

## MINUTES OF MEETING

### INDIAN HILL PLANNING COMMISSION

November 21, 2017

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, November 21, 2017 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul F. Madden  
Abbot A. Thayer  
Joseph W. Rhodenbaugh

Members Absent: Richard C. Wiggers  
Rita M. Stolper

Officials Present: Jonathan D. West, Assistant City Manager

Visitors Present: Joe Trauth, 1 East 4<sup>th</sup> Street, Suite 1400, Cincinnati  
Andrew Lehman, Cincinnati Design Collaborative  
Christine & Alan Hollatz, 7545 Demar Road  
Anita Hopkins James, 7595 Shawnee Run Road  
Kevin James, 7595 Shawnee Run Road  
Jon & Carmen Hopkins, 6641 Adena Circle

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 for the October 17, 2017 meeting: Chairman Madden asks for comments or corrections to the October 17, 2017 Planning Commission minutes. There being none, Mr. Thayer made a motion to approve the minutes. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

**Item Number 2:** Case #17-012 – Kevin James and Anita Hopkins are requesting variances for the expansion of a non-conforming home on a non-conforming lot for the construction of an addition to the existing home. The applicant is requesting variances to the front yard setback and the required setback between a principal structure and an accessory structure. The property is located at 7595 Shawnee Run Road.

Mr. Joe Trauth, attorney with Keating Muething & Klekamp PLL, comes before the Commission on behalf of the applicants and states that he is in agreement with the Staff Report, as it clearly demonstrates that Mr. James has met all the code criteria for seeking a variance.

Mr. Trauth notes that Mr. James would like to construct a two-story addition and add to an existing porch, along with making it a covered porch.

Mr. Andrew Lehman, with Cincinnati Design Collaborative, comments that every effort was made to meet the requirements of the zoning code while working with the challenges of the lot and existing home.

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

- October 19, 1965 – The Planning Commission approved a zone change for 26 acres west of Miami Road and south of Shawnee Run Road to place the annexed area in District “C” (the subject property was part of this area).
- October 26, 1965 – The Village Council passed Ordinance 29-65 to annex land into the Village of Indian Hill (the subject property was part of this area).
- October 26, 1965 – The Village Council passed Ordinance 33-65 to vacate a portion of Dot Avenue in front of the subject property.
- November 23, 1965 – The Village Council passed Ordinance 34-65 to set the zoning for the annexed area to be District “C” – one acre minimum (the subject property was part of this area).
- June 10, 1966 – A site clearance release permit was issued for a new single family dwelling on the subject property.
- May 25, 1977 – A site clearance release permit was issued for a swimming pool on the subject property.
- July, 18, 1984 – A site clearance release permit was issued for an addition on the subject property.

Mr. West notes that no records were found for the subject property in the Planning Commission minutes or property files.

Mr. West describes the property as being located in District “C” – one acre minimum and having an existing non-conforming home on a non-conforming lot. The net lot area is 0.85 acres.

The existing single family dwelling was built in 1966. The existing home is located 38'-10" to the cantilevered second floor front wall and 39'-11" to the first floor front wall where a 75' minimum front yard setback is required. Nearly all of the existing home sits in front of the minimum 75' front building setback line. The existing home sits 9'-7" from the existing swimming pool where a 20' setback is required.

The applicant is requesting approval of several variances to expand the existing non-conforming home on a non-conforming lot by constructing an approximately 1,660 SF two-story addition to the north side of the existing 2,553 SF two-story home. The variance requests are described as follows:

1. The first floor of the two-story addition is proposed to match the existing first floor setback of 39'-11", except for the proposed garage on the north side, which is proposed to be setback 39'-1", which is greater than the existing second story cantilevered setback of 38'-10" (the proposed addition does not make the home more non-conforming than it is today). The second story addition is proposed to meet the existing second story cantilevered setback of 38'-10". The applicant is requesting a variance of 36'-2" from the required minimum 75' front yard setback.
2. The existing house is setback 9'-7" from the existing pool, where a minimum of 20' is required. The applicant is requesting variance approval to construct the addition 9'-7" from the existing pool. The applicant is requesting a variance of 10'-3" from the required minimum 20' setback.
3. A proposed 372 SF front portico addition is proposed to extend 5' into the front yard setback from the existing cantilevered second story setback of 38'-10".

The addition is proposed to be located 75' from the rear yard (meets requirements) and 20'-10.5" from the north side yard (meets requirements).

Mr. West states that the variance application is based on undue hardship and is complete. The following variances are being requested:

Variance 1: **Section 73.1** of the Indian Hill Zoning Ordinance refers to District "C" preventing buildings from being located less than 75' from the required front yard setback.

Variance 2: **Section 56.3** requires that an accessory structure be located at least 20' from every other structure on the same lot.

Variance 3: **Section 57.222 Porticos** states “In cases of porticos being attached to existing structures, where in such cases the portico must be constructed with certain proportions in order to preserve the aesthetic character of the existing structure, the portico may extend into the required yard no more than five (5) feet. Yard Obstruction Regulations do not apply to uncovered stairs...”.

The request is based upon undue hardship created by the existing non-conforming house on an existing non-conforming lot of record. The variances requested for the front yard setback for the addition and the accessory structure setback for the pool will not worsen the prior non-conforming conditions that existed with the original home. The proposed front portico addition will extend 5' further into the required front building setback.

Mr. West notes that all four variance review criteria and Staff's findings were listed in the Staff Report, noting that all have been met.

Staff posted a legal notice in the paper thirty days prior to the hearing as well as properly notifying the adjacent property owners. Staff received two responses, both of which were in support of the request.

Chairman Madden comments that he feels the proposed “portico” is more of a porch than a portico, as it extends across the front of the home rather than just at the entrance area of the home.

Discussion followed concerning the size of the portico as well as alternate possibilities that might better comply with the zoning code.

The Commission members in attendance agree that the proposed “portico” is more of a front porch than an actual portico.

Chairman Madden comments that he feels the main portico to the house should be larger and more prominent, while the portico to the second entrance should only cover the door area.

The Commission advises the applicant to redesign the portico(s) with the concerns mentioned in mind and bring the new drawing back before the Planning Commission for approval.

Mr. Thayer made a motion to approve the variance for the two-story addition and the variance relating to **Section 56.3** regarding accessory structures. The variance for the portico(s) will be continued. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

**Item Number 3:** Discussion on **Section 13.2.2 Lot Abutment** of the Indian Hill Subdivision Ordinance – Mr. West and the Commission discuss how best to review concerns related to the possible need for changes and/or clarifications to the subdivision ordinance. It's decided that Mr. West will prepare an outline with concerns that have been brought to his attention regarding sections of the code, and then the Commission will review and discuss these items during the December and/or January meetings.

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

Respectfully submitted,

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Paul F. Madden, Chairman

ATTEST:

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Jonathan D. West, Secretary Pro-tem