

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD AUGUST 18, 2010

The Mariemont Planning Commission met on Wednesday August 18, 2010. Mr. Stich called the meeting to order at 5:30 p.m. Present were Mr. Savage, Mr. Miller, Mayor Policastro and Mr. Sturtz. Also in attendance was the Building Commissioner, Dennis Malone.

1. Request for an appeal from Fr. David Robisch, 3 Sheldon Close, Mariemont, Ohio 45227 for a property variance for a rear yard encroachment for a room addition.

Finding of the Building Commissioner: The required rear yard setback as stipulated in the Mariemont Zoning Code is 30 feet. The proposed room addition will result in a triangular section extending into the required rear yard 8 feet at its maximum projection for a total of approximately 70 square feet. The existing rear yard comprises approximately 2700 square feet.

Building Commissioner Malone said the matter was heard and approved by ARB from an architectural standpoint. Fr. Robisch is looking to add on so he can age in place. He considers the encroachment to be minimal. It will not impose a negative impact on the neighbors.

Mr. Mark Mercurio said Fr. Robisch really enjoys the community and he is afraid that years down the road he may not be able to negotiate the steps.

Mr. Frank Raeon, member of the ARB, said he visited the site and he does not see an issue with the request. He believes it will serve in the best interest of the resident and the public.

Mayor Policastro moved, seconded by Mr. Miller to allow the appeal due to the irregular lot. On roll call; five ayes, no nays.

2. Request for an appeal from Ms. Karen Koch, 6507 Park Lane, Mariemont, Ohio 45227 for a property variance for a stone retaining wall previously constructed in the Village of Mariemont right of way.

Finding of the Building Commissioner: Subject retaining wall was constructed by the applicant partially in the Village right of way. Approximate encroachment is 6 feet. A building permit was not issued for the work. Applicant believes that the wall does not pose a safety hazard or is in any way an eyesore. The Building Department believes that the issuance of a "retrospective variance", while not specifically defined in the code of regulations, would permit the continued use of the retaining wall while not constituting a precedent for subsequent use of Village right of way.

Building Commissioner Malone said it is handsome landscaping. He believes the mistake was unplanned. The encroachment into the Village right of way is fairly significant but he does not believe it poses any sort of safety hazard. Park Lane is a narrow street and traffic is limited. The only negative thing that he believes applies is if the Village would want at some point in the future choose to install sidewalks the wall would have to be removed. In his opinion it would be unnecessarily punitive to ask Ms. Koch to remove the wall and push it back. It would be expensive to move and he does not see that it would do any public good. He recommends that the Planning Commission approve it retroactively but due to precedent he believes the Planning Commission should make a decision one way or another.

Mr. Stich said he did not know what they are granting a variance from. Building Commissioner Malone said it does not fit any of the categories at all. Mr. Stich said people plant things in the right of way all the time but this is more of a permanent structure. He was suspicious at first of what sort of precedent would be set until he saw the wall. There actually is another wall on the same street built in the right of way.

Ms. Koch apologized for the error and explained that she was not aware of the mistake. The wall is not totally permanent because there is no footing. She believes it does enhance the neighborhood.

Mr. Raeon said he is a neighbor of Ms. Koch and the wall is first class and is very handsome. There is precedent already set with the other wall and he believes this wall will enhance the value of the surrounding properties. He encouraged the members of the Planning Commission to grant the request.

Mayor Policastro moved seconded by Mr. Sturtz to approve the wall due to the lot having an exceptional existing topographical shallow condition and subject to the Village of Mariemont exercising its right to take control of the right of way. The Village is consenting to the encroachment of the right of way but is not giving up the easement. On roll call; five ayes, no nays.

Mr. Sturz moved, seconded by Mr. Miller to approve the minutes as written for February 17, 2010. On roll call; five ayes, no nays.

The meeting adjourned at 5:50 p.m.

Respectfully Submitted,

Mr. Jeff Sturtz
Secretary

