



Village of  
Mariemont  
BUILDING DEPARTMENT  
6907 WOOSTER PIKE  
MARIEMONT, OHIO 45227-4428  
(513) 271-3315

**NOTICE OF PUBLIC HEARING  
MARIEMONT PLANNING COMMISSION  
VILLAGE OF MARIEMONT, OHIO**

April 12, 2022

The Mariemont Planning Commission will have a Public Hearing in the Village Council Chambers of the Village Administration Building, 6907 Wooster Pike, Mariemont, Ohio 45227 on **Tuesday, April 19, 2022 at 5:30 PM** for the purpose of review and discussion of the following items, and to approve the minutes from the previous meeting of February 23, 2022.

1. Variance to allow Ken & Melissa Fields of 6725 Fieldhouse Way to add an accessory structure in their side yard.
2. Variance to allow Christian Amann of 6515 Wooster Pike an opportunity to maintain an already constructed above ground pool on his property.

Findings from the Building Department as Follows:

**Item 1:**

**§ 151.060 RESIDENCE A DISTRICT REGULATIONS**

(b) Accessory buildings, erected as part of the principal building or as separate from this division (A)(7)(b): when erected as a separate structure, the accessory building shall be located in the rear yard. Accessory buildings shall be located on the same lot as the principal building, shall not involve the conducting of any business, and there shall be not more than one separate accessory building on any lot.

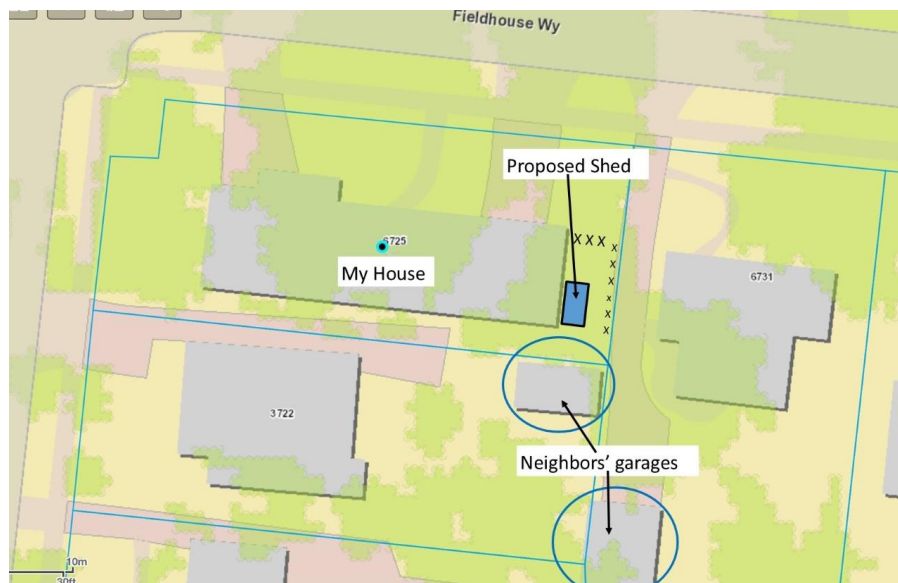
1. Accessory buildings are permitted for one or a combination of one or more of the following uses:
  - a. A private garage or carport;
  - b. A building for the storage of tools, equipment, or supplies used for the maintenance of the buildings and land of the lot on which the accessory building is located;
  - c. A building for the storage of tools, equipment, or supplies used primarily for recreational use by persons residing on the premises on which the building is located; and
  - d. A building for the storage of tools, equipment, and supplies used for the growing of vegetation, vegetables, fruits, shrubs, and trees on the lot on which the building is located.
2. An accessory building erected as a separate building shall not exceed 15 feet in total height measured from the grade at front of the structure to the highest point of roof and shall be at least three feet from all lot lines of the abutting lots. **FRONT OF BUILDING** shall mean that side facing the front property line. Such accessory buildings shall adhere to the following size requirements when located in a **REQUIRED REAR YARD**, defined as an area across the rear of the property 30 feet in depth multiplied by the average width of this area:
  - a. All accessory buildings erected as a separate building in a required rear yard, except those used for the storage of motor vehicles used by the occupants of the property, shall not exceed in area more than 25% of said required rear yard; and
  - b. An accessory building erected as a separate building in a required rear yard used for the housing of motor vehicles used by occupants of the property shall not exceed in area more than 30% of said required rear yard.

## § 151.005 DEFINITIONS

**ACCESSORY USE** or **STRUCTURE**. A use or structure subordinate to the principal use of a building or to the principal use of the land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use. Accessory buildings shall not be used as a residential dwelling.

**ACCESSORY USES** shall be located on the same lot as the principal use unless otherwise specified. An accessory building shall be considered part of the principal building and subject to all restrictions applying to the principal building when it has a common wall with the principal building or is attached to the principal building by a permanent structure or when any part is located four feet or less from the nearest part of the principal building. An accessory building shall be considered and regulated as a separate structure when it is more than four feet from the principal building (see § [151.060\(A\)\(7\)\(b\)2.](#) and § [151.085\(B\)\(1\)\(c\)](#)).

The resident is requesting a variance to construct an accessory structure in their required side yard. The shed is 6.5' tall x 10' wide x 7' deep and would sit behind a 6' privacy fence. The side yard setbacks for a 125ft frontage is 14.7ft minimum and 33.6ft combined, which is approximates the location of the house. As the shed is proposed to abut the garage wall, it will also be less than 4ft but being requested to be treated as a separate structure. The proposed shed would be about 7.7ft from their property line on the eastern edge. No accessory structure is possible to construct in their rear yard and meet the setback requirements for Residence (9ft to property line).



### Item 2:

## § 151.087 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

(I)(4) Any paved patio, terrace, deck used as a sports area, or swimming pool shall be located no closer than 30 feet from any property line and shall not occupy more than the equivalent of 25% of the required rear yard, with the following exception: if such uses are clearly a subordinate use, such as a basketball pole on a driveway, they shall be subject to the minimum side yard setbacks for that property as specified in this chapter for the primary structure.

(L) Swimming pools shall adhere to the requirements set forth in division (I)(4) above and § [151.060\(A\)\(3\)\(b\)](#)

## § 151.060 RESIDENCE A DISTRICT REGULATIONS

(3) Permitted recreational uses: (b) Privately-owned tennis courts, swimming pools, and paved sports areas are permitted subject to the following limitations: in any residential district, tennis courts, swimming pools, and paved sports areas shall be located no closer than 30 feet from any property line and shall not occupy more than the equivalent of 25% of the required rear yard, with the following exception: if such uses are clearly a subordinate use, such as a basketball pole on a driveway, they shall be subject to the minimum sideyard setbacks for that property as specified in this chapter for the primary structure

## § 151.103 FENCE OR WALL IN SIDE OR REAR YARD

(D) Fences at least four feet in height with secure, self-latching gates shall enclose all swimming pools (additional requirements exist for fencing around pools outside village ordinance).

The pool was reported by a resident in January 2022. Upon investigation it appears that the pool was present in the CAGIS 2020 aerial but not in the 2019 view. There is no record of a permit for this structure nor any changes to the existing fencing in the building department. A notice of violation was sent via regular USPS in February 2022 without a response. A 2<sup>nd</sup> notice of violation was sent in March 2022 via USPS certified mail and the applicant responded and requested to seek a variance to the ordinances above. The above ground pool is approximately 17ft from the western property line so a 13ft variance is requested. The above ground pool is estimated to occupy about 9% of the required rear yard.



*Robert Van Stone*

Chairman, Planning Commission

CC: Applicants  
Adjacent Property Owners  
Posting Boards  
Members of the Planning Commission  
Members of Council  
Abutting Property Owners of 6769 Fieldhouse  
Rod Holloway Building Department  
Village Web Site  
E-Mail Distribution List