

MINUTES OF MEETING

INDIAN HILL PLANNING COMMISSION

June 16, 2020

The regular meeting of the Indian Hill Planning Commission was conducted via Zoom on Tuesday, June 16, 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: Gary & Nancy Janning, 6830 Tupelo Lane
Mike Wentz, Wentz Design
Jim Watson, McGill Smith Punshon, Inc.
Matthew Emery, Emery Brothers L.P.
Dana Emery, Emery Brothers L.P.

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

Item Number 1: Minutes and Findings of Fact for the May 19, 2020 meeting: Chairman Madden asks for comments or corrections to the May 19, 2020 Planning Commission minutes and Findings of Fact. There being none, Mr. Wiggers made a motion to approve the minutes and Findings of Fact. Mrs. Stolper seconded, and the motion was approved by a unanimous voice vote.

Item Number 2: 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 and deck in place of the existing home. The subject property contains a non-conforming home and deck located at 6830 Tupelo Lane.

Chairman Madden swears in Mr. Janning prior to presentation of the case.

Mr. Gary Janning, residing at 6830 Tupelo Lane, states that they would like to replace their two story home with a small ranch home. Mr. Janning notes that the new home will not worsen the non-conforming conditions that currently exist.

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

- April 16, 1957 – The Clippinger Woods, Section D subdivision plat was approved by the Planning Commission.
- December 1, 1958 – A site clearance release permit was issued for a new single family residence.

Mr. West describes the property as being located on the east side of Tupelo Lane north of North Clippinger and is in District “C” – minimum one-acre. The existing home (built in 1958) is non-conforming due to not meeting the required 75' minimum rear yard setback. The existing home is located 66.3' to the rear lot line, and the existing deck is located 61' to the rear lot line. The lot slopes down from the front lot line to the rear lot line and from the right side lot line down to the center of the lot where the 10' sanitary sewer easement is located. There is also a 10' sanitary sewer easement running across the entire rear yard along the creek.

The applicant is requesting variance approval to construct a new single family residence on the property utilizing the existing 66.3' non-conforming rear yard setback of the existing home and 61' non-conforming rear yard setback of the existing deck. The proposed home will be 85' wide by 37'-3" deep. The proposed home will contain a first floor with vaulted ceilings and a finished lower level with a walkout basement. The proposed deck will be accessed from the first floor and will have uncovered steps that provide access to the walkout basement (setbacks do not apply to uncovered stairs as specified in **Section 85** of the Indian Hill Zoning Ordinance). The home is proposed to include a covered front porch (portico) that extends 5' into the required front yard as permitted by **Section 57.222** of the Indian Hill Zoning Ordinance. The proposed home meets the required front (75') and side yard setbacks (20' or equal to the height of the house within 40' of each side yard).

The applicant has designed the new house footprint to meet the required setbacks. The only portion of the new residence that crosses into the rear yard is the same footprint area of the existing house (see Exhibit 2: Survey - New Conditions).

The applicant is requesting the following variances:

1. Rear yard setback for the proposed home: The existing rear yard setback is 63.3', and the proposed home will be located 63.3' from the rear yard. The proposed home does not worsen the existing non-conforming rear yard setback.
2. Rear yard setback for the proposed deck: The existing rear yard setback is 61', and the proposed deck will be located 61' from the rear yard. The proposed deck does not worsen the existing non-conforming rear yard setback.

The variance application is based on exceptional practical difficulty due to the existing non-conforming home and deck and is complete. **Section 73.1** of the Indian Hill Zoning Ordinance refers to setbacks for dwellings in District “C” preventing them from being located less than 75' to the rear lot line.

Mr. West notes that the four variance review criteria are outlined in the Staff Report and comments that all four standards have been met.

The variance request does not worsen the existing non-conforming rear yard setback and will not conflict with the general purpose and intent of the ordinance.

Staff posted the legal notice in the paper and by direct mail 30 days prior to the hearing. Staff received a letter from one neighbor in support of the request.

After brief discussion, Mr. Wiggers made a motion to approve the requested variances. Mrs. Stolper seconded, and the motion was approved by a roll call vote with all members in favor of approval.

Item Number 3: Case #20-009: Mike Wentz is requesting a variance to the front yard setback to permit construction of a Porte Cochere and breakfast room addition. The subject property contains a non-conforming home located at 8220 Shawnee Run Road.

Chairman Madden swears in Mr. Wentz prior to presentation of the case.

Mr. Wentz notes that almost the entire structure sits in front of the front yard setback. The proposed additions have been placed as far back as possible.

Mr. Wentz adds that the materials used will be consistent with what currently exists on the rest of the home.

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

- The existing home was constructed in 1918 per the Hamilton County Auditor’s website, prior to the adoption of zoning in 1945.
- September 10, 1952 – A site clearance permit was issued for an “addition to garage”.
- May 14, 1954 – A site clearance permit was issued for “alteration”.
- November 22, 1970 – The Planning Commission approved a variance to the front yard setback and non-conforming lot area for a one-story addition to the rear of the home on November 22, 1977.
- November 23, 1977 – A site clearance permit was issued for “addition to add a family room and laundry room to the rear of the residence”.

- September 10, 2003 – A site clearance permit was issued for “3rd floor renovation and dormer”.
- November 16, 2017 – A site clearance permit was issued for “detached garage”.
- November 19, 2019 – The Planning Commission approved a variance to the front yard setback for a two-story addition to the rear of the home.

Mr. West states that the subject property is located on the north side of Shawnee Run Road between Adams Avenue and Drake Road and is in District “C” – one acre minimum. The lot is non-conforming due to the lot area being 0.604 acres where a 1-acre minimum is required and has a lot width/frontage of 101.58' where a minimum of 150' is required (requirement was 100' in 1945 and changed to 150' in 1970). The existing home (built in 1918) is non-conforming due to not meeting the required front yard setback requirement. The existing home is located 35' from the right-of-way line where 75' is required.

The applicant is requesting variance approval to construct a 22'-4" x 24' (531 SF) two-story Porte Cochere with a bonus room on the second floor attached to the back left side of the home and a 10'-3.5" x 9'-10" breakfast room (177 SF) and covered porch addition attached to the back right side of the home. The proposed additions do not worsen the existing non-conforming front yard setback. The Porte Cochere addition will be 71' from the right-of-way line (variance of 4'), and the breakfast room addition will be 63' from the right-of-way line (variance of 12'). The front of the existing home is 35' from the right-of-way line. Both additions meet the side and rear yard setbacks.

The variance application is based on exceptional practical difficulty due to the existing non-conforming home on a non-conforming lot, and is complete. **Section 73.1** of the Indian Hill Zoning Ordinance refers to setbacks for dwellings in District “C” preventing them from being located less than 75' to the front lot line.

Mr. West notes that the request meets the four variance review criteria as detailed 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.

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

Item Number 4: Case #20-010: McGill Smith Punshon, Inc. on behalf of property owner Peterloon Meadows, Inc., is requesting Final Plat approval for the “Meadows of Peterloon Subdivision, Phase 1A”, located between Perin Lane and Schoolhouse Lane (Parcel #6129-0320-0104). The Final Plat will subdivide 43.7813 acres into 20 single-

family residential building lots and includes 5.4592 acres to be donated to the Green Areas Trust.

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

Mr. Matthew Emery notes that they were before the Commission last July to receive approval of the Preliminary Plat for Phase 1A of the Meadows of Peterloon Subdivision.

Mr. Emery reviews the storm water detention/retention basin locations as being at the corner of Schoolhouse Lane and Old Orchard Lane as well as a detention basin at the bottom of Old Orchard Lane.

Mr. Emery draws attention to Lot 10, noting that previously a portion of Lot 10 was Lot 9; however, this is now where the detention basin is located. Mr. Emery explains that they are working with the neighbor to move the storm water downstream to a shared detention basin. Once this is worked out, they will come back before the Commission to divide Lot 10 into Lots 9 and 10.

Mr. West makes reference to the Indian Hill Subdivision as it relates to Mr. Emery's comments regarding Lot 10. In the future, if they are able to work with the neighbor to move the detention basin, they will come back before the Planning Commission to request a re-plat to subdivide the lot.

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

- September 18, 2018 – The Planning Commission conditionally approved the Concept Plan for the major subdivision which consists of 42 single family building lots and includes the donation of 28.89 acres of green areas.
- July 23, 2019 – The Planning Commission approved a request to revise a portion of the previously approved Concept Plan (Phase 1B) for The Meadows of Peterloon Subdivision. The revision included reconfiguring green areas and building sites 32-35, and also involved a land swap with the adjacent property owner (Markin Farm) at the end of Perin Lane. The revision did not create additional building sites.
- July 23, 2019 – The Planning Commission approved the Preliminary Plat for Phase 1A of The Meadows of Peterloon Subdivision. Phase 1A included 21 single family building lots with access via Schoolhouse Lane in the City of Montgomery.
- April 2, 2020 – The City Manager and Village Engineer approved the Construction Plans for Phase 1A on April 2, 2020.

The Final Plan review from Staff has been completed. In following the specific procedures regarding Final Plan requirements, the following submissions have been received and reviewed:

Madeira Indian Hill Fire Department – All requirements have been met. They will need to coordinate street addressing and individual address markers at each driveway due to USPS gang boxes (there will not be individual mailboxes at each driveway). The gang boxes will be located at the corner of Schoolhouse Lane and Old Orchard Lane and the corner of Old Orchard Lane and Saddlewood Lane.

Indian Hill Water Works – All requirements have been met. The EPA has approved the plans for the water main for Phase 1A.

Metropolitan Sewer District – MSD has approved the plans for the sanitary sewer for Phase 1A.

Village Engineer's Review – The Village Engineer indicates that all items required for the Final Plan review have been submitted and met; therefore, approval is recommended. The following items are required prior to the start of construction.

- Performance Guarantee, per **Section 11** of the Indian Hill Subdivision Ordinance;
- Construction inspection fee to the Village in the amount of \$13,674;
- Offsite easements and recorded instrument numbers are required for all easements located outside of the platted area. This shall be provided on the record plat; and
- Provide a copy of 404/401 ACOE permit.

Staff finds that the applicant has met all of the requirements for Final Plat approval.

All adjacent property owners have been properly notified. Staff received a call from Mr. and Mrs. Patel at 11 Stirrup Cup Drive regarding if this plat will affect the existing Perin Lane easement. The plat does not affect the easement.

After brief discussion, Mr. Wiggers made a motion to approve the Final Plat for the Meadows of Peterloon Subdivision. Mrs. Stolper seconded, and the motion was approved by a unanimous roll call vote with all members in favor of approval.

There being no further business to come before the Commission, Mr. Manning 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