



THE VILLAGE OF

Indian Hill, Ohio

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May 14, 2020

To All Planning Commission Members:

The agenda items for the Tuesday, May 19, 2020 meeting are as follows:

- 1.) Review Minutes from the April 21, 2020 Indian Hill Planning Commission meeting.
- 2.) **Case #20-005:** Therese Hunolt is requesting a variance to the front yard setback to permit construction of a covered porch and pergola. The subject property contains a non-conforming home located at 7700 Graves Road.

Previous Actions and Property History

There are no previous actions or permit records for the subject property. The home was built in 1833.

Staff Report

Property Description - The subject property is 1.13 net acres (1.533 gross acres) located on the northeast corner of Graves Road and Miami Road and is in Zoning District "C" one acre minimum. The existing home (built in 1833) is non-conforming due to not meeting the required 75' minimum front yard setback on Graves and the required 75' minimum street side yard setback on Miami. The existing home is located 17.7' from Graves Road right-of-way and 2.1' from Miami Road right-of-way.

Description of Proposed Additions

The applicant is requesting variance approval to construct a 15'x17' (255 SF) covered porch and 15'x11' pergola addition (11' tall from grade) attached to the right side of the house. The applicant is requesting a variance to the front yard setback for the Graves Road front yard to have a setback of 36' where 75' is required. The existing front yard setback is 17.7'. The applicant is also

requesting a variance to the street side yard setback for the Miami Road side to have a setback of 51' where 75' is required. The existing street side yard setback is 2.1'.

The covered porch and pergola additions do not worsen the existing non-conforming front yard and street side yard setbacks.

Variance Application & Zoning Ordinance – The variance application is based on undue hardship due to the existing non-conforming home and is complete. Section 73.1 of the Zoning Ordinance refers to setbacks for dwellings in District “C” preventing them from being located less than 75' to the front and street side yard lot lines.

To help support the Commission's decision to approve or deny the requested variances, Staff has prepared written findings of fact per Section 101.53 Standards for Variances – The Commission shall not grant a variance as authorized in Section 101.52 unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which supports written conclusions that:

(1) The variance request arises from physical conditions of the lot which are very unusual, that is, conditions which are rarely found in the same district, and the conditions are created by the provisions or requirements of this ordinance and not by an action or actions of the property owner or the applicant, such that the literal interpretations of the ordinance would deprive the property owner or the applicant of rights commonly enjoyed by other properties in the same district;

The variance request arises as a result of the non-conforming house constructed in 1833 within the front and street side yard setbacks. The conditions are not by an action of the property owner and to not be able to make improvements to the home may deprive the property owner of rights commonly enjoyed by other properties in the same district.

Therefore the request meets standard No. 1

(2) The particular physical surroundings, shape, or topographical condition of the specific property involved would cause undue hardship or exceptional practical difficulty for the owner, lessee or occupant, as distinguished from a mere inconvenience, or would conflict with the Village's adopted land use objectives and policies, if the provisions of this ordinance were strictly enforced;

The non-conforming house creates undue hardship for the owner because the entire house sits in front of the minimum required front yard and street side yard setbacks. The proposed additions will not worsen the existing non-conforming front yard and street side yard setbacks. The request would not conflict with the Village's adopted land use objectives and policies.

Therefore the request meets standard No. 2.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the Village streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood; and

Granting the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood. The proposed additions will not impair an adequate supply of light or air to adjacent property; will not increase the congestion in the Village streets; will not increase the danger of fire, public safety or diminish or impair property values within the neighborhood.

Therefore the request meets standard No. 3

(4) The variance desired will not conflict with the general purpose and intent of this ordinance.

The variance request does not worsen the existing non-conforming front yard or street side yard setback and will not conflict with the general purpose and intent of the ordinance.

Therefore the request meets standard No. 4

Staff posted the legal notice in the paper and by direct mail prior to the hearing. Staff did not receive any calls regarding the variance request.

- 3.) **Case #20-006:** Gary and Nancy Janning are requesting a variance to the rear yard setback to permit construction of a new single family home in place of the existing home. The subject property contains a non-conforming home located at 6830 Tupelo Lane (Lot 126 Clippinger Woods, Sect D).

Due to Coronavirus COVID-19, this case has been continued to a future meeting date. Notice by first class mail will be sent to all properties within 500' of the request.

- 4.) **Case #20-007:** Bruce and Beth Hellman are requesting a variance to the Blome Road street side setback to construct a pickle ball court on the east side of the existing garage. The subject property is located at 8180 Ravenswalk Lane.

Previous Actions and Property History

September 16, 1986: Planning Commission approved the final plat for Ravenswalk Subdivision.

June 9, 1987: Site Clearance Permit issued for New Dwelling.
February 1, 1990: Site Clearance Permit issued for Detached Garage.
June 8, 1990: Site Clearance Permit issued for In-ground Pool.

Staff Report

Property Description - The subject property is 3.114 acres, Lot 8 Ravenswalk Subdivision, located on the northwest corner of Blome Road and Ravenswalk Lane and is in Zoning District "B", three acre minimum. The property has road frontage on three sides and is on septic.

Description of Proposed Request

The applicant is requesting variance approval to construct a 32' wide x 62' long pickleball court. The actual court dimensions are 20' wide by 44' long, but like tennis, it is common to have additional room around the court that is used to play. The applicant is requesting a variance to the street side setback for the Blome Road side to have a setback of 87.3' where 100' is required (12.7' variance) for the southeast corner of the playing surface. The court would be tucked in between a dense tree line that runs parallel to Blome Road and the existing garage. The applicant has chosen this location to minimize the visibility and noise from adjacent properties, maintain distance from the septic system, and to minimize the disruption of existing natural features and grading.

Variance Application & Zoning Ordinance – The variance application is based on exceptional practical difficulty due to not having another location to place the court that minimizes the visibility and noise from the court and because the property has three front yard setbacks; east (Blome Road), south (Ravenswalk Ln.), and west (Ravenswalk Ln.). **Section 56.4** of the Zoning Ordinance refers to setbacks for accessory structures from the street side lot line (Blome Road) in District "B" preventing them from being located less than 100' to the street side lot line.

To help support the Commission's decision to approve or deny the requested variances, Staff has prepared written findings of fact per **Section 101.53 Standards for Variances** – The Commission shall not grant a variance as authorized in **Section 101.52** unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which supports written conclusions that:

(1) The variance request arises from physical conditions of the lot which are very unusual, that is, conditions which are rarely found in the same district, and the conditions are created by the provisions or requirements of this ordinance and not by an action or actions of the property owner or the applicant, such that the literal interpretations of the ordinance would deprive the property owner or the applicant of rights commonly enjoyed by other properties in the same district;

The applicant has stated that the variance request arises as a result of having a lot with three front yards (east, south, and west), required 10' setback from the septic system, and limited area to place the court that would have the least impact on the adjoining properties.

The Planning Commission shall determine if the request meets standard No. 1

(2) The particular physical surroundings, shape, or topographical condition of the specific property involved would cause undue hardship or exceptional practical difficulty for the owner, lessee or occupant, as distinguished from a mere inconvenience, or would conflict with the Village's adopted land use objectives and policies, if the provisions of this ordinance were strictly enforced;

The applicant has stated that moving the court to the west side of the home would create a greater noise impact to the neighbors due to the proximity of the court. The property contains three front yards which reduces the availability of locating the court without impacting the neighbors.

The property starts to slope away as you go to the east (Blome Road) and north. In addition, locating the court behind the home (north) would require the natural resources to be removed.

The Planning Commission shall determine if the request meets standard No. 2.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the Village streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood; and

The applicant has stated by locating the court behind the garage (most hidden spot on the lot) the location would not be detrimental to other neighbors, noise and other disturbances.

Granting the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood. The proposed court will not impair an adequate supply of light or air to adjacent property; will not increase the congestion in the Village streets; will not increase the danger of fire, public safety or diminish or impair property values within the neighborhood.

Therefore the request meets standard No. 3

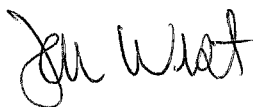
(4) The variance desired will not conflict with the general purpose and intent of this ordinance.

The variance request will not conflict with the general purpose and intent of the ordinance.

Therefore the request meets standard No. 4

Staff posted the legal notice in the paper and by direct mail prior to the hearing. Staff received letters signed from 8 adjoining property owners supporting the request.

5.) Adjournment

A handwritten signature in cursive script, appearing to read "Jon West".

Jon West
Assistant City Manager