

MINUTES OF MEETING
INDIAN HILL PLANNING COMMISSION
DECEMBER 21, 2010

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, December 21, 2010 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul F. Madden
Richard C. Wiggers
Abbot A. Thayer
Laura S. Raines

Members Absent: Jane G. Koppenhoefer

Officials Present: Michael W. Burns, City Manager
David M. Couch, Assistant City Manager

Visitors Present: Jerry Koszycki, Gerald T. Koszycki Assoc.
Matthew Evans, Arcanum Architects
John Spangler, 8100 Indian Hill Road
Jill Hillard Spangler, 8100 Indian Hill Road
David Ferguson, 8120 Indian Hill Road

Chairman Madden called the meeting to order and asked for anyone planning to speak on behalf of the cases being presented tonight, to please stand, raise their right hand, and be sworn in prior to speaking.

Chairman Madden asked for comments or corrections to the October 19, 2010 Planning Commission minutes that were emailed on December 20, 2010. There being none, Mr. Thayer made a motion to approve the minutes. Mr. Wiggers seconded, and the minutes were approved by a unanimous voice vote.

Item Number 1: Mr. John Spangler and Ms. Jill Hillard, residing at 8100 Indian Hill Road, are requesting variance approval to make additions and renovations to their residence. Variances to the front, rear, east side yard, and lot coverage are being requested.

Mr. Matthew Evans, with Arcanum Architects, comes before the Commission and displays the site plan for the residence. Mr. Evans describes the property and states that the Spangler's would like to add a second floor to the house, remodel the first floor and basement, add a terrace to the rear of the house, and install a pool. Mr. Evans reviews the plans and addresses some of the hardships that face the Spangler's.

Mr. Evans mentions that there has been a change from what was originally submitted to Staff. The original plan showed a storage shed to the north of the back of the garage. That has been eliminated, and there will be storage under the patio.

Staff Report: Mr. Couch provides the Commission with past history on the property. This property has been before the Commission nine times previously.

January 21, 1969 Planning Commission Meeting – Mr. Kern at 8100 Indian Hill Road requested a variance to construct a new house to be located 16.5' from the rear, and 52' from the front lot line. After construction of the new residence, Mr. Kern was to remove the existing house and garage. It was the consensus of the Commission to visit the site before making a decision.

February 20, 1969 Planning Commission Meeting – Mr. Kern appeared before the Commission for a second time regarding the variance requested at the January 21, 1969 meeting. Testimony was first heard from Mr. Stuess, owner of the adjacent property to the north. Mr. Stuess requested that before a variance is granted, additional information should be provided. Mr. Stuess suggested that a topographic plat of the area showing all buildings on the adjoining properties be provided. He also requested that all proposed drainage and grading be provided on a plan. The Commission advised Mr. Kern to provide the requested information before the Commission could act upon the request.

April 1, 1969 Planning Commission Meeting – Mr. Kern appeared before the Commission for the third time with regard to the variance request at his property located at 8100 Indian Hill Road. Mr. Kern had changed his mind on building a new home and razing the existing home. He now presented a new proposal to add a 20' X 30' addition to the west side of the existing residence. The addition would include an underground garage, and Mr. Kern would raze the existing detached garage.

The new plan would extend the front line of the house 20' to the west, 6' north of the right of way line to Indian Hill Road. Mr. Steer pointed out that since this plan increased the area of the house within the front yard setback, a variance would be required from the Planning Commission before the building permit could be issued. Once again the Commission continued the case to visit the site and inspect the premises before acting.

May 20, 1969 Planning Commission Meeting – As reported in the April 1, 1969 minutes, the Commission continued Mr. Kern's request until they could once again visit the site. However, within a week after the April 1st meeting, Mr. White was able to poll the Commission, which approved the requested variance.

November 11, 1969 Planning Commission Meeting – Mr. William Kern, of 8100 Indian Hill Road, who's last appearance before the Commission on April 1, 1969, was granted variance approval to remodel his existing house. However, Mr. Kern had since

discovered that remodeling the existing house would cost as much as the construction of a new house and is now abandoning the plan. He is now requesting to be allowed to return to his previous plan of constructing a new house on his non-conforming lot, and on completion of the house would remove the existing house and garage. The Commission voted unanimously to grant the variance subject to the following conditions:

1. He would be allowed to relocate his new house to the east reducing the side lot setback to not less than 25', but would not be allowed to locate the house farther west than the 43' side lot setback shown on his plat.
2. Prior to the issuance of a building permit, Mr. Kern would have to deposit a \$1000.00 bond with the Village. The bond would become due and payable to the Village four weeks after Mr. Kern moved into his new house, unless he has razed the existing house and garage prior to that time.

February 17, 1981 Planning Commission Meeting – Mr. McDonough recently purchased the property at 8100 Indian Hill Road and came before the Commission to request three variances to permit building additions to the existing house. Mr. McDonough noted that the lot contains .53 acres in a three acre zone. The present front setback is 49', and the rear setback is 26', opposed to the required 100' setback.

Mr. McDonough requested three variances as follows:

1. Variance allowing inadequate acreage
2. Reduction of the front lot setback by 4'
3. Reduction of the rear lot setback by 3'

The Commission deferred any action until the views of the contiguous property owners were heard.

March 24, 1981 Planning Commission Meeting – A formal vote was taken on the proposal submitted by Mr. McDonough at the February 17th Planning Commission meeting. The vote was three (3) to one (1) against. Mr. White reported that Mr. McDonough had engaged Roger Fry as his attorney to represent him with the Planning Commission. Mr. Fry had indicated by telephone earlier in the day that he proposed to resubmit Mr. McDonough's proposal to the Planning Commission at the April 21st meeting.

April 21, 1981 Planning Commission Meeting – Attorney Roger Fry, representing Richard McDonough at 8100 Indian Hill Road, presented a proposal for remodeling the existing residence. Mr. Fry explained that variances would be needed for the front and rear lot setbacks. The plan provided for additions to both the east and west ends of the existing house. The additions would not decrease the front yard setback, but would

lessen the rear yard setback by 6'. They also granted a variance for the acreage being less than the required three acres.

March 19, 1985 Planning Commission Meeting – A request for variance by Mr. Richard McDonough for permission to construct a swimming pool on a non-conforming lot of record located at 8100 Indian Hill Road.

Mr. Bauer-Nilsen observed that the proposed pool would be located one foot south of the rear property line and expressed concern that the proposed construction would infringe on the adjoining property. Mr. Brewster questioned if there were any locations on the lot where the pool could be located in conformance with the zoning requirements.

Mr. Bauer-Nilsen moved that the request be denied. The motion was seconded by Mr. Brewster and unanimously approved by an affirmative vote of all members present.

Mr. Couch states that the variance request is based on an undue hardship and exceptional practical difficulty. The hardship and exceptional practical difficulty are created by the non-conforming lot, non-conforming location of the house, and the existing topography. A variance to the front, rear, and east side yard will be required to make the proposed improvements.

Also, not noted on the variance application, is a lot coverage variance since the site will exceed the maximum 20%.

Mr. Couch states that the lot and original residence predate the current Zoning Ordinance, with no record to provide a definite date the house was built. The current residence was constructed in 1970 with Planning Commission approval. The property is located in District "B" – three acre and is a non-conforming lot of record having a gross lot area of .75 acre and a net lot area of .53 acre. The lot frontage is 237.50'. The required frontage is 200'. The existing house is non-conforming, being located 48.97' from the front lot line, 17.76' from the rear lot line, and 21.24' from the east side yard. The required setback for the front and rear are 100', and the side yard is 25'.

The plans call for a second story addition, rear addition, building extension to the west, and include a swimming pool, garage extensions to the front and rear, and several site modifications.

Mr. Couch describes each element of the proposed plan as follows:

Lower level plan – The plan calls for a building extension to the west side that includes a lower patio, roof covered bar, recreation room, trellis, and garden wall that attaches a proposed in-ground pool to the house. Also shown on the lower level plan is a basement renovation creating a guest suite, exercise area, two bathrooms, and storage areas.

First floor plan – There are several renovations within the existing footprint, but the plan also reveals a garage extension to the front and cantilever rear extension over the lower level. A new front entry way is also attached to the proposed front garage extension. A box bay window extending two feet to the rear will align with the cantilevered rear extension of the garage. A portico is shown extending 5' into the front, and an uncovered terrace is shown to the rear of the first floor. There are also three foot overhangs shown along the first floor.

Second floor addition – The proposed second floor is approximately 48' X 26.5' and includes two bedrooms, two bathrooms, and a loft area. The height of the structure taken from the front elevation is 21.5'.

Site Plan – The existing topography of the lot severely limits expansion or improvements to the west side of the property. The site plan shows a creek channel located along the west side of the lot that acts as a watershed for properties to the rear in addition to a small walkway bridge across the channel. The existing septic system is also located on the west side of the lot, which limits expansion to the west. The driveway entrance from Indian Hill Road wraps around the front of the house and provides for a side entry garage to the east side of the lot. Please note that the entry point of the garage to the property line is only about 21.5' which is a very limited amount of space for a vehicle to access the garage. Also shown on the driveway is a two space parking area located near the front entrance. It should be mentioned that this type of parking area can only be used as temporary parking per the Zoning Ordinance.

Staff finds that the lot coverage on the site plan exceeds the 20% that is permitted in District "B". The proposed plan has a lot coverage of 27.6%. However, the lot coverage can be reduced below the allowable 20% by opting to install pervious pavers in lieu of an impervious driveway and garage entry. There is also an option of pervious pavers for patios and walkways to further reduce lot coverage.

Landscape plan – The proposed landscape plan calls for shade trees and plantings in the front and west side areas of the plan. A proposed landscape wall, less than three feet high, is shown running along the west side of the auxiliary parking and existing septic system. There is also a retaining wall and plantings near the rear property line.

Staff finds that the applicant faces an undue hardship and exceptional practical difficulty created by the non-conforming lot area, non-conforming location of the residence, and the topography. Over the years, Staff has received numerous calls from residents that welcome an improvement to this property. Any expansion or improvements will require variance approval.

Mr. Couch states that the proposed swimming pool, although it does not worsen the existing setbacks, would require a variance approval. The view of the pool from both Indian Hill Road and neighbors to the rear should also be considered. The elevation at

Indian Hill Road ranges from 840' to 845'. The elevation at the proposed pool is at 830', providing a 10' to 15' difference in elevation. With landscaping, the pool should not be visible from Indian Hill Road.

Mr. Couch comments that the garage expansions to the rear and front extend beyond the existing building lines and would worsen the non-conforming conditions.

The second floor addition fits well within the existing footprint and will not worsen the current setback conditions. The height of the proposed structure is approximately 21.5'.

Staff has properly notified surrounding residents and has received no negative feedback.

Mr. Burns brings the following issues of concern before the Commission:

- Garage – the expansion of the garage extends beyond the current setback line.
- Lot coverage issues – as Mr. Couch mentioned, this is solvable.
- Septic system – Mr. Burns comments that the applicant needs to contact Hamilton County to see if they are even permitted to use the current system or if they will have to install a new septic system.

Mr. Wiggers states that he has the same concerns with the garage expansion as mentioned by Mr. Burns. He mentions that having some type of pervious material for the drive or walkways is important to consider in order to reduce the lot coverage.

Mr. Madden and Mr. Thayer address the same concerns as mentioned above.

After a lengthy discussion, the applicant requested to table the item until the January Planning Commission meeting to allow time to address the concerns the Commission has expressed.

Mr. Thayer made a motion to table the request until the January 2011 Planning Commission meeting. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

Item Number 2: The Camargo Club is requesting special exception approval under the continuing jurisdiction of the Planning Commission to construct a new winter sports facility to be used as a place for warming and viewing paddle tennis.

Mr. Couch states that the Camargo Club operates under the continuing jurisdiction of the Planning Commission as a special exception. Section 10. 101.41 – Authority and Purpose authorizes the Commission, in accordance with the procedures and standards to grant special exceptions to the district regulations of this ordinance. The special exception request is authorized and identified under 101.421 Special Exceptions

Authorized (3) Golf courses and tennis courts, all of a non-commercial nature. The Camargo Club is privately owned by membership and is a non-profit organization.

The subject property is located in District "B" – three acre and totals 312 acres of multiple parcels. The existing winter facility is located on the north side of Shawnee Run Road behind the golf driving range.

The special exception request is for the construction of a new winter facility to primarily serve as a warming area and for the viewing of paddle tennis. The existing winter facility structure has a total of 4,332 square feet, and the proposed winter facility will be quite smaller totaling 2,103 square feet. The proposed structure's entryway will be oriented to face northwest and have four adjacent paddle tennis courts with two on each side of the facility for viewing.

There are no additional paddle tennis courts being proposed. Existing courts (1) and (2) are to be relocated to accommodate the new facility for proper viewing. The existing lighting for the courts will remain unchanged and includes six (6) 400 watt metal halide fixtures on each of the four (4) courts. There will be ten (10) exterior lights and three (3) porch lights on the new facility, with recessed lighting fixtures to prevent light pollution and source. Each fixture will be equipped with 75 watt bulbs.

The proposed parking lot will have twenty-eight (28) parking spaces. This will be a slight increase of parking area compared to current parking. Approximately half of the parking lot will occupy the footprint of the existing building to be razed and have an asphalt surface. The existing service drive will remain and provide a direct approach into the proposed parking lot.

Existing utilities will be utilized and storm water drainage will flow along a swale located on the east side of the parking lot.

The operational hours for the facility will remain the same. The actual paddle tennis season starts in October and ends in March. The courts are open seven (7) days a week, 8:30 a.m. to early evening.

The Joint Madeira & Indian Hill Fire Department has reviewed the plan and finds that it meets fire code standards.

The proposed special exception must meet the twelve (12) standards that are outlined in Section 10. 101.431 Standards – The Commission shall not grant a special exception unless, in each case, it makes written findings of fact and conclusions, directly based on and supported by the particular evidence presented to it in the application and at the hearing.

Below are the twelve standards with comments to each:

- 1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, comfort, morals, or general welfare;

Staff finds that the proposed facility will improve and enhance the general welfare of the Village by upgrading the buildings, along with providing compliance to all current Indian Hill zoning requirements and Hamilton County requirements.

- 2) The special exception is not inconsistent with the Village's adopted Land Use Objectives and Policies;

Staff finds that the special exception is consistent with the Village's adopted Land Use Objectives and will not negatively impact the adjacent properties, along with the recreational enjoyment the Camargo Club provides for Indian Hill residents.

- 3) The special exception, either alone or in conjunction with other special exceptions previously granted or otherwise existing, will not injure, diminish, or impede the use, enjoyment, or normal and orderly development of other property in the immediate vicinity of the parcel proposed for development;

Staff finds that the request will help improve the use and enjoyment of others. The new facility will be a major improvement and provide a much better location for members to view the courts while providing a comfortable environment.

- 4) The special exception is consistent with the residential character of the immediate vicinity of the parcel proposed for development;

Staff finds that the facility has been designed to be consistent with other structures and does not include extended clearing of land.

- 5) The special exception will not substantially diminish or impair property values within the neighborhood;

Staff finds that by granting the special exception, it will help protect property values by constructing a new facility and retaining the natural green space that surrounds the property.

- 6) Adequate utilities, drainage, wastewater treatment, and/or other facilities necessary to serve the proposed special exception already exist or will be provided;

Adequate utilities and drainage already exist, and the applicant has received approval from the Metropolitan Sewer District to install and connect to an existing sewer main.

- 7) Adequate access roads, entrance and exit drives, and off-street parking spaces already exist or will be provided and designed so as to prevent traffic safety hazards, to minimize traffic conflicts and congestion in the streets, and to maintain the rural residential character of existing roadways in the Village, without requiring improvements that will increase the capacity of existing roadways or will encourage their use by through-traffic;

Staff finds that adequate access to the facility already exists, and there will be no traffic increase or change in the service driveway to the facility.

- 8) The special exception will not adversely affect a known archaeological, historical, or cultural resource;

There are no known archaeological, historical, or cultural resources.

- 9) The applicant has represented to the Commission that it has the capacity to complete, maintain, and operate the special exception as proposed and approved, and has made or will make adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space, and other improvements associated with the proposed development;

Staff finds that the applicant has the capacity to complete, maintain, and operate the special exception as approved. The Camargo Club has a long history of maintaining a high quality operation and providing buffers, landscaping, public open space, and other improvements associated with the proposed improvements.

- 10) The special exception shall in all other respects conform to the applicable zoning regulations of the district in which the property is located, except where the Planning Commission in a particular case grants a variance from the regulations pursuant to Section 101.5 or, if the regulations are of a type that may not be varied under Section 101.52, where the Council in a particular case waives or modifies the regulations pursuant to the recommendations of the Commission;

The special exception conforms, in all other respects, to the applicable regulations of the zoning district in which the property is located.

- 11) All exterior lighting fixtures will be designed, directed, or shaded so that no direct light is cast upon any other property; and all driveways and off-street parking areas will be designed and screened to minimize the illumination of adjacent residential properties by automobile headlamps.

The exterior lighting is to be minimal and will be arranged so that no direct light is cast upon any other property.

- 12) All buildings and structures located within 25 feet of the minimum front yard or rear yard required under Section 63.1 or 73.1 will be screened by landscaping of a type, nature, and seasonal character that will ensure the privacy of adjacent dwellings and will ensure that the visual character of the use will be compatible with surrounding uses; and all accessory outdoor storage areas, mechanical equipment, and waste disposal facilities will be screened from the view of adjacent dwellings.

Staff finds that the Camargo Club intends to maintain the existing character of the land, and that no structures or buildings are in conflict with the Indian Hill Zoning Ordinance.

Staff concludes that granting this special exception to permit the construction of a new building facility is consistent with the intent of the Indian Hill Zoning Ordinance and the Land Use Objectives & Policies and is in the best interest of the Village of Indian Hill.

Mr. Thayer recused himself from the case concerning the Camargo Club.

After brief discussion, Mr. Wiggers made a motion to approve the special exception request. Mrs. Raines seconded, and the motion was approved by a unanimous voice vote.

Mr. Burns presents the three (3) names of the candidates for the Cincinnati Regional Planning Commission and states that the Village has one of forty (40) votes.

After brief discussion, Mr. Thayer moves to vote for David Okum for the Cincinnati Regional Planning Commission. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

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

Respectfully submitted,

Paul F. Madden, Chairman

ATTEST:

Michael W. Burns, Secretary