

PLANNING COMMISSION  
Regular Meeting  
Council Chambers  
100 W. Spring Valley Road  
Tuesday, March 27, 2018

At 7:00 p.m., Mr. Clark called the meeting to order and led the Pledge of Allegiance.

ATTENDANCE

Present: Paul Clark, Amy Korenyi-Both, Jim Durham, and Bill Etson. Also present were City Planner Andrew Rodney, Planner Mark Yandrick, Municipal Attorney Scott Liberman and Assistant Clerk of Council Julie Weaver.

Absent: Robert Muzechuk, Don Stewart and Kevin Von Handorf had given notice they would be absent.

EXCUSE ABSENT MEMBERS

MOTION: Ms. Korenyi-Both made a motion to excuse the three absent members. Mr. Etson seconded the motion. The motion passed 4-0.

APPROVAL OF MINUTES

No additions or corrections were suggested for the minutes of the Planning Commission meeting of February 27, 2018.

MOTION: Ms. Korenyi-Both made a motion for approval of the minutes of the Planning Commission meeting of February 27, 2018, as distributed. Mr. Etson seconded the motion. The motion passed 4-0.

READING OF THE OPENING STATEMENT

Mr. Clark read the opening statement for public hearings.

PUBLIC HEARINGS

Application P-2018-0008: Conditional Use Request by Jeremy Roadruck  
for an Indoor Recreation Club at 168 West Franklin Street

Mr. Rodney gave the staff report for the Conditional Use application submitted by Jeremy Roadruck of Meng's Martial Arts of Centerville for approval of a martial arts studio at 168 W. Franklin Street, adjacent to Magzig Middle School, in area zoned O-S, Office-Service. The "Indoor Recreation Club" designation is the closest zoning classification for the martial arts use and refers to a site for indoor training or exercise. The use can be permitted with the approval of Planning Commission and City Council.

In analyzing the request, Mr. Rodney located the property using a zoning map and an aerial view. Showing the original site plan, he stated no changes to the exterior of the building were anticipated; most activities would be inside the building. He stated parking was adequate; the small classes should have a minimal impact on the neighborhood, and the Planning Department had not received any objections from neighbors. Since the standards of approval appeared to be met, he recommended approval of the Conditional Use application without conditions.

When Mr. Clark opened the public hearing, the applicant, Mr. Jeremy Roadruck of 4239 King Bird Lane in Miamisburg, discussed the parking situation, stating it was not problematic. Most families delivered students and picked them up after class, so the parking lot generally will be well below capacity.

Seeing no other speakers, Mr. Clark closed the public hearing.

MOTION: Ms. Korenyi-Both made a motion to approve Application P-2018-0008, the Conditional Use request for an Indoor Recreation Club at 168 W. Franklin Street. Mr. Etson seconded the motion. The motion passed 4-0.

The Conditional Use application will be on Council's agenda for public hearing on April 16, 2018.

Application P-2018-0009: Variance for a Shed in a Front Yard along Hidden Hills Drive  
By Jeffrey Heil, 855 Fernshire Drive

Before starting the staff presentation for the variance requested by Jeffrey Heil for a 40' x 12' storage shed on a frontage at his home at 855 Fernshire Drive, Mr. Yandrick noted two additional exhibits and an email related to the case were at the Planning Commission desks.

Mr. Yandrick explained Mr. Heil has streets in front of and behind his house. A portion of the back of the lot is adjacent to the right-of-way on Hidden Hills Drive and that portion is considered a second "front yard" per the Unified Development Ordinance adopted in 2008. Because the UDO does not permit an accessory structure in a front yard, Mr. Heil sought a variance to allow replacement of his damaged and demolished shed. He was not able to locate the storage building in the portion of the yard defined as "rear yard" because of an existing swimming pool and steep terrain. The question of the variance is whether the physical aspects of the yard create a hardship sufficient to justify the variance for use of the "front" yard area facing Hidden Hills.

Mr. Yandrick shared a brief history of the development of the property with its house, pool and shed. He included some of the current issues related to the property. The original shed was grandfathered as legally non-conforming when the Centerville statutes were updated, but this grandfathered structure may not be replaced without a variance. Mr. Yandrick used an aerial map, a zoning diagram defining the areas of the yard and photos to demonstrate current conditions. The photos showed firewood, brush and numerous items from the old shed stored outside on open ground. A gate at the rear of the property accessed the yard; however the gate may not be used by motorized vehicles without a hard-surface driveway. Any damage to the grass must be restored upon the completion of the new shed. In addition, a neighbor shared concerns with the

Planning Department about encroachment of Mr. Heil's chain link fence onto the neighbor's property. Mr. Yandrick stated the encroachment was a private issue to be settled by the homeowners.

When Mr. Durham asked whether the property touched public right of way, Mr. Yandrick confirmed that it did.

Using the diagram with the front and rear yards clearly defined, Mr. Yandrick declared staff analysis showed the property was unique. The portion of the yard labeled as "rear yard" has the quadrant with the pool and a steep grade. The only portion of the yard behind the house suitable for the 40' x 12' shed was the "front" yard. Stating the requested variance could meet the standards for granting the variance, Mr. Yandrick recommended approval, subject to the following four (4) conditions:

1. The accessory structure must maintain the front-yard setback distance of 35' required for the zoning district.
2. Trash or debris from the yard must be removed prior to the issuance of a zoning certificate.
3. The existing fence shall be relocated if it is found to encroach upon neighboring properties prior to issuance of a zoning certificate.
4. The grass area behind the curb along Hidden Hills Drive shall be restored to City standards once construction is complete.

When Mr. Etson asked the size of the original shed, Mr. Yandrick stated he did not know the dimensions and added the requested size of the replacement was within the permitted square footage for accessory structures.

Noting the receipt of emails from David Coggins and from David and Vicky Gentry, Mr. Clark opened the public hearing.

The applicant, Mr. Jeffrey Heil of 855 Fernshire Drive, stated he had done many improvements and renovations since purchasing his property. In fall 2017, a tree fell on his storage shed, demolishing it. In seeking the permit to replace the shed, he discovered the need for the variance. He said he was working to comply with City requirements and to build an aesthetically pleasing structure. He had chosen natural materials and a porch. When the property was surveyed to determine whose tree had destroyed the shed, the question of the fence came up.

Mr. Rodney shared that the chainlink fence in the front yard was also legally non-conforming. A separate variance would be needed to move the chain link fence or to construct a wood privacy fence six feet high in a front yard area.

Jim Coyle, a neighbor at 6370 Shadow Lake Trail, stated the proposed new shed was very large. He did not think a shed 12' high was needed for the storage of pool equipment.

David Coggins of 6420 Hidden Hills Drive, owner of the property south of Mr. Heil's, stated there was a problem with stormwater run-off from 855 Fernshire; the addition of a shed in the proposed location would exacerbate the problem. He stated that he favored approval of a privacy fence for Mr. Heil, since it would improve the look of the property for the neighborhood.

Jason Beougher, 790 Kentshire Drive, also spoke of the excessive size of the proposed accessory building. He questioned what uses Mr. Heil had in mind.

Mr. Coyle, 6370 Shadow Lake Trail, asked what direction the building and the porch would face.

Peggy Coggins, 6420 Hidden Hills Drive, spoke of the unobstructed view of the new building from her bedroom window. Prior to the destruction of the old shed, her family had removed the invasive honeysuckle that provided some degree of screening. Now they would be looking directly at the proposed shed. She stated the neighboring property was unsightly and that she was in favor of a privacy fence. She also noted the rear of the Heil property was the first thing visitors saw when driving into Hidden Hills. The property did not make a favorable impression.

Bruce Macke, 6410 Hidden Hills, shared that he had paid for the survey shown by the stakes in Mr. Yandrick's photos.

Peggy Butts, 6521 Shadow Wynd Circle, asked for the rear of the property to be cleaned up to improve "curb appeal" for the neighborhood. She also mentioned stormwater run-off from 855 Fernshire Drive.

Henrietta Chandiramani, 6341 Shadow Lake Trail, stated the shed was very large and wanted to know if the City could approve an asphalt drive to the shed for access from Hidden Hills Drive.

Mr. Rodney responded that a connection to a public right-of-way would require a curb cut permit. The application would be reviewed by engineering staff to determine if there is a legitimate reason. In response to a question from Mr. Durham, Mr. Rodney agreed homeowners have a general right to access and that such a permit could be issued.

Jim Butts, 6121 Shadow Wynd Circle, pointed out that no other property in Hidden Hills had a shed 40' long and 12' wide. He wanted to know the true intentions of the owner for the building.

When Mr. Clark asked Mr. Heil which direction the porch would face, Mr. Heil responded it could be on either end of the building. Mr. Heil added the zoning code permitted a shed up to 750 square feet. He stated he wanted to provide storage for equipment, outdoor furniture and pool toys for his seven grandchildren. He stated that he had been working diligently with the City to get the shed replaced. He noted his front yard was attractive, and he was trying to fix the problems with the rear yard. He had made significant investments in both the interior and the exterior of his property since purchasing it.

Mr Clark closed the public hearing.

Prior to the vote, Mr. Durham commented on the case. He reiterated that the task for the Planning Commission was to determine whether there was enough practical difficulty to grant the

variance for a shed in the front yard. The size of the building, the stormwater runoff, the privacy fence, and other issues were not directly related to the decision of the Planning Commission on the variance. Staff would be responsible for reviewing these items during the permitting process.

MOTION: Mr. Durham made a motion to approve the variance to permit an accessory structure in the front yard along Hidden Hills Drive. Ms. Korenyi-Both seconded the motion. The motion passed 4-0.

Mr. Liberman asked if Planning Commission wished to include the conditions recommended by staff, since they were not included in the motion.

MOTION: Mr. Durham made a motion to reconsider the previous vote. Ms. Korenyi-Both seconded the motion. The motion passed 4-0.

MOTION: Mr. Durham then made a motion to approve the variance for an accessory structure in the front yard along Hidden Hills Drive, subject to the conditions recommended by staff as shown above. Ms. Korenyi-Both seconded the motion. The motion passed 4-0.

Application P-2018-0006: Major Site Plan for Kettering Health Network  
6661 Clyo Road

Stating Kettering Health Network intended to use the building at 6661 Clyo Road for medical offices, Mr. Rodney gave the staff report on the application for approval of a Major Site Plan submitted by Domenico Stolfo for Synergy Building Systems. Using an aerial map, the City Planner located the building in an O-S, Offices-Service, zoning district and shared the zoning for surrounding properties, before projecting photos of existing conditions. The proposal would redirect drive aisles to the rear of the building where client parking and the main entrance would be located. The 100 parking spaces meet the zoning code. The Major Site Plan showed the trash enclosure and the light poles as currently located, but the light fixtures would be replaced. Mr. Rodney presented the traffic flow modifications, the cosmetic treatments for the building façade and the landscaping upgrades. He note significant interior changes were required to set up the office spaces, but these were not relevant to Planning Commission's determination.

Mr. Rodney passed around a sample of the metal composite with a wood finish that would be used along with stone accents on the decorative section of the front façade. The current green metal roofing accents would be painted brown.

The City Planner stated the Major Site Plan for Kettering Health Network at 6661 Clyo Road met the Unified Development standards for approval. He recommended approval without conditions.

When Mr. Clark asked the length of the east elevation, Mr. Rodney estimated it to be about 100 feet. Mr. Clark noted there were no demarcations or offsets, and Mr. Rodney pointed out that the UDO did not have a requirement for adding features as part of this type of facelift.

Mr. Clark invited John Kopilchack of Synergy Building Systems, the applicant, to the podium to comment. Mr. Kopilchack stated Mr. Rodney had covered the basics of the plan, and he shared his willingness to answer questions. Hearing none, he returned to his seat.

Members had a brief discussion whether to approve the use of the wood-look composite as separate item with the conditions but decided that the area was small enough to be insignificant.

MOTION: Mr. Durham made a motion to approve the Application P-2018-0006, the Major Site Plan for Kettering Medical Network at 6661 Clys Road. Ms. Korenyi-Both seconded the motion. The motion passed 4-0. No conditions were attached to the approval.

#### DISCUSSION OF THE POSITION OF VICE-CHAIR

Mr. Rodney introduced the topic of Vice-Chair, which requires annual renewal per the Planning Commission's *Rules of Procedure*. The members concurred they wished to hold this discussion at a meeting when more members were present.

MOTION: Mr. Durham made a motion to table the discussion and appointment of a new Vice-Chair until the next meeting. Ms. Korenyi-Both seconded the motion. Planning Commission approved the motion with a vote of 4-0.

#### COMMUNICATIONS

After announcing that he and Mr. Liberman would not be at the April meeting, Mr. Rodney listed potential upcoming applications. He expected the agenda to include the Amended Final Development Plan for Cornerstone North, Phase III, the Major Site Plan for the expansion of Tire Discounters on Feedwire Road and a variance for signage at the Home2 Suites by Hilton on Wilmington Pike. The hotel will be requesting to move its wall sign from the west side of the building to the south façade.

The next meeting of the Centerville Planning Commission will be held in the Council Chambers at 7:00 p.m. on Tuesday, April 24, 2018.

#### ADJOURNMENT

Seeing no further business, Mr. Clark adjourned the meeting about 8:05 p.m.

  
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Paul Clark, Chair