

CENTERVILLE PLANNING COMMISSION

Regular Meeting

May 28, 1974

7:30 p. m.

Those Present: Messrs. Gillingham, Myers, Baker, Maxton, Tate & McCrabb,
and Mrs. Lake. Also Present: R. Winterhalter, City Planner.

The Minutes of the special meeting of May 14, 1974 were reviewed and approved
as corrected. Mr. Myers moved to approve, seconded by Mr. McCrabb.
Unanimously approved as corrected.

Communications

Mr. Maxton read from a letter received from Ms. Barbara Conniff, Montgomery
Co. Board for the Mentally Retarded. Ms. Conniff is the Director of this
Board and wrote to thank the P.C. for their cooperation regarding group
housing. Her letter included a copy of Cincinnati, Oh ordinances regarding
group homes. Mr. Winterhalter was given a copy which will be duplicated
for each P.C. member's review. Mr. Winterhalter will include his
recommendations regarding group homes, at the request of Mr. Maxton.

Public Hearings

1. V-74-5 - Zengle Builder's variance request to erect carport with 30' setback.
(75' setback required).

Mr. Winterhalter presented the application. This is for a carport at the
apartments located on the SW corner of Cedarleaf & Rt. 725 (A-B Rd.)
He pointed out that if this were 75' setback it would be out-of-pattern
with the apartments as well as the residences on the South. The apartment
building has a 26' setback.

Mr. Carl Zengel, Zengel Construction stated that the main reason is to build
the carport to screen the cars from the street and the surrounding homes.
This is a similar situation to the one across the street where it has
worked very well. He feels it will be much more attractive than to leave
the cars un-screened to the residents. The carport would be the same
brick as that used for the apartment building. He also pointed out that
there will be landscaping behind the apt. bldg. and along the carport and
the apt. bldg. itself.

Mr. Maxton asked for comments from those in opposition - none; those in
favor - none. Public Hearing closed.

Mr. Baker commented that he feels this has worked nicely with Zengel's other
buildings and he is pleased with this approach, he feels other builders
should use this approach.

Mr. Tate asked for an explanation of the setback requirement. Mr. Winterhalter
explained that this is a requirement that could possibly be changed as
it was established in 1961 and the apparent reasons for this 75' setback
no longer exist.

Mr. Tate moved to approve this variance as requested. Seconded by Mr. Gillingham. Approved unanimously.

Mr. Myers expressed his personal as well as the P.C. condolences to Mr. Zengel and his brother on the recent loss of their father.

2. V-74-4 Don Williams' request to expand accessory use at his Monarch Rd. residence, 217 Monarch Road.

Mr. Winterhalter explained the previous expansions to this property located in Concept (West of '48' and South of '725'). He reviewed the definitions in the ordinance for accessory use as being 50% or less (or if for office 25%) of total floor area. Mr. Winterhalter talked with the City Atty. who believes 50% is adequate. Mr. Winterhalter said the proposed expansion will result in the accessory use being more than 50%, suggested 25%.

Mr. Don Williams presented small drawings to each board member and interested citizens in attendance. Mr. Williams stated that he did not ask for a variance for accessory use and as he reads the ordinance he doesn't understand why a variance is necessary. He also does not understand the 25% requirement Mr. Winterhalter suggested, but hopes for a clarification of this. Mr. Williams feels the accessory use seems to imply a business and this is not the case. He then referred the P.C. to the drawings of the addition.

Mr. Gillingham asked how close this addition will come to the property line. Mr. Williams said that he had received information from the City Engineering and his plans comply with the information he received. He explained his drawing, defining the living area (A); present garage roof (B), which cannot be used as a garage as it has no door and the floor level is 9" higher - he plans to install his washer and dryer in that area (the washer and dryer are currently in the kitchen area). He explained that the furnace is presently in this area; the present garage (C); proposed garage (E); proposed recreation room (D) - this area he wants space for his hobbies, i.e. refinishing antique furniture, painting, storage of scout equipment, work bench. Mr. Williams suggested that if there is an ordinance that states 25-50% of a residence must be a limitation for other than absolute living area, it should be carefully examined. He stated that the activities, etc., he plans for his recreation room would be what he would do in a basement if he had one. He further stated that in Concept West there are three types of houses (101, 102 & 103), and that 103 as originally built exceeds 25%, is actually 33% garage space. He reiterated that he had read the accessory use ordinance and does not believe that what he proposes is other than normal living. He concedes that he might have a bigger garage, but that is all. He stated that there is extensive shrubbery around the property, which will not be changed. The architecture will be the same as the present house. He stated that he did not request a variance for accessory use and at this point does not understand why one is implied.

Mr. Maxton explained that this has been interpreted to be an accessory use. He then asked Mr. Williams if he had in the past or is presently operating any

business that his neighbors have objected to. Mr. Williams said that he has not conducted business at his residence and did not intend to. As for the neighbors objections - he has not been told about any objections. He feels that any objections the neighbors might have could be because his sons have motorcycles and they do start them in the driveway but since they are not licensed for the streets, they take them elsewhere, on private property to ride them.

Mr. Gillingham asked if he planned any additions to the driveway. Mr. Williams answered no.

The size of the garage and the accuracy of the drawings was discussed as well as the location of the fireplace. Mr. Myers then asked Mr. Williams why he required two 2-car garages. Mr. Williams explained that the two cars they drive have no garage space. He has three cars in the present garage (cars are one of his hobbies). Mr. Myers asked why his neighbors objected. Mr. Williams said that he had not been told any objections, however, he might also object if he had received a notice such as his neighbors had stating that he had requested an accessory use variance. Mr. Williams then said that his total floor space was 2770 sq. ft., the two garages would total 921 sq. ft., which is slightly less than 33%, which is the same percentage as the house next door to them.

Mr. Maxton asked for citizens in attendance who opposed this accessory use.

Mr. Wm. Ross, 244 Tauber Dr. (to the right and the rear of Mr. Williams' property). Mr. Ross questioned if the 25% was in relation to what the original property was. Mr. Winterhalter stated that the 25% would apply as the home would be after the addition, not as it was originally. Mr. Ross asked if no variance had been requested and received, would there have been a violation if the addition had been built. He stated that the addition already completed had changed the character of the residence once and now it is to be changed again. He believes E C & D on Mr. Williams drawing to be accessory use. At the request of Mr. Maxton, Mr. Winterhalter read the variance for accessory use. There are several considerations - secondary use to principal use, doesn't change the basic use; incidental or accessory use. Use for the family for business - items not sold on the premises; office use by family members only (not employees outside the family).

Mr. Winterhalter then mentioned the setback and reviewed the rear property line and the location of the addition in relation to this line. Mr. Ross mentioned the 10' easement on his property and asked if the easement was on Mr. Williams property also. Mr. Winterhalter answered that the easement was usually within the property.

Mr. Ross said that he thought the intent of the ordinance was to keep the neighborhood as houses with garages, not vica versa. He believes the garage will be larger than the house. He said the recreation room as proposed will be for the type of work he has to do in his garage.

Mrs. Lake said this is the type of work done in basements and questioned if a basement is considered accessory use.

There was a general discussion regarding the definition of accessory use, recreation room use, garage use, basement use and Mr. Ross asked what has been the experience of the City when this type of variance has been given. Mr. Maxton said we must concern ourselves with what has happened and is proposed at this location, not what has happened elsewhere in the past.

Mr. Ross said that his greatest concern is with the drainage problem. He said there is a 33' elevation difference between the storm drain on Monarch and the drain on his property. He is concerned that the increase in flow off the proposed roof will go down the hill at the rear of the properties into his (Mr. Ross') yard. Mr. Ross then gave photos of the property to the P. C. for their review.

Mr. Raymond Gerbnick , 230 Tauber Dr., stated that he had lived at this address for several years, having moved to Centerville because of the open space. He stated that he has nothing against Mr. Williams personally and respects his right to the use of his property. He was pleased that Mr. Williams had stated that he intended no business use of this property. He then read from Mr. Williams' application dated Mar 30, 1974 and his subsequent letter regarding this, stating that nowhere in either the application or the letter has the garage been designated private or public and requested the P. C. to make this determination. He does not agree with a comment in Mr. Williams letter concerning this ordinance being discriminatory against slab houses. He then made reference to O. R. C. 713.06, 713.07 & 713.09.

With regard to the architectural plans Mr. Gerbnick asked the question as to whether this aforementioned 25% was in regard to the original house or to the expanded structure. He also questioned if there had been a violation when the present addition was made. He is also concerned about the drainage problem. He is not concerned about the drainage to his property, stating that he doesn't get water from Mr. Williams' property but as he looks at the plans he is concerned that this will create a breeding ground for mosquitoes, etc.

Mr. James Zeller, 254 Tauber Dr., stated that he had lived at 254 Tauber since 1962 and following the first addition Mr. Williams made, his basketball court was converted to a 'swamp', and is therefore concerned with additional drainage problems. He then added that Mr. Williams Dune Buggy and the other cars 'remains' were in the back of his property and hurt the possible sale of his house.

Mr. Braker, 315 Annette, asked if this variance is granted, would he be permitted to build a two car garage for his sons to work on their cars. At present they have to go elsewhere to do this work.

Mr. Maxton said that if Mr. Braker planned an addition, he would have to present his plans to the City. Mr. Braker said that if one is permitted, others must also be permitted. Mr. Maxton said each case is reviewed on its own merit by the City.

Mr. Ross asked if the building code calls for each residence to be limited to one three-car garage. The P.C. was not aware of any such restrictions.

Ms. Wilma Karl, 205 Freyn Dr., said that there is some ordinance about too many cars. She stated her concern about the overall plans of the property and the appearance. She feels this could set a precedent for others to continually add on to their homes.

Mr. Maxton said that due to the size of this addition we are having a public hearing - not all additions require a public hearing - but a building inspection is required.

Mr. Baker said that the ordinance stated a 'three motor vehicle capacity' for the garage. Mr. Williams is requesting two 2-car rather than one 3-car.

No more citizens desired to speak in opposition. ~~Those in favor:~~

Those in favor:

Mr. Dave Sarber, 266 Monarch Rd. (located across from Mr. Williams property). Mr. Sarber stated that he was in real estate and that the addition as proposed would not increase the resale value of the property. He feels that if a person is ambitious enough to want to spend the time and money to make this type of addition, he should be permitted to do so. He mentioned that there is a spring at the rear of the properties facing Tauber Dr., he had seen this spring before the homes were constructed. He is in favor of what Mr. Williams proposes.

No more citizens desired to speak in favor. Mr. Maxton closed the public hearing.

Mr. Gillingham said that he was opposed to this addition, feeling that if a variance is allowed, this (type of request and variance) could go on indefinitely. He feels two garages and a shop would be too much in comparison to the house.

Mr. Myers is not opposed to 'D' on the drawing, but is concerned about the garages.

Mr. Baker read from page 8 of the ordinance regarding 25% and said this has to do with professional offices, which does not apply in this case. Mr. Winterhalter said this is for incidental, secondary use. 25% is indeed for professional offices. Mr. Baker feels that in order to apply this 25% we have to be talking about professional use. Mr. Baker mentioned the three-car capacity garage and accessory buildings. Mr. Williams said that accessory buildings are 'detached' buildings. Mr. Baker is concerned with the continual add-on pattern and the setback at the rear property line. He suggested other drawings could be presented to alleviate this setback problem. Mr. Baker feels that 'D' on the drawing is the same as a basement and doesn't feel Mr. Williams use falls into incidental, secondary use. Mr. Baker cannot object to the four car garage capacity as it is better than having the extra cars on the street.

Mr. Maxton stated that he had visited the property and feels it is well screened. He is concerned with the elevation. Does not feel he can evaluate the intended use of this addition.

Mr. Tate believes that the recreation room is not an accessory use. He doesn't personally care for the arrangement of the building additions but the drainage is his main concern. He does not feel the 25% ordinance is applicable, and that this should be settled with the zoning inspector.

Mrs. Lake does not personally care for the design, but feels this is strictly personal opinion. The drainage, distance from the lot line and can sympathize with the neighbors if the cars present noise, but that is neighborly consideration and not involved here. Mrs. Lake feels some problems should be worked out regarding the drainage and the rear setback.

Mr. McCrabb agrees with Mr. Tate and asked Mr. Winterhalter about the rear yard situation. Mr. Winterhalter read the rear yard description and explained it, stating that if this is granted the P.C. is also granting a 15' rear lot variance.

Mr. Myers mentioned the design of the house and proposed a possibility of moving the proposed garage. Mr. Williams said this is not feasible as there is presently a concrete, roof-covered porch area in that location. Mr. Williams said that as one passes the property, 85' of the new addition is all that will be visible. He explained how he planned to screen the area with bushes.

Mr. Maxton concurred with Mr. Myers that it has been determined that it is the right of each property owner to change his property. He is concerned with the drainage problem. He believes there is no legal way to prevent accelerated run-off but there is a moral one.

Mr. Williams said that Concept platted the area and there is a spring which helps create this problem - especially to the three lots behind his.

Mr. Myers moved to accept the application as presented. Seconded by Mr. Maxton.

Mr. Ross commented that he has solved his drainage problem by planting trees between the yards for screening and to help break the drainage problem.

Motion was denied 6-1. Mr. Gillingham, Mr. Baker, Mr. Maxton, Mr. Tate, Mrs. Lake & Mr. McCrabb voted against. Mr. Myers voted in favor.

Mr. Baker commented that he doesn't feel he has enough information to expand on Mr. Myers suggestion regarding design change. He appreciates the fact that Mr. Williams wants to put his cars in a building. Mr. Baker would like a different plan or reasons why the replacement of the rear portion of the addition cannot be done. Possibly a contour map could be presented.

Mr. Tate asked if drainage could be directed toward Monarch Rd. Mr. Williams said he believes the slope is too great, the yard slopes from the front to the back.

Mr. McCrabb said he voted against the approval of the plan because of the rear yard lot setback requirement.

Mr. Maxton asked Mr. Winterhalter to get an opinion from the City Attorney regarding the lot setback requirement with this type lot and a written opinion as to what constitutes an accessory use.

Mrs. Lake asked that this opinion include the original versus the present structure regarding accessory use and the attached garage - garages per house and cars per garage.

Mr. Tate does not feel the applicant needs a variance for accessory use. Mr. Maxton feels there may be a need for a rear yard requirement variance. Mr. Zeller asked if this study is made by the Attorney, how can the public get the information. Mr. Maxton advised him that he can check with the City Planner or come to the P. C. Meeting.

Mr. Baker said that Mr. Williams can resubmit a changed plan and/or appeal to Council.

3. Z-74-5 - .54 acre rezoning request for one lot (110' east of Hampton, along the north side of West Franklin St., by Dr Glanton) from "R-1" to "O-S".

Mr. Winterhalter pointed out the lot in question on the map. He showed the circular traffic pattern to parking in the rear. pointed out the drainage, the fence, mentioned that the Board of Architectural Review would like screening rather than fence. The majority of the water run-off can be taken care of at the rear according to the City Engineer.

Mr. Myers asked about easement. Mr. Winterhalter said there is none, but one possibility is to get the easement and install drainage pipe. The City Engineer feels it is adequate as proposed.

Dr. Don Glanton, 32 Williamsburg Lane, stated that the problem of the water run-off has not been addressed to a specific easement. He said he would be willing to seek an easement if it is deemed necessary. He feels that to put additional trees in the back and eliminate at least two parking spaces would help take some of the run-off.

Mr. Maxton asked Dr. Glanton if he was willing to construct a catch basin.
Answer: Yes.

Mr. Myers asked about the approximate cost if an easement is granted. Mr. Winterhalter said that \$2-3000 is a reasonable guess, but the permission from the property owners is a question.

Mr. Maxton feels that because this property will be developed, there will be accelerated run-off and he feels that the property owner(s) who would get this run-off should be willing to work with Dr. Glanton. He asked Dr. Glanton if he had talked with the property owner to the rear. Answer: No. Mr. Maxton does not feel the P. C. should make this decision.

The P.C. suggested Dr. Glanton work with the property owner and discussed the possible solutions to the run-off problem - more trees, less asphalt (removal of rear row of parking spaces) to create more green space, the drain tile and the easement.

Mr. Gillingham asked about whether the driveway would be all asphalt or if some of it would be stones. Mr. Winterhalter said it would be asphalt and pointed out the green in the front and along the rear and each side.

Mrs. Lake asked if this is only a fence or if anything is in front of it. Mr. Winterhalter pointed out the fence along the north property line and said the rest would be dense screening, about 4' min. height. Mrs. Lake is concerned about drainage, stating that the run-off will go all the way over to Davis Rd. and it is at the present time a considerable amount. She would like to think that the City will look ahead and provide for the whole area and not just the one lot insofar as drainage is concerned. She would like to see further exploration of this drainage problem. The drainage is what the neighbors were concerned with when this was first proposed.

Dr. Glanton would like to have trees saved in the back even at the expense of parking. He would like to leave more green in the rear. He agrees with Mrs. Lake and feels that sooner or later the City will have to put more sewer drainage in the area.

Mr. Tate asked how many parking spaces are required for Dr. Glanton's business. Mr. Winterhalter said that Dr. Glanton had apparently previously been given parking requirements for business and what he should have been given was parking requirements for office (office, "O-S" being considerably less spaces required). It was proposed to eliminate the back row of parking spaces (7) and save more trees and have less asphalt and more green area.

Mr. Maxton asked if there is another application in this area. Mr. Winterhalter said only the one lot is being considered for rezoning. Mr. Winterhalter suggested the intended use could be covered at this meeting and the other (details, etc.) could be brought back at a subsequent meeting.

Mr. James Presbaugh, 157 W. Franklin St. (next property East). Mr. Presbaugh stated that the sanitary sewer was installed 18" from the surface. He is not totally against this "if we can get some evaluation within reason". He said there are springs in that location and he feels the greenery can help.

Mr. Maxton reiterated that Dr. Glanton could work with the property owner at the rear for the easement to run tile to run-off. This is acceptable to Mr. Presbaugh.

Mr. Myers proposed the question that if this is allowed and the property owner on Ridgeway is not agreeable to the easement, is Dr. Glanton being denied his right to use this property?

Mr. Maxton pointed out that the French Drain may not be the best solution. He stated that we have an obligation to the property owner at the rear. Mrs. Lake read from the City Engineer's recommendation

Those in opposition:

Mr. Carl Geiser, 118 Jeanette, asked about the original request in March having been tabled - does this give Dr. Glanton the right to come back now? Mr. Maxton explained that this was derived because of the consideration being made at that time to extending the A. P. District and the possibility of revising the requirements in the A. P. District. Mr. Maxton further explained that as nothing has yet been done regarding the A. P. District extension, this was brought to a public hearing so that it could be approved or disapproved so as not to delay Dr. Glanton any further. Mr. Geiser feels that if this is approved it would set a precedent for future business being converted. He suggested tapping into a sewer and asked if it is possible to raise the property to drain on to Franklin. Mr. Winterhalter said that the City Engineer said it is not.

Ms. Wilma Karl, 205 Freyn Dr. said she thinks the way this business has been held up (not only for the businesses but for the residences) she doesn't feel this is really protecting anyone. Mr. Maxton said he agrees, but that the delay has not been caused by the P.C. He said that Dr. Glanton had gone before the B.A.R. and that they have no objections. Ms. Karl said that the B.A.R. liked the architecture but said that Council would have to decide about the 'spot zoning'. Mr. Maxton read from the minutes of the B.A.R. which said they liked the architecture and would like to see more greenery rather than the fence.

Mr. I. Kubach (owner of the property immediately to the north). He feels that he is most affected, he is not opposed to Dr. Glanton's office but does not want a swamp. His house is 4-5' lower than the level on his property line. Subject to a satisfaction of the run-off problem he would not object to this use. He questioned that if the request for the zoning is approved by the P.C. - what promise do we have that the drainage problem will be solved. Mr. Maxton said that the P.C. would like to solve the zoning question tonight and the drainage can be solved later. He asked Mr. Kubach if he would be interested in an easement. Mr. Kubach asked how much water and where will it drain to? He said that there is only 1' of topsoil and then there is clay - they had to blast to put in a sewer in this area. He said he would not be adverse to allowing a drain tile through an easement if he gets some expert advice (from the City Engineer).

Mrs. Charles Graham, 158 W. Ridgeway said she had no opposition to the zoning but feels their property suffers most greatly at this time as their house is lower than the rear of the property. They are greatly concerned and hope that in some way this can be worked out. She feels that the P.C. is trying to satisfactorily solve this problem.

Mr. Presbaugh said that he is definitely opposed to what he has been told by his attorney as to what has happened regarding this in the past. He feels that due to the heavy traffic on 725 that this area will be in demand for business purposes and he would like this to be controlled. He said that this is his home and he expects to keep it as such. He feels that they will suffer water problems, but it will be to the back of the lot while Mr. & Mrs. Graham will probably have water in their living room. He would like to see 20' of grass at the rear of the Glanton property. If Mr. Kubach chooses to go along with the easement proposal, this is satisfactory to Mr. Presbaugh. He is not opposing what is being done as long as consideration is shown. He does not feel that the change (in location of Dr. Glanton's office) as stated on the application will increase the service to the public as Dr. Glanton is presently located such a short distance from this proposed location.

Those speaking in favor: None.

Mr. Gillingham said that he sees no reason for all the parking spaces as shown on the plan for this business and believes that by eliminating the rear parking spaces (7) and that portion of the road and leaving an area for more grass will be a better plan. He thinks the front should remain as it is proposed.

Mr. Myers asked Dr. Glanton what architectural changes he plans to make to the building. Dr. Glanton showed his plan pointing out the trees they would be able to save in the rear by eliminating the parking spaces and asphalt as well as the minor changes to the building. Mr. Myers feels that this will be an attractive building and approves of the grass in the front.

Mr. Baker said that going west on W. Franklin the elevation goes down hill, perhaps a drainage system could be tied to the west - the City Engineer would have to be consulted. Mr. Baker would like more information from Mr. Schab as to whether this could be drained to the west.

Mr. Maxton said that we can still have an opportunity to answer the drainage and screening problems when the plot plan is presented. This is a public hearing regarding the requested rezoning.

Mr. Tate commented on the fact that the recommendation that has been made to use catch basins apparently will not work - apparently the water will stay in the catch basins rather than drain away.

Mrs. Lake feels that the drainage problem is what concerns the citizens. The catch basins are not adequate for the area even though it is an answer to the one property.

Mr. Maxton stated that we are setting a precedent with this - one that will be to the benefit of the neighbors as this would be asking the businesses to be concerned with the residents as well as their business which puts the pressure on any business that desires to be in the area to be equally considerate. If Dr. Glanton and his neighbor can solve the problem of getting to the storm sewer and this is adequate this should be the solution.

Mr. McCrabb does not agree that the zoning can be decided without a solution to the drainage problem. He feels the water drainage guarantee must be made at the same time as the zoning.

Mrs. Lake moved to table this for two weeks to enable the neighbors to the north and other neighbors, Dr. Glanton and Mr. Schab an opportunity to figure out a drainage solution. Seconded by Mr. Gillingham.

Motion to table approved 4-3. Those in favor: Gillingham, Baker, Lake & McCrabb. Those opposed: Myers, Maxton and Tate.

4. V-74-3 - Variance request for reconstruction of freestanding sign at Goldman's Shopping Center.

Mr. Winterhalter explained that this is a legal freestanding sign that was broken at the base during a wind storm. This freestanding sign would not be allowed under the ordinance to reconstruct it. A variance is required to allow this, as over 50% of the sign was destroyed.

Mr. G. Shapiro, Attorney for Goldman, introduced Mr. Goldman and Mr. Wilson (Wilson Sign Co.) who would speak. He said that the 50% requirement was an arbitrary percentage. He said that if the portion at the top was broken this would not apply - it depends on where the 50% is considered.

Mr. Goldman said that basically this is a hardship case. He does not understand the 50% factor that Mr. Winterhalter mentioned. The sign blew down along with other things in the area. The steel structure remained although the sign was destroyed. He said that they were glad there were no injuries. He said the Beautification committee called and asked for the debris to be removed. This was done as soon as the insurance company had been at the site. He believes the 50% to be questionable. Mr. Wilson removed the debris - a steel company removed the steel. Mr. Goldman feels this is a hardship - the store sets a distance back and needs the identification for the traffic both north and south. What he doesn't understand is the fact that at previous meetings remarks have been made that are untrue. He said he read some of the transcripts which said that Goldman's was uncooperative and using their lot as a storage area. He said that last year they kept peat moss, marble chips, etc. in the front of the store and that the beautification committee asked them to remove them and they did - at a loss to the store as well as to their customers. Ladies in particular could not pick up their purchases as these items had been moved to the rear of the store. He said there is now nothing in the front of the store. He denied that there were holes in the parking lot any worse than elsewhere in Centerville and that since the arrival of spring these holes have been repaired. They are in business, he stated, and conduct it in a dignified manner. This is not a new sign they want to erect, but a replacement. Had they been aware of this ordinance they probably would not have removed it. They did not want any accidents, they were asked to remove it and they did. They could have used the other steel, but since it was removed it will have to be replaced.

Mr. Maxton asked Mr. Goldman what official transcripts he was referring to. Mr. Goldman said he did not know what the date was of the meeting of the transcripts he read. Mr. Shapiro said that this might have been some remarks that were made regarding the Foto-Fair application. Mr. Goldman made reference to having read or heard something. Mr. Maxton advised them that no such comments were a part of the official minutes and that the then chairman, Mr. Harold Wells reminded the P. C. members that any such remarks were not to be considered in the decision regarding the Foto-Fair.

Mr. Maxton asked for comments by those in opposition and there were none. Those in favor; none. Public Hearing closed.

Mr. Myers said that he can appreciate Mr. Goldman's situation, the store definitely is located a considerable distance back from the highway. However, having been one of those who helped revise the sign ordinance he would consider himself hypocritical to approve reconstruction of this sign.

Mr. Maxton stated that a target date is in mind to bring the non-conforming signs into conformity. He feels we should conform to the ordinance.

Mr. Tate questioned the propriety of the person who advised Mr. Goldman to remove the steel.

Mrs. Lake mentioned the date of conformity (approx. 3 years hence) and wondered about a re-constructed sign having to be replaced at that time.

Mr. Wilson was aware of the aforementioned ordinance and that such free-standing signs would be required to be removed. However, he feels that at that time Centerville will have to pay for the signs that will have to be replaced.

Mrs. Lake suggested solving the conformity problem now rather than reconstructing the sign and having to conform later.

other

Mr. Shipiro stated that there is no type of sign that would be of help to the Goldman's store. He said there are a good many businesses relying on freestanding signs and that Centerville will have problems getting businesses to conform.

Mr. Goldman asked that when you carry an ordinance of that nature that involves many businesses in the town, are the merchants advised or is it all kept a secret?

Mr. Maxton said that all public hearings are published in five places in the City. All public hearings are open to the public and all comments are welcomed.

Mr. Goldman questioned if this public hearing would have been prior to the passing of the ordinance. He also questioned if it is legally the City's responsibility to notify the people that at a specified date the signs must come down.

Mrs. Lake thinks that it would behoove the sharp management at Goldman's to keep on top of these things.

Mr. Goldman said they claim an economic hardship, they don't have any store identification without the sign.

Mrs. Lake asked Mr. Winterhalter about the setback requirement should a different freestanding sign be erected. Answer: 25' setback requirement.

Mr. McCrabb asked Mr. Goldman if he is granted a variance to reconstruct a freestanding sign and when the time to remove such signs comes, will you remove it? Mr. Goldman answered yes.

Mr. McCrabb asked about the events surrounding the removal of the sign. Mr. Winterhalter said that he had talked at that time with the Wilson Sign Co. and that the Co. was aware of Centerville's ordinance. The sign was laying down in the parking lot after the storm.

Mr. Goldman said that this is not correct - Mr. Wilson was not brought into this at that time. A lady called Goldman's law office and told Mr. Goldman to return the call which he did and she then told him there was a lot of debris on the parking lot and that it should be removed. He said these problems cannot be taken care of "at the snap of a finger". (He cited a current problem with trash on the lot to the north of the store.) He said the lady was from the City Beautification Committee and that they cleaned up the debris. He said he had other (storm) problems at other of his store locations and that the sign could have been repaired but they had it removed, as they were told. Mrs. Lake commented that 'ignorance of the law is no excuse' - and Mr. Goldman said that he could not dig into 'every little thing'. He mentioned the excessive tax he has to pay in Centerville. He said they want to do business here - a sign isn't going to hurt anything - they are willing to cooperate - we are at your mercy. He is disturbed at the treatment he has been getting and thinks Centerville is keeping them from doing business.

Mr. Winterhalter read the ordinance regarding these signs, and commented that the question is whether or not to allow this variance, regardless of the fact the destroyed sign was removed.

Mr. Goldman asked Mr. Winterhalter who he had talked with at that time. Answer: Mr. Hardin at the Wilson Sign Co. office.

Mr. Maxton said he feels the ordinance is very explicit.

Mr. Myers moved to reject this variance request. Seconded by Mr. Maxton. Variance request denied. (5-2) Those in favor of rejection: Gillingham, Myers, Baker, Maxton & Lake. Those opposed to rejection: Tate & McCrabb (McCrabb commented that his concern was regarding the 50% aspect.)

Mr. Wilson asked if variances were permitted in unusual hardships. He feels that hardship should be the question in this case.

Mr. Maxton read the requirement for applicants to appeal. The applicant has five (5) days to file a notice of intent to appeal and a petition must be filed within 15 days. The applicant will then be scheduled for appeal before Council.

Mr. Goldman asked if Foto-Fair could appeal - Mr. Winterhalter said that he had told Foto-Fair management they can appear before the P. C. again, Foto-Fair was given the information regarding the five days to file a notice of intent to appeal when they appeared before the P. C. & they did not file. Mr. Goldman said that not allowing the Foto-Fair on their lot presented them with another hardship.

Unfinished business

1. Carriage South (Trace) outdoor trailer storage and parking plan.

Mr. Winterhalter briefly outlined the area on the map and stated that we need the landscape plan before we consider this.

Mr. Maxton would like to see this in relation to the other areas

Mr. Myers asked why this was being resubmitted. Mr. Archdeacon said it was because P. C. did not like it where it was on the original plan, the objection was to its being adjacent to the single families. Mrs. Lake said that there had been no formal objection, merely comments from the members - no vote was taken, no motion made.

Mr. Maxton said that no action would be taken on this at this time. The Landscape Plan will be on the agenda for the next meeting under unfinished business.

2. Centerville Lanes application for extension of bowling alley.

Mr. Winterhalter showed a drawing of the plan pointing out the landscaping and the parking. The Lanes have agreed to take down the sign. They have also included the screening as suggested by P. C. All the changes as suggested previously have been made.

Mr. Ken Kline, Clareridge Lane, Manager of Avco was available at the meeting to answer any questions.

Mr. Gillingham expressed his appreciation for their cooperation in removing the sign.

Mr. Gillingham moved to approve the plan as presented. Seconded by Mr. Baker. Approved unanimously.

New Business

1. Woodbourne, Section 32, record plan approval. (Washington Township)

Mr. Winterhalter reviewed the plan briefly

Mr. Gillingham questioned the restriction on #9 - "not less than 1200 sq. ft."

Mr. Winterhalter said this is minimum - most covenants are minimal.

Mr. Tate moved to approve the record plan as presented, with bond at \$14,400, and approval of the construction drawings, and an inspection fee of \$104.

Motion seconded by Mr. Myers.

Mr. C. K. Wildesinn, 456 W. Whipp, stated that a good bit of the work has been finished on this section, when they did Section 29 water and sewer was extended into section 32.

Motion approved unanimously.

2. Zoning Map changes (13) - to correct a change in conditions.

Mr. Winterhalter briefly reviewed the proposed changes and the reasons for same.

Mr. Gillingham asked who requested these changes be made. Mr. Winterhalter said that this was requested by the City.

Mr. Winterhalter was requested to give the P. C. members maps of this area with proposed changes for their review prior to setting the public hearing.
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Public Hearing will/set for the next regular meeting in June (June 25, 1974).

3. General

Mr. McCrabb asked what opinions have been received as requested of the City Attorney (through Mr. Winterhalter). Mr. Winterhalter said that only a few answers have been recieved.

Mr. Maxton asked that everything pertinent to the meetings be in the packet prior to the meetings so time is not required to read this during the meeting.

Mr. Tate asked if the Actg. City Mgr. should be attending these meetings. Mr. Baker believes he should be in attendance. It was felt that the Actg. City Mgr. could benefit from attending but that his attendance is not mandatory.

The P. C. members agreed that the City Engineer should be in attendance, and if this is not possible a designated assistant familiar with engineering

problems (such as those regarding drainage, etc., which came up at this meeting) should attend in his stead.

Mrs. Lake commented on the opinions that have been requested of the City Attorney saying that we must have these opinions when they are needed to make decisions. Mr. Winterhalter's future requests for opinions from the City Attorney will include a date by which the P. C. should receive this information.

4. Review procedure for planning 35 acre park.

Mr. Gillingham and Mr. Baker attended the meeting regarding this park planning. Mr. Baker reported that the P. C. is to act as a neutral body - one with no particular, special interest for the park i.e. baseball, arts, etc. City boards, groups, etc., have been asked to get their recommendations in for consideration.

Mr. Winterhalter stated that the Little League and the "Y" should be added to the list of those interested in helping to plan this park.

Mrs. Lake said that the "Y" should really have acreage of their own, to include them in this 35 acres would not allow them the growth possibilities they will require within a number of years. She did not, however, advocate eliminating the "Y" from the list. All qualifying groups will be included in the list.

Mr. Baker said that each group is being advised to ask for whatever they choose; cuts will, of course, be required later. State and Federal funding assistance will be requested.

5. R. B. Ferguson Plat #1 - Preliminary Plan

This plan was submitted for approval of only one lot. Mr. Winterhalter recommended that the total subdivision plan be reviewed at one time.

The P. C. agreed to review the balance of the undeveloped parcel and not to review one lot only. This will be done at a subsequent meeting as submitted.

Next meeting to be held June 11, 1974

Meeting adjourned at 11:55 p.m.

