

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, May 10, 1994

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

Attendance: Mr. Scot Stone, Chairman; Mr. Arthur Foland; Mr. James Durham; Mr. Stanley Swartz; Mr. Robert Hosfeld. Absent: Mr. Peter McMahon; Mr. Jack Kostak. Also present: Mr. Alan Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner.

MOTION: Mr. Foland moved to excuse Mr. McMahon and Mr. Kostak from the meeting as they gave prior notice to staff. Mr. Hosfeld seconded the motion. The motion was approved unanimously 5-0.

Approval of minutes:

MOTION: Mr. Foland moved to approve the Planning Commission minutes of April 26, 1994, as written. Mr. Hosfeld seconded the motion. The motion was approved unanimously 4-0-1 with Mr. Swartz abstaining.

COMMUNICATIONS

Mr. Schwab stated a letter was received from Architecture/Interior Design Associates requesting a Special Meeting of the Planning Commission on May 17, 1994, to review an exterior/major renovation plan for the China Cottage located at 6290 Far Hills Avenue.

Mr. Schwab stated further that a Special Joint Meeting of the Council and Planning Commission with Great Traditions and David Jensen to review the subdivision improvement standards, street widths, etc., for the residential development for Yankee Trace is being scheduled. The intent is to have this meeting before the Memorial Day weekend.

Mr. Stone stated that they would have to review the China Cottage not before May 31, 1994, due to the other meeting date commitment.

PUBLIC HEARINGS

Randall C. Deschler - Variance of Front Yard and Side Yard Setback Requirements

Mr. Schwab reviewed the Variance application submitted by Randall C. Deschler for property located at 340 East Whipp Road. The zoning on the parcel is R-1c, Single-Family Residential. The required front yard setback is 40 ft. (average of the block) and the applicant is requesting a 16 ft. setback. The required side yard setback is 12 ft. and the applicant is requesting a 6 ft. setback.

This property is located in approximately the southernmost curve area of East Whipp Road between SR 48 and Marshall Road. A drainage channel is located along the east side of this property. The Whipp Road improvement project relocated Whipp Road 40-50 ft. north, however, the right-of-way line remained the same on the south side of the roadway as well as the Corporate boundary. The property line on this particular lot is now also the right-of-way line for Whipp Road. The existing ranch house has a one-car garage with the driveway access onto Whipp Road.

Mr. Schwab explained that from the back of sidewalk along Whipp Road is approximately 68 ft. to the building line proposed for the addition to this house. The addition is actually 24 ft. out from the building line of the existing house. The unusual circumstance is that even though the realignment of Whipp Road situated this house further back from the roadway than the original layout, it still requires a variance as the right-of-way line did not change. He stated that the attorney for the applicant requested City Council to consider dedicating the right-of-way that is no longer being used for Whipp Road to the property owner or perhaps selling it to Mr. Deschler. Staff recommended to Council that neither of these situations should occur based on utilities being located in these areas as well as the City Corporate line being the same as the property line and right-of-way line. The more this issue was reviewed by staff, the issue of replatting, surveying, etc., to accomplish even a vacation for this property as well as similarly situated adjacent properties led to the recommendation that it would be more problems than its worth. City Council, at their last Work Session, agreed with that staff recommendation not to vacate or sell right-of-way along Whipp Road in front of Mr. Deschler's property.

Mr. Schwab stated that the lot in question is a wide lot and rather shallow, but a substantial part of the east side of the lot is consumed with a drainage swale and stream running through the side of the lot which caused the house to be placed on the western side of the lot about 20 ft. from the side property line.

Staff considered the following specific points to determine their recommendation:

1. The lot is irregularly shaped having a width greater than depth.
2. Whipp Road was realigned to the north moving the road farther away from the subject parcel.
3. The residence on the subject property is now 124 ft. from the centerline of East Whipp Road. The residences at 330 and 350 East Whipp Road, west and east of this property are setback 104 ft. and 103 ft. respectively.

4. The City of Centerville is not presently interested in selling or vacating the right-of-way to the adjacent property owners along East Whipp Road.
5. Approximately one-half of the width of the subject parcel is not suitable for development due to a stream that traverses through the property. There are significant slopes and a tree line associated with this stream.

Staff recommended to:

1. Approve the requested Front Yard building setback variance as requested.
2. Approve a Side Yard building setback variance only to the extent that permits the construction of the proposed addition shown on a drawing attached to the application. This variance shall permit a side yard building setback of 6 ft. at the southwest corner of the property addition tapering out to a 12 ft. setback (more or less) at the northwest corner of the proposed addition.

Mr. Stone stated that he and the attorney, Mr. William Havemann, were in an office sharing arrangement for approximately 6 months back 2 to 2-1/2 years ago. Since the termination of that relationship, they have not had any further business relationships or ties which he believed would prevent him from acting on this matter.

Mr. Stone opened the public hearing.

Mr. Clarence Juliani, 350 East Whipp Road, stated that he has reviewed the intentions of the Deschler's and found that the project will only have positive impact on the neighborhood. He stated anything that is done to improve the value of the adjacent property indirectly improves the value of all the neighbors in that area. He stated he had no objection to the proposal and recommended that the request be approved.

Upon questioning by Mr. Havemann, Mr. Deschler, applicant, submitted the following information. Mr. Deschler stated that he had lived at this location for approximately 18 years. He stated that the variance is being requested to provide for a 2-car garage and added living space to make the property much more livable than it currently exists. He stated that he contacted the neighbors in the area at the advice of his attorney to explain the project and allow them to ask any questions or voice any concerns. Mr. Deschler stated that it was his intent to live at this residence when the project is completed.

Mr. Havemann submitted a statement to Planning Commission signed by residents in the area of the subject property indicating their support of the request by Mr. Deschler.

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

Mr. Foland asked if the neighbor directly to the west of the property had any concerns.

Mr. Deschler indicated that Mrs. Davis signed the statement submitted to the Planning Commission, however, she was unable to attend the meeting tonight.

Mr. Durham indicated he felt that the lot was unique as a result of the realignment of the roadway and the front yard variance was warranted. He did not agree that the side yard variance was unique. He felt that the addition could be designed around the side yard standards. Mr. Durham stated that the lot was not changed after the house was built. Normally, when a request is reviewed for side yard variance, something has happened that changed after the structure was built. This building, in fact, was sited on this lot with this buildable area configuration and now what the Planning Commission has is an owner who would like to go outside of that area. Mr. Durham felt that the front yard configuration has changed, however, the side yard has not.

MOTION: Mr. Durham moved to approve the Front Yard Setback variance requested by Randall C. Deschler, for property located at 340 East Whipp Road, as requested. Mr. Hosfeld seconded the motion. The motion was approved unanimously 5-0.

MOTION: Mr. Hosfeld moved to approve the Side Yard Setback variance requested by Randall C. Deschler, for property located at 340 East Whipp Road, as requested. Mr. Swartz seconded the motion. The motion was not approved by a vote of 2-3, with Mr. Stone, Mr. Durham and Mr. Foland voting no.

There being no further business, the meeting was adjourned.

Scott A. Stone
Chairman 5/31/94