

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD SEPTEMBER 26, 2023

Mr. Van Stone called the meeting to order at 6:04 p.m. Present were Mayor Brown, Mr. Burleigh, Dr. Lewis and Ms. Reed. Also, in attendance was Building Official Rod Holloway.

It was requested and agreed to change the start time of the meetings moving forward to begin at 5:30 p.m.

Mayor Brown moved, seconded by Ms. Reed to approve the minutes as written for August 29, 2023. On roll call; five ayes, no nays.

Application from Justin Wolterman of 3712 Center St. seeking a variance to related to the proposed installation of synthetic grass in his rear yard was reviewed.

Findings from the Building Department as Follows:

Ordinance O-18-22 passed in July of 2022 which created a specific chapter to regulate the use of synthetic turf in the Village and preserve the enjoyment of private property while promoting an orderly and environmentally responsible development. There are a number of design and installation considerations in this code, including section 151.094(5)(c) which states that synthetic grass is not allowed in the drip line of a tree canopy as defined at the mature growth stage. The rear yard of the residence has a mature Oak Tree whose canopy will extend over the proposed synthetic turf. To mitigate the impact, the supplier of the turf has recommended a sub-layer and containment system that is designed to allow water to permeate through the surface and into the ground while still maintaining the structural integrity below the turfed area. Sections of the driveway that are currently covered with asphalt will also be replaced with pavers that will provide additional area for water to permeate into the ground in the rear yard.

Photographs of the yard and tree were displayed.

Building Official Holloway said the Ordinance was developed because many do not think through the impact that turf has on mature trees. It requires a variance to ensure that trees are protected. Ms. Reed noted that if the Ordinance had the specific process noted, this request could be done without requiring a variance from the Planning Commission.

Mr. Wolterman said the purpose of putting the turf in the backyard was to provide a safe area for his children to play in as much of the year as he can, it is easy to clean and it is a lifestyle choice. He removed a tree that was deemed hazardous and erected a fence. He installed a geothermal system first because he knew the driveway needed replacement. The oak tree is in the center of the back yard with the photo showing the drip line. New grass was planted temporarily to reduce the mud. The proposed design complies with the synthetic turf regulations except the drip line requirement. His reason for the request to be approved is that this design process will allow the entire back yard to drain and permeate rainwater into the ground. It is a system that allows the gravel (#57 stone) to stay in place and more water will drain into the ground.

Mr. Burleigh said in order to grant a variance two of items to be determined are 1. Hardship is specific to a certain piece of property and 2. The use, or condition of the property are not so general or reoccurring of nature as to make reasonably practical the formulation of general

regulations or such condition/situation. He asked Mr. Wolterman to expand on what makes his property unique. Mr. Wolterman stated that the drip line is in the center of the yard. He has spent money and time researching products to keep the tree in the back yard healthy. The deck that was removed was 20+ years old. There was no grass, but mostly ivy and ground cover. The turf is guaranteed for 15 years. The plastic gravel containment system has been around for a long time and will help ensure the gravel stays in place.

Mr. Burleigh stated that Mr. Wolterman provided adequate information on the way the installation will protect the tree and will not have adverse effects on anyone else. He does struggle with how this is a unique situation – there are a lot of trees in backyards. The driveway is being changed, which could be considered a special condition.

Discussion ensued regarding the various requirements of the code that need to be met in order to grant a variance and their understanding of the code. Mr. Burleigh said Planning Commission needs to determine if there are special conditions pertaining to a specific piece of property. It ties into whether the condition is general or recurrent to make reasonable and practical formulation of general regulations for such conditions. Mr. Van Stone said Planning Commission can suggest that Building Official Holloway go back and review this with the Rules and Law Committee of Council. Mr. Holloway said the code was written in manner that it can be modified in a manner such as ‘no turf under drip trees unless provisions are made to allow the permeation of water’. Such language would then not require a variance. Mr. Van Stone noted that if the tree was not in the backyard, Mr. Wolterman would be able to install the turf without any permission. The only issue in question is the tree and the dripline.

Mr. Burleigh moved, seconded by Mayor Brown to grant the variance as requested based on code section 151.024(H)(3)(b)(c)(d)(e)(f). On roll call; five ayes, no nays.

The meeting adjourned at 6:50 p.m.

Respectfully Submitted,

Ms. Shelley Reed, Secretary