

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, July 11, 1989

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

Attendance: Mr. Robert Looper; Mr. Arthur Foland; Mr. Robert Hosfeld; Mr. James Durham; Mrs. Marian Simmons. Absent: Mr. Elmer C. Tate, Jr.; 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 June 27, 1989:

MOTION: Mr. Foland moved to approve the Planning Commission of June 27, 1989, as written. Mr. Hosfeld seconded the motion. The motion was approved 4-0-1 with Mrs. Simmons abstaining.

COMMUNICATIONS

Fairhaven Church - Driveway Location

Mr. Schwab stated that the Planning Commission Approval of the addition to Fairhaven Church, 637 East Whipp Road, and the additional parking area at the June 27, 1989, meeting, was conditioned that the location and restrictions of the driveway along Marshall Road be reviewed and approved by the Planning Commission once staff had worked out an agreement with the Church.

During the original review of the application, Planning Commission expressed concern as to the safety problems potentially created with the driveway along Marshall Road. Staff recommended that the driveway access could be limited to right-in/ right-out movements with the present two-lane configuration on Marshall Road. When Marshall Road is widened to three lanes in the future, there would be no reason to restrict movements at that driveway.

The City Engineer, after looking at the site distances involved, felt that turning movements do not require restrictions; however, should the Planning Commission desire restrictions, the design of the island to restrict turning movements would be of a triangular shape.

Mr. Durham stated that constructing a right-in/right-out only driveway would create a traffic hazard due to traffic determined to make a left-hand turn into the site. The slope of the roadway and the vegetation in the area would only add to a bad situation. Mr. Durham stated that the recommendation of the City Engineer to not restrict the access is the professional input that is needed to make this decision, and, therefore, agreed with that recommendation.

Mr. Looper and Mr. Foland agreed that no restrictions should be created.

Mr. Hosfeld stated that he thought the Church was afraid the site may become a cut-through from Whipp Road to Marshall Road, and that was the partial reason Planning Commission originally considered restrictions to the driveway.

Mr. Schwab stated that the Church was in agreement with a full movement driveway; however, if cut-through traffic becomes a problem some type of gate will be installed by the Church.

MOTION: Mr. Durham moved to approve the location of the driveway access for Fairhaven Church along Marshall Road as submitted with no restrictions to turning movements. Mr. Foland seconded the motion. The motion was approved unanimously 5-0.

Mahr, Frank - Variance of Rear Yard Setback Requirement

Mr. Schwab reviewed the application submitted by Frank Mahr requesting a Variance of a rear yard setback requirement for property located at 7881 Stanley Mill Drive. The zoning on the 14,280 square foot lot is R-1c, Single-Family Residential (20,000 square feet minimum). A R-1c zoning classification requires a rear yard setback of 50 feet and the applicant is requesting a 34 foot setback.

The purpose of the variance is to construct a glass sun room on the northwest corner of the existing house. Mr. Schwab stated that this lot was developed at a reduced lot size based on parkland dedication at a time when different zoning requirements were in place. Further, when the house was built, the minimum rear yard setback was based on 20% of the depth of the lot, which in this particular case, would amount to 27 feet of setback. If the zoning standards had remained the same as when the subdivision was built, the applicant's proposal would have been within the standards of the ordinance.

Staff recommended to approve the variance request based on the unique circumstances in which the lot was developed. The property most closely conforms to the minimum requirements of the City R-1d zoning district which requires a 15,000 square foot minimum lot area and a 30 foot rear yard building setback.

Mr. Looper opened the public hearing.

Mr. Dave Spitzer, contractor of the project, stated that the review of the project by staff well represented what the applicant's needed to allow the proposed construction. He stated that the addition will be attractive to the house, as well as the surrounding neighborhood.

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

Mr. Foland asked if the water flow from the property would be altered by the proposed construction in view of the hill to the rear of the property.

Mr. Frank Mahr, applicant, stated that none of the elevations would be changed to change the flow of water from the property.

Mr. Durham stated that there is a problem with the Zoning Ordinance standards. He stated that this particular lot is not unique since there are many lots created under the same circumstances and legally, this is not a basis for approving a variance. He stated that although he has complete sympathy for the homeowner, that is not the issue. He stated he could not vote for approval which sets a policy by the Planning Commission to waive standard requirements approved by the City Council in the Zoning Ordinance.

Mrs. Simmons stated that she did not agree, that the development was approved by the City and created a hardship for the property owner.

Mr. Schwab suggested that perhaps the standards for particularly rear yard requirements in an R-1c zoning district should be reviewed.

Mr. Durham stated if some of the neighbors had attended the public hearing and been in opposition to the project, Planning Commission would be determining the application in a political sense and not in terms of the requirements in the Ordinance.

MOTION: Mrs. Simmons moved to approve the Variance application submitted by Frank Mahr, property located 7881 Stanley Mill Drive, to allow a 34 foot rear yard setback requirement. Mr. Hosfeld seconded the motion. The motion was approved 3-2 with Mr. Durham and Mr. Looper voting no.

Review of Zoning Ordinance Requirements

MOTION: Mr. Durham ^{MOVED TO} ~~directed~~ staff to study the problem with nonconforming lots and setbacks, and report back to the Planning Commission for possible recommendations of a new ordinance to City Council. Mr. Foland seconded the motion. The motion was approved unanimously 5-0.

Mr. Hosfeld suggested that Planning Commission members attend a work session to review the points of the variance checklist in order to come to an understanding of what constitutes a variance.

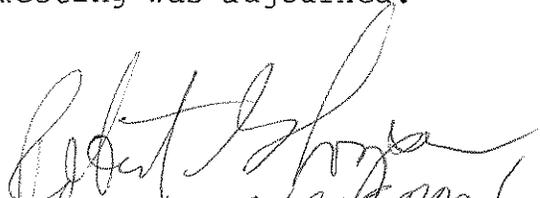
July 11, 1989

PC

Page 4

Mr. Durham stated that we are doing a lot of people a disservice. The process in which variance applications are handled requires the property owner to pay a \$75.00 filing fee, come up with plans for his project, and attend a meeting simply because we have a rigid ordinance which does not apply very well to his lot. If these are the types of projects the Planning Commission wishes to approve, and Mr. Durham agreed they should be approved, the ordinance should be modified to allow a permit to be issued upon review by the Building Inspection Department.

There being no further business, the meeting was adjourned.


VICE-CHAIRMAN