

**MINUTES OF MEETING**  
**INDIAN HILL PLANNING COMMISSION**  
**MARCH 17, 2009**

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, March 17, 2009 at 7:30 p.m. in the Fire Department's Training room at 6475 Drake Road.

Members Present: Paul F. Madden  
David T. Ottenjohn  
Jane G. Koppenhoefer  
Richard C. Wiggers  
Abbot A. Thayer

Members Absent: None

Officials Present: Michael W. Burns, City Manager  
David M. Couch, Assistant City Manager  
George C. Kipp, Project Manager

Visitors Present: Ron Roberts, Roberts Engineering, Inc.  
John Lanier, Hannibal Development  
Dale Kroeger, 6510 Adams Avenue  
Doug Ratterree, 6829 Ohio Ave., Silverton, OH  
Jim Schloemer, 8075 Remington Road

Chairman Madden called the meeting to order and asked for comments or corrections to the January 20, 2009 Planning Commission minutes. There being none, Mr. Ottenjohn made a motion to approve the minutes. Mrs. Koppenhoefer seconded, and the minutes were approved by a unanimous voice vote.

Mr. Madden asks for anyone planning to speak on behalf of either case, to please stand, raise their right hand, and be sworn in prior to speaking.

**Item Number 1:** The Hannibal Development Company is requesting a twenty-four (24) month extension to the previously approved Preliminary Plat for Phase 2A of the Twin Fences at Peterloon Subdivision.

Mr. Ron Roberts, with Roberts Engineering, Inc., comes before the Commission and states that they are requesting the extension based on the present state of the economy. This time will allow them to finish the design and sell more properties.

**Staff Report:** Mr. Couch notes that the request before the Commission is for a twenty-four (24) month extension to the previously approved Preliminary Plan that was approved on May 15, 2007 for Phase 2A of the Twin Fences at Peterloon Subdivision.

The Indian Hill Subdivision Ordinance allows the Commission to grant extensions under Section 6.2.4 (f) Planning Commission Consideration and Action – “Approval of the Preliminary Plat will be effective for twenty-four (24) months unless extended by the Commission or otherwise approved pursuant to a phasing plan. In no event shall a Preliminary Plat approval be effective for more than forty-eight (48) months.

In accordance with the Indian Hill Subdivision Ordinance, Staff recommends that the twenty-four (24) month extension request for Phase 2A of the Twin Fences at Peterloon Subdivision be approved.

Mr. Thayer made a motion to grant the request for the extension through May 14, 2011. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

**Item Number 2:** Mr. Dale Kroeger, residing at 6510 Adams Avenue, is requesting a variance to permit the conversion of an attached garage to living space. The existing dwelling is non-conforming and encroaches into the front, rear, and side yards.

Mr. Dale Kroeger comes before the Commission and states that the house was built in 1942. He would like to use the existing garage to expand the living room and bedroom without increasing the overall size of the house.

Mr. Doug Ratterree, the General Contractor for the project, states that they have no intentions of going outside the existing footprint of the house. The goal is to bring the living space up to code and make the home more comfortable for Mr. Kroeger.

**Staff Report:** Mr. Couch explains that Mr. Kroeger would like to convert the existing garage into living space.

The property is located in District “C” – one acre and is a non-conforming lot of record with a lot area of .115 acre. The lot frontage is non-conforming at 49.77'. The required frontage is 150' for District “C”.

The existing house was constructed in 1942 and pre-dates the Indian Hill Zoning Ordinance. The house is located in a non-conforming location encroaching into the front, rear, and both side yard setbacks. The dwelling is located 28.7' from the front lot line and 44' from the rear lot line. The required front and rear yard setback is 75'. The required side yard setback is 20'. The house is located 9.1' from the south side lot line and 5' from the north side lot line.

Mr. Couch notes that the garage is approximately 11.1' X 25.9', and is not functional for the purpose of parking a vehicle inside. The height of the garage doorway entrance is 6.2' and the width is 7.1'. The applicant's vehicle will not fit inside the garage.

Staff previously informed the applicant that expanding the width of the garage is not an option due to all the non-conforming conditions that exist. The current plan calls for the demolition of the existing garage with the existing foundation to remain. The outside dimensions of the proposed structure will remain the same although the roof portion will be 3' higher. The increased roof height is needed to match the grade of the existing house foundation and to accommodate an 8' ceiling. The existing garage floor is 20" lower than the foundation of the house.

Staff finds that the existing structure predates the Indian Hill Zoning Ordinance, and the non-conforming location of the structure creates an exceptional practical difficulty for the owner. The existing non-conforming conditions are by no action of the current owner, and granting the variance will not be injurious to the adjacent property owners or impair property values within the neighborhood. The request is not in conflict with the Village's land use policies and objectives or the general intent of the ordinance.

Mr. Couch comments that he did receive an email from a concerned neighboring resident inquiring if the approval of this request would create more traffic or parking on the street. After reviewing the Ranger's police log over the past ten years, only one record was found regarding a complaint related to parking on the street. The complaint involved a trailer that was parked on the street overnight during construction.

Mr. Couch notes that he measured the length and width of the driveway. The length is forty-three feet (43') and the width is eleven feet one inch (11'1") which is more than sufficient for parking two vehicles.

The Commission has ruled in favor of previous requests when a non-conforming condition is not created or worsened. Staff finds that the request meets the standards for approving a variance and recommends the request be granted.

Some discussion followed concerning lot coverage and the possibility of adding a storage shed or garage in the future. Mr. Couch states that the current lot coverage is just under the maximum of twenty-five percent (25%). Mr. Kroeger would have to replace some of the impervious surfaces with pervious materials in order to be permitted to add any other structure to the lot. Mr. Ottenjohn comments that he personally would not approve any new structure being placed in the front of the lot, should it come before the Commission at a later date.

After further discussion, Mrs. Koppenhoefer made a motion to approve the variance request. Mr. Ottenjohn seconded, and the motion was approved by a unanimous voice vote.

Mr. Burns mentions to the Commission that an appeal was filed on the decision rendered on the Zandvakili/Rosenthal case that was heard at the January 2009 Planning Commission meeting. This case is set to go before Council on April 20, 2009.

There being no further business to come before the Commission, Mr. Thayer made a motion to adjourn. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

Respectfully submitted,

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Paul F. Madden, Chairman

ATTEST:

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Michael W. Burns, Secretary