

CENTERVILLE PLANNING COMMISSION
Regular Meeting Minutes
J.V. Stone Council Chambers
Tuesday, September 24, 2024

At 7:00 p.m., Chairperson Paul Clark called the meeting to order.

ATTENDANCE

Members Present: Chair Paul Clark, Vice-Chair Kevin Von Handorf, Amy Galloway-Roma, and Don Stewart.

Also present were City Planner Ian Vanness, Municipal Attorney Scott Liberman, Councilmember John Palcher, and Assistant Clerk of Council Donna Fiori.

Members Absent: Bill Etson and Amy Korenyi-Both.

EXCUSE ABSENT MEMBERS

Mr. Etson previously communicated he could not attend the meeting.

MOTION: Mr. Stewart made a motion to excuse Bill Etson from the meeting; seconded by Mr. Von Handorf. The motion passed 4-0.

APPROVAL OF MINUTES

Minutes of the Planning Commission's regular meeting on August 27, 2024 had been distributed before this meeting for review.

MOTION: Mr. Von Handorf made a motion to approve the August 27, 2024 Planning Commission regular meeting minutes as distributed; seconded by Ms. Galloway-Roma. The motion passed 4-0.

Mr. Clark read an opening statement.

PUBLIC HEARINGS

**P-2024-0021 – Variance
Bill Bok
800 Yankee Trace Drive**

Mr. Vanness reviewed the staff report displaying the property description, application summary, standards of approval, and staff analysis. The applicant, Bill Bok, the property owner, is seeking a variance to reduce the minimum front yard setback requirement of 35 feet to 25 feet for a two-story addition to his single-family residence. The proposed addition will be approximately 470 square feet, extending about 15 feet from the existing attached garage, and will include a 170 square-foot guest bedroom. The existing garage will be relocated to the north. Mr. Bok purchased the property in 2021 to downsize from his previous home and the addition aims to provide more space for his children during visits.

Mr. Vanness noted as a matter of practice, staff only provides analysis and not a recommendation on variances. If the Variance is approved, then staff recommends the following one (1) condition:

1. All review comments from public and utility review agencies shall be incorporated into final construction documents to the satisfaction of the City Planner.

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Mr. Clark opened the public hearing.

Bill Bok, 800 Yankee Trace Drive, addressed the Commission and indicated he initially considered adding to the south side of his property however, he discovered that the adjacent parcel is owned by the City of Centerville, which complicated potential expansion in that direction. Mr. Bok stated they have maintained the adjacent city-owned property including irrigation and upkeep, believing it was part of his lot. Mr. Bok discussed modifications to his landscaping, including reducing the size of a garden bed and removing obstructive pine trees to improve visibility for traffic. He confirmed that he received approval from the homeowners' association (HOA) for the proposed addition and acknowledged the need to check for any additional requirements from Montgomery County regarding the proposed construction. He expressed the need for an extra bedroom to accommodate his children when they visit and believes it will enhance neighborhood value.

Mr. Vanness clarified that during the initial discussions with Mr. Bok, he was considering an addition on the southeast part of his property. However, that option would have required both a variance and a lot line adjustment, necessitating the city to sell property which led the applicant to explore alternative options for the addition.

Tim Wolfe, 1104 Club View Drive, expressed concerns about the proposed variance, noting that he had to comply with regulations and was advised against seeking variances when building his own home. He indicated he liked the openness of the area and worried that granting this variance could set a precedent potentially leading to a series of extensions that could disrupt the neighborhood. Mr. Wolfe indicated that an extended garage could obstruct views and emphasized the importance of maintaining clear sightlines at the intersection for safety.

Seeing no one else come forward, Mr. Clark closed the Public Hearing.

Mr. Clark inquired about the HOA approval. Mr. Vanness confirmed that the HOA approved the encroachment, but the applicant must submit architectural drawings for further approval by the HOA if the variance is approved by the City.

Mr. Stewart inquired about existing homes with a 25-foot setback within the development. Mr. Vanness noted that homes along Clubview Drive and Vintage Lake Court have 25-foot setbacks and that setbacks along Yankee Trace Drive vary due to utilities.

Mr. Liberman reminded the Commission that in evaluating variance cases, they must assess whether the applicant faces practical difficulties in using their land. Precedents should not be the basis for decision-making; each case must be evaluated individually.

Mr. Stewart inquired if the original design for the properties included the 25-foot setback. Mr. Vanness confirmed this understanding.

Mr. Von Handorf inquired if the change in setback requirements from 25 feet to 35 feet followed the adoption of the current Unified Development Ordinance (UDO). Mr. Vanness acknowledged the timeline but expressed unfamiliarity with the old code standards and indicated that the original requirement was defined through the planned development process.

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Mr. Von Handorf clarified that the original setback was 25 feet, established through the planned development process, and later revised to 35 feet in the current UDO, aligning with the subject property's setback.

Ms. Galloway-Roma referenced standard of approval #3 regarding the need for a unique circumstance or condition, noting that an irregular lot might qualify but questioned the definition of "unique." She indicated that the request for an extra bedroom does not seem unique and mentioned that the size of the house and lot should have been considered prior to the purchase.

Ms. Galloway-Roma discussed standard of approval #4 regarding proof of hardship, indicating that while difficulty exists, it is self-created. Additionally, she addressed standard of approval #5, suggesting that the house is already being used reasonably and that the desired bedrooms were known at the time of purchase.

Ms. Galloway-Roma asserted that variances are generally not approved by the Commission unless unique circumstances are present, which may or may not apply in this case. She noted the potential for the case to be referred to City Council on an appeal if the variance is denied.

Mr. Von Handorf expressed agreement with most points raised by Ms. Galloway-Roma. He highlighted difficulty in understanding the proof of hardship due to the strict application of the ordinance that was not created by the property owner and referenced the timeline of the 25-foot and 35-foot setbacks to support his view.

He acknowledged that the irregular shape of the lot could represent a hardship not created by the applicant and noted that the lot was developed under one set of rules, which changed to a broader ordinance affecting the entire zoning area, establishing the 35-foot setback. He explained that while a regular lot may not be affected significantly, an irregularly shaped lot has a reduced buildable area, leading to a disproportionate impact compared to neighboring properties. Mr. Von Handorf concluded that he sees the hardship as valid but aligns with the points discussed by others.

Mr. Stewart concurred with the comments raised by the Commission.

With no further discussion, Mr. Clark called for a motion.

MOTION: Mr. Von Handorf made a motion to approve the variance request for application P-2024-0021 with one (1) condition as recommended by staff; seconded by Mr. Stewart. The motion failed 2-2 with Mr. Clark and Ms. Galloway-Roma voting no.

COMMUNICATIONS

Mr. Vanness spoke about:

- Provided an update on the Continental Properties proposal for the Springs at Centerville apartment development at 7155 Wilmington Pike. Monitor the City of Centerville's website for updates.
- Reminded attendees to sign up for Email notifications to receive updates on agendas for the Planning Commission and City Council.

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Mr. Liberman shared proper communication protocol regarding pending applications. He clarified that it is inappropriate for Planning Commission members to discuss pending applications with the public. Mr. Liberman recommended referring inquiries to the City’s website or the City Planner for official information. He noted City Council members have more flexibility to discuss issues as elected officials, whereas Planning Commission members must wait until applications are formally presented. He emphasized that the upcoming application for Continental Properties will be treated like any other and that members will receive timely packets for review. Mr. Liberman reiterated the need to maintain proper protocol until the application is before the commission.

Mr. Clark provided an update on the interview process for the open Planning Commission seat. He noted that multiple qualified applicants were interviewed and a recommendation will be made to City Council.

Mr. Clark noted that Ms. Korenyi-Both did not attend the meeting and failed to provide prior notice which will result in an unexcused absence.

ADJOURNMENT

There being no further business, Mr. Clark adjourned the meeting at 7:34 p.m. The next Planning Commission meeting is scheduled for Tuesday, October 29, 2024.

Submitted By: Donna Fiori

Paul Clark
Approved – Chairperson

10/31/2024
Date