

## MINUTES OF MEETING

### INDIAN HILL PLANNING COMMISSION

February 18, 2020

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, February 18, 2020 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul Madden  
Richard Wiggers  
Joseph Rhodenbaugh  
Rita Stolper  
Shayne Manning

Members Absent: None

Officials Present: Jonathan West, Assistant City Manager

Visitors Present: Mike Wentz, Wentz Design  
Chris & Julie South, 9400 Given 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 for the January 21, 2020 meeting: Chairman Madden asks for comments or corrections to the January 21, 2020 Planning Commission minutes. There being none, Mr. Wiggers made a motion to approve the minutes. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

**Item Number 2:** Case #20-004: Mike Wentz, on behalf of homeowners Chris and Julie South, is requesting a variance to the front and rear yard setbacks to permit construction of a mudroom to connect the existing garage to the home and a covered porch addition. The subject property contains a non-conforming home located at 9400 Given Road.

Mr. Chris South, residing at 9400 Given Road, comes before the Commission and reviews the history of the property. Mr. South states that he has done a lot of work to their home. He would like to add the mudroom to help maintain the home. The covered porch addition will allow them to be able to spend more time outside enjoying the scenery.

Mr. Mike Wentz, of Wentz Design, notes that most of the addition will not be visible from the street. Materials used will match what currently exists in order to maintain the existing character of the home. No portion of the addition will be any closer to the property lines than what currently exists.

Mr. Wentz explains that there is currently a room above the garage. The roof on the garage needs to be replaced. Since they will be replacing the roof, they would like to increase the height of the ceiling, as it is currently only about 3-4' on the sides.

They are proposing to raise the roof of the garage by 30" to allow for a wall height of about 6-6.5' so that the space above the garage is more usable. The footprint will remain unchanged.

**Staff Report:** Mr. West reviews the previous actions and property history as follows:

- The existing home was built in 1802, known locally as the Elliott House.
- October 29, 1976 – The house is listed in the National Register of Historic Places.
- March 29, 1985 – The Village enters into a 99 year ground lease for the Elliott House property subject to a façade easement. The purpose of the lease was to find a party that would be interested in restoring the home to preserve the history.
- April 22, 1985 – A site clearance permit was issued to “remodel house”.
- March 18, 1987 – A site clearance permit was issued to construct the “detached garage”. Staff notes that the garage was constructed in a non-conforming location at the time. It does not meet the required 20' separation between structures (9'-10" separation).
- November 24, 1999 – The facade easement is recorded. The purpose of the easement is to assure that no change will be made to the exterior of the Elliott House unless that change is in accordance with the Secretary of the Interior’s Standard for Rehabilitation of Historic Properties and in the style of the Waldschmidt House in Camp Dennison.
- December 17, 2002 – The Planning Commission approved a variance for the construction of a two story addition.
- February 27, 2003 – A site clearance permit was issued for “two story addition”.
- June 4, 2014 – Chris and Julie South purchase the property. They are the fourth homeowner since the Village entered into the lease.

Mr. West states that the subject property is located on the east side of Given Road just north of Livingston Lodge and is in District “A” – five acre minimum. The existing home is non-conforming due to not meeting the required 100' minimum front yard and rear yard setbacks. The existing home is located 14'-8.25" from the right-of-way line and 78' from the rear lot line. The existing detached garage does not meet the required 120' front yard setback, being located 68' from the front lot line. In addition, the detached garage does not meet the required 20' spacing between an accessory structure and the principal structure. The setback is 9'-10".

Mr. West notes that the front and rear yard setbacks overlap; therefore, no portion of the area of the lot where the existing structures are located can be built on without a variance.

The applicant is requesting variance approval to construct a 306 SF breezeway/mudroom addition that would connect the existing detached garage to the house and will also connect to a proposed covered porch (24' x 25'). Both additions will be constructed with the same materials (hardi-plank siding painted to match and standing seam metal roof) as the prior additions and garage.

The applicant is requesting the following variances:

1. Front yard setback for breezeway/mudroom and covered porch additions. The existing front yard setback is 14'-8.25", and the additions will be located 41.5' from the front yard. The additions do not worsen the existing non-conforming front yard setback.
2. Rear yard setback for breezeway/mudroom and covered porch additions as well as for the garage which goes from an accessory structure (20' rear yard setback) to being part of the principal structure (100' rear yard setback). The rear yard setback of the existing house is 78', the breezeway/mudroom and covered porch additions are setback 67'-11 $\frac{1}{8}$ ", and the detached garage which would become part of the principal structure is setback 37'-3" from the rear lot line where 100' is required. Both additions as well as the detached garage become attached to the existing house via the addition(s) worsen the existing non-conforming rear yard setback of the house. However, by attaching the detached garage to the house it reduces the nonconforming front yard setback of the garage and eliminates the non-conforming separation between an accessory structure and principal structure.

The setbacks are based on the property lines for the five-acre lot that is owned by the Village subject to the lease agreement. The Village owns the adjacent property to the east as well. The rear setback for the garage to the furthest lot line owned by the Village is approximately 145'.

The variance application is based on exceptional practical difficulty due to the existing non-conforming home and is complete. Section 63.1 of the Indian Hill Zoning Ordinance refers to setbacks for dwellings in District "A" preventing them from being located less than 100' to the front and rear lot lines.

To help support the Commission's decision to approve or deny the requested variances, Staff prepared written findings of fact per **Section 101.53** Standards for Variances which were listed in the Staff Report.

Staff posted the legal notice in the paper and by direct mail 30 days prior to the hearing. Staff did not receive any calls regarding the variance request.

Mrs. Stolper asks if the integrity of the stone wall will be affected when adding the mudroom addition.

Mr. Wentz replies that the goal is to keep the stone wall as exposed as possible. When doing the addition they will be drilling into the mortar joints to maintain the integrity of the stone wall.

Mr. Wiggers states that he feels too much of the historic home is being covered by the addition and asks if there's a way they can expand without doing so. He suggests not expanding between the two buildings and possibly adding it to the southern end by the grill area.

Mr. South notes that if they do the addition on the southern end it will still not allow them to connect it to the garage.

Mr. Wiggers also notes that the prior addition really stands out in the color pictures presented. The color is not as complimentary with the stone as it could be.

Mr. Wentz replies that the yellow garage and back addition will likely be gray as part of this project and therefore blend in much better with the stone.

After further discussion, Mrs. Stolper made a motion to approve the request as submitted with the following conditions:

1. The roof pitch must be modified to match the existing.
2. The addition must be constructed so that the essential form and integrity of the historic building would remain if the addition were to be removed in the future.

Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

Mr. West reminds the Commission that the next meeting has been moved to **Tuesday, March 24, 2020.**

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,

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Paul F. Madden, Chairman

ATTEST:

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Jonathan D. West, Secretary Pro-tem