (11'-6" x 12'-6") mudroom addition behind the existing garage. The mudroom addition will be located 71.5' from the rear property line, where 75' is required. The existing non-conforming rear yard setback is 64.9'; therefore the mudroom addition does not make the home more non-conforming.
2. To infill a 4.5' x 2' recess to be even with the rear of the existing home in order to expand the great room as modified tonight. The addition will be cantilevered and located 64.9' from the rear property line, where 75' is required. The proposed addition does not worsen the existing non-conforming rear yard setback.

In addition, the applicant proposes to remove the 1044.97 SF of paver patio/walk in the back yard and replace with gravel to bring the property in conformance with the maximum permitted lot coverage of 25%.

Mr. West notes that the variance is based on exceptional practical difficulty and is complete. **Section 73.1** of the Indian Hill Zoning Ordinance refers to District “C” preventing buildings from being located less than 75' from the required rear yard setback.

To help support the Commission’s decision to approve or deny the requested variances, 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 as amended arises as a result of the non-conforming home on a non-conforming lot. The conditions are not by an action of the property owner who purchased the home in 2017, and to not be able to make improvements to the home would deprive the property owner of rights commonly enjoyed by other properties in the same district.

Therefore the request meets Standard No. 1 for both variances.

(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 existing house sits 64.9' from the rear property line, creating the non-conforming rear yard setback which creates exceptional practical difficulty for the owner to make improvements in the rear of the home without a variance. The land use policies and objectives encourage improvements to structures and facilities within each neighborhood, along with needed amenities to improve the property values within the neighborhood. Past cases do not allow for the

expansion of a non-conforming home that worsens the existing non-conforming condition.

Therefore the request meets Standard No. 2 as modified and presented before the Commission.

(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 and will not impair an adequate supply of light or air to adjacent property. The proposed improvements will enhance the overall appearance of the property and help improve property values within 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 variance requested for the mudroom addition, and as modified tonight for the great room addition, does not make the existing non-conforming setbacks worse and will not conflict with the general purpose and intent of the ordinance.

Therefore the request (as modified tonight) meets Standard No. 4.

Mr. West ends his report by stating that Staff posted a thirty day legal notice in the paper, which was also mailed to the adjacent property owners. The only inquiry into the request was by an adjacent property owner who wanted to make sure there wouldn't be additional storm water directed to his property. Staff forwarded the plans to the adjacent property owner and no comments have been received.

After brief discussion, Mr. Wiggers made a motion to approve the request for the two additions subject to the second addition being modified so that it does not extend beyond the existing non-conforming rear yard setback, and subject to the lot coverage being brought into conformance. Mrs. Stolper seconded, and the motion was approved by a unanimous voice vote.

Item Number 3: Other Business: Review revised uncovered front porch addition for 7727 Shawnee Run Road.

The Planning Commission discussed alternatives for an uncovered front patio and steps for 7727 Shawnee Run Road. The consensus of the Commission was that the new front patio and steps not extend further out than the existing stone landscape wall.

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

Respectfully submitted,

Paul F. Madden, Chairman

ATTEST:

Jonathan D. West, Secretary Pro-tem