

Oakwood, Ohio
October 3, 2018

The Planning Commission of the city of Oakwood met in regular session at 4:30 p.m., in the council chambers of the City of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419.

The Chair, Mr. Jeffrey Shulman, presided and the Clerk, Lori Stacel, recorded.

Upon call of the roll, the following members responded to their names:

- MR. JEFFREY B. SHULMANPRESENT
- MR. ANDREW AIDTPRESENT
- MRS. HARRISON GOWDYPRESENT
- MRS. E. HEALY JACKSON.....PRESENT
- MR. STEVE BYINGTON.....PRESENT

Officers of the city present were the following:

- Mr. Norbert S. Klopsch, City Manager
- Mr. Robert F. Jacques, City Attorney
- Mrs. Jennifer S. Wilder, Personnel and Properties Director
- Mr. Ethan M. Kroger, Code Enforcement Officer

The following visitors were present:

- Drs. Michael and Michelle Griesser, 201 E. Schantz Avenue
- David Thompson, Project Architect
- Mark Hanson, 225 E. Schantz Avenue
- Harvey Lehrner, 126 E. Schantz Avenue
- Anne Hilton, 900 Harman Avenue

Mr. Shulman called the meeting to order at 4:30 p.m. He asked if there were any questions or concerns with the minutes from the July 11, 2018 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mrs. Jackson that the minutes of the Planning Commission meeting held July 11, 2018 be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Before commencing the public hearing, Mr. Shulman asked the Law Director to provide an overview of the new variance standards that were adopted by Ordinance No. 4865 at the August 6, 2018 City Council meeting.

After Mr. Jacques provided an overview of the variance standards, Mr. Shulman opened the public hearing.

Mr. Kroger stepped forward to present the staff report and referenced a PowerPoint presentation. Mr. Kroger shared that Application #18-4 is a request submitted by Drs. Michael and Michelle Griesser for two special use variances and a height variance to build a secondary detached garage, guest house/home office located at 201 E. Schantz Avenue. Mr. Kroger then provided property details. The Griesser property at 201 E. Schantz was built in 1911. The property is on two adjacent lots in the R-3 (single family) Zoning District. The R-3 Zoning District is intended to preserve residential areas which are best suited for medium sized development and maintain the character of existing low-density single family developments. Lot #1 has 0.3444 acres and Lot #2 has 0.3202 acres. The Griesser home is located on the west parcel with a carport encroaching into the east parcel, creating a non-conforming lot. The Oakwood Zoning Code requires a replat to a single parcel before any construction can occur.

The proposed driveway configuration will provide two vehicular points of access, due in part to a grade differential of approximately four to five feet between the finished grade of the yard and the alley behind the property. Subject to the requirements of Title 10, Section 1004, of the Oakwood Zoning Code, special use permits are required for the secondary/detached garage use and a detached guest house/living quarter use. Although the request is for a single structure, two special use permits are required because two uses are being proposed for this structure.

The design and performance standards require that guest houses and living quarters may not exceed 1,000 square feet of useable floor area, except in proportion to the amount by which the lot exceeds 40,000 square feet. Living quarters are permitted as an accessory use on lots larger than 25,000 square feet with a minimum lot width of 100 feet. Mr. Kroger noted that the entire proposed building is 884 square feet, and after replatting the Greisser property will meet the lot size requirement.

The standard for "more than one private garage" states that driveway access to the private garage shall be combined with an attached or detached garage to minimize curb cuts. Also, the driveway and garage itself must meet the side yard requirements of the zoning district. The Planning Commission may approve limitations on the overall size of the structure to ensure compatibility in scale and materials with immediately surrounding land-uses, and the neighborhood in general.

The regulation for height of accessory buildings and structures state that no detached accessory garage building or structure shall exceed 18 feet in height. The applicant is requesting to vary the height limitation from 18 feet to 21 feet 10 1/16 inches. The Code states that height is measured from the mean elevation of the finished lot grade, at the front of the building, to the highest point of the structure.

Mr. Kroger then referenced drawings and pictures of plot plans, proposed location, elevations and pictures of similar structures around Oakwood.

Mr. Kroger closed his presentation by stating that based on preliminary analysis, should the Planning Commission chose to approve this application, staff recommends the following conditions: 1) The applicant completes a Drainage Study conducted by an Ohio licensed Engineer; 2) The materials and finishes for the proposed garage should match or complement the existing home; 3) Approval to take effect only upon completion of replatting as a single lot; 4) The new plat must contain a restriction prohibiting future subdivision of the lot; and 5) Approval of this structure is as an accessory structure only. Under no circumstances may the structure be used for rental occupancy or as a primary structure.

Mr. Aidt asked if the existing retaining wall at the rear of the lots is on the property line, and if it is being removed.

Mr. David Thompson, Project Architect, shared that he does not have the details regarding the property pins available to confirm the exact location of the retaining wall, but it is on the Greisser property. The retaining wall will be removed.

Mr. Shulman asked what the intention is of staff's recommendation for prohibiting future subdivision of the plat.

Mr. Jacques explained that this avoids a future non-conformity on the lot.

Mrs. Gowdy asked for the address of the yellow house next door to 201 E. Schantz Avenue.

Mr. Kroger said that the yellow house next door is 225 E. Schantz Avenue.

Mr. Aidt mentioned the similar structure at the house across the street from 201 E. Schantz Avenue.

Mr. Kroger shared that he reached out to the neighbor across the street from the applicants, but he did not hear back from them. Unfortunately, he was unable to get any pictures of their structure.

Mr. Shulman thanked Mr. Kroger for his presentation and then welcomed the applicant.

Mr. Thompson, an architect with New Season Homes, shared that the Griessers proposal is to build a carriage house. The surveying and architecture work have been completed. The drawings provided represent the size and scope of the project.

Mrs. Gowdy asked if the drawings provided accurately represent the number of windows on the carriage house.

Mr. Thompson shared that there may be changes based on Planning Commission requirements.

Mrs. Gowdy asked what types of materials are being used.

Mr. Thompson confirmed that they will use stone and Hardie board, and all of the materials will match the house. The height is driven by the pitch of the roof. The additional height will make the upstairs area more functional.

Mr. Byington asked if the carriage house is really going to be built to 21 feet 10 1/16 inches, because it is very difficult to build accurately to within 1/16th of an inch.

Mr. Thompson said that he will certainly do his best, but he may not be able to exactly match the 10 1/6 of an inch. He added that he is excited to work on the project and it will be beautiful once it is finished.

Mr. Thompson shared that the project details that Mr. Kroger presented are accurate. He said that he is willing to provide any further details if needed moving forward.

Mr. Harvey Lehrner, 126 E. Schantz Avenue, shared that when his property got a variance for a carriage house they were required to move the driveway off of the street to off the alley. He explained that the Griessers have been good neighbors. All of the work that has been done since the Griessers moved in has been first class. He expects this project to have the same quality as the other projects. He commented that he expects the materials to match the neighborhood.

Mr. Klopsch commented that Mr. Lehrner has always shown an interest in his community. He recalled that when the planning was being done to reconstruct Oakwood Avenue, Mr. Lehrner helped to make it a better project.

Mr. Hanson, 225 E. Schantz Avenue, commented about when 201 E. Schantz Avenue was chosen for The Dayton Philharmonic Volunteer Association (DPVA) Designer's Show House. He said that it has been a pleasure living next to the Griessers. He welcomes the project.

Dr. Michael Griesser, property owner at 201 E. Schantz Avenue, shared that they would like to build the carriage house to have a place to put their cars. From the beginning, their vision was something that fits into the neighborhood and materials of the home.

Dr. Michelle Griesser, property owner at 201 E. Schantz Avenue, shared that they need a place to park the 1968 Chevelle that her father gave to her.

There being no further public testimony offered, the public hearing was closed and the Planning Commission began their deliberations.

Mrs. Gowdy said that she liked the idea of a carriage house. She feels it is a reasonable request for the property.

Mr. Aidt inquired about how the motions should be stated.

Mr. Jacques explained that there should be one motion for the two special use requests and one motion for the height variance. He added that unless the building permits are applied for and construction has commenced, the special use requests and variance will expire after six months, which is the reason why staff recommended a condition that the approval would only take effect upon replatting.

Therefore, it was moved by Mr. Aidt and seconded by Mr. Byington that the preliminary staff findings be adopted, and two special uses be approved for application #18-4, to build a secondary detached garage/guest house/home office, a 2-story, 884 square foot building located at 201 E. Schantz Avenue, with the following conditions: 1) The applicant completes a Drainage Study conducted by an Ohio licensed Engineer; 2) The materials and finishes for the proposed garage should match or complement the existing home; 3) Approval to take effect only upon completion of replatting as a single lot; 4) The new plat must contain a restriction prohibiting future subdivision of the lot; and 5) Approval of this structure is as an accessory structure only. Under no circumstances may the structure be used for rental occupancy or as a primary structure.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
- PRELIMINARY STAFF FINDINGS:
- The Comprehensive Plan states that development should be compatible with the surrounding area. The scale and building materials complement the existing home and surrounding area, and there is a similar guest house/secondary detached garage located directly across the street at 202 E. Schantz Avenue.
- B. The proposed building or use will not adversely affect or change the character of the area in which it is located.
- PRELIMINARY STAFF FINDINGS:
- As previously mentioned, what is being proposed is compatible with both the character of this particular lot and what exists at the property directly across the street.
- C. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.
- PRELIMINARY STAFF FINDINGS:
- There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk since the proposed use of the land is consistent with surrounding homes in the immediate area.

- D. That the proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- There is nothing to suggest that the proposed use will be injurious to the reasonable use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the neighborhood.

- E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

PRELIMINARY STAFF FINDINGS:

- Because this use will be solely located within the Griesser property, the guest house/secondary detached garage will have no impact on future development or improvements to other residential lots in this immediate area.

- F. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- What is being proposed is not unprecedented for larger homes and lots located within this area, and appears to fit the existing character of this zoning district.

- G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant's cost.

PRELIMINARY STAFF FINDINGS:

- All costs associated with this special use request will be borne solely by the applicants.

- H. That adequate measures have been or will be taken at applicant's cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.

PRELIMINARY STAFF FINDINGS:

- The city is comfortable that the proposed ingress and egress to the lot will have no negative impact on the safe movement of vehicles and pedestrians along the alley located between Volusia Avenue and E. Schantz Avenue.

- I. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.

PRELIMINARY STAFF FINDINGS:

- This is a conforming lot located within the R-3 Zoning District.

Upon call of the roll on the question of the motion, the following vote was recorded:

- MR. JEFFREY B. SHULMAN YEA
- MR. ANDREW AIDT YEA
- MRS. HARRISON GOWDY YEA
- MRS. E. HEALY JACKSON..... YEA
- MR. STEVE BYINGTON..... YEA

There being five (5) YEA votes, thereon, said motion carried.

Thereupon, it was moved by Mr. Aidt and seconded by Mr. Byington that the preliminary staff findings be adopted, and the height variance be approved for application #18-4, to build a secondary detached garage/guest house/home office, a 2-story, 884 square foot building located at 201 E. Schantz Avenue, with the following conditions: 1) The applicant completes a Drainage Study conducted by an Ohio licensed Engineer; 2) The materials and finishes for the proposed garage should match or complement the existing home; 3) Approval to take effect only upon completion of replatting as a single lot; 4) The new plat must contain a restriction prohibiting future subdivision of the lot; and 5) Approval of this structure is as an accessory structure only. Under no circumstances may the structure be used for rental occupancy or as a primary structure.

VARIANCE FACTORS

A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;

PRELIMINARY STAFF FINDINGS:

- The property can be used as a single family residence with or without the variance.

B. Whether the variance is substantial;

PRELIMINARY STAFF FINDINGS:

- The variance would allow 21 feet 10 1/16 inches of height where the code provides for 18 feet, a difference of 3 feet 10 1/16 inches. Considering the scale of nearby structures, Staff considers this a relatively minor variance.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

PRELIMINARY STAFF FINDINGS:

- There is a similar guest house/secondary detached garage located directly across the street at 202 E. Schantz Avenue. Due to the fact the proposed guest house/detached garage is located within the rear 20% of the lot, a 5 foot setback is required from the rear and side yard property line. The proposed structure fits within the required setback. There is no reason to believe that adjoining properties would suffer a substantial detriment as a result of the variance.

D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, refuse, police/fire);

PRELIMINARY STAFF FINDINGS:

- There is no reason to believe governmental services would be adversely affected due to the granting of the variance.

E. Whether the property owner purchased the property with knowledge of the zoning restriction;

PRELIMINARY STAFF FINDINGS:

- Staff has no information as to the owner's knowledge at the time of purchase, but does not consider this to be a material/relevant factor.

F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

PRELIMINARY STAFF FINDINGS:

- Staff believes a variance is the best way to avoid unusual or unsightly construction, given the slope of the rear yard and the difference in grade between the main yard and the alley.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

PRELIMINARY STAFF FINDINGS:

- The spirit and intent of the height requirement is to ensure a reasonable scale for accessory structures. Staff believes the proposed plan serves that spirit and intent.

H. Any other relevant factors.

PRELIMINARY STAFF FINDINGS:


- None.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. JEFFREY B. SHULMAN YEA
 MR. ANDREW AIDT YEA
 MRS. HARRISON GOWDY YEA
 MRS. E. HEALY JACKSON YEA
 MR. STEVE BYINGTON YEA

There being five (5) YEA votes, thereon, said motion carried.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 5:39 p.m.



 CHAIR

ATTEST:



 CLERK