

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD MAY 16, 2012

The Mariemont Planning Commission met Wednesday May 16, 2012. Mr. Stich called the meeting to order at 5:30 p.m. Present were Mr. Miller, and Mr. Savage and Mayor Policastro. Also in attendance was the Building Commissioner, Dennis Malone.

The first request was from Dan Spinnenweber of Spinnenweber Builders Inc., 6880 Wooster Pike, Mariemont, Ohio 45227 for a property variance to permit required parking to support the proposed 2-theatre addition to the Mariemont Theater to be accommodated on surrounding public and private parking spaces generally in the Business District of the Village.

Finding of the Building Commissioner: The Mariemont Zoning Code Section 151.089 "Off Street Parking" provides that 1 parking space be provided for each 4 theater seats added in the proposed addition. The present plan anticipates adding 226 new seats which would require and additional 57 parking spaces. The Village of Mariemont has recently striped an additional 41 spaces on surrounding streets and the School has agreed to public use of its 75-car parking lot after 5:00 p.m. Comey and Shepherd permits theater parking on its 55-car parking lot after 5:00 p.m.

Building Commissioner Malone stated that Mr. Spinnenweber has been working feverishly to add two theater additions to the Mariemont Theatre. The current zoning requires off street parking be provided for one car per 4 seats which totals 57 parking spaces. The Village has created 41 additional parking spaces by stripping several streets around the square. With the use of the Comey and Shepherd lot in addition to the school lot there should be adequate parking available to accommodate the theatre expansion. The key thrust to the variance is the required parking for the theatre expansion would be provided in the public domain rather than on the property the theatre sits.

Mr. Dan Spinnenweber said Mr. Goldman has been trying to add more seats to the theatre. The last year of the lease has been marginal for them. The theatre is so important to the square and all the surrounding businesses. It is unique to have it in our community. The ability to put the parking on site is just not feasible and would be a deal breaker. In addition to the expansion, they are planning on rebuilding the lobby. He would not expect the Village to be packed with cars everyday.

Mr. Gary Goldman said he has been just marginal as far as profit with the three screens and it does not cost much more to run more screens. He estimates the expansion could bring in an additional 30,000-50,000 people per year to the area.

Mayor Policastro said he has been working with Mr. Miller and the school for this very reason. He feels there will be adequate parking. Mr. Miller agreed that it should be a good fit. He suggested signage indicating to people where public parking is available after 5:00 p.m. Mr. Spinnenweber said he was not sure if the school parking lot would really come into play because with the spaces added by the Village we are only 15 short but it would help to meet the needed requirement.

Mayor Policastro moved, seconded by Mr. Miller to grant the variance based on Section 151.025(H)(3)(b)(2)(c)...Where, by reason of extraordinary or exceptional circumstances or conditions, the literal enforcement of the requirements of this Zoning Code would involve

practical difficulty or would cause unnecessary hardship, or would not carry out the spirit and purpose of the Zoning Code and (d)(e)(f). On roll call; four ayes, no nays.

The second request was from Mr. Marc Aiello, 3804 Homewood Road, Mariemont, Ohio, 45227 for a property variance to permit the construction of a replacement garage on the footprint of the existing detached garage.

Findings of the Building Commissioner: The existing location does not conform to setback requirements for detached garages (3 feet). Also of note is a Building Code requirement that requires construction closer to a property line than 3 feet to be masonry fire-proof construction with a 2-hour fire rating.

Building Commissioner Malone said the current garage is located 15” from the rear property line. The garage is currently closer to his rear property line than is currently allowed. It could be because the zoning may not have been in effect when the houses were built on Homewood. The proposal takes into account the need to save a large heritage tree.

Mr. Aiello said he would not be rebuilding immediately a garage of the same exact size on the exact same foundation due to the expense. He plans on keeping one-half of the foundation that is away from the tree because it is not being affected by the uplift of the roots at all. The right side of the garage will need either a floating foundation or a gravel foundation. It will then utilize a useable two car garage and leave the tree in place. He had the tree inspected by an Arborist who deemed the tree healthy. The risk to the tree by taking out roots and pouring a new foundation may destabilize or eventually kill the tree. The competing factors are: (1) the heritage tree (2) to keep the property value in place by maintaining the deck and keeping a useable two car garage. As is, it is the best place useable placement for the garage. Moving it closer to the house by 2’ would render the left side unusable. It will require some creative engineering.

Mr. Savage asked if the building now in inhibit the use of the lane. Mr. Aiello said no and he has no intention to try to use the lane for a rear entrance garage.

Ms. Karen Koetzle, 3865 Beech Street, said Mr. Aiello’s neighbor’s garage is further back and in her opinion Mr. Aiello’s garage foundation has shifted onto her property over time. Her survey of the property differs from Mr. Aiello’s survey. She believes both Mr. Aiello and his neighbors garages should be in alignment. She believes taking down the garage would be a plus as she sees it as an eyesore. She was curious how the workers would get on-site. Her concern is that they would block the lane. Mr. Aiello said he has not worked out these sorts of details but he will work with the Village and his neighbors to minimize disruptions as much as possible. Mayor Policastro suggested temporary parking along Hawthorne. Mr. Aiello said according to his survey he is not on Ms. Koetzle’s property but rather 15” into his property line. Mr. Savage suggested tilting the garage. Mr. Aiello said that would make it difficult to navigate a car in and out of the driveway/garage.

Mr. Miller moved, seconded by Mr. Savage to approve the variance request based on Section 151.025(3)(b)(2)(b) that a large specimen tree is in jeopardy. On roll call; four ayes, no nays.

Mayor Policastro moved, seconded by Mr. Miller to accept the minutes as written for April 18, 2012. On roll call; four ayes, no nays.

Mr. Stich reported on his meeting with ODOT May 3, 2012. It was a good meeting and he believes it will be a thorough process. Step one is to get the Village's comments so ODOT can use those to start addressing issues and planning the study so it can be done to assure the questions the Village has posed ultimately get answered. Although this study was prompted by the request for a roundabout other issues and options will be considered if it is deemed a roundabout is not the best solution. They would like to start the process but will take the time needed to do the study.

Mr. Miller thanked Mr. Stich for being the intermediary.

Mayor Policastro said he is still waiting on input from Mr. Savage and Mr. Sturtz in order to write the letter to ODOT. He is also waiting on answers to some questions from the Hamilton County Engineer. He hopes to have the letter ready in June. Mr. Stich said ODOT is going to be doing this study in waves and suggested getting them the letter with the Village's initial concerns and inform them that we will be filing an addendum later on. He does not believe we should send ODOT something that is comprehensive in the beginning which may foreclose ourselves from getting more questions answered in the future. He said it would be better to say that we have been authorized to cooperate in this process and here are the questions we have so far. It is not a letter agreement or a memorandum of understanding. Mayor Policastro asked independents would be looking at this or would it only be the state and would the Village have any say in the matter. Mr. Stich said the Village is not putting any money in the matter. But we have the ultimate say in the matter if we agree to change the street line. The consultant would be retained and paid for by Mr. Greiwe. Mayor Policastro said of course then it will be a glowing report. He wants an objective independent study. Mr. Stich said that is what ODOT will do while Mr. Greiwe is going to hire someone. He suggested the Village could do the same and hire a consultant. We do not have to do anything until the study is over and then decide if we want Village street lines moved. Mayor Policastro said he would like a mediation situation where we each pick a consultant and then a mediator pick who is going to do the report. Mr. Stich asked how much the Village is willing to pay for this. Mayor Policastro said nothing because it is not something the Village asked for. Mr. Stich said if it is a glowing report then it can be attacked. He said the Mayor is assuming a result that has not yet occurred. Mr. Stich offered to write the letter if the Mayor wanted. Mr. Miller also suggested sending the letter with the concerns to date to ODOT with the understanding that more questions/concerns could be forthcoming. Mr. Stich said there will be more public meetings/input and this is not something where they come up with a report that simply provides us with one option. They will come up with the scope of work and design options. There will be public meetings to discuss. At that time the Village can have anyone it wants to challenge very design option they have. Mayor Policastro said he believes we are being set up so that the state will make the decision, not the Planning Commission, which could cause a referendum. Mr. Stich said it may if we drag our feet. Mayor Policastro said he will write the letter once he gets more data such as where the money is coming from and will it affect our ability to get a bike path.

The meeting adjourned at 6:15 p.m.

Respectfully Submitted,

Mr. Dick Savage
Secretary

