

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD JULY 19, 2023

Mr. Van Stone called the meeting to order at 6:00 p.m. Present were Mayor Brown, Mr. Burleigh, and Ms. Reed. Also, in attendance was Building Official Rod Holloway.

Mr. Van Stone welcomed new Planning Commission member, JP Burleigh. Mr. Burleigh is a land use and zoning lawyer. He does a lot of zoning work in Cincinnati and is happy to contribute what he can to help the Village.

Mayor Brown moved, seconded by Ms. Reed, to approve the minutes as written for February 21, 2023. On roll call; three ayes. Mr. Burleigh abstained.

Mr. Van Stone noted that his property is adjacent to the property of the applicant, but he is not here as a neighbor. He is here as a member of the Planning Commission.

Application from Robert McGillivray of 6997 Rowan Hill Drive to request a variance of approximately 3ft into the rear setback to replace an aging deck with a larger one.

Findings from the Building Department as Follows:

6997 Rowan Hill is zoned as Residence A (ref. Appendix A of Mariemont Code). 151.086(b) states requirements for the rear setback in this district is 30ft rear setback. An elevated deck that is attached to the primary residence is considered part of the residence and not an accessory structure.

Mr. Holloway stated that a variance is required. The existing deck is approximately 16'x 20' and the proposed deck would be 20'x 23'. The existing setback is at 31'1" and would change to 27'1".

Mr. McGillivray explained that the back of his property is mostly unusable. Topographically there is quite a slope, and they get a lot of runoff there. It is muddy and grass does not grow a lot. There is about six feet of grass and then the rest is a garden bed and wooded area.

Mr. Van Stone wanted to make clear that the wording on the application requests a variance of 2.5 feet, but Mr. Holloway says it is three feet. As we go forward we should talk about the three feet, if there is a motion, and not get caught up with six inches further down the line. Mayor Brown pointed out that if he needs the three feet, he will still have 27'1" of the setback left. Mr. Van Stone brought up another property, 7003 Rowan Hill, that had a deck permit denied in November 2021. They put a deck on the back of the house that was about 18 inches to two feet high. The back of the house of 30 feet from the rear property line. The permit was denied, and the Building Department had them take that deck down. Earlier that year on April 29 at 7005 Rowan Hill, a deck was constructed eight feet above the ground and went two feet into the setback. That permit was granted because it did not destroy any greenspace because it was open beneath the deck. None of Mr. McGillivray's neighbors provided any feedback about the request

other than Heather Steele and she is in favor of anyone using their yard more. She knows they use their deck often. Mr. McGillivray spoke to several neighbors, and no one expressed any concern over the request to enlarge the deck.

Mayor Brown verified that the request is to enlarge the deck to increase the usability of that area. Mr. McGillivray agreed and stated that they needed more room on their deck to accommodate his family. Mayor Brown was curious how the existing garage on the property was ever approved as an accessory structure. Mr. Holloway said it was not recently approved but was permitted back in the sixties. In order for the garage to remain an accessory structure it must be at least four feet away from the primary structure (including the deck). Adding three feet to the deck will still leave an allowable distance.

Mayor Brown moved, seconded by Ms. Reed, to approve the three foot setback variance based on Code Section 151.024(H)(3)(b)(2)(c)(d)(e)(f). On roll call; four ayes, no nays. The motion for a three-foot variance was approved.

The meeting adjourned at 6:18 p.m.

Respectfully Submitted,

Ms. Shelley Reed, Secretary