

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD AUGUST 1, 2019

The Mariemont Planning Commission met Thursday August 1, 2019. Mr. Brown called the meeting to order at 5:00 p.m. Present were Mayor Policastro, Ms. Reed and Mr. Van Stone. Mr. Blum arrived at 5:35.

Mayor Policastro moved, seconded by Mr. Van Stone to accept the minutes as written for June 27, 2019. On roll call; four ayes, no nays.

A request was made from Charles Hatch, 3828 Petoskey Ave., Mariemont, OH to waive the setback requirements for the garage and house combination and to permit a greater usage of the rear yard than the code currently allows. The request is to allow the garage and house to be connected by a covered walkway, connecting the house and garage. An additional request is to allow a patio in the rear yard to become covered and screened-in, forming a covered porch. This porch would take more of the required rear yard than the code currently allows.

Finding of the Building Administrator:

By Mariemont code, the required rear yard is 30 feet from the rear property line toward the house times the property width. In this case the property is 50 feet wide by 150 feet deep. The required rear yard is then 1500 square feet. The current garage is 506 square feet or 34% of the required yard. The garage is therefor currently greater than that required by Village code. The remaining yard of 994 square feet would be somewhat less than 60% consumed by the covered patio which is attached to both the house and the garage. Since the garage is connected to the house both by the covered patio and the walkway, the Village code requires the garage to have the same side yard setback as the house. Therefor to approve the issues, the Planning Commission must waive both the side yard setback and the percentage of the rear yard consumed.

Mr. Brown said the required rear yard calculation that Mr. Keyes performed is not exactly in play. Mr. Hatch is not coming before the Planning Commission asking to build an accessory building that would be detached from the house and thereby this calculation comes into play. He referred to code Section 151.005 which states “when an accessory building becomes attached to an existing structure all restrictions applying to the principal building when it has a common wall with the principal building by a permanent structure or when any part is located four feet or less from the nearest part of the principal building”. What applies is the set-back requirements for the house. What Mr. Hatch is going to need is a variance for the side yard setback on the garage on the south side. He would also need a rear yard variance because the garage to the rear lot is only five feet. He referred to Code Section 151.086 that the required rear yard on this residence would be twenty feet from the rear property line because it is all connected.

Mr. Hatch said he and his wife are looking at ways to age in place in Mariemont. His wife is unable to manage steps and this would provide safe access from the garage into the house. The connector would be the same level as the garage. There will be a 28’ ramp inside the house that will not be visible from outside the house. Everything will be on the first floor with the future eventual use of a wheelchair.

Ms. Elizabeth Selickman, 3832 Petoskey, asked if she could see the plans for the design as she was having difficulty visualizing. Mr. Hatch went over the renderings with his neighbor. He does not yet have architectural drawings. Ms. Selickman said the plans seem well thought out.

Ms. Jody Blair, 3826 Petoskey, said she is a next door neighbor and concerned with water drainage going on her property. Mr. Hatch said he was made aware of the issue by Mr. Keyes and he will assure Ms. Blair that he will correct any water drainage issue and have it flow away from the house to the street.

Mr. Van Stone questioned if Mr. Hatch got the required 20' rear yard setback it would take it two thirds of the way out of the garage towards the house and may not require a variance. Mr. Hatch said he has not yet had he property surveyed. At that time he will know exactly location of the back of the house. Mr. Van Stone said if the screened in porch was 13' feet towards the back of the lot it would meet all the requirements and not require a variance. He would vote to grant it because no one is going to ask Mr. Hatch to tear down a perfectly good structure (garage). His understanding is that Mr. Hatch needs three variances: the side of the garage, the back of the garage and the back of the screened in porch. The only one in his mind in question is the screened in porch. Mr. Hatch said the screened in porch will provide his wife a way to be outdoors but avoid the insects that she is allergic to. Mr. Hatch said they could reduce the screened in porch to 18' versus 21'. They have to allow room for a wheelchair. Ms. Reed said that would equal a 5' variance and could set future precedents. Mr. Van Stone said in his opinion part of the exception is Mrs. Hatch's health issues. Mayor Policastro said it falls under causing unnecessary hardship.

Mr. Brown said another consideration in this particular case that factors into this and that is the ADA compliance regulations that come into play. Because Mrs. Hatch is ultimately going to be in a wheelchair Planning Commission does not want to place the Village in a situation where the Hatch's come with a lawsuit saying he has a right to make the house ADA compliant. We cannot ask him to shrink plans that will not allow for wheelchair mobility. An accommodation to allow for a slightly larger porch is not setting a firm precedent as this is a unique situation. Mr. Blum said the plans need to allow for the wheelchair to make a turn. Mr. Van Stone said should Mr. Hatch's architect not be able to make the plans work with the variance approved by Planning Commission they can reapply.

Mr. Van Stone moved, seconded by Ms. Reed to grant a 15' backyard set-back variance for the new construction based on code Section 151.024(3)(b)(c)(d)(e)(f). On roll call; five ayes, no nays. Mr. Brown moved, seconded by Mayor Policastro to grant a rear yard setback variance on the existing garage and a side yard setback on the existing garage based on code Section 151.024(3)(b)(c)(d)(e)(f). On roll call; five ayes, no nays.

The meeting adjourned at 6:11 p.m.

Respectfully Submitted,

Ms. Shelly Reed, Secretary