Oakwood, Ohio
February 4, 2015

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 Acting Chair, Mr. Andy Aidt, presided and the Clerk, Lori Stacel, recorded.

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

MR. JEFFREY B. SHULMAN ..... ABSENT
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. Robert F. Jacques, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Mr. Dave Bunting, City Inspector
Ms. Lori Stacel, Clerk of Council

The following visitors were present:

Mike and Joanne Cunningham, 317 Lonsdale Avenue
Rebecca Lees, 2225 Coolidge Drive

It was moved by Mr. Byington and seconded by Mrs. Gowdy that the absence of Mr. Shulman 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 January 7, 2015, 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. Aidt reviewed the meeting procedure with all in attendance.

Application #15-3, Mr. Weiskircher referenced a PowerPoint and explained that this application involves a special use request submitted by Mike and Joanne Cunningham, to reduce the 50% rear yard green space requirement for a 18' x 24' patio to be located adjacent to the detached garage at 317 Lonsdale Avenue. The required green space is 1,000 sf., the existing garage and driveway is 659 sf and the proposed patio would be 432 sf. This equals a total impervious surface of 1,091 sf, which exceeds the green space requirement by 91 sf. The proposed patio will be fully enclosed by an existing solid wood privacy fence. Since the proposed patio exceeds 350 sf, the Cunninghams will be required to install a trench drain and will be responsible for all associated costs.

The matter was then opened for public hearing.

Mrs. Cunningham, property owner at 317 Lonsdale Avenue, shared that her family has lived in this house for almost 50 years. The home was built by Mr. Cunningham's grandfather and has been in their family since it was built. She explained that there are two reasons they are requesting a special use. First, due to the enormous tree in the backyard that prevents anything from growing, including grass, due to the lack of sunlight. Second, a larger patio will allow for more space for family and friend get-togethers in the backyard. She explained that the proposal is for the max size request, but the plans moving forward could be to reduce the size of the patio.

Mr. Byington asked what other material would be considered if the patio is unable to be constructed with flagstone.

Mrs. Cunningham shared that until they talk with a designer, they are not sure which material will be used. She added that they will definitely use a material that maintains the integrity of the house.

Mr. Byington asked if there are plans to add additional walkways from the house to the driveway.

Mrs. Cunningham responded that they are not planning a walkway from the house to the patio, but would like to place a walkway in the space from the tree to the driveway.

Mr. Byington asked Mr. Weiskircher what size dictates the requirement for a trench drain.

Mr. Weiskircher answered that anything exceeding 350 sf. will require installation of a trench drain.

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

Therefore, it was moved by Mrs. Gowdy and seconded by Mr. Byington that the preliminary staff findings shall be adopted, and on that basis, application #15-3, to reduce the 50% rear yard green space requirement for a 18' x 24' patio to be located adjacent to the detached garage at 317 Lonsdale Avenue, and known as lot 2331, shall be approved.

For purposes of the minutes, the preliminary staff findings as stated in the Staff Report were as follows:

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 be compatible with and complement existing neighborhood scale and character. The proposed patio meets that standard.

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 use of a portion of the rear yard for a patio is consistent with the residential character of the area.

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:

- Although the applicants could install a smaller patio at this location without the need for a special use, the proposed patio will not be detrimental to the general public.

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:

- The proposed use of the available green space next to the garage is not unique to properties in the R-4 zoning district and will not diminish property values.

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 patio will have no impact whatsoever on the use or development of nearby properties. Moreover, the proposed patio will be fully enclosed by an existing solid wood privacy fence.

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:

- Unless it turns out to be cost prohibitive, the applicants are proposing to construct the patio with flagstone.

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:

- At 432 sf, the applicants will be required to install a trench drain and will be responsible for all associated costs.

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 standard for ingress and egress does not apply in this application.

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:

- Again, if the proposed patio was 91 sf smaller, the city could issue a permit without the need for a hearing.

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

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

There being four (4) YEA votes thereon, said motion carried. Application #15-3, to reduce the 50% rear yard green space requirement for a 18' x 24' patio to be located adjacent to the detached garage at 317 Lonsdale Avenue, and known as lot 2331, was approved.

Mr. Weiskircher announced that Mr. Routsong appealed the rejection by the Planning Commission to extended operating hours for the Saxby Coffee Shop. There will be a public hearing at the March 2 Oakwood City Council meeting. There was a brief discussion on the appeal process.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 4:53 pm.

CHAIR

ATTEST:

CLERK