

**MARIEMONT PLANNING COMMISSION**  
**REGULAR MEETING HELD JULY 16, 2014**

The Mariemont Planning Commission met Wednesday July 16, 2014. Mr. Miller called the meeting to order at 6:00 p.m. Present were Ms. Reed, Mayor Policastro and Mr. Vianello. Also in attendance was the Building Commissioner, Kirk Hodulik.

Mr. Miller said that Mr. Vianello will recuse himself from the vote on the variance.

1. Request from Gerald and Linda Susan Vianello, 6570 Wooster Pike, Mariemont, OH 45227, for a Property Variance to permit two air conditioning units to be placed in the required side yard as part of the residence addition and remodeling project. The required side yard dimension is 7'-0" and with an encroachment request of 3'-0" from the face of the exterior wall of the residence toward the side property line to place the air conditioning units, it will leave 4'-0" clear of the required side yard to the property line. The owner has stated that with the addition's configuration the only practical location for the air conditioning units is in the east side yard.

*Finding of the Building Commissioner: The zoning code states per§151.087(E) Permitted Obstruction in Required Yards: "A required yard or court shall, at all times and in every part, be unobstructed by any permanent or temporary man-made object from its lowest point to the sky. However, the following obstructions shall be permitted (E) Heating, ventilating, refrigerating, condensing, or air-conditioning equipment, or combinations thereof may be placed in any side yard but may not be placed closer to the side yard property line than the required side yard setback, and provided that there be no more than two such obstructions and that no such obstruction shall extend more than three feet above the ground at the point of the obstruction and that such obstructions do not occupy more than 12 square feet (NOTE: two air conditioning units of approximately 30" square meet this requirement) of the required side yard. It should also be noted that there is no opposition from the neighbors immediately adjacent at 6576 per the applicant. As stated in the zoning code, the units do sit inside the 7'-0" required side yard setback and thus a variance is required.*

Mr. Vianello said he did talk with his neighbors and said they indicated that they did not have an issue with the request.

Mayor Policastro said he received a call from Dr. Grooms indicating the same. He also said there was a similar case years ago with the Jack residence where Planning Commission did turn down the request 3-2 but it was appealed to Council and passed 5-0. He wanted Planning Commission Members to know that there had been precedent already set.

Ms. Reed questioned why the unit could not go behind the house lot. The plans do not show anything in the area. Mr. Vianello said that is where the sidewalk goes into the side lot. Ms. Reed said she did not have a problem with the request it is just that the plans shows that the area is open. Mr. Vianello said that is also where the new furnace will be installed. The contractor asked that the furnace be as close to that area as possible.

Mayor Policastro moved, seconded by Ms. Reed to approve the variance request based on Section 151.025(3)(b)(2)(a)(d)(e)(f). On roll call; three ayes, no nays.

Mayor Policastro moved, seconded by Mr. Miller to accept the minutes as written for May 21, 2014. On roll call; three ayes, no nays.

The meeting adjourned at 5:50 p.m.

Respectfully Submitted,

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Mr. Jerry Vianello, Secretary

