

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Tuesday, September 6, 2016
1:30 p.m.**

Roll Call:

Members Present:

Mr. Dale McAllister, Mr. Tom Alf, Mr. Dave Belew, Mayor Pat Moeller

Members Absent:

Ms. Teri Horsley, Mr. Mike Samoviski, Mr. Joshua Smith

City Staff Present:

Mr. Eugene (Bud) Scharf, Ms. Meredith Murphy, Ms. Heather Hodges, Ms. Kim Kirsch, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director).

Swearing in of Those Providing Testimony to the Commission:

There were no audience members wishing to speak.

Approval of Meeting Minutes- Written summary and audio recording for the following dates:

1. **August 1, 2016** – Motion to approve by Mr. Alf, 2nd by Mr. Belew. With all “ayes” to roll call vote the motion was approved 4-0. The minutes will need to be signed by Mr. Samoviski at the next meeting he attends.
2. **August 15, 2016** - Motion to approve by Mr. Alf, 2nd by Mr. Belew. With all “ayes” to roll call vote, the motion was approved 4-0.

Old Business:

None

New Business:

Agenda Item #1 - Public Hearing

Staff: Meredith Murphy

Request to rezone 759 Park Avenue (City Lot No. 6531), located in the City of Hamilton, First Ward North Side, from R-1 Single Family Residential District to R-2A Two Family Residence District. (Laming Properties, Applicant/Owner).

Ms. Murphy shows a map with the subject property outlined in red. She states that the property is currently zoned R-1, and it is surrounded by properties that are zoned R-1 and R-3. She refers to several cases heard previously by the Planning Commission for properties on Park Avenue and Dick Avenue.

BACKGROUND INFORMATION

Laming Properties has submitted an application for the rezoning of 759 Park Avenue (City Lot No. 6531). The property is currently zoned R-1 Single Family Residence District. The applicants are proposing a zoning change from R-1 Single Family Residence District to R-2A Two Family Residence District. The property is currently being used as a duplex (photographs included in Board packet). According to the Butler County Auditor records the house was built in 1925. According to the Applicants, the reason for the rezoning request is to make the existing two-family dwelling a permitted use. Currently, the two-family dwelling is a grandfathered land use in the R-1 zoning district and allowed to continue as long as it remains and does not cease for more than six (6) months, per Section 1109.33 of the Hamilton Zoning ordinance. A two-family dwelling is not permitted in the R-1 Single Family Residence District, but is a permitted use in R-2A Two Family Residence District.

A total of one hundred and eighteen (118) public hearing notices were mailed to property owners within 500 feet of the subject property. At the time the report was written for this meeting there was no feedback received with regard to this rezoning.

Ms. Murphy then summarizes the Plan/Proposal Review (also included in its entirety in the Board packet). With regard to Zoning, she states "Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance", and she explained the ordinance as it applies to the subject property.

Ms. Murphy states that there are no proposed changes for setbacks, parking, land division, landscaping, or lighting associated with the request (just zoning), that any future development plans would go through the City of Hamilton Interdepartmental Review process once plans are submitted, and that any future building or development plans must adhere to all applicable building and zoning regulations.

Ms. Murphy goes on to state that the requested zoning change from R-1 to R-2A would not change the current use on the property. The requested zoning change would be a continuation of the abutting residential land uses and zoning in the surrounding, immediate area. This zoning change would permit the continuation and possible replacement of the existing home on this property.

Ms. Murphy then showed pictures of the subject property, pointing out that each entrance has its own address.

Lastly, Ms. Murphy states that should the Planning Commission recommend approval, the Department of Community Development recommends the following motion to rezone the subject property:

- a) That City Council approve the rezoning of 759 Park Avenue (City Lot No. 6531) from R-1 Single Family Residence District to R-2A Two Family Residence District.

Chairman McAllister then asked if there was anyone in the audience wishing to speak to the current item, and there were none.

Mr. Scharf asked who the statutory agent was, and Ms. Murphy replied that it is Tom Laming. Mr. Scharf then asked her for confirmation that there is evidence that the property in question was built as a duplex. She replied that there is, and gave the specifics of said evidence.

Mayor Moeller made a Motion to close the Public Hearing. With a 2nd by Mr. Alf and all “ayes”, the Public Hearing was closed.

After a short question and answer session between the Board and Ms. Murphy, Mr. Belew made a Motion to approve the request as presented. With a 2nd by Mr. Alf and a roll call vote of 3-1 (“No” vote by Mayor Moeller), the Motion passes and the request is approved.

Reports:

Ms. Murphy gave the following verbal reports:

1. Upcoming Architectural Design Review Board Meeting of September 6, 2016
401 North Second Street - Porch Work/Replacement
2. Verbal Report on previous Board of Zoning Appeals Meeting of September 1, 2016
2016.13 - Variance on lot size for an Automotive Repair Facility at 1150 Hooven Avenue was denied.
3. Verbal Report on previous Planning Commission cases in progress:
 - o 735 S. Erie Blvd Conditional Use – Second Reading 9/14/16
 - o 140 Ross Ave Conditional Use – Second Reading 9/14/16
 - o Bender Avenue Alley Vacation – Second Reading 9/14/16

Mr. Scharf verified with Ms. Murphy that there are no applications and no further information for the next meeting. Mr. Alf made a Motion that the next scheduled meeting of 9/19/16 be cancelled. With a 2nd by Mr. Belew and all “ayes”, the Motion is approved and the meeting of 9/19/16 is cancelled.

Adjournment:

Mayor Moeller made a Motion to adjourn. With a 2nd by Mr. Alf and all "eyes", the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant



Mr. Eugene Scharf
Secretary



Mr. Dale McAllister
Chairman