

**MARIEMONT PLANNING COMMISSION**  
**REGULAR MEETING HELD DECEMBER 15, 2021**

The Mariemont Planning Commission met December 15, 2021. Mayor Brown called the meeting to order at 5:30 p.m. Present were Mrs. Rankin, Ms. Reed, Mr. Rich, and Mr. Van Stone.

Mr. Rich shared several suggestions to amend the minutes from the September 15, 2021 meeting. Mrs. Rankin moved to accept the September 15 minutes as amended with Mr. Rich's suggestions, seconded by Ms. Reed. On Roll call; 5 ayes, no nays. Mr. Rich moved to approve the November 17, 2021 minutes as written, seconded by Ms. Reed. On roll call; four ayes, no nays, Mrs. Rankin abstained as she was not at the November meeting.

The first and only request was from Bonnie Schantz of 6943 Cambridge Ave. Cincinnati, OH 45227 for a variance to construct an elevated deck that would be within 30" of the adjacent property (6941).

*Findings of the Assistant Building Administrator:*

**§ 151.024 POWERS AND DUTIES OF THE PLANNING COMMISSION**

(3) Property variances.

(a) The Commission shall have the power to grant a variation in the property provisions and requirements of this chapter which will not be contrary to the public interest or intent and purpose of this chapter, so that the public health, safety, convenience, comfort, prosperity, and general welfare will be conserved and substantial justice done, but only where, owing to special conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this chapter would cause a clearly demonstrable hardship.

(b) Variances may be granted under the following circumstances:

1. When there is reasonable doubt as to any provision of this chapter or the building zone map as applied to such property; or
2. When the following facts and conditions exist:
  - a. An exceptional narrow, shallow, or irregular lot, exceptional topographical conditions existing and of record June 27, 1941; or
  - b. Large "specimen" trees are in jeopardy; or
  - c. Where, by reason of extraordinary or exceptional circumstances or conditions, the literal enforcement of the requirements of this chapter would involve practical difficulty or would cause unnecessary hardship, or would not carry out the spirit and purpose of this chapter; and
  - d. Such variance is necessary for the use and enjoyment of the property in a manner similar to that which other property in the village is used; and
  - e. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity in which the property is located; and
  - f. That the condition or situation of the subject property, or the intended use of the property, for which variance is sought, is not so general or recurrent a nature as to make reasonably practical the formulation of general regulations for such conditions or situation.

**§ 151.085 BUILDING HEIGHT, YARD, AND COURT REGULATIONS**

(B) The minimum dimensions of courts and the maximum height of principal structures shall also be in accordance with said tables and regulations. The side and rear yard setbacks, height, and size of accessory buildings, when detached from the principal building, are set forth in division (B)(1)(c) below. Attached dwelling units, such as condominiums and rowhouses, are considered as single structures.

(1) *Height, size and yard regulations for principal and accessory buildings.*

(b) *Yard dimensions and regulations.*

3. *Side yard.* In any residential or industrial district, all structures shall have a required side yard setback as specified in § 151.086(C) (see also corner lots, in division (B)(1)(b)5. below).

7. *Lot width.*

a. No residence shall be erected in a residential district on a lot of less than 40 feet in width unless such lot is recorded on a plat of subdivision in the office of the County Recorder as of April 23, 1942.

b. In such instances, the minimum side yard and total side yards required shall be the same as required for a lot of 40 feet in width.

**§ 151.086 TABULATION AND FORMULAE.**

(C) *Side yard regulations.*

(1) *Minimum side yard setback regulations.*

	Width of Lot	Height of Building					
		0 to 18 feet		18 to 30 feet		30 plus feet	
		Least Width Any Side Yard	Sum of Both Side Yards	Least Width Any Side Yard	Sum of Both Side Yards	Least Width Any Side Yard	Sum of Both Side Yards
Residence A, B, and C	40	5	13.00	6	14.25	7	15.75
	50	6	14.25	7	15.50	8	17.00
	60	7	15.50	8	17.00	9	18.75
	70	8	17.25	9	18.75	10	20.50
	80	9	19.00	10	21.00	11	22.75
	90	10	21.25	11	23.25	12	25.50
	100	11	23.50	12	26.00	13	28.25
	110	12	26.25	13	29.00	14	31.50

Zoning Officer, Rod Holloway, pointed out that the relevant information in the above table is this residence is in Residence A, it does have a side yard of less than 40 feet and the building height is in the zero to 18 range. The distance between homes is approximately 9ft-3in, and distance from home to property line is approximately 6ft. The existing concrete pad/patio extends 42” from the house, leaving approximately 30” clear to property line. The required setback is a minimum of 5ft on the side, thus the stairway requires a variance of 30” (60” – 30” = 30”) to be in compliance with this ordinance.

There is an existing concrete patio which is elevated. The plan would be to put a deck over top of that existing patio. In theory, it is in the setback but is probably not much different than the current issue they have with the rear patio area. The new deck will not extend beyond the perimeter of the raised patio. Mr. Holloway explained that there would be footers poured on the backside.

Ms. Schantz said she has done many improvements on the home in the 15 years since she has owned it. She has always wanted to add a deck because it would allow her to just have one step down to the deck rather than the 5 steps down to the patio. If she made the deck more narrow then she would not be

able to access the front of the property. Mayor Brown clarified that she is proposing to put two sets of steps on the deck, leading to the front and to the back.

Mr. Van Stone was curious how high the deck would be. Mr. Holloway said it would be approximately 40 inches in the front of the deck and about 80 inches in the back of the deck. Mr. Van Stone expressed concern that the deck would be visible from the front of the house and the access in case of fire would be tight for firefighters who told him they could “make it work” to get equipment through on the side of the house. Mr. Van Stone proposed taking the deck back farther another 23 feet and not making it as wide. Ms. Schantz doesn’t think that solves anything.

Mr. Rich pointed out that the problem is the existing conditions in the yard violate the zoning codes and Ms. Schantz is not proposing to build anything beyond the existing footprint. Because of that he would support her proposal. The variance is being considered for the side yard and the side yard has an existing condition which violates the existing code. She’s not proposing in any way to add on more violations of the code. To take away the three feet of concrete, as suggested by Mr. Van Stone, could compromise the integrity of that existing slab and it may not be structurally fit to put the new slab over it. Mr. Rich made a motion, seconded by Mrs. Rankin, based on section 151.024 (3)(b)(2)(a) which is “an exceptional narrow, shallow, or irregular lot, exceptional topographical conditions existing and of record June 27, 1941”, that we approve the variance. On roll call; 5 ayes, no nays.

Mr. Van Stone suggested that Ms. Schantz follow-up with Mr. Holloway about a permit for installing a sliding door for the deck where two windows had been. She agreed to do that.

The meeting adjourned at 6:16 p.m.

Respectfully Submitted,

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Ms. Shelly Reed, Secretary