Oakwood, Dayton, Ohio
December 3, 2014

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., Oakwood, Ohio, 45419, at 4:30 p.m.

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. SHULMAN ..... PRESENT
MR. ANDREW AIDT ..... PRESENT
MRS. HARRISON GOWDY ..... PRESENT
MRS. E. HEALY JACKSON ..... PRESENT
MR. STEVE BYINGTON ..... ABSENT

Officers of the city present were the following:

Mr. Robert F. Jacques, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Ms. Lori Stacel, Clerk of Council

The following visitors were present:

Kate and Job Miller, 718 Harman Avenue

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the absence of Mr. Byington be excused. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

It was moved by Mrs. Gowdy and seconded by Mrs. Jackson that the minutes of the planning commission meeting held August 8, 2014, 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 #14-4, Mr. Weiskircher explained that this application is a special use request by Job and Kathryn Miller to vary the 50% rear yard green space requirement for a two-tiered paver patio and sidewalk at 718 Harman Avenue.

Mr. Weiskircher referenced a PowerPoint presentation in which he explained that the Millers are proposing to add a bi-level paver patio and walkways in the northeast portion of the rear yard. They have submitted two proposals: one which adds 750 sq. ft. of new impervious surface and the other which adds 600 sq. ft. A special use is required since the additional impervious surface under either option reduces the amount of available green space to well below the 50% required by the zoning code. The applicants prefer proposal A, which results in a required rear yard of only 10% green space, leaving 269 sf of remaining green space. The benefits of the proposed project include the removal of stagnant water ponds; increasing usable space in backyard; adding greenery and stone façade to cover a cement wall at the back of the property; and, improving the safety of existing walkways into the house and the garage. Mr. Weiskircher shared that letters of support were received from the adjoining neighbors at 65 Harman Terrace and 710 Harman Avenue.

Mr. Aidt asked Mr. Weiskircher about the retention ponds. Mr. Weiskircher shared that the applicants will be required to complete a drainage study as part of the permit process.

Mr. Shulman stated that it was his understanding that the green space requirement was enforced by the city to enhance the appearance of neighborhoods. Mr. Weiskircher confirmed that it is a very common requirement amongst cities in order to preserve appropriate green space and to enhance the appearance of neighborhoods.

Mr. Shulman stated that this proposal seems to be an exception because no one would see the proposed changes. Mr. Weiskircher confirmed that the proposed project area is enclosed.

The matter was then opened for public hearing.

Mrs. Kate Miller, property owner at 718 Harman Avenue, shared that her and Mr. Miller are avid gardeners and appreciate the green space requirement. She shared that they want to make the proposed changes to make it safe for her family. They have already removed the waterfall which was a safety hazard and unusable.

Mr. Aidt suggested that they consider placing lighting on the step up to the second level of the paver patio. He added that he has a similar patio and many people have tripped on the step not realizing it was there. Mrs. Miller shared that this is something they have already considered and they are looking at different options.

The public hearing was then closed.

SPECIAL USE STANDARDS

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

PRELIMINARY STAFF FINDINGS:

- The Comprehensive Plan recommends that home improvements and additions be compatible with and complement existing neighborhood scale and character. The paver patio and walkways meet those standards.

PLANNING COMMISSION FINDINGS: Sustained.

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:

- The proposed paver patio and walkaway project does not change the character of the area. The proposed patio will be screened to the east by the existing garage and a privacy fence that sits atop the retaining wall and to the north by the Miller's lattice fence.

PLANNING COMMISSION FINDINGS: Sustained.

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:

- The proposed project appears to be a significant improvement over the existing conditions so there should be no detrimental impact to the general welfare of the public.

PLANNING COMMISSION FINDINGS: Sustained.

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:

- Most of the new hardscape area will be enclosed and the applicants have already submitted letters of support from the abutting neighbors.

PLANNING COMMISSION FINDINGS: Sustained.

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:

- The proposed use of the paver patio will not adversely impact adjacent or nearby properties.

PLANNING COMMISSION FINDINGS: Sustained.

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:

- The materials being used for the paver patio and walkways are of a high quality and are used throughout the community in similar applications.

PLANNING COMMISSION FINDINGS: Sustained.

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 drainage improvements associated with the project are being provided solely at the applicant's expense.

PLANNING COMMISSION FINDINGS: Sustained.

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:

- This standard does not apply in this application.

PLANNING COMMISSION FINDINGS: Sustained.

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:

- If approved, both plans require drainage mitigation.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Aidt and seconded by Mrs. Gowdy that application #14-4, submitted by Job and Kathryn Miller to reduce the 50% rear yard green space requirement for a two-tiered paver patio and sidewalk at 718 Harman Avenue, Proposal A, be approved.

Upon a viva voce vote on the question of the motion, same passed unanimously (4-0 vote, with Mr. Byington absent) and it was so ordered.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 5:05 p.m.

CHAIR

ATTEST:

CLERK