

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, May 28, 2013

Mr. Clark called the meeting to order at 7:30 p.m.

ATTENDANCE

Present: Chairman Paul Clark, Mr. Jim Briggs, Ms. Korenyi Both, Mr. Jeff Gammell and Ms. JoAnne Rau. Also present: City Planner Steve Feverston, Economic Development Administrator Nathan Cahall, Municipal Attorney Scott Liberman, Assistant City Engineer John Sliemers and Assistant Clerk of Council Julie Weaver.

EXCUSE ABSENT MEMBERS

Mr. Durham had notified the Planning Commission of his absence. Mr. Briggs made a motion to excuse Mr. Durham. Mr. Gammell seconded the motion. The motion passed with 5 ayes. Staff was not aware that Mr. Etson would be absent.

APPROVAL OF MINUTES

There were no additions or corrections for the minutes of the Planning Commission Meeting of April 30, 2013.

MOTION: Mr. Briggs moved for approval of the minutes of the Planning Commission Meeting of April 30, 2013, as distributed. Mrs. Rau seconded the motion. The motion passed 4-0-1. Mr. Gammell abstained because he was absent from the April meeting.

PUBLIC HEARINGS

Application P-2013-0018: Variance for Architectural Projections into the Setback at 65 S. Gracewood Avenue – Applicant, Lisa Sandlin of Lisa Sandlin Designs.

Mr. Feverston introduced the application by Ms. Sandlin for the property owners at 65 S. Gracewood in the Concept East neighborhood where the zoning is R-1d. He showed an aerial photo and pointed out the work done to the house in the past few years. Improvements have been made to the benefit of a young family member who is handicapped and uses a powered wheelchair. He noted that an encroachment of 4 feet for architectural projects, such as this covered porch, is allowed by the code. The applicant is asking for 8 feet. There are no practical difficulties to the configuration of the property that would justify a variance.

Mr. Liberman stated that he had done some research and found basis that local governments must reasonably modify their regulations to accommodate persons with disabilities per the Americans with Disabilities Act. He suggested that the request is not unreasonable in light of the needs of the occupant of the home.

Mr. Feverston said that, because of Mr. Liberman's findings, he was recommending approval, as requested.

When Mr. Clark opened the public hearing, Ms. Sandlin showed slides defining the variance request. She stated that the covered porch was necessary for the safety, comfort and security of her client. The powered wheelchair and the child need to be protected from the weather, and the retrofitted family van is too tall to fit in the garage. She felt the gabled design fit in nicely with the architecture of the house and with the neighborhood.

Brian Huckabee, a neighbor at 50 Gracewood Avenue, voiced his support for the variance, saying the porch would improve the looks of the front of the house.

Comments from the Planning Commission members showed their understanding of this special situation.

MOTION: Ms. Korenyi Both made a motion to approve the variance application for 65 Gracewood Avenue. Mr. Briggs seconded the motion. The motion passed unanimously.

Application P-2013-0020: Variance for Sight Distance at All About Kids Daycare at 1300 Social Row Road – Applicant, Greg Davis.

Mr. Feverston shared an email from Mr. Greg Davis saying that he was unable to attend on May 30 and was requesting that the application be tabled to June.

Mr. Clark opened the public hearing for the variance for sight distance on the All About Kids property.

MOTION: Mr. Gammell moved to table the application to the meeting of Tuesday, June 25, 2013. Mr. Briggs seconded the motion. The motion to table passed unanimously, 5-0.

Application P-2013-0023: Appeal of the Decision of the City Planner in Denying a Multi-car Garage Addition at 315 Annette Drive – Applicant David Sweeney, dps architects.

Mr. Feverston gave the details of this appeal of the denial of a minor site plan for a multi-car garage addition at 315 Annette Drive in Concept West. Using an aerial photo and pictures, he described this typical 1500 sq. ft. ranch home with a two car garage. The minor site plan application requested a 2087 sq. ft. addition for the storage of a car collection and work space making the total garage area about 2570 sq. ft. The maximum allowed by the code is a four car garage. Mr. Feverston also judged that the garage or “warehouse” then became the principal use of the dwelling by preponderance of size.

Mr. Sweeney had argued that the space was not strictly “garage”, but Mr. Feverston pointed out that the request included the removal of walls and changes to the slab to allow cars to be moved around inside the space. The plans were clearly labeled “garage.”

If the claim was that the area was for storage, warehouses are not allowed in the R-1d zoning district. The argument that this is recreational space, like a sewing room, work space or home office, is not valid because this is not habitable space. There has been no attempt to meet Code

requirements for habitable spaces. Mr. Feverston recommended that the Planning Commission deny Mr. Sweeney's appeal.

Mr. Clark opened the public hearing and invited Mr. David Sweeney, the architect for the project, to the podium. Mr. David Sweeney of Almedia Drive, Kettering, discussed a letter he submitted to the planner and the narrative he submitted with the application. He also went over a supplemental handout he passed out the Planning Commission at the meeting. His points included his claim of a math error on the part of the City Planner as to the total square footage of the addition, a discussion of "principal use", and the strict definition of "garage".

Mr. Sweeney claimed that the principal use should not be based on square footage alone. Habitable space is about four times more expensive to build, so the value of the habitable part of the house was greater than the addition. He said street exposure should be considered. On the plan, the face of the original house to the street was much larger than the face of the addition. Also, the intensity of use or time spent there should be considered. The main home would have significantly more time of use by the inhabitants.

Mr. Sweeney claimed that "garage" was a misnomer. The intent was to park two cars in the "garage" and store more vehicles in the addition. He felt that, if the addition is not considered garage, the issue of the number of parking spaces is moot.

Mr. Feverston rebutted the points, and Mrs. Rau directly asked how many cars would be stored in the area. Mr. Cahall noted that there are certain codes for habitable spaces that separate it from garage space. None of those safety features are shown on the plans.

Other questions followed. Mr. Clark asked if the fire department had seen the plan. Mr. Feverston said that he had not sent it, at this point. Mrs. Rau asked if someone could pay Mr. Bray, the owner, to store a vehicle. Ms. Korenyi-Both asked about the roof pitch and materials.

Mr. Ralph Bray, resident of 315 Annette Drive since November 1967, asked why other owners in the area were allowed to add garages and he was not. Mr. Clark pointed out that they might have been grandfathered under an older version of the ordinances. Mr. Feverston said that, once he had specific names and addresses, he would look at properties of concern to Mr. Bray to see if anything illegal had been done.

Mr. Lee Althen, 325 Annette Drive and neighbor immediately to the left of the residence, said that he and Mr. Bray had been neighbors within 50 feet of each other for 37 years. He did not want to cause trouble, but he did object to the size of the addition next to his property line. He would be looking out one of his main windows toward the very plain side of the addition that was like a big box store. No windows were shown on the plan. He also stated there were current drainage issues and showed pictures of water ponding between the homes following heavy rains. He said he would not object to a reasonable addition, but that the proposed construction would reduce the value of his home.

Mr. Scott Zipperian, a neighbor at 156 Bristol Drive, stated that he had known Mr. Bray for 46 years and commended him for caring for his mother. He pointed out that he was not concerned that Mr. Bray would start a business or do something illegal, but he was concerned what a new

owner might do down the road. He said the home could become an eyesore and a problem for the neighborhood. He asked the Planning Commission not to approve the appeal.

Members of Planning Commission asked questions and made comments. Mr. Clark and Mr. Sweeney discussed the fact that no windows were included in the plan. Mr. Gammell stated his disagreement with the statement that the habitable space was used more than the addition. Mr. Gammell said the storage is always there, but the people may or may not be. Mr. Briggs and Mrs. Rau agreed that the addition was unreasonable in its scale.

MOTION: Mr. Briggs made a motion to uphold the decision of the City Planner in denying the application for a minor site plan for a multi-car garage at 315 Annette Drive. Ms. Korenyi-Both seconded the motion. The motion passed unanimously, 5-0.

Mr. Liberman explained to the applicant that he would have 15 days to appeal the decision of the Planning Commission to the City Council.

Application P-2013-0024: Record Plan for McDonald's, 6270 Far Hills Avenue – Applicant Mary Dolby, McDonald's USA

Mr. Feverston gave the staff report for the record plan for the 1.044 acre McDonald's site at 6270 Far Hills Avenue, formerly the Talegators site. The replatting of the lot is required for the civil review and plan approvals, because access and egress changes have necessitated changes in easements. The Planning Department recommended approval of the record plan, subject to the following six conditions:

1. The construction plans that are a part of the McDonald's Major Site Plan/Zoning Certificate plan sets for the improvements to Fireside Drive and the traffic signal upgrade at the intersection of Far Hills Avenue and Fireside Drive shall be referenced as a part of this record plat.
2. The sidewalk easement along the Far Hills access road shall be increased to 6 feet in width from 5 feet subject to approval by the City Planner.
3. A ten foot wide sanitary sewer easement shall be provided along Fireside Drive for the existing sanitary sewer subject to approval by the Montgomery County Engineer.
4. Execution of a Subdivider's Agreement is required with the City of Centerville.
5. In lieu of construction of the required improvements prior to the recording of the plat, a performance bond is required. The bond amount is based upon the engineer's estimate, which shall be submitted by the developer for approval by the City Engineer. The estimate is for the construction of the required public improvements including earthwork, storm sewer, pavement, sidewalk, traffic control, and erosion control.
6. The applicant shall provide review and inspection fees in the amount subject to approval by the City Engineer.

Mr. Joe Smiley, a representative of McDonald's, was not present, but he had stated his agreement with the conditions to Mr. Feverston.

MOTION: Mr. Gammell made a motion to approve Application P-2013-0024, the record plan for the McDonald's at 6270 Far Hills Avenue, subject to the conditions recommended by the Planning Department. Mr. Briggs seconded the motion. The motion passed 5-0.

COMMUNICATIONS

Mr. Feverston shared no communications. The next regular meeting of the Centerville Planning Commission is Tuesday, June 25, 2013 at 7:30 p.m. in the Council Chambers.

There being no further business, the meeting adjourned to the Law Library for a work session concerning the former KFC property at 6230 Far Hills Avenue.



Paul Clark, Planning Commission Chair