

Oakwood, Dayton, Ohio

November 1, 2006

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. William Kendell, presided and the Clerk, Ms. Cathy Blum, recorded.

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

MR. WILLIAM KENDELL.....PRESENT  
MR. JEFFREY B. SHULMAN.....PRESENT  
MR. STEVEN BYINGTON.....PRESENT  
MR. ANDREW AIDT.....PRESENT  
MR. CARLO C. McGINNIS.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager  
Mr. Robert N. Farquhar, Assistant City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager

The following visitors were present:

Roger Doolin, 228 Byers Road  
John Gray, 1911 Ridgeway Road  
Carol Pohl, 320 Fairforest Circle

It was moved by Mr. Kendell and seconded by Mr. Shulman that the minutes of the commission meeting held October 4, 2006 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.

Application #06-14, the request from John C. Gray to amend the previously approved special use for two accessory structures in order to construct a single accessory structure to be used as a combination workshop/greenhouse at 1911 Ridgeway was reviewed. Mr. Weiskircher referenced a PowerPoint and explained this is to amend the special uses from 1999 for the property which received approval for the new home and two accessory structures. The project was phased on a timetable - the workshop to be built in 2002 and the greenhouse in 2003 but due to the economy, time extensions were granted to 2004 and 2006. Mr. Gray is now proposing an amendment for only one accessory structure as a workshop/greenhouse. He referenced photos of the site taken from various views and pointed out the stakes that depict the footprint of the structure in the southwest corner of the property. He noted the existing mound will assist in screening, explained the corner of the structure is approximately 180' to the edge of the neighboring Maschino home and the numerous blue spruces planted by Mr Gray along the south lot line will serve as an additional buffer. Mr. Weiskircher referenced the view to Deep Hollow and indicated the rear of the structure will be 150' from that road. The plot plan for the original 1999 approval was reviewed which showed the locations of the two separate accessory structures as well as the outline of the former Walther home. The proposed plot plan was reviewed and Mr. Weiskircher pointed out the existing gravel drive that will be paved with concrete as well as the use of some grass pavers, the road will access the main and lower levels of the structure. He also reviewed a plan of the site and neighboring properties, including the location of Carol Pohl's home (who is in the audience). The next slides reviewed the elevations of the "barn" structure. Mr. Weiskircher indicated the shingles, cupola and wood trim will match the principle structure. He also reviewed the floor plan of the two levels and a colored rendering, although not the exact color of red, as it will look from Ridgeway.

Mr. Gray reviewed a picture of the original application from 1999 which depicts the actual color of dark red for the barn; the architect's rendering is too orange. He noted the greenhouse was designed by a talented architect who was responsible for the conservatory in Washington DC. He noted they plan to use four of the marble windows extracted from the Walther home on the wall that separates the greenhouse and workshop. Mr. Kendell asked about light into the greenhouse. Mr. Gray explained light will be from

the south and west and reviewed the five panels of glass that are “lien to” against the workshop. He also reviewed the 2 ½’ grade difference, with the workshop at the lower grade. Mr. Gray explained the height of the structure is the same as was approved in 1999. Mr. Shulman asked about the proposed timetable. Mr. Gray hopes to do so in 2007, worse case scenario 2008.

Mr. McGinnis asked for background information on the conservation easement for this tract of property. Mr. Gray explained the easement is for the entire property and when Roger Doolin helped develop the 10.1 acres, he showed what could physically be done with nine homes plus the existing house, so the easement was given to Metro Parks which in turn meant the area could never be developed into nine residential split lots, the 10.1 acres has to remain single-family. Mr. McGinnis asked if this improvement is part of the easement. Mr. Gray indicated it is acceptable and will be part of the overall appraised value. Mr. McGinnis indicated one of his fellow council members asked about the tax consequence. Mr. Gray explained it is not a non-profit, the property is taxed at its current value. Mr. McGinnis commended that concept and hopes others in the area would do likewise so as to maintain the wooded canopy. Mr. Gray indicated one neighbor has done the same, some properties only do partial areas and there are wonderful tax advantages. Mr. Gray indicated he’d be willing to put together a “white paper” on how this was done. Mr. Klopsch noted this impacts property tax in that it prevents future growth, however, retains a beautiful 10-acre lot. Mr. Aidt noted development pressures around the property could also increase the value.

Mr. Kendell asked if there were any comments. Mrs. Pohl noted it’s a wonderful plan. Mr. McGinnis recalled concern from the Maschinos about the bulk and height and asked how that relates to the amended plan. Mr. Gray indicated he spoke with both of them and they are for the proposal, concern from 1999 was due to possible reflection on their home off the greenhouse glass. He noted the building is now located more to the west. Mr. Kendell questioned the intersecting drive width concern. Mr. Weiskircher suggested staff work with the owner about possibly narrowing the area of the drive/road as well as use of grass pavers to reduce the amount of impervious surface.

#### **SPECIAL USE STANDARDS**

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.  
PRELIMINARY STAFF FINDINGS: This application appears to be consistent with the stated Comprehensive Plan objectives that improvements be compatible with, complement and enhance existing neighborhood scale and character.  
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 site of the proposed accessory structure was previously part of a 5-acre parcel which contained an estate home located approximately 145’ from the south lot line. The proposed setback for the workshop/greenhouse is approximately 70’ from the south lot line which exceeds the side yard setback for accessory structures in the R-1 district by nearly 50’. When you add two additional feet to the setback for each one foot in additional height above 25’, the required setback is still only 40’. In addition, numerous spruce trees have been planted along the south property line, and when these trees mature they will provide a natural screen for the adjoining property to the south. For these reasons, it does not appear that the proposed structure will adversely affect or change the character of the area.  
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: Given the size of the property; the proposed location of the accessory structure; and, the intended uses of the building, there is no reason to believe the special use will impact the public health, safety or general welfare.  
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: The development which has taken place so far on this 10-acre parcel has been an asset to both the neighborhood and the community. The proposed accessory structure will be more than 320' from the street and nearly 180' from the principle structure on the adjoining south lot so it does not appear it will negatively impact property in the immediate area.

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 location of the accessory structure is in the southwest corner of this 10-acre parcel. To the west is a wooded natural area and to the north is the applicant's home. The proposed location abuts the rear yard of the adjacent property and should not impact or adversely 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: This workshop/greenhouse is being built by the same general contractor who built the principle structure. The cupola, roof shingles and wood trim will match the principle structure. Although this is certainly a unique looking structure, it is being constructed of high-end building materials typically used in residential 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 improvements associated with the proposed accessory structure are being provided at the applicant's cost.

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: There are no additional curb cuts associated with this proposed structure so it will not impact vehicular or pedestrian traffic along Ridgeway Road.

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: The proposed height of the accessory structure is significantly taller than the height limits provided for in the ordinance. However, as was cited at the time when the two accessory structures were approved in 1999, the lot size and setback from the street are mitigating factors unique to this site.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Shulman and seconded by Mr. Aidt that whereas the Planning Commission has heard and considered the evidence presented by the applicant, and has heard and reviewed the staff's preliminary findings, the Commission concurs with the staff's findings; and based on the foregoing, the Planning Commission finds that the special use standards set forth in Oakwood Ordinance Section 1004.6 are each met; and wherefore, the Planning Commission approves application #06-14, the request from John C. Gray to amend the previously approved special use for two accessory structures in order to construct a single accessory structure to be used as a combination

workshop/greenhouse at 1911 Ridgeway Road, and known as pt lot #2821, based on plans and information previously submitted and in compliance with all applicable city rules and regulations. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Shulman commended Mr. Gray on his thorough and significant project which has been done so well now and in the future.

Mr. Klopsch reminded the Commission that the December meeting has been changed to the second Wednesday, December 13 and will be held at the Community Center. At that meeting, they will review the request from OIG and Versant for the Sugar Camp property. He indicated things are moving along as planned, buildings A and D will be a medical use, other professional office buildings are planned as well as patio homes/condos. Mr. Byington asked if they'll discuss access to the Soccer Field. Mr. Klopsch concurred and noted there will probably only be one curb cut across from Springhouse. He noted this will be a new application. Discussion ensued in regard to publicizing the meeting, advance plans/information, that the commission probably won't be in a position to vote next month given all the issues to review and study, etc. Mr. Klopsch indicated on November 20, the Board of Health will meet to review the environmental issue at the property, including Old River and the UD property so that a report can be given to the commission. To date, he has heard it will be a positive report. Mr. Byington suggested that meeting be filmed for future viewing.

The Planning Commission adjourned. The public meeting concluded at 5:24 p.m.

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CHAIR

ATTEST:

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CLERK