

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD AUGUST 18, 2021

The Mariemont Planning Commission met August 18, 2021. Mayor Brown called the meeting to order at 5:32 p.m. Present were Mrs. Rankin, Ms. Reed, Mr. Rich and Mr. Van Stone. Mr. Gerry Stoker, XPEX was in attendance as the Village Building Administrator.

Mayor Brown said that Mr. Van Stone is acting as interim Zoning Official for the Village on a voluntary basis as the Village searches for someone to work in this capacity permanently. Mr. Van Stone does not issue building permits and does not make decisions in that regard. He will be participating in discussions but will not be voting to avoid any appearance of conflict of interest.

Mayor Brown noted for the record that the wrong application was submitted for review. An application for ARB was submitted, but the Planning Commission will move forward with the request.

Mr. Van Stone moved, seconded by Mr. Rich to accept the minutes as written for June 16, 2021. On roll call; four ayes, no nays (Mrs. Rankin abstained due to not being present at the meeting).

Ms. Reed asked if the applicant from the June 16, 2021 meeting resubmitted drawings. Mr. Van Stone said they had not nor have they applied for a building permit.

A request was made from Jordan and Maria Gaietto, 6626 Pleasant Street, Mariemont, Ohio 45227 to construct a pool house/residence a swimming pool, and a breezeway connecting the pool house to the main residential structure.

Finding of the Building Department:

- a) Only one accessory structure is permitted on each lot. A pool is considered an accessory structure.

151.060 RESIDENCE A DISTRICT REGULATIONS.

(b) Accessory buildings, erected as part of the principal building or as separate from this division (A)(7)(b): when erected as a separate structure, the accessory building shall be located in the rear yard. Accessory buildings shall be located on the same lot as the principal building, shall not involve the conducting of any business, and there shall be not more than one separate accessory building on any lot.

- b) accessory structure connected by a breezeway to the main dwelling not part of the main dwelling.

§ 151.005 DEFINITIONS.

ACCESSORY USE or **STRUCTURE**. A use or structure subordinate to the principal use of a building or to the principal use of the land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use. Accessory buildings shall not be used as a residential dwelling. **ACCESSORY USES** shall be located on the same lot as the principal use unless otherwise specified. An accessory building shall be considered part of the principal building and subject to all restrictions applying to the principal building when it has a

common wall with the principal building or is attached to 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. An accessory building shall be considered and regulated as a separate structure when it is more than four feet from the principal building (see § 151.060(A)(7)(b)2. and § 151.085(B)(1)(c)).

(4) **DWELLING, SINGLE-FAMILY DETACHED.** A dwelling standing by itself and containing only one single-family dwelling unit, separated from other dwellings by open space.

- c) A pool house with residential space is not a permitted use for an accessory structure.

§ 154.056 ACCESSORY STRUCTURES.

(A) Relief to the elevation or dry flood-proofing standards may be granted for accessory structures containing no more than 600 square feet.

(B) Such structures must meet the following standards:

- (1) They shall not be used for human habitation;

151.060 RESIDENCE A DISTRICT REGULATIONS.

(b) Accessory buildings, erected as part of the principal building or as separate from this division (A)(7)(b): when erected as a separate structure, the accessory building shall be located in the rear yard. Accessory buildings shall be located on the same lot as the principal building, shall not involve the conducting of any business, and there shall be not more than one separate accessory building on any lot.

1. Accessory buildings are permitted for one or a combination of one or more of the following uses:

- a. A private garage or carport;

- b. A building for the storage of tools, equipment, or supplies used for the maintenance of the buildings and land of the lot on which the accessory building is located.

Mr. Gaietto said he could not find in the Mariemont code where the pool is classified as an accessory structure. Mr. Stoker said in the Residential Building Code it states an accessory structure is a building, the use of which is incidental to that of the dwelling(s) and that is located on the same lot. The definition of structure is that which is built or constructed. A swim pool is an accessory structure.

Mr. Gaietto asked for the interpretation of the breezeway. Mr. Stoker said it is stated in the Section 151.005 Accessory Use or Structure: A use or structure subordinate to the principal use of a building or to the principal use of the land and which is located on the same lot serving a purpose customarily incidental to the use of the principle building or land use. Accessory buildings shall not be used as a residential dwelling. Accessory uses shall be located on the same lot as the principal use unless other specified. An accessory building shall be considered part of the principal building and subject to all restrictions applying to the principal building when it has a common wall with the principal building or is attached to the principal building by a permanent structure or when any part is located four feet of less from the nearest part of the principal building.

Mr. Joe Brumback, Architect for the Gaietto's, and members of the Planning Commission discussed the particulars for the four feet requirements.

Mr. Rich said the sticking point is the pool house has been described as a separate structure. A breezeway implies open space. He suggested removable windows would enclose the space and attach it to the primary building while still allowing open windows for several seasons. He suggested modifying the drawings to make changes that would not require a variance from the Planning Commission. If the changes show it is within the requirements of the zoning code so it is not separated by space, it is not an auxiliary structure and there is no debate if there are two auxiliary structures and there is no debate about the height requirement.

Mr. Van Stone suggested the applicant provide a new sketch concept which will be reviewed by Mr. Stoker.

In conclusion, the applicant is going to redesign to move the proposed pool house addition within 4 feet of the main residence and connecting it, thereby it will be considered a part of the main structure.

The meeting adjourned at 6:15 p.m.

Respectfully Submitted,

Ms. Shelly Reed, Secretary