

CENTERVILLE PLANNING COMMISSION
WORK SESSION
Tuesday, January 24, 1989

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

Attendance: Mr. Elmer Tate Jr., Chairman; Mr. Robert Looper; Mr. Arthur Foland; Mr. Robert Hosfeld; Mrs. Marian Simmons; Mr. Robert Chappell (where noted); Mr. Stanley Swartz. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Mike Haverland, Administrative Assistant.

An Ordinance Amending Ordinance Number 11-86, the Zoning Ordinance of Centerville, Ohio, Enacting Revised Zoning Regulations for the City of Centerville, Ohio, in Accordance with the Provisions of Chapter 713 of the Ohio Revised Code.

Mr. Tate explained the purpose of the Work Session and stated that there would be no decision rendered by the Planning Commission this evening. He asked Mr. Schwab to summarize the events leading to this Work Session.

Mr. Schwab gave an overview of the history of former and current Zoning Ordinance. He stated that the primary reason for this work session was to discuss, in greater detail, the draft amendment to the zoning ordinance and particularly the section pertaining to the parking or storage of vehicles and recreational vehicles. Mr. Schwab reviewed those standards pertaining to recreational vehicles.

Mr. Chappell arrived at this time.

Mr. Tate stated the Planning Commission is conducting this work session to obtain input from the Citizens of Centerville on how to improve this draft ordinance.

Mr. Looper objected to using this work session as a public hearing stating that the discussions should be among the members of the Planning Commission only. He stated that a public hearing was held in November and another public hearing will be held in front of City Council when the Planning Commission forwards the draft ordinance to them.

Mr. William T. Harris, 260 Whittington Drive spoke in opposition to the RV provisions in the draft ordinance. He stated that he is opposed to the side and rear yard setback requirements. A person would need a minimum of a 20 foot wide side yard in order to park their RV there. He stated that there are many instances where RV owners do not have side yards that wide and would pose a great hardship on them. He suggested that at least the ordinance should be changed to require the minimum side yard where practical and to grandfather in the existing RV's to exempt them from this proposed ordinance. He also stated that the City has approved concrete pads for RV's that are within the minimum side

or rear yards. He stated that these pads cost a considerable amount and would be rendered useless by the passage of this ordinance.

Mr. John Botlib, Normandy Lane, spoke in opposition to the RV provisions of the draft ordinance. He stated that his lot is 2.2 acres and has a 100 foot long driveway. He stated that he parks his RV on his driveway by the house and that because of the setback his RV is not visible. He also stated that the current Zoning Ordinance has a non-conforming section in it that would make all existing RV's in Centerville non-conforming, but added that the language of that section should specifically include RV's. Mr. Botlib stated that regulating aesthetics is not a valid exercise of zoning power citing Euclid decision of the Ohio Supreme Court. He suggested that the City review the RV ordinance passed by the City of Albuquerque, New Mexico. He also stated that if this ordinance is passed that the City should not enforce this on a "complaint only" basis as this would pitting neighbor against neighbor. He also stated that the way these regulations are drafted a homeowner cannot receive deliveries, such as furniture or household appliances, in a large truck without being in violation of this ordinance. He concluded by suggesting that the City should publish the dates and times of public hearings in the Town Crier and not rely solely on the Centerville Times.

Mrs. Simmons stated that she has a question about regulating aesthetics and requested that the City Attorney provide an opinion to the Planning Commission.

Dr. Harold Wright, P.E., 7625 Rolling Oak Drive, spoke in opposition to the RV provisions in the draft ordinance. He stated that he owns a Airstream trailer that is 31 feet long. He stated that he parks his RV on his driveway in the side yard and has planted an evergreen screen around it. He stated that his neighbor has no problem with his parking the RV there. He also stated that the requirement allowing only a 24 hour loading and unloading period is an unreasonably short time period. He stated that it takes several days to ready a RV for a trip plus the time needed to winterize the house. He stated that the Oakwood ordinance allows a 7 day period for minor maintenance of RV's and a maximum of 45 days per year. He also stated that it would cost about \$500 annually to store a RV which amounts to a tax since most RV owners cannot comply with this ordinance.

Mr. Weldon Scardino, 340 Edgebrook Drive, spoke in opposition to the RV provisions in the draft ordinance. He stated that this ordinance primarily affects the young families and retired persons. He stated that in his opinion there is no need for such an ordinance. He stated that the standard lot in Centerville is large enough to accommodate RV's. He also stated that a homeowner is entitled to reasonable use his land. He concluded by stating

that he would be willing to meet with the Planning Commission to draft a reasonable ordinance.

Mr. Paul Purcell, 269 Cherry Drive, spoke in opposition to the RV provisions in the draft ordinance. He stated that this ordinance discriminates based upon lot size, width, proportion, and topography. Persons who have smaller lots, unusually shaped or hilly lots would no longer be permitted to keep an RV on their property. He also stated that corner lots have an advantage because they have a place in their driveway to store an RV. He stated that there are less RV's and boats today than 15 years ago.

Mr. Tate stated that in summary of those comments presented this evening, there seems to be four major points of objection to the draft RV regulations:

1. Vehicle dimensions are too restrictive, particularly the length,
2. The 24 hour period for temporary parking in the front yard is too restrictive,
3. The side and rear yard setback is too restrictive, and
4. The storage location is too restrictive.

Mr. Tate stated that he agrees with these four points. He also stated that he would prefer not to have any required setback for RV's.

Mr. Jim Hussey, 77 Peach Grove Drive, spoke in opposition to the RV setback provisions in the draft ordinance. He stated that there is only 4 feet between his RV pad and his side lot line.

Mr. Herbert Leach, 7630 Bigger Road, addressed the Planning Commission. He stated that on December 5th, 6th, and 7th, 1988, he and his son counted the number of RV's that he saw in Centerville. He stated that he counted 200 RV's in the City. Of the 200, 18 RV's were parked in the front yard, 18 trailers were parked in the front yard, and 23 boats were parked in the front yard for a total of 59 vehicles in the front yard. He also stated that his vehicle meets all of the standards in the proposed ordinance except that he parks his in the front yard. He stated that although he has enough room on his side yard to park his RV, the yard sloped downhill requiring him to construct an expensive retaining wall and add fill to make it level enough to park on. He also stated that the junk cars next door is more objectionable to himself as well as his neighbors.

Mr. Norm Barney, 45 Bethel Road, spoke in opposition to the antenna height provisions in the draft ordinance. He stated he is a HAM Operator and that his tower is 80 feet tall to the top of the antenna. If he were required to lower his tower height to 50 feet, not only would he lose reception, but it would interfere with every television around his house.

Mr. Wade Berger, John Elwood Drive, spoke in opposition to the RV provisions in the draft ordinance. He stated that he owns a boat that is 32 feet long, 12 feet tall, and 8.5 feet wide resting on its trailer. He stated that he currently parks it in his driveway for only a few weeks in the spring and fall. He stated that he could move it to his side yard but that would require him to cut down several large trees in his front and side yard.

Mr. Tom Holmes, Washington Township, spoke in opposition to the antenna height provisions in the draft ordinance. He stated that the Dayton Amateur Radio Association drafted a proposed ordinance to regulate antenna heights which the Planning Commission has received. He stated that the City of Bellbrook has passed a similar ordinance recently.

A resident stated that the City has received 14 complaints about RV's in the past year. He stated that of those 14 complaints, ten involved the RV located on Roselake Drive. The complaints were primarily about a business that was being conducted in the RV and not about its location. One complaint was about the parking of a commercial truck.

Mrs. Shirley Sastry, King Arthur Drive, spoke in opposition to the provision for the temporary parking of a guests RV in the draft ordinance. She stated that her parents drive their RV to visit their home once a year and stay about a month.

Mrs. Dorcie Hodapp, Zengel Drive, spoke in support of the RV provisions in the draft ordinance. She stated that RV's are unsightly and should not be permitted to be parked on residential properties in Centerville. She also stated that most residents whose next door neighbor owns a RV would not complain because they do not want to create hard feelings with their neighbors.

Mrs. Horst, Cloverbrook Park Drive, spoke in opposition to the RV provisions in the draft ordinance. She stated that her family owns a boat that is 18.5 feet long. She also stated that her family does not own a RV but is considering purchasing one in the Spring. She stated that she won't buy one if this ordinance is passed.

Mr. Swartz stated that he is not in favor of the RV regulations. He stated that in light of the number of RV's currently in the City and as few complaints the City has received, the parking or storage of RV's does not seem to be a problem in Centerville.

Mr. Hosfeld stated that he is not sure what the purpose of the RV regulations and what they are intended to accomplish. He stated that he would like to hear from the proponents of the RV regulations to better understand their purpose.

Mrs. Simmons concurred and also requested that the City Attorney provide an opinion as to whether the non-conforming section of the zoning ordinance would apply to both RV's and antenna height.

Mr. Looper stated that the draft antenna regulations presented by the Dayton Amateur Radio Association was well thought out and commended their work.

Mr. Tate asked the other members of the Planning Commission if there were any other questions or concerns about the other sections of this draft ordinance.

Mr. Swartz stated that in reviewing the setback provision for ground signs, he felt that ground signs should be setback out of the public right-of-way only and not 10 feet as drafted.

The Planning Commission concurred.

Mrs. Simmons stated that on page 32 in Section 23. Signs, F., 15., c., 1., the word "where" in the third line should be replaced by the word "which". She also stated that on page 16 in Section 20. Supplemental Zoning District Requirements, A., 4., the word "not" in the fourth line should be deleted.

Mr. Swartz asked if pet grooming should be considered as a legal home occupation instead of a prohibited one.

After a discussion, the concurrence of the Planning Commission was to leave pet grooming as a prohibited home occupation.

Mrs. Simmons stated that the draft home occupation section permits only one outside employee and wondered if existing home occupations with more than one outside employee would be grandfathered in and be considered legally non-conforming. She requested that the City Attorney give an opinion concerning this issue.

There being no further business, the meeting was adjourned.



