

MINUTES OF MEETING
INDIAN HILL PLANNING COMMISSION

May 19, 2020

The regular meeting of the Indian Hill Planning Commission was conducted via Zoom on Tuesday, May 19, 2020 at 7:00 p.m. due to the Ohio “Safe at Home” order related to the coronavirus (COVID-19) pandemic.

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

Members Absent: None

Officials Present: Dina Minneci, City Manager
Jonathan West, Assistant City Manager

Visitors Present: Theresa Hunolt, 7700 Graves Road
Bruce & Beth Hellman, 8180 Ravenswalk Lane
Jack Gimpel, 8150 Ravenswalk Lane
Jack & Barbara Hahn, 8185 Ravenswalk Lane
Tom Hardy, 8000 Blome Road

Chairman Madden calls the meeting to order. Mr. West conducts a roll call of the Planning Commission members.

Item Number 1: Minutes for the April 21, 2020 meeting: Chairman Madden asks for comments or corrections to the April 21, 2020 Planning Commission minutes. There being none, Mr. Wiggers made a motion to approve the minutes. Mr. Manning seconded, and the motion was approved by a unanimous roll call vote.

Chairman Madden recuses himself from the first case, and Mr. Wiggers steps in as Chairman.

Item Number 2: Case #20-005: Therese Hunolt is requesting a variance to the front yard setback to permit construction of a covered porch and pergola addition. The subject property contains a non-conforming home located at 7700 Graves Road.

Ms. Hunolt states that she resides at 7700 Graves Road and has done so for the past fifteen years. The home was built in 1833 and has had one addition since then.

Ms. Hunolt explains that she would like to remove the existing stone patio on the east side of the house, level the area, and add a covered porch on the east side of the one-story addition. The pergola area will be an extension off the porch that would go to the north over where the existing stone patio currently exists.

Additional landscaping will be added as a buffer, and the materials used for the project will match the existing structure.

Staff Report: Mr. West notes that there are no previous actions by the Planning Commission for this property.

The subject property is 1.13 net acres located on the northeast corner of Graves Road and Miami Road and is in District "C" – one acre minimum. The existing home was built in 1833 and is non-conforming due to not meeting the required 75' minimum front yard setback on Graves Road and the required 75' minimum street side yard setback on Miami Road. The existing home is located 17.7' from the Graves Road right-of-way and 2.1' from the Miami Road right-of-way.

The applicant is requesting variance approval to construct a 15'x17' covered porch and 15'x11' pergola addition attached to the right (east) side of the house. The applicant is requesting a variance to the front yard setback for the Graves Road front yard to have a setback of 36' where 75' is required. The existing front yard setback is 17.7'. The applicant is also requesting a variance to the street side yard setback for the Miami Road side to have a setback of 51' where 75' is required. The existing street side yard setback is 2.1'.

The covered porch and pergola additions do not worsen the existing non-conforming front yard and street side yard setbacks.

Mr. West notes that the applicant meets the four variance review criteria.

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

Mrs. Stolper made a motion to approve the variance request. Mr. Rhodenbaugh seconded, and the motion was approved by a roll call vote with all members in favor of approval.

Mr. Madden resumed his position as Chairman.

Item Number 3: Case #20-006: Gary and Nancy Janning are requesting a variance to the rear yard setback to permit construction of a new single family home in place of the

existing home. The subject property contains a non-conforming home located at 6830 Tupelo Lane.

Due to coronavirus (COVID-19), a continuance was requested until the next available in-person public meeting. Notice by first class mail will be sent to all properties within 500' of the request.

Item Number 4: Case #20-007: Bruce and Beth Hellman are requesting a variance to the Blome Road street side setback to construct a pickle ball court on the east side of the existing garage. The subject property is located at 8180 Ravenswalk Lane.

Chairman Madden swears in those speaking on behalf of the following case.

Mr. Hellman begins by thanking the Commission for considering his request, his neighbors for speaking on his behalf, and Mr. West for his help through the process.

Mr. Hellman notes that his property is unique, having streets on three sides rather than one like most properties.

The proposed pickle ball court is on the side parallel to Blome Road. There is a triangular area of 12' that creates the need for the variance. At this site, the pickle ball court will be hidden by the woods, trees, and Blome Road and will not be seen by neighbors. If required to be placed on the left side of the house, it would be visible by drive by traffic and neighbors.

Surrounding neighbors have signed documents expressing their approval of the pickle ball court in the proposed location. The Hahns and the Gimpels have stated that they do not want the pickle ball court on the left side of the house, as it will be much more visible.

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

- September 16, 1986 – The Planning Commission approved the final plat for Ravenswalk Subdivision.
- June 9, 1987 – A site clearance permit was issued for a new dwelling.
- February 1, 1990 – A site clearance permit was issued for a detached garage.
- June 8, 1990 – A site clearance permit was issued for an in-ground pool.

Mr. West states that the subject property contains 3.114 acres and is known as Lot 8 of Ravenswalk Subdivision, located on the northwest corner of Blome Road and

Ravenswalk Lane, in District "B" – minimum three acres. The property has road frontage on three sides and is on septic.

The applicant is requesting variance approval to construct a 32' wide x 62' long pickle ball court. The actual court dimensions are 20' wide by 44' long, but like tennis, it is common to have additional room around the court that is used to play. The applicant is requesting a variance to the street side setback for the Blome Road side to have a setback of 87.3' where 100' is required (12.7' variance) for the southeast corner of the playing surface. The court would be tucked in between a dense tree line that runs parallel to Blome Road and the existing garage. The applicant has chosen this location to minimize the visibility and noise from adjacent properties, maintain distance from the septic system, and to minimize the disruption of existing natural features and grading.

The variance application is based on exceptional practical difficulty due to not having another location to place the court that minimizes the visibility and noise from the court, and because the property has three front yard setbacks; east (Blome Road), south (Ravenswalk Lane), and west (Ravenswalk Lane). Section 56.4 of the Indian Hill Zoning Ordinance refers to setbacks for accessory structures from the street side lot line (Blome Road) in District "B" preventing them from being located less than 100' to the street side lot line.

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 applicant has stated that the variance request arises as a result of having a lot with three front yards, required 10' setback from the septic system, and limited area to place the court that would have the least impact on the adjoining properties.

The Planning Commission shall determine if the request meets 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 applicant has stated that moving the court to the west side of the home would create a greater noise impact to the neighbors due to the proximity of the court. The property contains three front yards which reduces the availability of locating the court without impacting the neighbors.

The property starts to slope away as you go to the east (Blome Road) and north. In addition, locating the court behind the home (north) would require the natural resources to be removed.

The Planning Commission shall determine if the request meets Standard No. 2.

Mr. West notes that the applicant has properly addressed Standards No. 3 and 4.

Staff posted the legal notice in the paper and by direct mail prior to the hearing. Staff received letters signed from eight adjoining property owners supporting the request.

Mr. Jack Gimpel, residing at 8150 Ravenswalk Lane, states that he would love to see the request passed in the proposed location. He notes that if the court is built behind the Hellman's home it will create a lot more noise that will be heard from his property.

Mrs. Barbara Hahn, residing at 8185 Ravenswalk Lane, notes that she agrees with Mr. Gimpel. Mrs. Hahn notes that if the pickle ball court is placed behind the Hellman's home it will be seen from her home.

Mr. Tom Hardy, at 8000 Blome Road, expresses that he has no objection to the proposed location of the pickle ball court.

Mr. Madden asks if there is any lighting proposed for the pickle ball court.

Mr. Hellman replies that they do not plan to add any additional lighting.

A lengthy discussion followed regarding other possible locations for the pickle ball court that would not require a variance.

Mr. Jack Hahn, at 8185 Ravenswalk Lane, states that the Hellmans have always maintained their property exceptionally well. He expresses that if Mr. Hellman is

permitted to put the pickle ball court where proposed it will not be offensive to the neighbors in any way.

Mr. Wiggers, as well as other members of the Commission express that there are other areas to place the pickle ball court that would not require a variance.

After further discussion, Mr. Wiggers made a motion to deny the variance request due to there being other options on the property that would not require a variance. Mr. Manning seconded, and the motion was approved by a roll call vote with all members voting in favor of denying the requested variance.

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

Respectfully submitted,

Paul F. Madden, Chairman

ATTEST:

Jonathan D. West, Secretary Pro-tem