

Oakwood, Dayton, Ohio  
November 7, 2012

The planning commission of the City of Oakwood, State of Ohio, met this date in the council chambers of the City of Oakwood, city building, 30 Park Ave., Dayton, Ohio, 45419, at 4:30 p.m.

The Chair, Mr. Jeffrey Shulman, presided and the City Attorney, Mr. Robert Jacques, recorded minutes as Acting Clerk.

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

MR. JEFFREY B. SHULMAN.....	PRESENT
MR. ANDREW AIDT .....	PRESENT
MRS. HARRISON GOWDY .....	PRESENT
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  
Mr. Jay A. Weiskircher, Assistant City Manager  
Mr. Dave Bunting, City Inspector

The following visitors were present:

Mr. Kip Deaton, 3860 Bausman Rd., Piqua, OH  
Mr. Gary Stephenson, 1135 Ridgeway Rd.  
Mr. Jeff Weinstein, 1160 Ridgeway Rd.  
Ms. Jane Dunwoodie, PO Box 446, Dayton, OH  
Ms. Natalie King Albert, 333 Oakwood Ave.  
Mr. King Merritt, 1401 Raleigh Rd.  
Mr. Bill Martin, 1430 Raleigh Rd.  
Mr. Rick Fender, 7550 S. Boone Rd., Tipp City, OH  
Mr. Shawn Palmatier, 111 Katharine Ter.  
Mr. Justin and Ms. Kelly Long, 10 Wisteria Dr.  
Mr. Robert Dunlevy, 1317 Raleigh Rd.  
Dr. Henry and Ms. Marlene Maimon, 1101 Ridgeway Rd.

It was moved by Mr. Aidt and seconded by Mr. Byington that the minutes of the planning commission meeting held October 3, 2012, 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.

Mr. Shulman reviewed the meeting procedure with all in attendance.

Application #12-11, the application submitted by Justin and Kelly Long to construct a new single family residence that includes the following special use and variance requests: special uses for a 16' wide semi-circular driveway with a 4' wide parallel walk; secondary detached garage; three point turnaround pad that exceeds normal standards; front entry walk exceeding the 5' width standard; and, a front yard variance for a stoop and step encroachment at 1140 Ridgeway Road, and known as pts 92-93, was presented by city staff. Mr. Weiskircher explained that the property is currently a vacant lot, with the prior home having been demolished in 2009. He referenced a PowerPoint presentation with photographs of the existing vacant lot and sketches for the proposed construction of the Long residence. Included in the PowerPoint presentation was an elevation drawing of the proposed detached garage which had been

submitted as a supplement after assembly of the Planning Commission's packet. Mr. Weiskircher explained that the present application consists of requests for four (4) special uses and one (1) variance.

During Mr. Weiskircher's presentation, he referenced a letter from Mr. Barhorst, a neighbor, objecting to the special use request for a circular driveway. This letter was forwarded to the Planning Commission members by email in advance of the meeting. Mr. Weiskircher explained that several existing homes in the neighborhood already have circular driveways, and presented photographs of the same.

Mr. Weiskircher closed his presentation with a staff recommendation that the application be approved, subject to conditions that (1) the circular drive be limited to 14' width, and (2) the applicants' architect be required to coordinate with staff to address minor concerns with the design of the three-point turnaround pad.

The Commission had no questions for Mr. Weiskircher at this time.

Mr. Kip Deaton, project designer, presented on behalf of the applicants. He explained that the circular driveway was designed to promote guest safety and provide off-street parking. The safety issue is caused by the slope of Ridgeway Road, which presents some line-of-sight issues if the ingress/egress point is near the north end of the property's frontage. He also believes it is a nice design feature and would be combined with tasteful landscaping. The wide front walk was designed to match the scale of the home and driveway, presenting a cleaner design and avoiding awkward routing. He explained that a significant design challenge on this project was to maximize usable outdoor living space to the rear of the property, which is why the house is located on the parcel as it is. The front steps, which are the subject of the single variance request, are merely steps and are not a covered structure.

Mr. Shulman asked for more explanation of how street slope is a safety concern. Mr. Deaton explained that the topography of that section of Ridgeway Road is such that if the north end of the property is the main ingress/egress point, oncoming traffic may not have adequate time to see vehicles coming in and out of the property. This would be especially true in bad weather.

There being no additional questions for the applicant's representative, the matter was opened for public comment.

Mr. Stevenson lives at 1135 Ridgeway, across the street from the subject property. He had three (3) concerns to discuss with the Commission. First, he was concerned that the location of curb cuts for the circular driveway may be dangerous. He feels that the line of sight between the southernmost curb cut to the bend in Ridgeway Road is too short, and should be checked with traffic engineers. There is a bush located there also, which he feels should be removed. Second, he is concerned that having approximately 3,000 square feet of non-permeable surface is not attractive and may cause problems with water runoff and flooding. Finally, he was concerned that the circular drive design appears more like two (2) driveways, one primary and one secondary. He is concerned it will become a magnet for parking.

Ms. Jackson was curious about the curb cut issue and asked Mr. Stevenson to clarify whether he thought traffic problems would exist for northbound or southbound traffic on Ridgeway Road. Mr. Stevenson thought it would impact the southbound traffic where Ridgeway Road plateaus, just after Raleigh Road. He believes there is no more than 100 to 130 feet of reaction time for cars to stop if a vehicle is pulling out. Ms. Jackson asked if the problem would be the same with a regular driveway. Mr. Stevenson said that a straight driveway, located where the former drive was, would probably have more like 200 feet of sight clearance. Ms. Jackson asked if it wouldn't be more dangerous as a straight driveway, due to having to back out instead of driving forward. Mr. Stevenson replied that it might be problematic, but not as dangerous because of the location. Ms. Jackson asked how eliminating the bush would alleviate the

problem and Mr. Stevenson said he was not sure, but that was not one of his primary concerns anyway.

Mr. Byington asked Mr. Weiskircher for clarification on the impervious area calculation and whether it was appropriate in this zoning district. Mr. Weiskircher explained that it was approximately 500 square feet lower than the maximum permitted impervious area.

Mr. Weinstein lives at 1160 Ridgeway Road and spoke about his concerns that the project would require the removal of landscaping that screens his adjacent property. He is not in favor of that. He agreed with Mr. Stevenson's concerns about line-of-sight issues and is similarly concerned about water drainage. He also worries about the length of construction time and related noise.

Mr. Dunlevy lives at 1317 Raleigh Road, directly behind the subject property. He explained that he has been an Oakwood resident since 1947 and has lived at 1317 Raleigh since 1984. He referenced a prepared presentation, and distributed copies to the Planning Commission. He feels that the neighborhood welcomes new neighbors, but this project does not fit the neighborhood as it has existed for decades. He is concerned because the property is 0.63 acres, and he believes the comparison properties shown by staff are all 1+ acre properties on the estate side of Oakwood. He wants to protect the area's aesthetics, which is not accomplished with such a large structure. He noted that the side drive area is approximately 2,500 square feet and this is like putting a mansion on a half-acre parcel.

Mr. Dunlevy was particularly concerned that setback requirements were being ignored, as he believes they cut through the proposed detached garage, and stated that no variances should be granted. He believes the Deerings' property and the old L.M. Berry estate have greater setbacks, which should be respected in any new construction. The pool should be closer to the home and should not intrude in setback areas.

Mr. Dunlevy also was concerned about the detached garage being such a substantial structure, which is inconsistent with the neighborhood. He believes everyone will want storage sheds and extra garages. Overall, he feels this is an excessive and unreasonable amount of property to be occupied by concrete and structures. He referenced the variance standards and stated that he feels the property is being overbuilt.

Mr. Shulman asked Mr. Weiskircher for clarification on the setback requirements and whether it is 20 or 10 feet. Mr. Weiskircher explained that the requirement is 20 feet, which is respected in this plan. He also explained that the only variance being requested has to do with the front steps, and all other requests are special uses which are governed by different standards.

Mr. Byington noted that the pool is not a structure at all, except as it may be considered an accessory structure. Mr. Weiskircher agreed. Mr. Dunlevy referenced what he called the "Merritt diagram," which shows different setback lines, and asked if they are correct. Mr. Aidt explained that those lines are primary structure setbacks, and apply to the house and buildings. They do not apply to the pool and driveway. A brief discussion was held at the dais with Mr. Weiskircher pointing out to Mr. Dunlevy and the Commission which lines on the diagram are the setback lines.

Mr. Dunlevy reiterated his opposition and returned to his seat.

Mr. Merritt lives at 1401 Raleigh Road, just south of the proposed swimming pool. He said he has looked around the neighborhood and there is only one (1) home of less than an acre that has a detached structure. He feels the project is jammed in the back of the lot and will create drainage issues. He referenced Gail Deering's property, where a trench was dug because of drainage problems. He opposes the special use for a detached garage and any additional hard surfaces that go with it.

Dr. Maimon lives at 1101 Ridgeway, and agrees with all opponents of the project. He said this is still a free country and you can build what you want within reason, but this is not within reason. The circular driveway will be a health risk and an eyesore. The home does not fit in with the existing neighborhood architecture. He believes it would fit in better at Country Club of the North or Yankee Trace. He urged the Commission to restrict this project as much as possible, even though he acknowledged that the Commission probably does not have that authority.

Ms. Maimon, of the same address, said that she disagrees with all who are opposed to the design. She likes the design but has a problem with the scale of the project. This will be a large home and she believes it is disproportionate to the size of the lot. She knows there is a national trend to build larger homes on smaller lots, but she doesn't believe it suits this neighborhood.

Mr. Long, one of the applicants, spoke to address these concerns. He did not expect this much opposition. He and his wife intended to match the building materials in the area and planned a nice project. He reminded the Commission that this meeting should only be about what is shown in pink and yellow on the drawings, i.e., the special uses and variance they have requested.

Mr. Long noted that safety is the primary reason for the circular drive, to avoid having to back out into Ridgeway at the curve. He also noted that the house directly across the street has a 3 or 4-car detached garage. He explained that he and his wife worked extensively with their architect to design a structure that met all setback requirements. Most of the homes in the area are greater than 6,000 square feet, so he believes his project fits the scale of the neighborhood. He would have preferred a 3-car attached garage but there was no way to make it fit on this lot. He agreed that the bush should be eliminated and noted that the plan meets all green space requirements.

Ms. Jackson noted that she saw the garage across the street, and asked if it is the same height? Mr. Long did not know but said the one across the street has a flat roof, while his design is a pitched roof and meets the height requirements of the Zoning Code.

Ms. Jackson asked what was the purpose of the turnaround pad. Mr. Long explained that he has children and they don't want to have to drive too far in reverse, potentially endangering their safety as they play in the yard.

Ms. Gowdy asked if the garage was only for storage and vehicles. Mr. Long said yes, there would be no living quarters, just some pool storage and cars. He and his wife intend to keep their cars there, and not in the circular driveway.

Mr. Shulman asked if the Longs have explored other options with the size and layout of the turnaround pad. Mr. Long said they were following the advice of their designer but were not opposed to other designs that might reduce the amount of paving. Ms. Gowdy suggested that grass pavers might help but Mr. Long stated they are not at the point of selecting specific pavers yet.

Mr. Shulman asked when construction would start, and Mr. Long said they had hoped to start by now but the ground is frozen. They will start in spring and construction should run 13-15 months.

Ms. Jackson asked if the walk around the circular drive could be omitted and Mr. Long said yes.

Ms. Gowdy noted that other circular driveways are further back from the road and this one is very close. The one at 2400 Ridgeway is very close but the home is up on a hill with a lot of grass between it and the driveway. Mr. Long said that was also his intent because his home site is on a small hill. He also explained that he does not want to get off on the wrong foot with his new neighbors, which is why he and

his wife are using an architect and consulting with a civil engineer for drainage. This will be a beautiful project.

Mr. Stevenson returned to the podium and said he is still concerned about line-of-sight issues, and although he does not know what the requirements are, he believes it is too short. The problem is with the south driveway access point.

Mr. Dunlevy returned to the podium and said the home across the street is the old L.M. Berry estate, which is on a larger parcel. When it was built, there were no other structures around it. Comparisons to that property are grossly unfair in his opinion.

There being no additional public comments, the public hearing was closed and the Commission began its deliberations. Mr. Aidt noted that if the garage were attached, it would not require any special approval. Mr. Shulman said that he recognizes that the Longs are willing to work with their neighbors, and he suggested tabling the proposal until the next meeting to give the Longs time to meet with city staff. Mr. Byington said he did not feel that was entirely necessary, and discussed the special use standards. He noted that issues were raised with the driveway's line-of-sight, which may implicate the third standard (C). He proposed that the Commission vote on the other special uses and variance, tabling only the circular driveway issue. He noted that the Planning Commission's role is to look at these five (5) issues only, comparing the evidence to the standards. There was no contrary evidence presented on several of the proposals.

Mr. Shulman pointed out that drainage issues were raised, and Mr. Byington said that the applicants are already working on that with a civil engineer. Mr. Merritt spoke up that he had raised drainage concerns; Mr. Byington explained that the Commission has to consider facts and there was nothing presented other than speculation about drainage. Mr. Deaton, project designer, spoke up and said the city already requires a drainage plan and the Longs will fully comply with that requirement. Mr. Klopsch further explained that normally, the drainage plan is not assembled until after the Planning Commission approves a proposal. There is no reason to engage in that kind of engineering until you know your project is allowed to go forward. He explained pre- and post-development runoff calculations and stated that staff will address this if the project proceeds.

Mr. Shulman asked the City Manager if the drainage plan would be presented to the Planning Commission later. Mr. Klopsch explained that it would not; the city enforces that. Mr. Shulman expressed his desire for the neighbors to have an opportunity to review the drainage plan. Mr. Weiskircher said that drainage plans are always public records and the neighbors can obtain copies. Also, Kettering has to perform inspections and those records are public. Mr. Weiskircher offered to notify neighbors when those documents were available. Mr. Merritt asked what would happen if the neighbors don't agree with the plan. Mr. Klopsch explained that there is always an engineering solution to drainage issues and it is in everyone's interest – the applicants, the neighbors, and the city – to ensure there are no problems. Ms. Maimon asked if the city would assume liability for drainage problems. Mr. Klopsch said no, and Mr. Shulman explained that neighbors would have a civil remedy if that ever became an issue.

Ms. Long stated that she is frustrated by this process because the meeting would not have been necessary if it were a 3-car attached garage with a straight driveway.

Ms. Jackson stated that standards (B) and (F) may also apply, so she is inclined to table the whole application. Also, she said there are no other detached garages around this property. Mr. Aidt stated that there are, but you don't generally see them because they are at the rear of each property.

### SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.

**PRELIMINARY STAFF FINDINGS:**

- Semi-circular driveway, secondary garage, turnaround pad, and front entry walk – In general, the plans for the proposed new home and other site amenities are consistent with the standards and principals outlined in the Comprehensive Plan that all residential improvements be characterized by high-quality construction and be compatible with the scale and character of the neighborhood.

**PLANNING COMMISSION FINDINGS:** Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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:**

- Semi-circular driveway – There are already several semi-circular driveways in the immediate area. If you decide to approve the proposed semi-circular driveway, we recommend that the width be reduced from 16 to 14 feet, and that the proposed four (4) foot wide parallel walkway along the east edge of the semi-circular driveway be eliminated.
- Secondary garage – Besides an attached one-car garage on the north side of the house, the applicants are also proposing a detached two-bay garage in the rear yard. Except for the fact that secondary garages require special use approval, the garage complies with all other ordinance requirements.
- Turnaround pad – Although the turnaround pad will not adversely change the character of the area, it appears to be excessively large for its intended purpose.
- Front walkway – The front walkway as proposed is seven (7) feet wide and our ordinance allows five (5) feet in width. Given the scale of the proposed home, we do not object to the seven (7) foot width request.

**PLANNING COMMISSION FINDINGS:** Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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:**

- Semi-circular driveway – Since there are already several semi-circular driveways in the immediate area, it does not appear that approval of this semi-circular driveway will be detrimental to the public welfare.
- Secondary garage – Although not the norm for this immediate area, there is a multi-bay detached garage across the street so it does not appear that approval of the secondary garage will be detrimental to the public welfare.
- Turnaround pad – The establishment of the turn-around pad will not be detrimental to the public welfare.
- Front walkway – The front walkway is in scale with the proposed home so there is no reason to believe that approval of the walkway will be detrimental to the public welfare.

**PLANNING COMMISSION FINDINGS:** Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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:

- Semi-circular driveway – So long as the semi-circular driveway is not used for overnight or extended parking, it should not impact the enjoyment of other property in the immediate area nor impair property values.
- Secondary garage – Given its proposed location on the lot and the distances to the rear house lines of the adjoining properties to the north and east, the secondary garage should not impact the neighborhood.
- Turnaround pad – While the turnaround pad will not impair property values in the area, a smaller pad with less impervious surface can still accomplish the same objective.
- Front walkway – The proposed width of the front walkway will have no impact on the immediate vicinity nor impact property values.

PLANNING COMMISSION FINDINGS: Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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:

- Semi-circular driveway, secondary garage, turnaround pad and front walkway – Establishment of a semi-circular driveway, secondary garage, turnaround pad and a wider than standard front walkway at the proposed location will have no impact whatsoever on development in the immediate area.

PLANNING COMMISSION FINDINGS: Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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:

- Semi-circular driveway – There are already a number of existing semi-circular driveways so the proposed plan is not out of character with the area.
- Secondary garage – Likewise, there are already a number of detached garages in the immediate area.
- Turnaround pad – Although most of the garages in the immediate area are attached, there is a detached, multi-bay garage across the street.
- Front walkway – The front walkway is in scale with the proposed home.

PLANNING COMMISSION FINDINGS: Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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:

- Semi-circular driveway, secondary garage, turnaround pad, and front walkway – All costs associated with drainage and other improvements will be borne exclusively by the applicant.

PLANNING COMMISSION FINDINGS: Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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:

- Semi-circular driveway – Like the adjoining property to the north and several other properties in the immediate area, if you approve the semi-circular driveway, there will be two means of ingress and egress to the property.
- Secondary garage, turnaround pad and front walkway – This standard does not apply to these requests.

PLANNING COMMISSION FINDINGS: Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

- 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: Except for the special uses and variance, the proposed home and appurtenances conform with all other applicable regulations for the R-1 zoning district.

PLANNING COMMISSION FINDINGS: Sustained as to secondary garage, turnaround pad, and front entry walk; tabled as to semi-circular driveway.

#### STANDARDS FOR VARIANCES

- A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

PRELIMINARY STAFF FINDINGS: The front yard variance for the front steps and a portion of the porch stoop is needed in order to avoid side yard variances associated with the principal structure and the proposed in-ground pool.

PLANNING COMMISSION FINDINGS: Sustained.

- B. The conditions upon which a petition for a Variance is based are unique to the property for which the Variance is sought and are not applicable, generally, to other property within the same zoning classification.

PRELIMINARY STAFF FINDINGS: The conditions in this application are not unique to the R-1 district.

PLANNING COMMISSION FINDINGS: Sustained.

- C. The purpose of the Variance is not based primarily upon a desire to make more money out of the property.

PRELIMINARY STAFF FINDINGS: The purpose of the variance is to position the house on the lot so as to avoid side yard encroachments along the south side of the property.

PLANNING COMMISSION FINDINGS: Sustained.

- D. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.

PRELIMINARY STAFF FINDINGS: The alleged difficulty is associated with the design and location of the house on the lot.

PLANNING COMMISSION FINDINGS: Sustained.

- E The property in question cannot yield a reasonable return if permitted to be used only under the regulations of district in which it is located.  
 PRELIMINARY STAFF FINDINGS: The property can yield a reasonable return without encroaching into the front yard setback.  
 PLANNING COMMISSION FINDINGS: Sustained.
- F The granting of the Variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.  
 PRELIMINARY STAFF FINDINGS: If the variance request is approved, the resulting 65-foot setback is consistent with the front yard setback of the former home.  
 PLANNING COMMISSION FINDINGS: Sustained.
- G. The proposed Variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, the danger of fire, or danger to persons or property, nor will it create unreasonable noise, create a substantially adverse aesthetic appearance or substantially diminish or impair property values within the neighborhood.  
 PRELIMINARY STAFF FINDINGS: The variance request will not create an adverse aesthetic appearance nor impair property values within the neighborhood.  
 PLANNING COMMISSION FINDINGS: Sustained.
- H. The shape, topography, or other conditions of the land is such that it is extremely difficult to comply with the regulations generally applicable to the property.  
 PRELIMINARY STAFF FINDINGS: The conditions in this application have been created by the design of the home.  
 PLANNING COMMISSION FINDINGS: Sustained.
- I. The applicant must show that the Variance requested will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity; will not materially impair an adequate supply of light and air to properties and improvements in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare.

No yard, setback, or lot area or width Variance may be granted unless any structure subsequently placed on the lot, and the result of any changes in existing structures, must be of such appearance, size and location that it will not have an adverse impact upon the value of other residences in the immediate vicinity and on approximately the same size lots and, while recognizing the diversity of Oakwood housing, is reasonably compatible with the appearance, size and location of such other residences on such lots.

Plans for any structure to be placed upon, or improved or expanded upon, a lot granted such a Variance must be submitted in advance for approval by the BZA, and no structure may be erected except in accordance with plans approved by the BZA on the basis of meeting these conditions and the other standards required for Variances. In considering the plans, the BZA must give notice and hold a public hearing in the same manner as described above in this Section.

PRELIMINARY STAFF FINDINGS: We view the encroachment of the steps and a portion of the front stoop as a modest variance request and a preferred option over side yard encroachments along the south side of the property.  
 PLANNING COMMISSION FINDINGS: Sustained.

- 1) The plan must describe plantings and/or other screening of such a nature so as to make the appearance of the premises consistent with the appearance of adjacent residential properties and to screen those properties from any negative visual impact of such items as traffic, noise, parking, light spillage, or pedestrian traffic.

PRELIMINARY STAFF FINDINGS: This is a heavily wooded lot and Ms. Dunwoodie intends to keep as many of the existing trees as possible. Existing honeysuckle, as well as any diseased trees, will be removed. All hardscape will be removed and the area graded, seeded and covered with straw. Post demolition runoff will be less since all existing impervious surface will be removed as part of the demolition work.  
 PLANNING COMMISSION FINDINGS: Sustained.

- 2) The plan must include such evergreen and/or deciduous plantings as will be necessary to protect abutting properties from any significant reduction of value that would otherwise result from the structure being demolished or removed.  
 PRELIMINARY STAFF FINDINGS: As already mentioned, the applicant intends to maintain as many of the existing trees as possible. Since the applicant intends to build a new home on the site within the next six to eight months, there are no new trees included in the landscape plan.  
 PLANNING COMMISSION FINDINGS: Sustained.
- 3) The plans must include such structures, walls, evergreen or deciduous plantings as will be necessary to protect the occupants of abutting properties from any significant injury to the use and enjoyment of those properties that would otherwise result from the structure being demolished or removed  
 PRELIMINARY STAFF FINDINGS: Except for seeding the areas disturbed during demolition, it is staff's opinion that no other plantings or structures are necessary in order to protect abutting property owners from the effects of demolishing the existing home.  
 PLANNING COMMISSION FINDINGS: Sustained.
- 4) All such plans shall include removal of all accessory structures and impervious surface if the principal structure is to be removed.  
 PRELIMINARY STAFF FINDINGS: Besides demolition of the existing single-family residence, any remaining impervious surface, including the driveway, sidewalk, patio, etc, will also be removed.  
 PLANNING COMMISSION FINDINGS: Sustained.
- 5) The plan must describe how storm water runoff will be addressed.  
 PRELIMINARY STAFF FINDINGS: All disturbed areas will be graded and seeded to insure post demolition runoff does not exceed pre-demolition runoff.  
 PLANNING COMMISSION FINDINGS: Sustained.
- 6) The plan must contain language obligating the permit holder to complete the work within the 60 day timeframe required by the ordinance. Further, the plan must be accompanied by a valid recordable easement, signed by the property owner, granting the city the right to enter upon the property to implement or complete the plan, if the permit holder fails to do so in a timely manner. A bond or letter of credit must be submitted at the time of permit issuance in an amount that would reimburse the city if it becomes necessary for the city to implement the plan so as to bring the lot into compliance with the approved plan.  
 PRELIMINARY STAFF FINDINGS: The utilities have already been disconnected and all asbestos has been abated from the home. If you approve the landscape plan, the applicant intends to proceed with demolition immediately. Weather permitting, demolition and restoration of the site will be completed on or before the end of November.  
 PLANNING COMMISSION FINDINGS: Sustained.
- 7) Screening lines shall be established that coincide with building setback lines.  
 PRELIMINARY STAFF FINDINGS: As there are no new trees being planted as part of the landscape plan this particular standard does not apply.  
 PLANNING COMMISSION FINDINGS: Sustained.

Therefore, the Commission made the following motions upon each separate question of application #12-11, the application submitted by Justin and Kelly Long to construct a new single family residence including four (4) special use and one (1) variance requests:

It was moved by Mr. Aidt and seconded by Mr. Byington to table the special use request for the circular driveway until the next regular meeting of the Planning Commission.

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

It was moved by Mr. Byington and seconded by Ms. Gowdy to approve the special use for the front walk.

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

It was moved by Mr. Byington and seconded by Mr. Aidt to approve the special use for the turnaround pad, conditioned upon working with staff to minimize its size and maximize safety.

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

It was moved by Mr. Byington and seconded by Mr. Aidt to approve the special use for a detached secondary garage. Mr. Shulman offered an amendment to have staff look closely at the drainage plan and share the plan with any interested parties. The City Attorney asked Mr. Shulman to clarify that he was not suggesting the neighbors would have veto authority of any kind over the plan, and Mr. Shulman agreed. He merely wanted the city to share the plan with interested parties. With that clarification, Mr. Byington accepted the amendment, and the amended motion was re-seconded by Mr. Aidt.

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 .....	NAY
MR. STEVE BYINGTON.....	YEA

It was moved by Mr. Byington and seconded by Ms. Gowdy to approve the variance for the front step encroachment, conditioned upon the steps remaining uncovered.

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

Therefore, based upon plans and information previously submitted and in compliance with all applicable city rules and regulations, the motions to approve the single variance request and all special uses except the semi-circular driveway, which was tabled, were deemed to carry and the same were ordered.

Application #12-12, the review of a landscape plan submitted by Jane Dunwoodie to fulfill the requirements associated with the planned demolition of the single family residence at 605 Runnymede Road, and known as lot 2700 pt., was presented by city staff. Mr. Weiskircher referenced a PowerPoint presentation consisting of photographs and sketches of the landscaping proposed by the applicant. He noted that demolition of the existing single-family residence would occur later this year, with construction to commence in spring.

There were no questions asked of staff.

Ms. Dunwoodie, the applicant, declined to make a separate presentation. She believes Mr. Weiskircher covered the subject adequately. There were no questions asked of Ms. Dunwoodie.

Mr. Palmintieri, a neighbor adjacent to the property on Katharine Terrace, asked if the demolition would include the chain-link fence, which is an eyesore. Ms. Dunwoodie answered yes.

There being no further public comment, the hearing was closed and the Commission began its deliberations. Mr. Shulman thanked the applicant for being so patient and presenting a thorough landscaping plan.

**LANDSCAPE PLAN STANDARDS**

1. The plan must describe plantings and/or other screening of such a nature so as to make the appearance of the premises consistent with the appearance of adjacent residential properties and to screen those properties from any negative visual impact of such items as traffic, noise, parking, light spillage, or pedestrian traffic.

PRELIMINARY STAFF FINDINGS: This is a heavily wooded lot and Ms. Dunwoodie intends to keep as many of the existing trees as possible. Existing honeysuckle, as well as any diseased trees, will be removed. All hardscape will be removed and the area graded, seeded and covered with straw. Post demolition runoff will be less since all existing impervious surface will be removed as part of the demolition work.

PLANNING COMMISSION FINDINGS: Sustained.

2. The plan must include such evergreen and/or deciduous plantings as will be necessary to protect abutting properties from any significant reduction of value that would otherwise result from the structure being demolished or removed.

PRELIMINARY STAFF FINDINGS: As already mentioned, the applicant intends to maintain as many of the existing trees as possible. Since the applicant intends to build a

new home on the site within the next six to eight months, there are no new trees included in the landscape plan.

PLANNING COMMISSION FINDINGS: Sustained.

- 3. The plans must include such structures, walls, evergreen or deciduous plantings as will be necessary to protect the occupants of abutting properties from any significant injury to the use and enjoyment of those properties that would otherwise result from the structure being demolished or removed

PRELIMINARY STAFF FINDINGS: Except for seeding the areas disturbed during demolition, it is staff's opinion that no other plantings or structures are necessary in order to protect abutting property owners from the effects of demolishing the existing home.

PLANNING COMMISSION FINDINGS: Sustained.

- 4. All such plans shall include removal of all accessory structures and impervious surface if the principal structure is to be removed.

PRELIMINARY STAFF FINDINGS: Besides demolition of the existing single- family residence, any remaining impervious surface, including the driveway, sidewalk, patio, etc, will also be removed.

PLANNING COMMISSION FINDINGS: Sustained.

- 5. The plan must describe how storm water runoff will be addressed.

PRELIMINARY STAFF FINDINGS: All disturbed areas will be graded and seeded to insure post demolition runoff does not exceed pre-demolition runoff.

PLANNING COMMISSION FINDINGS: Sustained.

- 6. The plan must contain language obligating the permit holder to complete the work within the 60 day timeframe required by the ordinance. Further, the plan must be accompanied by a valid recordable easement, signed by the property owner, granting the city the right to enter upon the property to implement or complete the plan, if the permit holder fails to do so in a timely manner. A bond or letter of credit must be submitted at the time of permit issuance in an amount that would reimburse the city if it becomes necessary for the city to implement the plan so as to bring the lot into compliance with the approved plan.

PRELIMINARY STAFF FINDINGS: The utilities have already been disconnected and all asbestos has been abated from the home. If you approve the landscape plan, the applicant intends to proceed with demolition immediately. Weather permitting, demolition and restoration of the site will be completed on or before the end of November.

PLANNING COMMISSION FINDINGS: Sustained.

- 7. Screening lines shall be established that coincide with building setback lines.

PRELIMINARY STAFF FINDINGS: As there are no new trees being planted as part of the landscape plan this particular standard does not apply.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Aidt and seconded by Ms. Gowdy that application #12-12, the review of a landscape plan submitted by Jane Dunwoodie to fulfill the requirements associated with the planned demolition of the single family residence at 605 Runnymede Road, and known as lot 2700 pt. be approved based on plans and information previously submitted and in compliance with all applicable city rules and regulations.

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 and no (0) nay votes thereon, said motion was declared duly carried and it was so ordered.

As an item of new business, Mr. Byington expressed his preference for having the Planning Commission packet separated for each application.

The Planning Commission adjourned. The public meeting concluded at 6:05 p.m.

  
CHAIR

ATTEST:

  
ACTING CLERK