

**MINUTES OF MEETING**  
**INDIAN HILL PLANNING COMMISSION**  
**DECEMBER 15, 2009**

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, December 15, 2009 at 7:30 p.m. in the Fire Department's Training room at 6475 Drake Road.

Members Present: Paul F. Madden  
Jane G. Koppenhoefer  
Richard C. Wiggers  
Abbot A. Thayer  
Laura S. Raines

Members Absent: None

Officials Present: Michael W. Burns, City Manager  
David M. Couch, Assistant City Manager

Visitors Present: Tom Breidenstein, 533 Centre View Blvd.  
John Scola, Cincinnati Bell Wireless, LLC  
David & Betsy Ahlert, 5000 Graves Road  
Robert Bell, 486 Sutton Road, Cincinnati

Chairman Madden called the meeting to order and asked for comments or corrections to the November 17, 2009 Planning Commission minutes. There being none, Mr. Thayer made a motion to approve the minutes. Mr. Wiggers seconded, and the minutes were approved by a unanimous voice vote.

Mr. Madden asks for anyone planning to speak on behalf of either case, to please stand, raise their right hand, and be sworn in prior to speaking.

**Item Number 1:** Mr. and Mrs. David Ahlert, residing at 5000 Graves Road, are requesting variance approval to add a second floor addition to their residence.

Mr. Bob Bell, the architect for Mr. and Mrs. Ahlert, comes before the Commission and explains that they would like to add an upper level to their existing 1955 ranch style house.

Mr. Bell notes that the plans are to stay within the existing footprint of the dwelling, while adding an upper level that includes four bedrooms, three bathrooms, and additional living and storage space. The lower level will then be used mainly for storage space since the house does not have a basement.

Mrs. Alhert adds that their main reason for the addition is for added storage space. The first floor will remain virtually the same.

**Staff Report:** Mr. Couch states that Mr. and Mrs. Alhert reside at 5000 Graves Road and are requesting a variance to construct a second story addition to their residence. The house is located in a non-conforming location and encroaches into the required front and rear yard setbacks.

The property is located in District "C" – one acre and is a conforming corner lot of record containing one (1) acre. The house was constructed in 1955 and was built in a non-conforming location, being located within the front and rear yard setbacks. The existing house is located 52' from the front right-of-way line and 43' from the rear lot line. The required front and rear yard setbacks for District "C" is 75'. The required side yard setbacks are 20'.

The plans call for a second story addition to be build within the existing footprint of the dwelling. The proposed addition includes a master bedroom and bath on the north side, and three additional bedrooms and two baths on the south side. The height of the proposed addition will be 22.6'.

The outside of the home will be constructed of a hard wood grain siding and cultured stone. The site plan shows that no trees will be removed, and the existing drainage will remain the same.

Staff advised the applicant to exclude any windows to the second floor of the north side to eliminate potential privacy concerns of their neighbor to the north. The applicant agreed to do so.

The Indian Hill Zoning Ordinance, **Section 10, 101.53** VariANCES Authorized, authorizes the Planning Commission to grant variances from the provisions and requirements of the zoning ordinance. The Commission has granted past variance requests that do not create a non-conforming condition or worsen the existing non-conforming condition.

Staff finds that the non-conforming location of the dwelling creates a hardship for the applicant, and that the existing non-conforming conditions are by no actions of the property owners. Without the benefit of a variance the applicant cannot increase their living space.

Mr. Couch ends his report by stating that all adjacent property owners have been notified, and no comments have been received by Staff. Staff recommends that the variance be approved.

After a brief discussion, Mrs. Koppenhoefer made a motion to approve the variance request. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

**Item Number 2:** Cincinnati Bell Wireless, LLC is requesting Planning Commission approval to extend the existing special exception permitting three existing personal wireless micro-cells located inside the right-of-way along Miami Road. The request to extend the special exception is for a period of twenty-four (24) months.

Mr. Tom Breidenstein, an attorney with The Offices of Thomas W. Bosse, PLLC, comes before the Commission on behalf of Cincinnati Bell Wireless. Mr. Breidenstein states that he and Mr. John Scola, Director of Real Estate & Property Management for Cincinnati Bell Wireless, are requesting an extension of the three micro-cells. Mr. Breidenstein mentions that this request has been before the Commission at least three other times, including the approval and two extensions. The current request is for an additional twenty-four (24) months.

**Staff Report:** Mr. Couch reviews the six previous Planning Commission meetings related to the Cincinnati Bell Wireless micro-cell facilities located along the Miami Road corridor as follows:

- **October 21, 2003** – The Planning Commission tabled the Cincinnati Bell Wireless request to install three micro-cell facilities and suggested that the Village hire an RF Engineer to review the proposal before rendering a decision. The Commission also asked Staff to contact other carriers and gather information that might best serve the Village's problem with dropped calls.
- **December 16, 2003** – Continuation of the October 21, 2003 meeting. After reviewing the information presented, Cincinnati Bell Wireless and the Village's RF Engineer's report, the Commission granted the special exception request for three (3) micro-cell antennas to be located on utility poles at designated locations. The approval was subject to Staff and the Village's RF Engineer's review. The poles were to be removed after eighteen (18) months, unless the Commission granted an extension.
- **January 20, 2004** – The Village's RF Engineer's preliminary findings were presented regarding the conditional approval by the Commission to permit Cincinnati Bell Wireless to install the three micro-cell towers along the Miami Road corridor. The Engineer's review found that the Planning Commission made a reasonable decision in granting the micro-cells to be installed for an eighteen (18) month period.

- **November 16, 2004** – Cincinnati Bell Wireless made an informal presentation updating the Commission on test results performed on the three micro-cell locations. It was found that the micro-cells help provide coverage in some areas, but worsened dropped calls in other areas and are not a permanent solution to coverage problems in the Village. The Commission agreed that further discussion should be postponed until the end of the eighteen (18) month period.
- **October 18, 2005** – Cincinnati Bell Wireless requested a twenty-four (24) month extension permitting the three temporary micro-cells to remain. The extension would allow time for the Distributive Antennae System (DAS) study to be completed. The Commission granted the request.
- **November 20, 2007** – Cincinnati Bell Wireless requested a twenty-four (24) month extension permitting the three existing micro-cells to remain. The Commission granted the request.

The Planning Commission initially approved the installation of the three temporary micro-cells on December 16, 2003. The micro-cells were approved on a temporary basis due to the fact that the Village has been trying to find a more permanent solution for dropped calls and coverage issues. After the RF Engineer's report and findings were completed, it was found that a DAS was the solution to our coverage issues in the Village, and that the DAS would provide wireless coverage throughout the Village.

In 2007 the Village signed a contract agreement with the Extenet Company with the understanding that the DAS would be substantially completed by July of 2008. After repeated attempts to get the Extenet Company to start the project, the Village ended the contract once the signed agreement period expired.

Mr. Couch reports that the Village is not currently in negotiation or under contract with anyone regarding a DAS. Staff recommends approval of the twenty-four (24) month extension.

Mr. Couch adds that he has not received any complaints in the past twenty-four (24) months regarding the micro-cells. A letter was recently received by Mr. and Mrs. Webster, residing at 5535 Miami Road, stating that they are not opposed to the current request for an extension. However, they do have concerns about extending the special exception beyond an additional twenty-four (24) months.

After some review of the micro-cell locations by the Commission members and brief discussion, Mr. Thayer made a motion to approve the request to extend the special exception for twenty-four (24) months. Mrs. Koppenhoefer seconded, and the motion was approved by a unanimous voice vote.

Mr. Burns mentions that Council has decided to move their meeting from 7:30 p.m. to 7:00 p.m. and offers the same option to the Planning Commission members. The Commission chooses to change the time for meetings to 7:00 p.m. beginning with the January 19, 2010 Planning Commission meeting.

There being no further business to come before the Commission, Mr. Wiggers made a motion to adjourn. Mrs. Koppenhoefer seconded, and the motion was approved by a unanimous voice vote.

Respectfully submitted,

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Paul F. Madden, Chairman

ATTEST:

Michael W. Burns, Secretary