

Oakwood, Dayton, Ohio

June 13, 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 Clerk, Mrs. Cathy Gibson, recorded.

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

MR. JEFFREY B. SHULMAN.....PRESENT
 MR. ANDREW AIDTPRESENT
 MRS. HARRISON GOWDYPRESENT
 MRS. E. HEALY JACKSONPRESENT
 MR. STEVE BYINGTON.....PRESENT

Officers of the city present were the following:

Mr. Jay A. Weiskircher, Assistant City Manager
 Mr. Robert F. Jacques, City Attorney
 Mr. Dave Bunting, City Inspector

The following visitor registered:

Camille Morris, 209 E. Peach Orchard Avenue

It was moved by Mr. Aidt and seconded by Mr. Byington that the minutes of the planning commission meeting held May 9, 2012 be approved with the following amendment. In regard to the OIG presentation, Mr. Byington recused himself from the application even though it was noted in the minutes he voted yea. Upon a viva voce vote on the motion, same passed unanimously and it was so ordered as amended.

Application #12-7, the request by Terry and Camille Morris for a special use for a parking pad that exceeds 50% of the required rear yard green space and a variance to the side yard setback requirement for the same parking pad at 209 E. Peach Orchard was presented. Mrs. Morris explained sine her daughter recently graduated from Butler University and is now attending UD and living at home, they need an area for her car off the street. Mrs. Jackson asked if she received any feedback from neighbors. Mrs. Morris indicated she had talked with the neighbors to the north and west and they were fine with the project. She submitted photos of the neighbor's boat parked by their garage. Mrs. Gowdy asked if the additional depth is so that the cars may be parked in either direction. Mrs. Morris concurred; they need egress for two vehicles since there is a 2-hour parking restriction on the street. Mr. Aidt questioned the length of the car. Mrs. Morris responded 16' bumper to bumper in length.

Mr. Shulman asked if the west side of the fence is how far over she wants the parking area. Mrs. Morris indicated she would like to go 3' more feet with a small area to landscape/control weeds, 6' deep in the yard and they plan to re-install the fence. Mr. Weiskircher asked if they had marked the proposed area on the grass. Mrs. Morris responded yes, the contractor did so. Mr. Aidt asked if there have been any issues with the boat. Mr. Weiskircher responded no and noted there are a number of parking pads in the area. Mr. Byington asked if they plan to remove the existing pad or just add on. Mrs. Morris responded add on to the existing pad which was just recently installed. Mr. Shulman asked about gate access. Mrs. Morris indicated the gate is on the other side of the garage. Mr. Byington asked if the utilities are marked in the 5' easement. Mr. Bunting indicated parking areas are permitted in easements. Mr. Weiskircher explained the property owner's understand that if the utility needs to be accessed, any improvements within the easement are subject to removal. Mr. Jacques reminded the commission there is both a special use and variance request. There being no one else in the audience, the hearing was 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 improvements in residential areas be compatible with existing neighborhood character.

The proposed improvement seems to be consistent with that objective.

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: There are several other examples along this block of E. Peach Orchard where a combination of garages and parking pads clearly reduce the amount of green space below the 50% requirement.

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: Increasing the size of the existing parking pad and thus reducing the green space calculation below 50% will not have a detrimental impact on 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: For those properties in town abutting public alleys, it is not at all uncommon to have a parking pad next to a garage. In many instances, the combined impervious surface reduces the amount of available green space below the 50% green space requirement.

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 area in question is already being used for parking purposes so the added impervious surface being proposed will not affect development in the area.

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: Expansion of the parking pad is not inconsistent with the character of the area.

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: This standard is not applicable in this application.

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 is not application to 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: In addition to the special use, the location of the pad within 5' of the property line also requires variance approval.

PLANNING COMMISSION FINDINGS: Sustained.

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: The widening of the parking pad is intended to make it easier for the applicant to access vehicle doors immediately adjacent to the side of the garage.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Byington and seconded by Mrs. Gowdy that application #12-7, the request by Terry and Camille Morris for a special use for a parking pad that exceeds 50% of the required rear yard green space and a variance to the side yard setback requirement for the same parking pad at 209 E. Peach Orchard Avenue and known as lot #1518, 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.

Mr. Byington suggested impervious surface regulations be reviewed so as to avoid 2' areas remaining as dirt/weeds for maintenance purposes. Ms. Gowdy indicated she has seen daylilies and personally plants cucumbers in such an area. The commission reviewed potential July meeting dates and decided to meet on July 18.

The Planning Commission adjourned. The public meeting concluded at 4:50 p.m.



 CHAIR

ATTEST:



 CLERK