

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD APRIL 23, 2014

The Mariemont Planning Commission met Wednesday April 23, 2014. Mr. Miller called the meeting to order at 6:08 p.m. Present were Mrs. Garber, Mayor Policastro and Mr. Vianello. Also in attendance was the Building Commissioner, Kirk Hodulik.

The first request was from Mr. Chris Buchart of American Heritage Classic Homes & Suburban Real Estate Enterprises LLC, 1926 N. Ft. Thomas Avenue, Fort Thomas, Kentucky 41075 for 6955 Nolen Circle, Mariemont, Ohio 452274, for a property variance to permit an 8'-11" encroachment into the required front yard setback for a front entry porch (stoop & roof) and to permit both a 2'-2 ½" encroachment into the required east side yard setback and a 3'- 4 ¾" encroachment into the required west side yard setback on a wedge shaped lot narrowing from 50'-0" at the front yard property line down to 30'-1" at the Thorndike Road front property line. All proposed work and encroachments are per the submitted site plan.

Finding of the Building Commissioner: The zoning code required yard setbacks for a residence in Zone District Residence "A" with a building between 18 to 30 feet in height on a 50 foot wide lot is to have a front yard setback of 25'-0" and a least width side yard setback of 7'-0", and the greater width side yard setback of 8'-6".

Regarding the front yard setback, the proposed covered porch stoop encroaches toward the street 8'-11" while greatly enhancing the character of the front of the house. The existing house structure already is noncompliant with the body of the house 23'-6" off of the front property line and the existing front door projection just 20'-0" off of the front property line. In essence, the proposed new front covered stoop only extends 4 feet closer to the front property line.

Regarding the side yard setbacks, the wedge shape nature of the lot constricts the opportunity to build a rectilinear shaped structure if it is the desire to avoid "stair stepping" back or creating angled exterior walls to meet the side yard setback requirements. To the west side yard property line, the applicant has torn down the previous addition and desires to build a new addition that has the exact same footprint and offset, although shorter in overall length as it extends toward Thorndike Road. To the east side yard property line, the applicant simply wants to extend the proposed addition straight back in the same wall plane as the present east side of the house structure.

Mr. Buchart said his company has done several homes in the Village. The hope is to put an addition on the back of the house that was better than what was there. The previous addition was demolished due to issues that could not be overcome with simple repairs due to water infiltration and mold. They want to put an addition on that will not be as deep as the previous addition.

Mrs. Garber asked if the previous addition was a one story or two story and did it have second floor living space. Mr. Buchart said it was more of a one and one half story with a vaulted ceiling but no second floor living space. The proposed addition will be two story. Mr. Buchart went over the proposed plans with members of the Planning Commission. They are going to eliminate the front entry garage and turn that into a family room. A new garage will be attached located at the back of the property.

Ms. Fran Eldridge, 6951 Nolen Circle, and Ms. Courtenay Andrews, 6959 Nolen Circle said they realized what was there previously, but the issue with building in the back of the house is that the houses are so close together. They do not want to look at the improvement and asked that a privacy fence be installed.

Mr. Vianello said no one from American Heritage had contacted either Ms. Eldridge or Ms. Andrews. They were disappointed that the conversation never happened.

Ms. Eldridge also voiced concern about pooling rain water around the huge Oak tree in her back yard. When the former addition was put on the house all the drainage was funneling back onto her property. She wanted to know how the drainage for this new proposed addition would be handled. She said when it rains it is almost like a swamp and said a French drain may need to be installed. The large tree is in jeopardy of dying. She does not want more improvement with more run-off. If Mr. Buchart is willing to put up a privacy fence (similar to the existing fence) along with fixing the drainage issue she does not have a problem with granting the variance.

Mr. Buchart said he has done several homes in the area and said he would not be able to obtain a Certificate of Occupancy if the property did not pass inspection. In the past he has worked with the Building Inspector to make sure that all of the properties drained properly. Mr. Vianello asked if he can address both of the issues. Mr. Buchart said yes.

Mrs. Garber questioned the setback in the front of the property and asked what it does for the rest of the street. Mr. Buchart showed photos of houses on the street that have the same setback that he is asking for. Mrs. Garber wanted to clarify that the house would not stand out further than other houses on the street and that it is consistent with what is already on the street.

Mrs. Garber raised a concern if American Heritage is going to flip the house and one of the requirements is to install a fence – there is no control that the buyer would not take down the privacy fence. She asked where the fence is going to be located. Mr. Buchart said if he puts the fence on someone else's property he will have trouble transferring the property because there will be an encroachment. Mr. Buchart said he would be agreeable to putting the fence on Ms. Eldridge and Ms. Andrews properties but he wants to maintain control as far as the cost and the installer. Mr. Vianello suggested to Mr. Buchart to talk with the neighbors and decide what will work. Mrs. Garber said she hoped that the neighbors would be reasonable. Ms. Eldridge said she would just like to see a fence put up to match what is already existing. Ms. Andrews said she is fine with losing the hedge or portions of the hedge on her property if needed.

Mr. Vianello asked about the water run-off. Mr. Buchart said that is something that he may not be able to address this evening about how he would solve the problem. Normally the downspouts would be tied into a conductor pipe underground and taken to a point where it would drain into either a storm sewer or somewhere where it will not collect and leave standing water. He will have to study the area along with his engineer. Ms. Eldridge believes the drainage tiles are broken. Mr. Buchart believes the downspouts on the house went into an existing line on Nolen Circle. He would opt to try to take all the gutters and downspouts on the house and get them into that system. As far as the garage he would look to see if there is a storm water system on Thorndike and if not he would have it run to a French drain. Another possibility is when excavating if there is extra dirt it may be enough to fill the low spot to where it just drains right to Thorndike. He would put extra soil on the neighboring properties if that will help solve the problem. If that does not work he would install a French drain.

Mayor Policastro moved, seconded by Mr. Vianello to grant the variance based on Section 151.025(3)(b)(2)(a) 'an exceptional narrow, shallow, or irregular lot, exceptional topographical conditions existing and of record June 27, 1941'. In addition the variance shall include the following stipulations: (1) that the properties to the east and west (6951 Nolen Circle and 6959 Nolen Circle) shall have a 6' privacy fence to match the existing present fence installed up to 2" on their adjacent properties at the cost of the applicant American Heritage Enterprises. The fence will start at mid-point of the house and will go back in order to tie in with the existing fence located on 6951 Nolen Circle; (2) That the house will not stand out further than other houses on the street and that it is consistent with what is already on the street; (3) The water run-off from the back of the house (where the garage will be situated) will first tried to be tied into the sewer system off of Thorndike Road. In addition, if the excess dirt is of proper topsoil quality the applicant will re-grade said property and adjacent property to eliminate the water run-off condition

(In the event that the topsoil is not quality useable – applicant will bring in suitable soil). Applicant also agrees to re-grade, seed and straw 6951 Nolen Circle as needed at applicant's expense; (3) The gutters and drainpipes from the house will run and tie in with the storm water sewer system on Nolen Circle. It is noted that applicant will try to leave in as much of the hedge located on 6959 Nolen Circle during the fence installment as possible. On roll call; four ayes, no nays.

The second request was from Mr. Chris Buchart of American Heritage Classic Homes & Suburban Real Estate Enterprises LLC, 1926 N. Ft. Thomas Avenue, Fort Thomas, Kentucky 41075 for 3845 Oak Street, Mariemont, Ohio 45227, for a Property Variance to permit a 4'-2" encroachment into the required front yard setback and a 5'-0" encroachment into the required side yard setback.

Findings of the Building Commissioner: The zoning code yard setbacks for a residence in Zone District Residence "A" with a building between 18 to 30 feet in height on an 80 foot wide lot is to have a front yard setback of 25'-0" and a least width side yard setback of 10'-10". The house, which was originally built on two combined lots is already nonconforming in both front and side yard setbacks. The previous existing 2'-6" deep by 6'-4" wide stoop on the residence, which has already been removed as a result of repair issues, was also noncompliant with the setbacks. The applicant wishes to replace the stoop with a 4'-0" deep by 9'-0" wide stoop with steps to grade elevation. This will, from a safety standpoint, be an improvement from the existing stoop size and configuration.

Building Commissioner Hodulik noted that Zoning Code Section 151.087(H) states 'steps, slabs, covered and uncovered stoops and platforms leading to an entrance door provided that no such obstruction shall project into a required side yard more than three feet or into a required front yard more than five feet' is acceptable.

Mr. Buchart said the front stoop is very shallow and he would like to make it 4'-0" so people can stand on the porch and open the front door. It will move the front steps out which affects the side yard setback (already non-conforming). It actually will line up exactly with the existing side of the house.

Ms. Jenny Degerberg, 3855 Oak Street, said she talked with Mr. Buchart regarding her question in the wording of the request asking for a 5'-0" encroachment into the required side yard. The wording is confusing to her - like the applicant was asking for an additional 5'-0" encroachment and suggested that the request be worded differently. Building Commissioner Hodulik said the house is already 5'-0" beyond where it should be. Mrs. Garber said it is fair to say the request is asking that it be consistent with the side of the house and that it will not extend any further into the setback than the current side of the house.

Mrs. Garber moved, seconded by Mayor Policastro to grant the variance based on Section 151.025(3)(b)(2)(c)(d)(e)(f). In addition, the stoop side shall align and be consistent with the north side of the house and cannot encroach any further into the north setback line. On roll call; four ayes, no nays.

Mr. Vianello moved, seconded by Mayor Policastro to accept the minutes as written for February 19, 2014. On roll call; four ayes, no nays.

The meeting adjourned at 7:10 p.m.

Respectfully Submitted,

Mr. Jerry Vianello, Secretary