

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, May 8, 1990

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

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

Approval of the minutes of March 27, 1990:

MOTION: Mr. Stone moved to approve the Planning Commission minutes of March 27, 1990, Regular Meeting, as written. Mr. Foland seconded the motion. The motion was approved 7-0.

PUBLIC HEARINGS

Mr. Samples removed himself from the meeting at this time due to a possible conflict of interest.

H & W Properties - Variance to Waive Sidewalk Requirement

Mr. Schwab reviewed the application submitted by H & W Properties, 201 West Franklin Street, requesting a variance to waive the requirement for a brick sidewalk along the west side of Hampton Road at West Franklin Street. He explained that as a part of the approval for this building in the Spring of 1987, a brick sidewalk was required to be installed along the west side of Hampton Road. The brick sidewalk along the front of the property on West Franklin Street was constructed as a part of the road improvement project in 1987. A variance application for this same property was submitted and reviewed by the City in 1987 requesting several variances, among them a waiver of the sidewalk requirement. The Planning Commission tabled the application until they had an opportunity to individually view the site in question. At the next regular meeting, the Planning Commission unanimously denied the request based on its locality to a school and the flexibility available in the sidewalk layout to avoid established trees.

Mr. Schwab stated the drawings submitted with the building permit application did not show the sidewalks; however, they were drawn in with a red pen on both the drawings submitted for the permits as well as the drawing in the Planning Department. The building was constructed and the Inspection Department issued the occupancy permit in 1988 overlooking the sidewalk issue in error. In 1989, the error was discovered and notice was given to the property owner that the requirement must be satisfied even though the occupancy permit was issued. After a series of discussions with the property owner, this second variance application was filed to request a waiver of the sidewalk requirement.

In reviewing the situation at this time, staff recommended that the variance be denied based on little or no impact on the site as well as no unique circumstance existing which would warrant a variance.

Mr. Hosfeld opened the public hearing.

Mr. Ernest Wiedemann, co-owner of the property, stated that the property, even though it is located in the Architectural Preservation District, is not in its core. He stated that one of the main concerns is the loss of trees which would be in the path of the sidewalk, as well as the telephone poles. A sidewalk would be in close proximity of the building and would distort the image they wanted to create for the landscaping. Mr. Wiedemann stated there would be no children using the sidewalk to walk to school since they are all bused from the neighborhood on the north side of Franklin Street. The hazard to pedestrian traffic is low as a result of the stop signs at the adjacent intersections. Further, he stated, construction of a sidewalk in this location would serve no practical purpose. Mr. Wiedemann stated that at some point in time when the City constructs sidewalks within the entire City, they would be the first to construct their piece.

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

Mr. Swartz asked if there would be any reason that the sidewalk could not be flexible in order to save the trees on the site.

Mr. Schwab stated that the City Engineer's position has been all along that the sidewalk could be located around significant trees to avoid their removal.

Mr. Hosfeld stated that the Planning Commission had reviewed this issue previously and nothing has changed since that time.

MOTION: Mr. Foland moved to deny the Variance application submitted by H & W Properties for property located at 201 West Franklin Street requesting to waive the sidewalk requirement. Mr. Stone seconded the motion. The motion was approved unanimously 6-0.

Mr. Hosfeld informed the applicant his appeal rights of this decision to City Council. He further stated that staff would be willing to work with the applicant to create the property layout of the sidewalk to preserve the trees on the site.

Mr. Samples returned to the meeting at this time.

David H. Ellinger - Variance of Rear Yard Requirement

Mr. Swartz removed himself from the meeting at this time due to a possible conflict of interest.

Mr. Schwab reviewed the Variance application submitted by David H. Ellinger for his property located at 224 Elmwood Drive. The zoning on the property is R-1d, Single-Family Residential with requiring a minimum 15,000 sq. ft. lot. This particular lot is only 11,455 sq. ft. as it was created in conjunction with parkland dedication which allows lot reduction; however, this lot size is characteristic of most of the lots in this neighborhood. The specific request is to reduce the required 30 ft. minimum rear yard setback to 26 ft., 10 in., for the purpose of constructing an addition to the existing structure.

Staff recommended that the Variance be denied based on the following analysis:

The hardship must be created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situation or condition of such property. Personal hardship must not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed.

Mr. Hosfeld opened the public hearing.

Dr. and Mrs. David H. Ellinger, applicants, were present to review their application.

Dr. Ellinger stated that he disagreed with the staff analysis that the lots in the area are virtually the same in size. The lots to the rear of his property are larger. He stated that in measuring the distance between the back of his proposed addition and the house which abuts their property to the rear, he found the distance to be 110 ft. He stated that his interpretation of the 30 ft. setback requirement is to locate a minimum of 60 ft. between houses which is in this case there is an additional 50 ft. To construct the addition to the side not only infringes on his neighbor more intensely, but it would affect the neighborhood more than to place it in the rear of the property. Dr. Ellinger stated that he felt there was uniqueness to his property based on the narrow width of the lot. He stated that on the properties abutting his property, the owners have no objection to the variance request. Although this would have an affect on the entire neighborhood, the property owners most affected abut his property and have no objection.

Mrs. Ellinger explained that the addition to their home is essential due to an upcoming adoption of an older child. She stated that they chose this particular neighborhood when purchasing a home because of the desirable neighborhood. Mrs. Ellinger stated that they are quite involved in activities that are close to their home and want to remain at this same location, however, it is important for them to provide an inviting atmosphere to their new child.

May 8, 1990

PC

Page 4

Mr. Walter Gregory, 231 Laurel Oak Drive, stated that he represented the 43 property owners that signed a petition in opposition to the variance. He stated that traditionally Centerville has always protected the rights of all property owners through the strict enforcement of the Zoning Ordinance. The value of property in the City has increased substantially over the years partly due to these strict zoning standards. Mr. Gregory stated that they want the value of their properties protected and want no compromise of the zoning requirements.

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

Mr. Samples stated that emotionally he wanted to vote to grant the variance, however, the requirements of the Zoning Ordinance would not allow him to do so.

MOTION: Mr. McMahon moved to deny the Variance application submitted by David H. Ellinger. Mr. Samples seconded the motion. The motion was approved unanimously 6-0.

The applicants were informed of their right to appeal the decision to City Council.

There being no further business, the meeting was adjourned.

Robert Hosfeld
6/12/90