

**MARIEMONT PLANNING COMMISSION**  
**REGULAR MEETING HELD JULY 15, 2015**

The Mariemont Planning Commission met Wednesday July 15, 2015. Mayor Policastro called the meeting to order at 6:07 p.m. Present were Mr. Miller and Mr. Vianello. Also in attendance was the Building Commissioner, Kirk Hodulik.

Mayor Policastro said there is a quorum, however normally there would be five members present. The applicants have a right to wait until all members are present. In order to pass an application for grant of variance, all present members would have to vote in favor of the request. Mr. Roe said he wanted to proceed. (Mr. Buchert was not present)

The first request was from Mr. William Gavin Roe, property owner of 7060 Mount Vernon Avenue is requesting a front yard property variance to build a new covered front porch with new staircase in the required front yard. *[PLEASE NOTE: This petition application was tabled from the June 17, 2015 hearing since Mr. Roe was unable to attend the hearing and due to a notification error to planning commission members.]*

*Finding of the Building Commissioner: The zoning code states per §151.086: The front yard setback in Residence District 'A' requires a minimum 25'-0" setback. The proposed new setback would be 10'-1" and the existing home already is in violation with a 19'-2" setback. (NOTE: This home is located at the end of Mount Vernon Avenue, where the setback relative to the street and right-of-way looks much farther back than it actually is.)*

Mr. Roe said they want to improve the look of the front of the house and believe putting a new front porch will help a lot. The current porch and steps that are already in violation are rotting out and needs to be replaced. They want to put in stone pillars to tie in with the wall that is located in front of the house. He believes the proposed construction would be two/three more feet forward. The steps will tier off the front. The house is located at the end of the street so there is not a lot of traffic.

Mr. Eric Smith, 7058 Mt. Vernon, said they are the next door neighbors. He has viewed the plans and does not have any objection.

Mr. Roe said he spoke with his neighbor, Rod Holloway, who also said he has no problem with the proposed plans.

Mr. Vianello asked if the intention is to always keep the porch an open porch. Mr. Roe said yes – they have no intention of enclosing it.

Mr. Miller asked how they intended to use the front porch. Mr. Roe said they plan on putting a couple of chairs out.

Mr. Vianello said the dilemma for him is that there is already a huge variance and what Mr. Roe is asking for is an additional variance on top of that. He has struggled with this. He does not want to stop the homeowner from doing something to improve his home. The plans show a lot of thought and time have been put into this. He is not certain there is a compromise because he does not believe the homeowners want to come off the side at all for the steps. He does not think it would look as nice. He is faced with do we live with the request as is or narrow it back a little bit but he does not think that would be conducive to what the applicant is trying to do for his family.

Mr. Roe said the only way to safely get out of the house is to go out on the existing porch and turn left down the steps. The fact that it is in violation is probably more to do with the property line is so high up. Mr. Vianello said it is an unusual lot setting. Mr. Roe said there is almost no way to build a structure to step out onto without being in violation. Also, if the porch was reduced there would be issues with the roof line and angle.

Mr. Miller asked if the lot was empty and was having a house built on it – would the house be allowed to be placed where it is today. Building Commissioner Hodulik said no it would have to be deeper and farther north. Mr. Miller said he was initially concerned relative to where it would be with the wall. Building Commissioner Hodulik said the wall is several feet from the property line. Mr. Roe said the wall is still going to be quite a bit forward.

Mayor Policastro said Mrs. Garber sent the following e-mail and asked that it be included in the minutes:

Kirk Hodulik, Building Commissioner, Planning Commission Members, Dan Policastro, Chairman, Joe Miller, Shelley Reed and Jerry Vianello:

The application for 7060 Mt. Vernon Ave. was fully discussed at the June 17th Planning Commission meeting. Since the second page of the agenda letter was not included some of the members had not been able to view the property and so the vote was tabled in order that those members were able to be fully informed on the application. No vote should be taken when the members are not fully informed on the application presented.

I am unable to attend the meeting on July 15th, but since I had viewed the property in June prior to the meeting and had fully reviewed the documentation and was fully prepared to vote that night, I am sending in my vote by e-mail and would appreciate my comments being read into the record. 7060 Mt. Vernon Ave. - The Owner is requesting a front yard property setback variance to build a new covered front porch with a new staircase in the required front yard setback.

Section 151.086 of the zoning code requires a 25 ft. minimum front yard setback. This property is currently in violation of that 25 ft. minimum front yard setback with a setback of only 19 ft. 2 inches and the applicant is requesting a variance of over 14 ft. making the front setback to the porch of only 10 ft. 1 inch and the setback with the steps on front of the porch of only 7 ft.

A variance by definition is a request to deviate from current zoning requirements to permit an owner to use his land in a way that is not ordinarily permitted by the zoning code. A variance is granted when "unnecessary hardship" would result to the landowner if it were denied. The landowner is asking the planning commission to permit him to build a covered porch that will take up approximately 60% of the front yard setback, which is even greater when the front steps are put in. This is not a situation where the landowner cannot use his property or obtain access to his front door, without the variance. This is a situation where the landowner is requesting to build a covered porch, which is more than 3/5ths of his front yard.

Every property is unique and applicant has set forth that this property is at the end of the street and not across from any houses and no house can be built across the street from it.

If this is unique, then all 40 houses on Miami Bluff Drive would also fall into this "unique" situation, as would many other properties in the village across from parks, etc.

Mariemont, as a National Historic Landmark Community, has always taken its zoning ordinance requirements very seriously, particularly regarding front setbacks, so that when you look down the street one house doesn't cut off the view of the remaining houses and yards. We have so little green space within this village, and thus front yard setbacks in our small yards have been very carefully protected, such as our prior application on Nolen Circle, where we made sure it did not extend further than other properties on the street.

This house is in violation currently 6 ft. and is requesting that the Planning Commission permit it to be in violation almost 15 ft. or approximately 60%. This request is not in my opinion a "variance" but a request by the landowner to totally disregard the front setback zoning requirements to allow the landowner to build a covered porch or large room in the front yard.

This is not an "unnecessary hardship", but is rather a request to permit a landowner a windfall to expand his "buildable area" of his lot by taking approximately 60% of the front yard. The current front porch, already in violation could be aesthetically changed, but adding a new much larger porch does not fall within the permitted exceptions. There are currently several front porches being constructed within the village on Mound Way and they are doing so within their "permitted" front yard setbacks in accordance with the zoning ordinances.

I do not find this request for a variance to fall within the legal exceptions to permit this applicant's request and must respectfully vote "NO" on this application.

Respectfully Submitted,  
Valerie Garber, Planning Commission

Mayor Policastro said what makes him feel positive about this application is the neighbors are favorable with the request.

Mayor Policastro moved, seconded by Mr. Miller to grant the variance based on Section 151.025(3)(a). On roll call; three ayes, no nays. (Mr. Vianello said he only voted yes due to the shape of the lot)

The second request from Christopher T. Buchert of American Heritage Classic Homes of 1926 N. Fort Thomas Avenue, Fort Thomas, KY 41075, for lot consolidations of former addresses and land associated with 3840, 3842, 3844, & 3846 Beech Street and 3860, 3862, 3864 & 3866 Beech Street, creating consolidated new property addresses of 3840, 3846, 3860 & 3866 Beech Street.

*Finding of the Building Commissioner: The zoning code states per §151.025(H): "In considering zoning appeals and requests, the Commission shall have the power to grant a conditional use variance, to grant subdivision of land or reverse or modify a ruling or decision of the Building Commissioner, in the following respects: (1) Subdivision of land. Subdivision of land may be granted according to provisions in § 151.041 of this Code provided that the proposed subdivision will be consistent with the intent and purpose of this Zoning Code and will not be materially injurious to properties in the immediate vicinity."*

Mayor Policastro moved, seconded by Mr. Vianello to grant the request. On roll call; three ayes no nays.

The third request from Christopher T. Buchert of American Heritage Classic Homes of 1926 N. Fort Thomas Avenue, Fort Thomas, KY 41075, for a porch extension at 6998 Murray Avenue. This property is a corner lot on the northwest corner of Murray Avenue and Lytle Woods Place, and as such the front yard facing Lytle Woods Place (the narrower of the two street facing property lines) is actually the side of the residence itself. The front of the residence faces Murray Avenue. A building permit to renovate and add onto the residence has already been issued, but the side porch expansion requires this variance application approval.

*Finding of the Building Commissioner: The zoning code states per §151.086: The front yard setback in Residence District 'A' requires a minimum 25'-0" setback. The proposed new setback at the back corner would be 17'-1 3/16" and the existing home's side porch is already at a nearly identical setback at the front corner of 17'-2 3/8".*

Building Commissioner Hodulik said what is being asked is to extend the existing side porch which technically is in the front yard and continue it to the back corner of the structure.

Mayor Policastro moved, seconded by Mr. Miller based on Section 151.025(3)(b)(2)(c)(d)(e)(f). On roll call; three ayes, no nays.

There was discussion about moving the meeting date due to Mayor's Court. Mr. Miller stated he would have a standing conflict on the third Thursday of every month. It was agreed to place it on the agenda when all members would be present to discuss.

Mr. Miller moved, seconded by Vianello to amend the June 17, 2015 minutes per Mrs. Garber's request. Mrs. Garber asked in writing that the minutes be amended to delete "next to it" and replace it with "across the street from". On roll call; three ayes, no nays. Mr. Vianello moved, seconded by Mr. Miller to approve the amended minutes. On roll call; three ayes, no nays.

The meeting adjourned at 6:30 p.m.

Respectfully Submitted,

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Mr. Jerry Vianello, Secretary  
Secretary