

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, April 29, 2003

Mr. Durham called the meeting to order at 7:30 P.M.

Attendance: Mr. James Durham, Chairman; Mr. Patrick Hansford; Mr. Joe Weingarten; Mr. Jim Briggs; Mr. Robert St. Pierre; Mr. Paul Clark; Mr. Rand Oliver (where noted). Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Greg Horn, City Manager (where noted).

Approval of Minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission Regular Meeting minutes of April 8, 2003, as written. Mr. Weingarten seconded the motion. The motion was approved unanimously 6-0.

COMMUNICATIONS

Mr. Feverston informed the members of the Speaker Series to continue as part of the Create the Vision project featuring Mr. Walter Kulash, P.E., who will be speaking about livable traffic design. This second program of the Series will be held on May 20, 2003, at 7:00 P.M., at the Centerville Police Department.

PUBLIC HEARINGS

Wolff, William and Suzanne - Variance of Fence Height/Fence Material

Mr. Clark left the meeting at this time due to a possible conflict of interest.

Mr. Oliver arrived at this time.

Mr. Feverston reviewed the Variance application submitted by William and Suzanne Wolff requesting a variance to allow a solid board privacy fence six (6) feet in height in the front yard of the property located at 8017 Park East Court. The zoning on this .4994 acre parcel is R-1c, Single-Family Residential. The property is a corner property on the southwest corner of Park East Court and Centerville Station Road. A corner lot, as defined in the Zoning Ordinance, has two (2) front yards and two (2) side yards. A solid board fence is not permitted in a front yard and the maximum height is four (4) feet.

The property owner is proposing to replace the existing picket fence with the privacy fence and move it forward to approximately ten (10) feet from the public right-of-way line along Centerville Station Road.

Mr. Feverston reviewed the following staff analysis of the Variance for a solid board fence in the front yard:

1. The Zoning Ordinance only permits picket, split rail, or wrought iron type fences in the front yard of a property. A solid board privacy fence in the front yard is prohibited.
2. The subject property is a corner lot containing two (2) front yards, one facing Centerville Station Road and the other facing Park East Court. The applicant is requesting a Variance to permit a solid board fence in the front yard facing Centerville Station Road. The applicant states the fence is necessary for purposes of privacy and screening to keep their dogs from barking at vehicles and pedestrians.
3. The applicant has not demonstrated that strict application of the Zoning Ordinance would deprive them reasonable use of the property, or result in a hardship or practical difficulty that are associated with the property.

Mr. Feverston reviewed the following staff analysis of the Variance of fence height in a front yard:

1. The Zoning Ordinance permits a maximum fence height of four (4) feet in the front yard of a property.
2. The applicant is requesting a Variance to allow a fence height of six (6) feet in the front yard facing Centerville Station Road. As with the variance request for a solid board fence, the applicant states the six (6) foot height is necessary to provide adequate privacy and screening.
3. The applicant has not demonstrated that strict application of the Zoning Ordinance would deprive them reasonable use of the property, or result in a hardship or practical difficulty that are associated with the property.

Based on the staff analysis, it was the recommendation of the Planning Department to deny both Variance requests. Should the Planning Commission approve one or both Variance requests, a conditions of approval should be attached that restricts the Variance to the front yard facing Centerville Station Road.

Mr. Durham asked what policy was considered by Council to determine the location of privacy fences.

Mr. Feverston stated Council wanted to maintain the open space which is characteristic of the City, and did not want the feeling of a closed community which would be created by privacy fences. They, therefore, adopted the regulations that are currently in place.

Mr. Horn arrived at this time.

Mr. Durham opened the public hearing.

Mr. William Wolff, applicant, stated their intent is to have a six (6) foot solid board privacy fence along Centerville Station Road only, to screen the traffic and noise from the back yard. He stated the remainder of the fence would maintain all the requirements in the Zoning Ordinance. He stated with the proximity to the street, they request approval of the Variance in order to fully use and enjoy that portion of their property.

Mr. Wolff stated there are other privacy fences in the area with similar placement on the property and asked why they were permitted.

Mr. Feverston stated the fence on the corner of Centerville Station Road and Lockport Boulevard was legally-nonconforming and parts of that fence were replaced as a maintenance issue. Another fence on Clyo Road actually backs up to a buffer area which is owned by the City. The fence is, therefore, located in the rear yard of the property owner along Lockport Boulevard.

Mr. Tom Volpe, 8056 Parkeast Court, felt locating the six (6) foot high fence up against the sidewalk along Centerville Station Road would not be in keeping with the open space character of Centerville and requested the Variance be denied.

Mr. Richard Blaylock, 8092 Parkeast Court, stated they would like to maintain the park-like setting which extends from the adjoining park area. He stated the road conditions were in place at the time the property was purchased by the applicant. He stated the surrounding conditions should be considered prior to the purchase of property and a variance should not be granted to rectify a pre-existing situation.

Mrs. Susan Donauer, 8074 Parkeast Court, stated she enjoyed the open space community and opposed the variance.

Mr. Paul Spohn, 8020 Parkeast Court, stated his property was on the opposite corner of the intersection and the same traffic conditions exist today as in the past. He felt a privacy fence along Centerville Station Road would obstruct sight distance and create an unsafe condition. Mr. Spohn stated that even though the City is not responsible for enforcing covenants, the plat covenants concerning fences are more restrictive than the City's Zoning Ordinance standards. Based on his statement, he requested the Variance be denied.

Mr. Barbara Cervay, 8017 Jamie Rose Way, stated she was very much opposed to the Variance request as the ordinance is in place to protect the people of Centerville. A six (6) foot fence would do nothing but detract from the property values. Mrs. Cervay stated traffic in the area has changed very little in the area other than that created by users of the park which was pre-existing the housing development adjoining the park.

There being no other speakers, Mr. Durham closed the public hearing.

Mr. Hansford stated he viewed the property, he determined practical difficulty did not exist to justify granting a variance.

MOTION: Mr. Briggs moved to approve the Variance application submitted by William and Suzanne Wolff, 8017 Parkeast Court, for a six (6) foot solid board fence to be located in the front yard of the property. Mr. Hansford seconded the motion. The motion was denied 0-6.

Mr. Durham advised the applicants of their right to appeal the Planning Commission decision to City Council.

NEW BUSINESS

City of Centerville - Review of Potential Landmark

Mr. Feverston reviewed the application submitted by the City of Centerville requesting review of the structure at 9 and 11 North Main Street for potential Landmark status. The existing building, located in the Architectural Preservation District (APD), is currently used as retail space for a bridal and tuxedo shop on the main level. The upstairs of 9 North Main Street is vacant.

The building was purchased by the City with the intent to create a major community improvement consisting of a new building to be constructed in place of the building in question as well as the building located at 17 North Main Street and known as the Capital South Building. A municipal parking lot is to be located at the rear of the redeveloped area providing 70 to 75 spaces to be used for the downtown area. The building proposes a restaurant use with a cafe on the south end and office space on the upper level.

Mr. Feverston explained that consideration of demolition of a property requires a Landmark review beginning with the Planning Department. Of the Planning Department determines a building has Landmark potential, a formal review begins. A formal application is first reviewed by the Planning Commission. The Board of Architectural Review holds a public hearing, takes into account the recommendation of the Planning Commission, and recommends action to City Council. The City Council also holds a public hearing and decides Landmark status.

The existing structure contains a two-story house most likely built in the early 1920's. A photograph of the Main and Franklin intersection taken in 1926 shows the house with two (2) rear additions as well as an addition on both the north and south sides. The north addition was removed and later replaced in the 1950's with a modern addition connecting the house to the Capital South Building to the north. The house was built using balloon frame construction on a poured concrete foundation. Architecturally, the house is considered to be late Victorian.

Both the exterior and the interior of the house reflect extensive remodeling to the ground floor. The original front porch was removed and replaced with a modern concrete-and-stone porch with wrought iron posts. The interior of the ground floor has been completely renovated, with no trace of the historic fabric except for the staircase. For the most part, the second floor is intact. According to an analysis conducted by CBC Engineers & Associates in 2002, the house is in good structural condition.

The one-story modern addition is a concrete block structure built in the 1950's. It has no historical or architectural significance. At this time, it is not known whether the addition can be removed without compromising the structural integrity of the house.

As stated in the staff analysis, the role of the Planning Commission in the Landmark review process is to evaluate the proposed designation with respect to the following:

1. The relationship of the proposed designation to the Comprehensive Plan of the City:

Staff Analysis - The Comprehensive Plan states that, "The course of public and private action for the APD should be guided by the present physical and economic development as well as the area's redevelopment potential with regard to the aesthetic and economic benefits to the Community." The aesthetic and economic benefits of designating the building as a Landmark are weak relative to the potential benefits of architecturally compatible redevelopment.

2. The effect of the proposed designation upon the surrounding neighborhood:

Staff Analysis - The building contributes to the character of the surrounding area primarily in terms of its setback, height, and massing. The modern alterations and additions, however, have made the building a detriment to the architectural character of the area. Designating the building as a Landmark would perpetuate this condition.

3. Any other planning consideration which may be relevant to the proposed designation:

Staff Analysis - There are no other planning considerations.

Based on the points of analysis, staff recommended denial of designating 9 and 11 North Main Street as a Landmark.

The members felt there was no historic significance to 11 North Main Street as it is primarily a 1950's concrete block building.

Mr. Horn stated it is not the intent of the City to raze buildings in order to create parking lots along North Main Street. The City plans to create parking in the rear of a newly constructed two-story building that maintains the City's streetscape to be historically compatible with the downtown area. The concept at this point would be to widen the access drive between the Capital

South Building and Town Hall approximately 15 feet, decrease the depth of a more horizontal building and have parking to the rear of the building. Courtyard seating is a possibility along the south portion of the building, front and rear building access, and landscaped parking areas to the rear. Mr. Horn stated there would be a committed development plan in place prior to any demolition of buildings.

Mr. Oliver stated the concept to make the APD more viable for commercial use and maintain the small town feel would be a successful project to all involved.. The existing building does have some architectural merit, however, the Comprehensive Plan dictates that the Planning Commission to consider the redevelopment potential with regard to the aesthetic and economic benefits to the community. Referencing other areas in the City that have been cleared and development has not occurred, Mr. Oliver suggested those building not be removed unless the project is to go forward.

Mr. Durham stated he was unsure as to the historic significance of 9 North Main Street to the APD and felt the BAR should look at it very closely to determine whether it is a building worth preserving.

MOTION: Mr. St. Pierre moved to recommend the Board of Architectural Review (BAR) look at 9 North Main Street seriously to determine whether it is a building of merit and should be preserved. If it is the determination of the BAR not to preserve the building, a development plan should be in place to preserve the mass and streetscape prior to any demolition. Mr. Hansford seconded the motion. The motion was approved unanimously 7-0.

Create the Vision

Mr. Feverston gave the members an update of the progress of the Create the Vision project. He stated all members are welcome to attend the Steering Committee meetings and meeting schedules will be made available.

There being no further business, the meeting was adjourned.

