

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, September 12, 2000

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

Attendance: Mr. James Durham; Mr. Patrick Hansford; Mr. Richard Pluckebaum; Mr. James Briggs; Mr. Joseph Weingarten; Mr. Rand Oliver; Mr. Jack Kindler (where noted). Also present: Mr. Steve Feverston, City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Ryan Shrimplin, Planner; Mr. Norbert Hoffman, City Engineer.

Approval of Minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission minutes of August 29, 2000, Regular Meeting, as written. Mr. Oliver seconded the motion. The motion was approved unanimously 5-0-1 with Mr. Hansford abstaining..

COMMUNICATIONS

Mr. Feverston stated that Council during their last regular meeting voted to review the Planning Commission Special Approval application submitted by Just Saab to located on the northeast corner of Loop Road and Alex-Bell Road. Their concern was with the architecture and building materials proposed for the dealership.

PUBLIC HEARINGS

Richard and Francoise Couture - Sign Variance

Mr. Feverston reviewed the Sign Variance application submitted by Richard and Francoise Couture requesting a second permanent sign for their business located at 60 North Main Street in the Architectural Preservation District. An application for a projecting sign for the business was approved in 1995; however, the applicant recently installed a ground sign on the interior side of the driveway on the south side of the building without approval by the City. The projecting sign located on the west elevation of the building is visible for southbound traffic, however, it is virtually invisible to northbound traffic due to a large existing tree on the southwest corner of the site. The applicant has stated that since installing the second sign her customers have indicated her business is easier to find.

Mr. Kindler arrived at this time.

Staff recommended approval of the Variance request subject to the following conditions:

1. The large existing tree in the southwest corner of the lot behind the sidewalk shall be preserved.
2. The design of the second sign shall be approved in accordance with the Zoning Ordinance.

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

Mr. Hansford stated he could understand customers having difficulty in finding the business perhaps the first time in trying to locate it, however, the second time they would know where to go.

Mr. Pluckebaum stated he did not know why a second sign would be an issue now since the business has been in the same location since 1995.

MOTION: Mr. Briggs moved to approve the Sign Variance for Richard and Francoise Couture for property located at 60 North Main Street, subject to the following conditions:

1. The large existing tree in the southwest corner of the lot behind the sidewalk shall be preserved.
2. The design of the second sign shall be approved in accordance with the Zoning Ordinance.

Mr. Oliver seconded the motion. The motion was denied 2-5 with Mr. Durham, Mr. Hansford, Mr. Pluckebaum, Mr. Weingarten and Mr. Kindler voting no.

City of Centerville (Gary F. Bauer) - Variance of Side Yard Setback Requirement

Mr. Feverston reviewed this City-initiated Variance application for Side Yard Setback Requirement which was the result of an error made by the City. The property, owned by Gary F. Bauer and located at 1336 Courtyard Place, was to have a 7.5 foot side yard setback on the east side, however, the building permit was issued with a 6 foot side yard setback and constructed as per the permit.

Staff recommended approval of the Variance based on the following analysis:

The subject property, Lot 252 in Yankee Trace, Section 14, was initially approved by the City with a 7.5 foot side yard building setback as part of the Residential Cluster Plan for Section 14. The subsequent site plan with the building permit application indicated a side yard setback of

6 feet. The City erroneously approved the site plan, and the house was built with a 6 foot side yard. Strict application of the original setback requirement would impose a hardship on the property owner--one that he did not create. This is a unique circumstance that warrants the granting of a variance in order to abate an illegal non-conforming situation.

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

MOTION: Mr. Hansford moved to approve the Variance application submitted by the City of Centerville for Gary F. Bauer, for property located at 1336 Courtyard Place, to allow the 6 foot setback on the east side of the property. Mr. Weingarten seconded the motion. The motion was approved unanimously 7-0.

Penney Satellite & Sound - Variance of Rear and Side Yard Setback/Planning Commission Special Approval

Mr. Feverston reviewed the Variance and Special Approval applications submitted by Terence Wright, owner of Penney Satellite & Sounds, located at 6236 Far Hills Avenue. The zoning on the .387 acre site is B-2, General Business. The applicant is seeking an 18 foot rear yard building setback variance and an 11 foot side yard building setback in order to construct a 1,740 square foot building expansion to the facility. The rear and side yard requirements for this site are both 20 feet. The existing building is surrounded by pavement on all sides.

This particular lot was originally a through lot with frontage on both Far Hills Avenue and Fireside Drive. In 1980, a lot split was approved to divide the property with one (1) existing building on each lot. An access easement was created at that time as a result of the lot split to allow traffic circulation between the properties. If the lot had remained as a single lot, an addition to the rear of the building in question would have been permitted.

In reviewing the site plan, staff felt it is possible to expand the building in a manner that conforms with the setback requirements of the Zoning Ordinance. The applicant's hardship appears to be caused by the design of the proposed expansion rather than by unique circumstances outside of his control. Furthermore, the hardship does not deprive the applicant reasonable use of the property as a business. This site is similar to other properties in the B-2 zoning district.

Based on that analysis, staff recommended to deny the Variance request for rear yard and side yard building setback.

The proposed addition is to be constructed of split-faced concrete block on the rear and side elevations, and the front is to be a stucco material. Eighteen (18) parking spaces are required for this site and the plan can be revised to provide the proper dimensions and number of spaces to satisfy the requirement. A one (1) way traffic pattern will provide access around the building.

Staff recommended approval of the Special Approval application subject to the following conditions:

1. The Planning Commission must approve variances for both the rear yard building setback and the side yard building setback. The site plan shows a rear yard setback of 18 feet and a side yard setback of 11 feet. The Zoning Ordinance requires a 20 foot setback in the rear and side yards.
2. The Planning Commission must approve the architectural design of the addition to ensure the form, massing, materials, and colors are compatible with the existing building and create a unified design on the premises. The Planning Commission must specifically approve the use of stucco as a finish material.
3. The angled parking stalls along the north property line shall have a minimum width of 9 feet per stall.
4. Parking stall numbers 11 and 12 shall be eliminated from the site plan.
5. The walkway along the front of the building shall have a minimum width of 6.5 feet.
6. A pavement setback with a minimum width of 10 feet shall be maintained along the south building elevation of the new addition.
7. A landscaping plan shall be approved by the Planning Department.
8. No sign depicted shall be approved as a part of this application.

Mr. Durham opened the public hearing concerning the Variance request.

Mr. Terence Wright, applicant, stated the proposed expansion of his business is an attempt to stay in Centerville and asked the variance be granted.

Mr. Durham stated there no unique circumstances on this lot that would justify granting a variance. He suggested the building could have a second story expansion, however, that may not be acceptable to the applicant.

Mr. Wright stated a second story had been considered, but he would prefer a one (1) story building. He asked if an addition were constructed maintaining the required building setbacks, could a garage door be located on the front elevation of the building.

Mr. Durham stated a garage door on the front elevation would not be desirable and would be an issue in the review of the Special Approval application.

The members of Planning Commission agreed that the side yard setback requirement should be maintained as it would have a negative affect on the adjoining property to the south. They did indicate that should the site plan be revised, they could possibly support the rear yard setback variance in order to provide a loading area.

Mr. Wright agreed that he would rework the site plan and submit it to Planning Commission for their consideration.

MOTION: Mr. Pluckebaum moved to deny the Variance for Side Yard Building Setback, requested by Terence Wright, Penney Satellite & Sounds, 6236 Far Hills Avenue. Mr. Kindler seconded the motion. The motion was approved unanimously 7-0.

MOTION: Mr. Hansford moved to table the Variance for Rear Yard Building Setback, requested by Terence Wright, Penney Satellite & Sounds, 6236 Far Hills Avenue. Mr. Kindler seconded the motion. The motion was approved unanimously 7-0.

MOTION: Mr. Oliver moved to table the Special Approval application submitted by Terence Wright, Penney Satellite & Sounds, 6236 Far Hills Avenue. Mr. Weingarten seconded the motion. The motion was approved unanimously 7-0.

NEW BUSINESS

Yankee Trace, Section 19, Lot 335 - Replat

Mr. Feverston reviewed the Replat for Yankee Trace, Section 19, Lot 335, which was approved with a 50 foot front yard building setback as part of the Residential Cluster Development Plan for Yankee Trace, Section 19. The zoning on the .535 acre parcel is R-1c, Single-Family Residential. The purpose of the replat of the existing lot is to correct an error made by the builder.

Lot 335 is one of three lots located at the end of the cul-de-sac on Dinwiddie Court. The other two lots have a front yard building setback of 45 feet. Mr. Feverston stated the remainder of the lots in Section 19 have a front yard building setback of 25 feet.

The house was built with a slight encroachment into this setback. The applicant is requesting that the front yard building setback be modified to 40 feet to accommodate the existing house plus additional space for a future garage addition.

In order for Section 19 to maintain some type of consistency, staff felt the setback should be either 25 feet or 45 feet. Mr. Jim Kiefer of Great Traditions was contacted for his recommendation concerning the proper setback for this particular lot. He indicated 25 feet would not give adequate space and felt the 45 feet would be more appropriate.

It was, therefore, staff's recommendation to approve the replat subject to the following condition:

1. The front yard building setback shall be 45 feet.

Mr. Ed Koepfer, Dunnington-Koepfer Builders, stated that they were given some incorrect information which resulted in the slight encroachment into the front yard building setback. He asked that the replat be approved with a 40 foot setback to allow the future addition of a garage space which is the desire of the future homeowner.

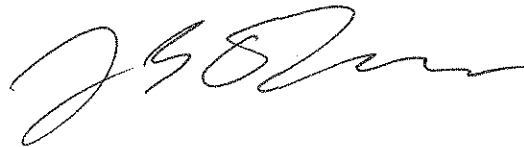
The members of Planning Commission felt the replat of Lot 335 should be approved with a 45 foot front yard building setback.

MOTION: Mr. Pluckebaum moved to recommend approval the Replat for Yankee Trace, Section 19, Lot 335, to Council subject to the following condition:

1. The front yard building setback shall be 45 feet.

Mr. Hansford seconded the motion. The motion was approved unanimously 7-0.

There being no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to read "J. S. Pluckebaum". The signature is written in a cursive style with a long, sweeping underline.