

**MARIEMONT PLANNING COMMISSION**  
**REGULAR MEETING HELD JANUARY 30, 2020**

The Mariemont Planning Commission met Thursday January 30, 2020. Mr. Brown called the meeting to order at 5:32 p.m. Present were: Mr. Blum, Mrs. Rankin, Ms. Reed and Mr. Van Stone

Mr. Blum moved, seconded by Mr. Van Stone to accept the minutes as written August 1, 2019. On roll call; four ayes, no nays (Mrs. Rankin abstained).

Ms. Reed moved, seconded by Mrs. Rankin to nominate Mayor Brown as the Chairman of the Planning Commission for 2020. On roll call; five ayes, no nays.

Mr. Blum moved, seconded by Ms. Reed to nominate Mr. Van Stone as Vice-Chairman of the Planning Commission for 2020. On roll call; five ayes, no nays.

Mayor Brown moved, seconded by Mrs. Rankin to nominate Ms. Reed as Secretary of the Planning Commission for 2020. On roll call; five ayes, no nays.

Ms. Reed recused herself for the remainder of the meeting.

There was a request from Bernie Kurlmann of Classic Living Homes, LLC to separate the rear lot at the northern section of 6500 Mariemont Ave., owned by Charles W Turner Jr. Tr, and build a new home on that property. The new home design is positioned on the property such that there is no setback from the north property line. The home is therefore positioned so that if Hillside Avenue were to be completed, the edge of the house would be at the curb at the edge of the street.

*Finding of the Building Administrator:* By Mariemont code, the property line setbacks for a home on the property are the same as if the street were present. The streets, which are designed on the Village map but have never been built, are currently grassland that has been somewhat leveled but not prepared or paved. The Village currently mows the grass where it is present. The easement on Harvard Street, obtained by Charles Turner for his driveway, is paved and maintained by Mr. Turner. The requested approvals include a description for the front yard and rear yard to be adjacent to one another. This is not a functional description for use, but with the appropriate setbacks, the description will not matter to this issue.

Mr. Kurlman said they are under contract to purchase pending approval from the Village. They are considering the curb appeal and situating it on the property so the owners have a useable back yard. They are trying to do this with the least amount of impact on the existing land. He described the trees, vegetation and the slope on the property. They do not want to impact any of those too significantly. He does not think the paper street will ever be built. They would like to put in another great house in the Village that will bring in more tax revenue. They will make the garage and front part of the home "L" shaped. There will be plenty of room to park and turn around. It will be two story with a dormer type room over the garage. There is another piece of property that theoretically could be subdivided for another house location. If that is pursued at some point the street right-of-way could be used for access back to it. If that happened he would not want the backyard to be facing the driveway coming around. He would like to place the home up against the right-of-way line in order to give some separation and have the rear yard not be the hillside right-of-way but be on the existing property.

Mr. Van Stone asked what the current code ordinances say the setbacks should be. Building Administrator Keyes said it is a trapezoid lot. For a two-story house you would be talking about the sum of the total side yards of 23'-26', with minimum 11'-12' but because of the corner in this case the side yard that faces the street is the total minus three feet.

Mr. Van Stone asked what the front set-back for the lot. Building Administrator Keyes said the front yard is 25' typically unless there are other houses on the street that have certain setbacks due to front porches etc. Then the average becomes a different number.

Mr. Van Stone asked what would be the set-back is for the back of the house. Building Administrator Keyes said the minimum rear yard of 30'. Mr. Van Stone said the code today states these numbers and he would like to start thinking from that point.

Acting Assistant Fire Chief Feichtner said when he heard about the plan he had some questions from a fire safety standpoint. He asked how long would the driveway be off of Mariemont Avenue? Mr. Kurleman said it would be approximately 200'. It would be 5" thick concrete driveway with a width no less than 12'. Assistant Fire Chief Feichtner said the truck with nothing being done is 8' wide and weighs 67,500 pounds. The proposed driveway is not going to withstand the fire truck and it will do damage to the driveway. If the aerial device needs to be set up he needs a 16' footprint to get the outriggers out for stability and to be able to maneuver it properly. If the house is on fire he is not worried about the driveway, but if there is a fire alarm he cannot drive the truck down the driveway without causing damage to the property. He would ask that precautions be taken to make the drive more stable to house the apparatus. Mr. Kurleman said they could use 5"- 6" concrete reinforced with steel and require it in the contract. To enable this to happen it can be done very well and make consideration for another home back there possibility with a private drive. We can address the issues for safety and how they will be accommodated. Things that might jeopardize the Village, in terms of liability, put the restrictions on the person who purchases the lot.

Mayor Brown asked if there was an additional house built and tied into the proposed drive what would happen if the fire truck needed to get back there around the corner. Assistant Fire Chief Feichtner said the truck is 39'-9" long. It turns rather well but it will depend on what type of vegetation is there etc. Mr. Kurleman suggested widening the bend. Assistant Fire Chief asked, regarding erosion, who would maintain it? Mayor Brown said it just seems to him that the truck would have a heck of a time rounding the corner. Mr. Kurleman said there would need to be a driveway put in that would allow for the turn. Discussion ensued regarding laying out and accommodating the turning radius.

Mr. Blum said the farther one goes into what is the paper drive now – the paper drive is an unstable hill. Mr. Kurleman said he hopes not. Mr. Blum said we are running into that problem in various places along the hillside in the Village, particularly in that area. He is not sure a driveway could be put on that area. Mr. Kurleman said he had it surveyed and does not believe it will be an issue. The trees on the hillside are all vertical which does not indicate land movement.

Mayor Brown said he would like to see the project move forward, however, it is imperative that we take into consideration future development on and around the bend. We need to make sure the Village's access and the hillside erosion that may take place along the hillside avenue. All of these are considerations. Somewhere there may be a compromise number to make this work. Mr. Kurleman said if there was insight for realistic potential for erosion from an expert that might make everyone feel better. Background was given on the hillside erosion in the

area and the potential liability issues the Village may face down the road. Mr. Kurleman said he will make arrangements to have a full soil analysis performed.

Mr. Van Stone said to provide access to other future property owners to have the house right at zero setback – he would have a hard time saying that is in the betterment of the Village he would like to see drawings with the floorplan moved. Mayor Brown said he would never feel comfortable building a driveway so close to the hillside no matter what the soil experts said.

Assistant Fire Chief Feichtner said there are currently two fire hydrants in the area. Would the homeowner or the developer themselves accept the responsibility to ensure that is still a solid water main. He said they cannot open the hydrants because the hydrant caps will not come off. They do not show on any map as existing. His concern is with a 200' driveway, once the hose is laid down on Mariemont Avenue and they try to make the turn he will have blocked every other piece of apparatus. The conversation needs to take place on who is going to update the fire hydrant so it is available to use. He asked if the house would have a sprinkler system. Mr. Kurleman said no. Assistant Fire Chief Feichtner said there is no other house that sits that far from the road and he has to forecast for the worst case scenario.

Mr. Van Stone said in a perfect world he would love to have the house have the setbacks that are allowed by code. He would like to see two potential house placements. One off the easement as discussed as far as can be done without hurting the architectural style and the other would be what would be the issues if we went with the setbacks set in the code. He would like to see it and someone say we cannot do it for a specific reason. Mr. Kurleman said basically one side first floor of the house would be a retaining wall with no windows. Mr. Van Stone said he would like that to be documented. He would also like to see how far back the house can be moved without significant effect on the architecture.

Mr. Kurleman suggested that the Village look into selling the right-of-way. It would alleviate the Village's concern for liability, cost or concern. The Village would also make some money and with another house built potentially more tax revenue. Mayor Brown said that is an issue that can not be discussed at this point. It is a whole different matter.

Mrs. Rankin moved, seconded by Mr. Blum to produce a second drawing relocating the house as far as feasible to the south and moving it east a couple of feet. On roll call; five ayes, no nays.

Mrs. Rankin moved, seconded by Mr. Blum that the applicant will provide a soil test regarding the stability of Hillside Avenue. On roll call; five ayes, no nays.

The meeting adjourned at 6:37 p.m.

Respectfully Submitted,

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Ms. Shelly Reed, Secretary