

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD JUNE 17, 2020

The Mariemont Planning Commission met Wednesday June 17, 2020. Mr. Brown called the meeting to order at 5:30 p.m. Present were: Mrs. Rankin, Ms. Reed and Mr. Van Stone

Ms. Reed moved, seconded by Mrs. Rankin to accept the minutes as written for January 30, 2020. On roll call; four ayes, no nays.

The first request was from Mark McConnell of ESM Architects, Inc. to receive a rear yard setback variance at 3810 Miami Rd, owned by Kathleen and Jeffrey Cail, in order to build a garage attached to the home: the combination of which is large enough to handle a handicap ramp. The new garage location does not fit within setback requirements as defined for a corner lot. Therefore the applicant is requesting either a setback variance or a redefined front yard from Miami Rd. to West St.

Finding of the Building Administrator: The existing garage is detached and situated 10 feet away from the property line. This is within setback requirements for detached structures. The existing garage would be torn down to build the new, attached garage somewhat closer to the house. This would then be part of the main structure. By Mariemont code, the rear yard (which where the garage would be built) setback requirement for this corner lot property is 30 feet. The proposed garage would need a 16' setback. Two ways to achieve this are: Allow a variance to lessen the 30' rear yard setback to 16' or redefined the front of the house from Miami Rd. to West St. This would change the rear yard to the side yard. By Mariemont code, the side yard setback requirement for this corner lot property is 16' feet.

Mr. McConnell said this is a unique situation because there are two front yards and two rear yards. A bigger garage is needed for the handicap ramp leading into the inside of the house. What is being proposed is more advantageous to the neighbor and does not impede on them. The new garage will be doubled sided to match the siding on the house.

Mr. Cail said they need a handicap van and ramp that will fit into the garage. The current garage is not usable for their needs.

Mr. Van Stone said for the record this is not to set a precedent but to comply with ADA requirements. Ms. Reed said the code should be changed to allow for it without a variance.

Mrs. Rankin moved, seconded by Ms. Reed to grant the 16' rear yard setback based on Section 151.024(3)(b)(2)(d)(e)(f). The condition and situation of the subject property, and the intended use for which the variance is granted, is not so general a reoccurrence in nature to make it reasonable or practical to create a new code. On roll call; four ayes, no nays.

The second request was from Tyler Dingle of 3855 Settle Rd, Mariemont, OH 45227 to separate the side lot at the southern section of 3855 Settle Rd. and allow a home to be built on that new property by a future owner. Any new home would not meet side setbacks required generally by Mariemont code but would match setbacks of the majority of homes on Settle Rd. The Planning Commission is not being asked to approve a specific house to be built but simply to approve a variance so the side yard setback would provide the space necessary to build a home on the lot in the future.

Finding of the Building Administrator: By Mariemont code, the property side setbacks for a home on the property are at least 6 feet on each side and a minimum sum of both sides at least

14.25 feet. The majority of homes on Settle Rd. do not conform to the code. With the exception of homes on double lots, side yard setbacks for houses on the East and West sides of Settle from the Belmont/Hawthorne intersection to Murray Ave. range from 1 foot to 11 feet, total side setbacks consistently approximately 12 feet and house widths consistently approximately 28'. The separated lot from 3855 Settle would be 40' wide. Allowing setbacks consistent with surrounding properties would provide space for an approximately 28' wide house.

Building Administrator Keyes read the following email dated June 17, 2020: "Don – Thanks for getting back to me. Unfortunately, my family and I are out of town and can't be at the meeting. I didn't realize this matter was being discussed today or I would have made plans to return early. My property is 3849 Settle and is right next to Tyler Dingle's and the house he is proposing would be between our homes. Years ago the parcel Tyler is wanting to split was 40' x 90' and was divided up by the owners of Tyler's and my house. 3855 add a parcel of 37.5 x 90 and 3849 got a parcel of 2.5 x 90. This was done to prevent someone from building on this property and was a big selling point when we bought the house. I haven't seen any plans for the proposal, but the math does not seem to add up. Tyler doesn't have a 40 x 90 parcel he has a 37.5 x 90 and a 40 x 110 one. That would leave the side setbacks of under 5 feet on both sides for a 28' house. Unfortunately I haven't had a chance to talk to Tyler about this matter yet since both of us are out of town. I wouldn't be comfortable granting him these variances unless we could see the plans and talk through this further. Thanks, Andy Ulrich"

Mayor Brown said 40' is the minimum width to build a home in Mariemont.

Mr. Van Stone said he was nervous about granting a hypothetical variance. Right now it seems we are chasing our own tail. We need to see the plans on what is being planned to be built. His reaction is to not take any action at this point but to table the matter. Further discussion ensued.

Mr. Dingle said the original builder built several of the homes on the street and they are all very similar. He did not expect to come to the Planning Commission and get a rubber stamp. He is looking for guidance for what he would need to present in order sell a buildable lot or what can be built on it. He is puzzled that Mr. Ulrich is unaware because they had a discussion about this when he first moved in and have continued to do so for years.

Mrs. Rankin moved, seconded by Mr. Van Stone to table the matter pending contact with the neighbor residing at 3849 Settle Road. The possibility of sale of the buildable lot would need to be contingent upon the approval of plans by the Planning Commission. On roll call; four ayes, no nays.

The meeting adjourned at 6:15 p.m.

Respectfully Submitted,

Ms. Shelly Reed, Secretary