

CENTERVILLE PLANNING COMMISSION
Regular Meeting Minutes
J. V. Stone Council Chambers, 100 W. Spring Valley Road
Tuesday, July 27, 2021

At 7:02 p.m., Vice-Chairperson Kevin Von Handorf called the meeting to order and led the Pledge of Allegiance.

ATTENDANCE

Members Present: Kevin Von Handorf, Amy Korenyi-Both, Jim Durham, Bill Etson, Robert Muzechuk and Don Stewart.

Also present were City Planner Mark Yandrick, Municipal Attorney Scott Liberman, Development Director Michael Norton-Smith, Assistant City Planner Joey O'Brien, Planning Intern Max Lambert, and Assistant Clerk of Council Donna Fiori.

EXCUSE ABSENT MEMBERS

MOTION: Mr. Stewart made a motion to excuse Kevin Von Handorf from the June 29, 2021 Planning Commission meeting; seconded by Mr. Etson. The motion passed 5-0 with Mr. Von Handorf abstaining.

APPROVAL OF MINUTES

Minutes of the Planning Commission regular meeting on June 29, 2021 had been distributed prior to this meeting.

MOTION: Ms. Korenyi-Both made a motion to approve the June 29, 2021 Planning Commission regular meeting minutes as distributed; seconded by Mr. Muzechuk. The motion passed 4-0 with Mr. Von Handorf and Mr. Stewart abstaining.

PUBLIC HEARINGS

**P-2021-0021 – Variance
Rob and Connie Laumann
918 Thorndale Dr.**

Mr. O'Brien provided a PowerPoint presentation detailing the property description, application summary, site history, building setback details, and standards of approval. The applicant requests a 44'-2" rearward building setback variance to allow for the construction of a three-season screened in porch. The rearward setback in the R-1c zoning district is 50' from the property line.

Commission members discussed the presence of properties in the subdivision that currently encroach the 50' building setback which sets no precedence in determining a variance case.

Mr. Von Handorf opened the public hearing.

Tony Witt, representative for the homeowner, described the proposed addition and rationale for its size which necessitates the variance.

Commission members discussed the following:

- The parkland dedication which allowed for various lot sizes.
- The house was built in the City of Centerville with Washington Township R-4 zoning and the frontyard setback requirements were greater than its current Centerville R-1c zoning. This does not create a unique circumstance since it applies to the entire subdivision.
- There is no right to a non-conformity with new construction.

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- Reasonable use of this property exists since they have a house and an area where an addition can be placed though it may not be the size or location the applicant would like it.
- The standards of approval are to be considered and weighed by Planning Commission in determining if a practical difficulty or hardship unique to the property exists.

Mr. Von Handorf closed the public hearing.

Mrs. Korenyi-Both inquired about the process for the applicants. Mr. Yandrick explained the various scenarios and options for the applicants going forward which had been communicated to them.

Mr. Muzechuk asserted a reasonable practical hardship exists due to the current layout of the subject property not allowing for the desired size porch addition to be constructed.

Mr. Durham inquired of Mr. Liberman would there be a basis for winning a lawsuit in the Court of Common Pleas with this case. Mr. Liberman expressed the difficulty with speculating and explained what the Court of Common Pleas would look at to determine its finding.

Commission, staff, and Mr. Liberman discussed differences between legal non-conformities and zoning violations without permitting.

MOTION: Ms. Korenyi-Both made a motion to approve variance application P-2021-0021. Mr. Muzechuk seconded the motion. The motion failed 3-3.

OLD BUSINESS - None

NEW BUSINESS - None

COMMUNICATIONS

Mr. Yandrick provided an update on the City Schools Record Plat and that he anticipates applications for the August meeting.

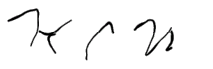
Mr. Von Handorf requested that the email from staff with the meeting packets include a list of Commission members that have requested to be excused from that meeting. It was agreed this would be good practice and will be implemented going forward.

The next meeting of Planning Commission is scheduled to take place on August 31, 2021, at 7:00 p.m.

ADJOURNMENT

Seeing no further business, Mr. Von Handorf adjourned the meeting at 7:38 p.m.

Submitted By: Donna Fiori


Approved – Chairperson (Acting)

9/6/2021
Date