

AGENDA

July 1, 2019

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of May 6, 2019

Cases

CASE NO. 2019-1393

Diann Harper, 3210 Patrisal Court, is seeking a variance to Village Zoning Code Section 154.14 (A). The variance would allow for the construction of 110' of 6' high privacy fencing along the north property, bordering Ronald Reagan Highway.

New Business

Adjournment

MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING

MONDAY, MAY 6, 2019

Chairperson Richard Bardach called to order a regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held at the Amberley Village Municipal Building on Monday, May 6, 2019 at 7:00 pm.

Roll was called:	PRESENT:	Richard Bardach Rick Lauer Susan Rissover Scott Rubenstein Scott Wolf
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ALSO PRESENT:	Kevin McDonough, Esq, Solicitor Scot Lahrmer, Village Manager Tammy Reasoner, Clerk of Council Wes Brown, Zoning & Project Administrator
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Chair Bardach welcomed everyone to the meeting and led those in attendance through the pledge of allegiance.

Chair Bardach asked if there were any corrections to the minutes of the March 4, 2019 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2019-1370

Chair Bardach introduced the application from Jenny Mobley of the City of Cincinnati Park Board, who is requesting variances to Village Zoning Code Section 154.12 and 154.51. The variances would allow for the annual construction of a 33' high, 137' long by 36' wide temporary structure to be erected in the front yard of French Park located at 3012 Section Road.

Wes Brown, Zoning & Project Administrator for the Village, provided the staff report for the application. He informed the Board the variance would allow for the City of Cincinnati Park Board to continue utilizing the use of a tent for wedding rentals at French Park despite recent changes to Village Ordinances.

Mr. Brown read Amberley Village Code Sections 154.12 and 154.51, and discussed the letter from Jenny Mobley regarding the proposed structure, which outlined the need for the variance was based on the square footage of the tent, as well as its positioning in the front yard. According to Premier Park Events, the location offers the most logical positioning based on the topography of the property. Mr. Brown also stated that the Cincinnati Parks Department has held a contract for the past ten years with Premier Park Events, and that prior to the modifications to the Village accessory structure zoning code earlier this year, these temporary structures were approved as a normal zoning approval.

As the temporary structure is a large component of events at French Park, and given that approvals have been given in the past by staff, a variance is being sought to continue hosting events at the site with similar accommodation.

Cincinnati City Parks also seeks a variance in the length of time for the structure to remain in place, and has asked for a permit to allow the structure to remain from April to November as opposed to the seven (7) days as written in the Village Code.

Additional representatives of the Cincinnati Park Board were introduced to Council as follows:

Marion E. Haynes, III, Chief Council, Development, Land Use & Planning for the City of Cincinnati
Judy Sturwald, Premier Park Events
Eric Nusbaum, Cincinnati Event Rentals (installation contractor)

Mr. Haynes stated that Mr. Brown's description accurately depicted the situation, and asked if all members had the provided supporting documentation. Board members responded in the affirmative. Mr. Haynes explained that he was here because of the Amberley change in code, and that this year represents the ninth (9th) that a tent has been installed at French Park.

In addition, Mr. Haynes stated that the Park Board is also requesting a variance to allow for approval via Village Administration for future installations. He stated that the Cincinnati Park Board wants to be a good neighbor, and is simply looking to continue a practice in which it has previously engaged. Mr. Haynes asked that the Zoning Board adopt the variances laid out by Mr. Brown.

Ms. Rissover requested clarification, asking that if the tent previously came and went, will it now be up for seven months. Ms. Sturwald of Premier Park Events responded that the tent has come up and down based on the change in size of tent needed for any given event. She added that this particular structure is a brand new tent which has the ability to be resized, thereby eliminating the need to continually pitch and strike the structure.

Ms. Rissover asked if the new tent would increase the rental capabilities at French Park. Ms. Sturwald stated that it could, given that the structure has air conditioning and offers greater flexibility.

Eric Nusbaum of Cincinnati Event Rentals stated that the tent was newly-designed, with the ability to stay up for longer periods.

Mr. Wolf asked if any of the other parks use these tents, to which Mr. Nusbaum responded yes, including Alms Park, Ault Park and other parks within the city park system.

Ms. Rissover asked if the requested changes would allow Cincinnati Parks to rent year-round. Mr. McDonough stated that this was not a part of the request – that the appeal was for a variance only.

Ms. Wolf questioned whether or not the Village could make renewal of the tent permit subject to administrative approval on an annual basis. She then asked if the Village incurs any extra expense during events.

Village Manager Scot Lahrmer stated that security for French Park events is covered by Cincinnati Police, and is a private detail covered by the Park Board. According to Mr. Lahrmer, the only extra expense for the Village would be if our police are called in for a specific reason.

Mr. Lauer asked about the hours for events at French Park.

Ms. Sturwald stated that the hours are typically later than when the park closes. She explained that the tent rental was added as an option for guests, as only so many people fit in French House. The tent enables the house to serve as an all-day rental for bridal and groom suites where clients can get ready, so the hours are from 8 a.m. – midnight. She stated that, for all events, people must be off property by midnight, and that alcohol service ends at 11:30 p.m. and music is stopped at 11:45 p.m.

Mr. Lauer asked if there had been any complaints in the past.

Mr. Lahrmer stated that the majority of past event complaints were related to noise.

Ms. Rissover asked if there were any sound barriers or a band shell to prevent noise disturbance.

Ms. Sturwald stated that music is set up by the back garden grove, as the base electric restricts where it can go. She stated that the new structure allows for side walls to be opened or closed and pulled up or down. She said that the unique nature of this new barrier of the tent will assist with buffering sound, which has never been an option before.

Mr. Rubenstein asked how current noise complaints are resolved.

Mr. Lahrmer stated that police typically respond and communicate the Village noise ordinance, which begins at 11:00 p.m. He further stated that in the past, Cincinnati Parks believed that the noise ordinance began at 11:45 p.m., but have since changed their contracts to reflect the accurate time. In addition, he stated that whenever asked to turn down the music, the request was fulfilled. He said that the Village will continue to work with the parks, which have been very compliant.

Ms. Mobley reiterated the desire of the parks to be a good neighbor. She stated that once the parks realized that the Village noise ordinance took effect at 11:00 p.m., they applied the accurate rules to new rental contracts. She said that there are still a couple of contracts that reflect the 11:45 p.m. time they believed was the rule when signed, but will not contract past 11:00 p.m. moving forward.

Chair Bardach asked if there were residents who wished to speak.

Edward Asmuth of 2848 Section Road asked whether events are ever held Monday through Friday.

Ms. Mobley stated that most events are weddings. Sometimes rehearsals are held for an hour or so on Fridays, but only about three or four times a year. She also said that corporate events tend to be held during the daytime hours.

Mr. Wolf stated that the Village could continue to monitor events at French Park.

Mr. Lauer asked if there was ever any feedback from residents.

Mr. Lahrmer stated that, again, these were more about noise, and said that one resident caller just wanted to be sure there wouldn't be an increase in events and noise. Mr. Lahrmer said he told the resident that nothing about the events at the park were changing on the Village's end, just the code with regard to the tent. He said that event volume is up to the parks. Mr. Lahrmer also said he had

received a second call which dealt with the appearance of the park. Scot told resident that there was no significant change in the tent, to which the resident responded with an inquiry about any kind of financial contribution the parks could make to the Village.

Mr. Lahrmer added that the parks were requesting the variance in order to document their compliance and allow transparency for residents.

Mr. Rubenstein suggested that time limits be set for the permit, as well as a regular review.

Mr. Wolf requested assurance that the Village administration would look at this each year for compliance.

Mr. Lahrmer stated that the request was structured to avoid having to come back to the Board every year for the same approval.

Ms. Rissover and Mr. Wolf agreed that appearance before the Board every year would be unnecessary provided there is a regular review.

Mr. Haynes stated that when the City of Cincinnati erects the tent, Hamilton County will check with Amberley Village to confirm zoning, which would assure there will be a regular check-in.

Mr. Wolf motioned to approve the three variances, which was seconded by Mr. Lauer. Chair Bardach took the voice vote, which was passed unanimously.

CASE NO. 2019-1371

April Vogt, property owner of 7420 Sagamore Drive, is requesting a variance to Village Code Sections 154.14 (A). The variance would allow for a fence to be constructed in a front yard, approximately 30' from the right of way line for Gardner Avenue.

Wes Brown provided the staff report for the application. He informed the Board the variance was based on the property's having two front yards. The proposed fence would be situated on the same side as the garage, and would include 20 feet of privacy fence. Mr. Brown stated that while he wasn't able to find zoning approval for the original fence, it had been there for a long period of time.

Mr. Brown read from Ms. Vogt's letter to the Board that the fencing would provide protection from oncoming headlights, as well as safety for her dogs and guests. He referenced visual street views presented on the Village SmartBoard.

Ms. Vogt showed Board members via photograph where she would make fencing changes, indicating where she would have had to dig up part of her driveway to adhere to Village code. She stated that the actual fencing she has chosen is very open, and that its construction of black hogwire is minimally obtrusive.

Mr. Lauer asked if it was because of the property sitting on a corner lot with two front yards that Ms. Vogt needed the variance.

Mr. Brown stated that the two sections of privacy fence would have to be off the back of the house, and that because it goes off the side of the house, Ms. Vogt would need the variance.

Mr. Lauer asked if the Village code states what fences can be made of, and Mr. Brown said that changes were still underway.

Ms. Vogt stated that her yard significantly dips in the middle, and that a split rail fence won't work without significant resurfacing and posting in the driveway. She also said that her neighbors approved of the project.

Ms. Vogt's husband, Mr. Matt Moran, stated that there is existing fencing on the south side of the property that their neighbors will allow them to tie into.

Mr. Wolf stated that in previous cases where there were two front yards, the Board viewed it as a side yard.

Ms. Vogt stated that she hasn't put up a new fence because of her fears regarding this variance.

Chair Bardach asked if anyone from the audience wished to speak. There being no one, he asked if there had been any feedback from residents.

Mr. Lahrmer stated there had been no feedback from residents.

Ms. Rissover asked if there were any concerns with how the variance was written, and whether it would be starting a precedent.

Mr. Brown stated that is was "replacing an existing portion of fence," and therefore was not precedent-setting.

Discussion was held regarding how best to word the variance, and Mr. Lauer suggested approving the variance to replace the existing privacy fence 20 feet in length according to plans and materials submitted, and a provision that all landscaping remain.

Mr. Lauer stated that a corner lot requires a slight variation, but also expressed concern about setting a bad precedent.

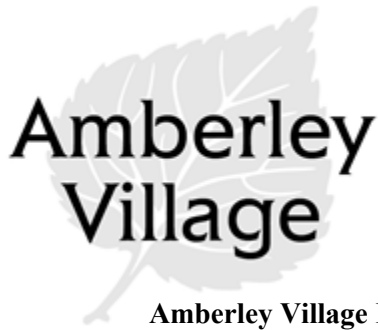
Ms. Rissover re-stated Mr. Brown's assurance that the request was replacing existing fencing, and moved to approved the motion to grant the variance. Mr. Wolf seconded the motion. Chair Bardach took the voice vote, and the motion to approve passed unanimously.

NEW BUSINESS

There being no further business the meeting was adjourned.

Tammy Reasoner, Clerk of Council

Richard Bardach, Chairperson



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

Amberley Village Board of Zoning Appeals Staff Report

July 1, 2019

Subject:

3210 Patrisal Court

Variance:

6' high fence

Item: Case#2019-1393

Variance Request: Diann Harper, 3210 Patrisal Court, is seeking a variance to Village Zoning Code Section 154.14 (A). The variance would allow for the construction of 110' of 6' high privacy fencing along the north property, bordering Ronald Reagan Highway.

Zoning Code Review: 154.14 Fences, Walls and Hedges: (A) Notwithstanding other provisions of this Zoning Code, fences, walls, and hedges not exceeding four and a half feet in height may be permitted in any required side or rear yard or along the edge of any yard, provided that no fence or wall, along the sides or front edge of any front yard or in any part of a front yard shall be permitted. Hedges not over two and a half feet in height may be permitted in a front yard.

Variance Review: Ms. Harper's property is in the Residence B Zoning district and is bordered by Ronald Reagan Highway to the north. Ms. Harper is requesting a variance to Village Zoning Code Section 154.14 (A).

The variance is to allow for the construction of 110' of 6' high privacy fencing along the north property, bordering Ronald Reagan Highway. The fence is proposed to be 6' high vinyl privacy fencing to provide safety and privacy from motorists and onlookers on Ronald Reagan Highway.

Ms. Harper's letter to the board states that cars often stop near her back yard and can look directly onto her patio and into the back of her house. The letter also states that the fence is needed to reduce the traffic noise coming from the highway.

The requested variance is to allow for the entire property line to be fenced (110'), however, Ms. Harper is only proposing to install 68' at this time, with remainder of the fence being installed in the near future.

Village Code Section 154.14, states that "fences, walls, and hedges not exceeding four and a half feet in height may be permitted in any required side or rear yard or along the edge of any yard", therefore a variance is required for the fence to be constructed as proposed.

Project Recommendations: The project is to be considered on its merits.



7149 Ridge Road
Amberley Village, OH 45237

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amberleyvillage.org

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: July 1, 2019 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals **Monday, July 1, 2019** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The public meeting will be held to review the following item:

Diann Harper, 3210 Patrisal Court, is seeking a variance to Village Zoning Code Section 154.14 (A). The variance would allow for the construction of 68' of 6' high privacy fencing along the north property, bordering Ronald Reagan Highway.

If you are interested in reviewing the application you may do so Monday through Friday, 8:00 a.m. to 4:00 p.m. at the Amberley Village Municipal Building, 7149 Ridge Road or you may attend the July 1, 2019 Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at 513-531-8675.

cc: Vincent and Teresa Hardin, 3200 Patrisal Court
Unique Renovations, 3220 Patrisal Court
Kelly Pierson, 3200 Lamarque Drive
Braddock and Theodosia Riddle, 3210 Lamarque Drive
Robert S. and Rita H. Wetterstroem, 3195 Lamarque Drive
Members of the Board of Zoning Appeals
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin McDonough, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer

Date: 5/2/19

Mr. Scot F. Lahrmer
Village Manager
7149 Ridge Road
Cincinnati, OH 45237

RE: Zoning Approval

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

* Removing approx. 19' of old existing chain link fence and replace it
with 19' of new 4' tall chain link fence and (1) gate. Also install
approx. 68' of 6' tall privacy vinyl fence in back yard for
sound block from highway.

The structure is proposed at the following address:

3210 Patrissal Ct, Cincinnati OH 45236

I certify the attached plat and measurements are accurate.

Peerless Fence
Contractor's Name

Virginia Vizcaino
455 Courtney Rd Cincinnati Ky
Contractor's Address 41030

859-433-2661
Telephone Number

Sincerely,

* Mrs. Diann Harper
Homeowner's Signature

* Mrs. Diann Harper
Homeowner's Printed Name

* 513-317-5202
Telephone Number (daytime)

Diann Rogers Harper
3210 Patrisal Court
Cincinnati, OH 45236

June 6, 2019

Amberley Village Board of Zoning Appeals
7149 Ridge Road
Cincinnati, OH 45237

Re: Hardship Appeal

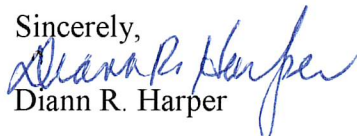
Cross County Highway have traffic traveling up and down the highway, along the back of my property, at excessive speeds, at all times of day and night, creating extreme noise and safety concerns. Should a driver lose control, my fear is they could end up on my patio and the danger that would pose. Further, speeders are often stopped by the police, with flashing lights, right along the highway that borders my backyard. In addition, motorists often stop right at my backyard, along the highway, to fix broken cars and are able to look directly onto my patio and into the back of my house.

My belief and hope is that a 6' tall vinyl privacy fence will provide some safety and privacy that will prohibit motorists/onlookers from being able to see directly into the back of my house and/or potentially coming onto my property. Noise abatement will be provided, as well, with the 6'tall fencing.

This hardship request is for a zoning approval - variance to install 6' tall privacy vinyl fence along 110 ft. of my backyard that run along Cross County Highway. The initial installment will be 68 ft. of 6'tall vinyl fencing and the remainder will be installed at a later date. In addition, there will be installed 19' of 4' tall chain link fence and gate, from patio to vinyl fence.

I previously sent (May 20, 2019) the required documentation for this request. Should the request be granted, please let me know if the permit can be issued at the zoning meeting. Both the fencing company and I are hopeful to start the installation the day after the meeting, July 2, 2019, if allowed to do so.

Sincerely,


Diann R. Harper

Diann Rogers Harper
3210 Patrisal Court
Cincinnati, OH 45236

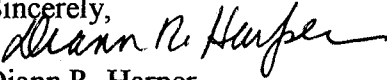
May 20, 2019

Amberley Village Board of Zoning Appeals
7149 Ridge Road
Cincinnati, OH 45237

This regards a request for a zoning approval - variance to install 6' tall privacy vinyl fence along 110 ft. of my backyard that run along Cross County Highway. The initial installment will be 68 ft. of 6'tall vinyl fencing and the remainder will be installed at a later date. The purpose is for noise abatement and safety. *

Attached is the required documentation for this request. Should the request be granted, please let me know if the permit can be issued at the zoning meeting. Both the fencing company and I are hopeful to start the installation the day after the meeting if allowed to do so.

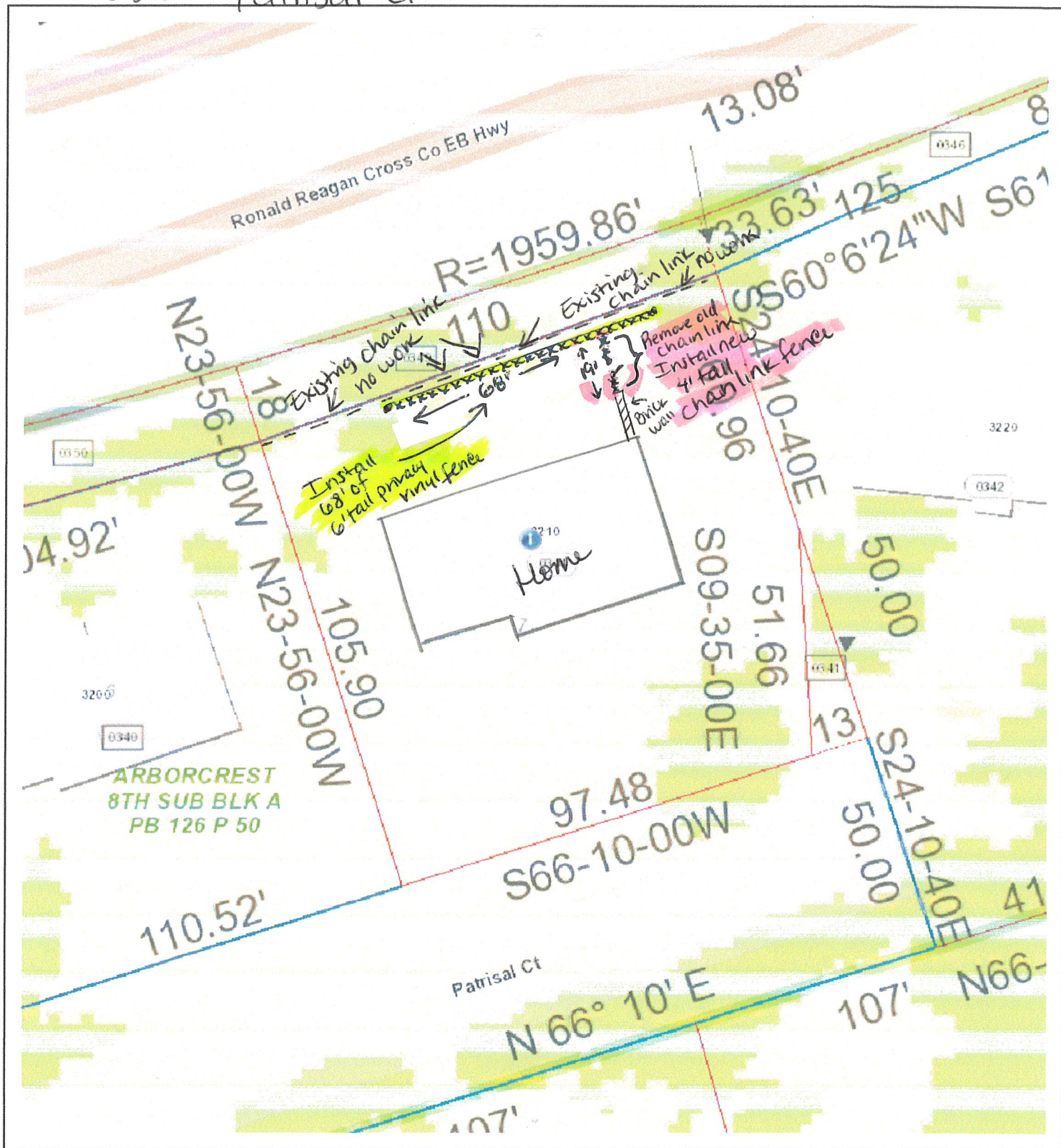
Sincerely,


Diann R. Harper

* Additionally:

19' 4'tall chainlink fence; gate from
patio to vinyl fence.

3210 Patrisal Ct



✕ Remove 19' of old existing chain link and replace with

CAGIS Online Map

19' of 4' tall new chain link and (1) gate.

Also install 68' of 6' tall privacy vinyl fence



Printed: May 01, 2019 ©CAGIS

CROSS COUNTY

3210 Patrisal Ct

STATE OF OHIO
OFFICIAL RECORD 7975, PAGE 1436
TAX PARCEL NO. 526-120-346
N 63°29'51" E
110.14'

6' Tall vinyl Fencing

SET 5/8" I. PIN
W/CAP

4' Tall Chainlink
Fence + gate

S 24°10'40" E
80.96'

ANNA Y. WONG
DEED BOOK 4030, PAGE 996
TAX PARCEL NO. 526-120-341 &

PARCEL AREA=
11,634.78 SQ. FT.
0.267 ACRE

7

CONC. PATIO

2210
STORY
BRICK

CONC. PORCH

CONC. WALK D.

SET P.K. NAIL

COMMON
DRIVEWAY

S 09°33'00" E
51.66'

SET P.K. NAIL

97.48'
S 66°10'00" W

PATRISAL COURT
(50' R/W & 25' PAV'T)

HARDEN
0, PAGE 711
6-120-340

PLACE OF BEGINNING
5/8" I. PIN
W/CAP

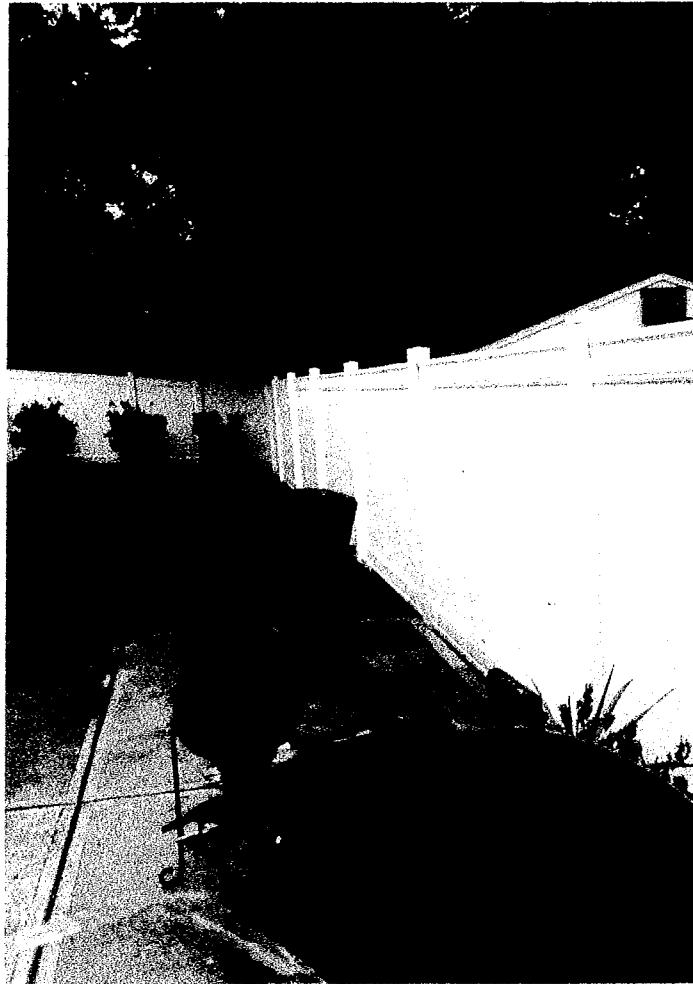
R/W

CURB

CURB

R/W

MARTHA BL
OFFICIAL
TAX P



6' tall vinyl privacy fence

Example



4' tall chain link fence
Example