

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, February 13, 1990

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

Attendance: Mr. Arthur Foland; Mr. James Durham; Mr. Peter McMahon; Mr. Bernard Samples. Absent: Mr. Robert Hosfeld; Mr. Scot Stone; Mr. Stanley Swartz. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Robert N. Farquhar, City Attorney.

Approval of the minutes of January 30, 1990:

MOTION: Mr. McMahon moved to approve the Planning Commission minutes of January 30, 1990, Regular Meeting, as written. Mr. Durham seconded the motion. The motion was approved unanimously 4-0.

MOTION: Mr. McMahon moved to approve the Planning Commission minutes of January 30, 1990, Work Session, as written. Mr. Durham seconded the motion. The motion was approved 3-0-1 with Mr. Samples abstaining.

PUBLIC HEARINGS

Ronald D. Goenner, DDS - Variance/Planning Commission Special Approval

Mr. Schwab reviewed the Variance application as well as the companion Special Approval application submitted by Ronald D. Goenner, DDS, for the property located at 7244 Far Hills Avenue. The zoning on the parcel is O-S, Office-Service. The purpose of the applications is to allow conversion and expansion of the existing building on the property to a dental office.

The following variances are being requested:

1. a front yard building setback of 39.67 feet rather than the required 50 feet;
2. a side yard building setback along the north property line of 43 feet rather than the required 50 feet;
3. a parking and paving setback along the north property line of 10 feet rather than the required 25 feet;
4. and, a parking and paving setback along the rear property line of 15 feet rather than the required 25 feet.

Mr. Schwab stated that the setback requirements are greater on this particular lot on the north and east property lines since it abuts residential zoning.

Staff recommended that the building setback along the north property line be approved based on the substandard lot width which makes the lot unique and creates a hardship on this parcel.

Staff recommended that the parking and paving setback along the north property line be approved to allow a 15 foot setback rather than the requested 10 foot setback. The lot width and area restricts reasonable use of this parcel and building for office-service uses. The requested side yard parking and paving setback variance is not the minimum variance necessary to accomplish their purpose.

Staff recommended that the front yard building setback be denied. The parcel has a typical depth as other similarly situated office-service parcels. Building setback along Far Hills Avenue are 50 feet or greater. The exception is the adjacent office building to the south which by variance allowed a building setback of 33 feet. The required setback at that particular time was 40 feet. Planning Commission granted a variance for the adjacent parcel based on the large trees that would have to be removed as a result of their expansion.

Staff recommended that the rear yard parking and paving setback along the east property line be denied. The parcel has a typical depth as other similarly situated office-service parcels which creates no unique circumstance or hardship on this parcel that would warrant this variance.

Mr. Foland opened the public hearing.

Dr. Ronald D. Goenner and Mr. David Hyam, architect, were present to review the applications.

Mr. Hyam stated that the dental office requires its proposed size in order to meet the needs of his clients practice. He explained the architectural elevations to the Planning Commission.

Dr. Goenner stated that the Ambassador Realty building to the south maintains a 33 foot setback which would mask the appearance of the proposed building.

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

Mr. Durham asked if front yard parking is permitted on this parcel.

Mr. Schwab stated that front yard parking would be permitted with 10 feet of green space between the public right-of-way and the pavement area.

Mr. Durham agreed with the recommendations of staff with the exception of the parking and paving setback along the north property line. He stated that there was uniqueness to the property based on its substandard width which would justify the building setback along the north property line. He stated that although he felt that the proposal was a fine architectural design, a unique circumstance did not exist that would warrant granting a variance for its construction.

Mr. McMahon stated that he did not have any objection to the front yard building setback being reduced as proposed based on the idea that the adjacent property to the north will most likely be changed to office-service zoning sometime in the future. He did object to the paving and parking setback along the rear property line stating that the residential properties to the east will remain residential zoning and should be protected by the standards in the ordinance.

Dr. Goenner stated that the intent of the property owner to the north is to request rezoning in order to market the property at a greater sale price.

Mr. Samples stated that he could not presuppose what will happen in the future. He stated he felt there was an obligation to protect the residential character of the community. He, therefore, agreed with the recommendations of staff.

MOTION: Mr. Durham moved to approve the variance for the building setback along the north property line from 50 feet to the requested 43 feet. Mr. Samples seconded the motion. The motion was approved unanimously 4-0.

MOTION: Mr. McMahon moved to deny the variance for rear yard parking and paving setback. Mr. Durham seconded the motion. The motion was approved unanimously 4-0.

MOTION: Mr. Durham moved to deny the variance for front yard building setback. Mr. Samples seconded the motion. The motion was approved 3-1 with Mr. McMahon voting no.

MOTION: Mr. McMahon moved to approve the variance for side yard parking and paving setback along the north property line to 15 feet. Mr. Samples seconded the motion. The motion was approved 3-1 with Mr. Durham voting no.

The applicant requested that the Special Approval application be tabled until they determine to appeal the decision of the Planning Commission or attempt to redesign the site plan.

MOTION: Mr. Durham moved to table the Special Approval application submitted by Ronald D. Goenner, DDS, for the property located at 7244 Far Hills Avenue. Mr. McMahon seconded the motion. The motion was approved unanimously 4-0.

NEW BUSINESSCheltenham, Sections 2, 3 and 4 - Extension of Approval of Record Plans

Mr. Schwab stated that a request had been submitted by the developer of Cheltenham to extend the approval of Sections 2, 3 and 4. The Subdivision Regulations allow up to 180 days to record approved record plans. That time period is near expiration, and depending on the coming building season, the developer's intent is to record those sections sometime this summer.

Staff has no objection to extending the approval of Cheltenham, Sections 2, 3 and 4 until September 30, 1991, as requested.

Mr. Roger Terrill, Woolpert Consultants, stated that the developer has delayed the recording of the record plans in order to be assured that the market will remain for this single-family subdivision.

Mr. Foland stated that it should be noted that any lots within these sections that are not recorded cannot be sold. He stated that it has been brought to the City's attention that selling of lots which are not recorded has been presented to potential buyers.

Mr. Terrill stated that they were made aware of the situation last week, and in speaking with the developer, this practice will not take place in the future.

MOTION: Mr. Samples moved to approve the expansion of approval for Cheltenham, Sections 2, 3 and 4 until September 30, 1991. Mr. McMahon seconded the motion. The motion was approved unanimously 4-0.

There being no further business, the meeting was adjourned.

Approved R. H. [Signature] 2/27/90