

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD DECEMBER 10, 2014

The Mariemont Planning Commission met Wednesday December 10, 2014. Mr. Miller called the meeting to order at 6:00 p.m. Present were Mayor Policastro, Mr. Vianello, Mrs. Garber and Ms. Reed. Also in attendance was the Building Commissioner, Kirk Hodulik.

The first request was from Timothy and Diane Wickham of 3808 Indianview Avenue, Mariemont, OH 45227, for the relocation of two existing air conditioning units from the back of the residence (back yard) to the side of the residence (side yard) into the required yard setback. The applicants are improving their back yard with an outdoor living environment consisting of a new terrace and landscaping, with the preference of not having the air conditioning units in direct view or sound transmission of the improvement. The proposed relocation of the air conditioning units will also include a small fence screen enclosure.

*Finding of the Building Commissioner: The zoning code states per§151.087(E) Permitted Obstruction in Required Yards: “A required yard or court shall, at all times and in every part, be unobstructed by any permanent or temporary man-made object from its lowest point to the sky. However, the following obstructions shall be permitted (E) Heating, ventilating, refrigerating, condensing, or air-conditioning equipment, or combinations thereof may be placed in any side yard but **may not be placed closer to the side yard property line than the required side yard setback**, and provided that there be no more than two such obstructions and that no such obstruction shall extend more than three feet above the ground at the point of the obstruction and that such obstructions do not occupy more than 12 square feet (NOTE: two air conditioning units of approximately 30” square meet this requirement) of the required side yard.*

It should also be noted that there is no opposition from the neighbors immediately adjacent at 3812 Indianview Avenue per the application attached letter from Matt and Suzy Weinland of 3812 Indianview Avenue. As stated in the zoning code, the units do sit inside the 7’-0” required side yard setback, thus a variance is required. It should also be noted that the side yard to the side of the building distance is less than 7’-0”and is already in non-compliance.

Mrs. Garber asked if the air conditioning units would be situated in the larger set-back. Mrs. Wickman said yes. Mayor Policastro said there has been many times before and made the motion based on Section §151.025(3)(b)(2)(c)(d)(e)(f), seconded by Mr. Vianello. On roll call; five ayes, no nays.

The second request was from Village of Mariemont Building Department on behalf of the Village of Mariemont, 6907 Wooster Pike, Mariemont, OH 45227, for a Duke Energy Public Utility Property Variance to permit an additional utility line to be underground with distribution circuit conductors and (1) pole along Murray Avenue just east of Plainville Road. New underground utility shall run to the south side of the present power lines run from the east side of Plainville Road new pole location to 6907 Murray Avenue (just beyond the east end property line of NAP Livingood Park development) where the second set of utility poles already exist.

Finding of the Building Commissioner: Chapter 53: Public Utility Equipment, Section 53.01 (C) states: "Location of piping, wires, and other conduits of utilities: all work shall be underground in all locations, public or private, except where above ground wiring was in place prior to June 27, 1941."

Chapter 53: Public Utility Equipment, Section 53.01 (D) states: "Location of transformers and units for wiring interconnections for utilities: all equipment shall be underground in all locations, public or private, except where above ground wiring was in place prior to June 27, 1941."

Mr. Griewe said after the project was announced Duke Energy informed him that Duke had to increase their capacity to get power along this corridor and the way they proposed to do it was with lower poles with overhead wires. Through negotiations with himself, Duke Energy and the Village of Mariemont, Duke agreed to install underground wiring with the Village paying \$11,500 and the developer paying \$10,800. The cost was determined by lineal feet of underground cable. Mr. Griewe intends to have landscaping installed which will help cover the existing poles that are already there.

Mrs. Garber said the quote by the contractor to do the work states that the quote is good until December 14, 2015. Her concern is that Council will not meet until December 15, 2015 to vote on this matter. Mr. Griewe said this was supposed to be on the agenda last month. He knows the owner of the company and he will guarantee the price. He said he will have a contract signed and will deliver it to the Village prior to the Council meeting on December 15, 2014. He anticipates the work to commence the first part of March 2015.

Mayor Policastro said this will solve the problem because our code states that the utilities have to be underground. Building Commissioner Hodulik said it also means that we do not have to have the underground manhole utility substation and it eliminates the cost of tearing up Plainville Road. It is the best solution.

Mr. Vianello asked if Mr. Griewe anticipated any problems putting in the shrubbery. Mr. Griewe said no but he will consult with Duke Energy for their easement. They are leaving enough green space should the Village add a bike trail in the future.

Mrs. Garber said when people were moving into Nolen Park they would stop on Madisonville Road and cause the traffic to slow or stop. She suggested that new residents be informed that they are not to stop and unload along Madisonville Road.

Mayor Policastro moved, seconded by Mrs. Garber to approve the request based on Section §151.025(3)(b)(2)(c)(d)(e)(f). On roll call; five ayes, no nays.

The third request was from G. Robert Hines, attorney at law, on behalf of John C. Mericle, Trustee (owner) of 584 Rollingrock Lane, Cincinnati, OH 45255, for **five** Zero Lot Line Conversions of five buildings consisting of the following addresses:

- Building with addresses 6714, 6716, 6718 & 6720 Maple Street
- Building with addresses 6724, 6726, 6728 & 6730 Maple Street
- Building with addresses 6734, 6736 & 6738 Maple Street
- Building with addresses 6727, 6729 & 6731 Maple Street

- Attached Building with addresses 6714, 6716, 6718, 6720, 6722 & 6724 Chestnut Street

Finding of the Building Commissioner: The zoning code states: "The village contains certain row houses and other multi-family dwellings. In order to provide for property development and improvement while protecting the historic and architectural features which exist, certain row houses existing as of March 1, 2003, may be rezoned to single-family attached dwelling units, provided that such units comply with the village Zoning Code and Building Code and with provisions. These provisions are intended to permit these properties to be developed and conveyed in a more flexible manner, without detriment to the neighboring properties."

Mr. Hines went over the auditor's plat with the Planning Commission Members showing the configuration of the lots and the deeds.

Mrs. Garber stated for full disclosure that in the past she has hired Mr. Hines to do title work for her. She does not see a conflict of interest but did want it on the record. She said she did have a conference call with Mr. Hines and Building Commissioner Hodulik to correct an error on the submitted paperwork. They looked at the deeds, legal descriptions and surveys. The legal descriptions were all correct. However there was an error in the block number. Mr. Hines had the surveys and the deeds corrected to reflect the correct block number for the parcels in question.

Mayor Policastro moved, seconded by Mrs. Garber to grant the request. On roll call; five ayes, no nays.

Mayor Policastro moved, seconded by Mr. Vianello to approve the minutes as written for August 20, 2014. On roll call; four ayes, no nays (Mrs. Garber abstained due to absence). Mayor Policastro moved, seconded by Mr. Vianello to approve the minutes as written for October 7, 2014. On roll call; five ayes, no nays.

The meeting adjourned at 6:28 p.m.

Respectfully Submitted,

Mr. Jerry Vianello, Secretary

