



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**

December 2, 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, December 13, 2022 at 6:00 PM** for the purpose of review and discussion of the following items, and to approve the minutes from the previous meeting of October 20, 2022.

1. Request from Gregg & Casey Burke of 6769 Fieldhouse Way, Cincinnati, OH 45227 to appeal a decision from the Building Department to deny an HVAC permit for a previously approved accessory structure. If appeal is allowed, then it is requested by the Building Department to grant a conditional use permit for this accessory structure to the applicant to avoid future enforcement issues.

§ 151.020 ENFORCEMENT.

(A) It shall be the duty of the Building Commissioner to enforce this chapter, the Village Building Code, and the State Building Code, where applicable, by the grant and refusal of building permits and certificates of occupancy. The Building Commissioner shall review and forward applications for conditional use permits to the Planning Commission. The Building Commissioner shall forward requests for certificate of appropriateness to the Architectural Review Board. No building permit, certificate of occupancy, or conditional use permit shall be issued for any building, use, or occupancy which in its construction, location, or proposed use would violate or fail to comply with the provisions of the above-mentioned Codes.

(B) In the event of the refusal of the Building Commissioner to issue any building permit or certificate of occupancy, such refusal shall be stated in writing stating reasons for such refusal, and a copy thereof mailed or delivered to the applicant for the permit and dated as of the date of that mailing or delivery.

(C) Enforcement of all zoning regulations shall be charged to the Building Commissioner. The Building Commissioner shall not issue a permit for excavating or construction unless the plans, specifications, and intended use conform to the provisions of this chapter. Final certification thereof shall be made by endorsement on the application in writing by a member of the Planning Commission designated by the Planning Commission as authorized to endorse application for building permits. The Building Commissioner shall examine all plans of all types of buildings and all plans for use as to compliance with this chapter and shall furnish executive services for the Planning Commission, handle correspondence, issue notices, compile all data and information necessary to an intelligent consideration of the appeal cases, and perform all services which require technical understanding and intimate knowledge of this chapter.

§ 151.024 POWERS AND DUTIES OF THE PLANNING COMMISSION

(B) The Planning Commission shall also act as a Zoning Board of Appeals and is delegated power to hear and determine appeals from any decision, including the grant or refusal by the Building Commissioner of building or other permits, where such decision, grant, or refusal is based on the requirements of this chapter, and power to permit exceptions and variations from the district regulations in the classes of cases and situations hereinafter set forth, including the granting of subdivision of existing parcels or a planned unit development, and conditional use permits. If approval of a conditional use heretofore not permitted, the recommendation must be approved by Council (see Appendix E). No member of the Planning Commission shall participate in the review of any work of

which he, she, or any partner or professional associate is the author, or in which he, she, or they may have any direct or indirect financial interest.

(C) Appeals, requests for conditional use variances, and requests for subdivision of existing parcels may be taken to the Planning Commission by any person or by any officer, board, or commission of the village, seeking a conditional use variance, a division of parcel, or affected by the grant or refusal of a building permit, certificate of occupancy, or by any other decision of the Building Commissioner where such decision is based on the requirement of this chapter. An appeal shall be filed with the Planning Commission within 30 days from the date of the grant, refusal, or other decision of the Building Commissioner. Historic structures or structures located within a historic district shall apply for a certificate of appropriateness from the Architectural Review Board prior to bringing an appeal to the Planning Commission (see § 151.021(E) and Appendix E). Appeals from a Building Commissioner decision regarding the Building Code may be taken to the Building Appeal Board (see Building Code, 1260: PM-106). The entity filing an appeal of a refusal by the Building Commissioner to issue a permit shall furnish to the Building Department by the first Wednesday of the month the following materials:

§ 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

Findings from the building department: HVAC is not a building code requirement for an uninhabitable storage area. Alternate solutions (local heating or seasonal line clearance of water supply lines) are available that would remedy the homeowners concern while not enabling the critical elements of an inhabitable space to be in place for an accessory building. If this appeal is allowed, enforcement of the Village zoning code regarding accessory buildings becomes much more challenging to administer.

Additional pictures, applications, and building plans are available upon request from bldgdept@mariemont.org.

William Brown

William Brown
Mayor and Chairman, Planning Commission

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