

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD SEPTEMBER 15, 2021

The Mariemont Planning Commission met September 15, 2021. Mayor Brown called the meeting to order at 5:34 p.m. Present were Mrs. Rankin, Ms. Reed, Mr. Rich, and Mr. Van Stone.

Mrs. Rankin moved, seconded by Ms. Reed, to accept the minutes as written for August 18, 2021. On roll call; five ayes, no nays.

The first request was from Pat Brinker of Gregory Gates Architect on behalf of Michael and Kristin Wolujewicz of 3804 Miami Rd, Mariemont, OH 45227 to construct a 16'3" high detached 2-car garage that exceeds the maximum height zoning requirements of 15'. He previously appeared before the Planning Commission on June 16, 2021 where his request for an 18' high garage was tabled.

Mr. Van Stone moved, seconded by Mr. Rich, to take the request from Pat Brinker about the garage off the table. On roll call; four ayes, no nays (Mr. Van Stone abstained as he is currently acting as the interim temporary zoning officer for the Village).

Findings of the Assistant Building Administrator: Private garages are defined as accessory buildings. Mariemont Code of Ordinances states:

§ 151.085 BUILDING HEIGHT, YARD, AND COURT REGULATIONS.

(B)(1)(c) *Height and yard regulations for accessory buildings.*

- 1.a. Accessory buildings shall not exceed 15 feet in total height measured from the grade at front of the structure to the highest point of roof, and shall be at least three feet from the rear lot line, and shall be at least three feet from any side lot line, measured from the nearest point of the accessory building to the rear lot line or side lot line as the case may be.
- b. The total height measured from the grade at the front of the structure to the highest point of the roof may be increased one inch vertically for each additional two inches horizontally that the side yard and rear yard setbacks are increased beyond the three-foot minimum.
- c. In no case shall the maximum height exceed 18 feet.

In this situation, a 16'3" high garage is allowable if it is moved an additional 2'6" into the lot from the rear and side property lines, beyond the current 3' minimum.

Mr. Brinker explained that they have gone back since the last time they were here and made some of the recommended changes to reduce the overhang, reduce the slope and reduce the width of the garage by one foot which in turn has allowed them to reduce the height of the variance asked from 3 feet to 1'3". The max allowed was 15 feet and they have now reduced that to 16'3". Mrs. Wolujewicz thinks it will look much better from the street. Mr. Rich stated his interpretation of the mission of the Planning Commission is to address variances based on a hardship or if there is some reason such as the configuration of their property that impedes them conforming to the codes. He would like for them to respect what the codes are to avoid establishing a precedent among your neighbors that if it doesn't look good then you can just get a variance and it doesn't have to be part of the code. In this case he sees it as a convenience and not a hardship. During the discussion Mr. Brinker accused the Planning Commission of discriminating against his client if the variance is not approved because he has had other projects approved that were similar. Ms. Reed agrees that it would look better if it is closer to the lot line and it would actually be further from the lot line than it is right now because it is right on the lot line right now from what she can tell. She doesn't agree that it is always a hardship situation. Mayor Brown said they don't have anything in the code

book that allows for aesthetics. Mr. Van Stone said the code book does lay out the duties and responsibilities of this board in Section 151.024 (H)(3)(c).

Mrs. Rankin moved to approve the request for variance, seconded by Ms. Reed, based on Section 151.024 (H)(3)(c) which states “In exercising any of the foregoing powers, the Commission may impose such special conditions or requirements as it shall deem necessary or desirable under the circumstances to reduce any adverse effect of any permission or grant, on the character and development of the district in which the specific property is located.” On roll call; 3 ayes, 1 nay (Mr. Rich). Mr. Van Stone abstained as he is currently acting the interim temporary zoning officer.

The second request is from Joshua A Combs of 6989 Bramble Hill Drive to construct a 23’6” wide driveway in the front of his residence.

Finding of the Assistant Building Administrator:

The lot width of 6989 Bramble Hill Drive is 50 feet. According to Section 76.15, driveways in the residential district shall not exceed 25% of the width of the lot width, which for this lot is 12.5 feet. According to Section 151.089 (I) (11) (b) concerning off street parking, the aggregate width of driveway(s) at the street line shall not exceed 60% of the width of the lot, which for this lot would be 30 feet.

§ 76.15 RESIDENTIAL PARKING AREA REQUIREMENTS

(C) No person shall stop, stand, or park a motor vehicle on any portion of a front, side, or back yard in a residential district that is not a parking area as defined in this section. It shall be unlawful for any person, firm, or corporation, directly or indirectly, or any owner or occupant of land in the residential zone, to construct, operate, or maintain a parking area, unless required for on-side parking for multiple dwellings, in the front yard of any lot. This does not prohibit parking in driveways which meet the requirements herein defined. For the purpose of this section, **FRONT YARD** shall mean that area between the sidewalk or street line in the event there is no sidewalk, and the front line for the principal building, extending in both directions to the side of lots. It shall be unlawful to use that portion of a vacant lot within 30 feet of the sidewalk lines for parking in a residential zone. Driveways in the residential district shall not exceed 25% of the width at the front or side lot line. Where more than one driveway opening is desired or required, that shall be at least 70 feet apart.

§ 151.087 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.

A required yard or court shall, at all times and in every part, be unobstructed by any permanent or temporary human-made object from its lowest point to the sky; however, the following obstructions shall be permitted:

(A) Walks and driveways of normal and reasonable area

§ 151.089 OFF-STREET PARKING.

(C) For the purpose of this section, **PARKING SPACE** shall mean an area with dimensions not less than nine feet by 18 feet or 162 square feet, exclusive of drives and aisles giving access thereto, accessible from streets or alleys, or from private driveways or aisles leading to streets or alleys and suitable and usable for the storage or parking of one self-propelled passenger automobile; provided, that when such private driveway is under ownership of other than that of the parking space to which access is provided, right of access must be evidenced by an easement of record giving unrestricted right of ingress and egress over that private driveway or aisle to that parking space. **PARKING LOT** shall mean any surface lot which provides off-street parking for motorized vehicles.

- (I) Additional requirements shall be as follows.
- (11) (a) In any residential district, no driveway shall be constructed less than 12 feet in width. All driveways shall be paved with concrete, asphalt, brick pavers or crushed stone.
- (b) The aggregate width of driveway(s) at the street line shall not exceed 60% of the width of the lot.
- (c) Required width of curb cuts may exceed the driveway width by three feet.

Mr. Combs would like to widen his existing driveway. Mayor Brown says there is an issue with not having a good dimensional drawing of that plan. Mr. Combs said he was told to sketch something and that would be good enough. He said it will be 22 inches off the property line. Ms. Reed asked if a driveway can go all the way to the property line and Mr. Combs said it can because it isn't tied into the structure. Mr. Van Stone said his property has a drop off on one side and there is a wall next to the driveway. Mr. Rich's concern is there would be a sharp drop by his neighbor. This lot is 50 feet and according to the code he can't exceed 12.5 feet which is why he needs a variance. His proposal is 23.5 feet wide which is almost half of the property and so Mr. Van Stone thinks if he could keep that in and create a pad up toward the house that would be a better solution however Mr. Combs and the Planning Commission need to discuss that. Discussion ensued regarding various options for expanding the existing driveway. Mr. Rich is less concerned with how much of the front yard is paved and more concerned about the drop off to his neighbor. His preference would be that Mr. Combs not go beyond where that existing wall is. Mayor Brown is concerned about paving over the front yard and suggested a 12-18 foot driveway which is a little wider than a single car driveway. Mr. Rich would like him to keep the edge of the driveway where the walk is and go 18 feet from there. Mr. Combs wants to remove the tree next to the driveway and extend the driveway over the stone walkway. The stairs will be eliminated and replaced with green space. He will build a retaining wall.

Mr. Rich made a motion to approve the variance request citing Section 151.024(3)(b)(2)(a) with the following modification: a curb cut no wider than 16 feet, a driveway no wider than 20 feet, and the west edge of the driveway no closer than 4 feet to the property line. Mr. Combs will accept 20 feet even though it is less than what he was asking for because he would like to get it done right. Mrs. Rankin seconded the motion. On roll call; four ayes, no nays (Mr. Van Stone abstained).

The third request was made from Robert and Elizabeth McNeese of 7000 Crystal Springs Road for a variance related to the existing approved fence currently at a height of 3 feet within the 25 foot area from the intersection of Crystal Springs and Indianview to a consistent height of 4 feet within the intersection area.

Finding of the Assistant Building Administrator:

7000 Crystal Springs Road is a corner lot. According to Section 151.102, the height of a fence on a corner lot shall not exceed 3 feet in height for a distance of 25 feet from the intersection of the lot lines at the corner.

§ 151.102 FENCE OR WALL ON CORNER LOT.

“Required” side yards of corner lots as set forth in § [151.085\(B\)\(1\)\(b\)3](#). have specific fence requirements as follows.

- (A) Fences or walls on corner lots shall be no more than four feet in height, at least 50% open construction, parallel to any lot line bounded by a public right-of-way, with the following exceptions:
- (1) Within a space of 25 feet from the intersection of the lot lines at a public right-of-way intersection, that structure shall not exceed three feet in height, and shall be of 50% open construction; and
 - (2) A fence or wall not exceeding six feet in height may be erected in a side-rear yard of a corner lot and parallel to a public right-of-way providing that structure is set back from the lot line bounding the public right-of-way the “required” side yard setback for a corner lot as set forth in § [151.085\(B\)\(1\)\(b\)5](#).

Mayor Brown said the application is not complete and the Planning Commission will not be able to render an opinion or judgment tonight. Mr. Van Stone explained to Mr. McNeese that the Cagis lines may not be accurate but they show the fence to be outside the property line, and need verification of exactly where the property line is relative to his fence. He needs to go get a survey and resubmit that because it appears that the fence is outside his property line and this group can’t make a decision on something in the right of way. Mr. McNeese said he was informed by the former building commissioner that he could begin construction on the fence and the permit would be issued later. Mr. Van Stone presented the Cagis map and showed the property line and right of way. Mr. Van Stone needs verification of where the lot line is before they can make the call. He will hold onto the check but it will not be processed until the commission makes a ruling. Mr. Rich made a motion to table the request because the application is incomplete because the application requires a plat plan that shows dimensions of where the construction is being built. Ms. Reed seconded the motion. On roll call; four ayes, no nays (Mr. Van Stone abstained).

The meeting adjourned at 6:53 p.m.

Respectfully Submitted,

Ms. Shelly Reed, Secretary