

AGENDA

December 2, 2019

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of October 7, 2019

Case Number Correction

Cases

CASE NO. 2019-1499

Amberley Village staff is requesting to sub-divide Village-owned parcel 526-0040-0029, which is currently 6.7130 acres, and is also requesting a variance from Zoning Code Sections 154.78 (A). The requests are to allow for the creation of three separate parcels, all less than the 3-acre minimum required within the North Site Zoning District.

New Business

Adjournment

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION

MONDAY, OCTOBER 7, 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 October 7, 2019 at 7:00 p.m.

The following roll was called:

PRESENT:

Rich Bardach
Rick Lauer
Susan Rissover
Scott Wolf
Scott Rubenstein

ALSO PRESENT:

Scot Lahrmer, Village Manager
Kevin McDonough, Village Solicitor
Wes Brown, Village Project Administrator
Tammy Reasoner, Clerk

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 July 1, 2019 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2019-1393

Chair Bardach introduced the application from Peter and Mary Effler, property owners of 3100 Legacy Trace, requesting a variance to Zoning Code 154.12 (4). The variance would allow for the construction of a 260 square foot accessory structure/pool house in the rear yard of their residence. The structure is proposed to be 60 square feet larger than the 200 square feet allowed by Village Code.

Wes Brown, Zoning & Project Administrator for the Village, provided the staff report for the application. He read section 154.12 of the Amberley Village Code, which states accessory structures "shall not cover a total of more than 200 square feet of floor area." He then read from the property owner's letter, which states that the pool house is designed to match the architecture of the house and minimize impact on neighbors' homes. The design focuses the square footage on functional activities, with plenty of storage capacity, changing and restroom facilities and a bar area.

While the proposed pool house meets requirements for setbacks and height, it exceeds the 200 square foot requirement in the Code. Photos were shown on the Smart Board along with design plans by designer Mr. Bob Voigt. Mr. Voigt was in attendance representing the Efflers.

Mr. Wolf asked Village staff if there had been any feedback from residents on French Park Place. Both Mr. Lahrmer and Mr. Brown responded there had not.

Mr. Voigt pointed out on the plan that the walls measure 220 feet, or only 20 feet over code limit. He showed where the overhang makes up the difference in size. He stated the owners have no plans to use the structure as a house, and said the doors downstairs allow for storage.

Mr. Wolf asked Mr. Voigt if the pool house was designed to look the same as the house. Mr. Voigt stated the plans were designed to match everything. As far as proximity relative to the site, he said designs were meant to snuggle the structure up as close to the pool as possible to preserve a greater distance from neighbors.

Mr. Wolf then asked if there was landscaping planned. Mr. Voigt responded there would be banks of landscaping on all sides, except for the door access. He stated he could integrate additional landscaping if necessary to further visually shield the structure from neighbors.

Mr. Lauer asked if there were any doors that would open toward the street, to which Mr. Voigt responded no. He stated there is a window that opens into the bar area, but no doors. The other side of the structure would have a door opening from the rear of yard, but he deliberately tried to keep the impact visually low.

Chair Bardach asked staff if there had been any input from neighbors. Mr. Lahrmer responded there had not.

Mr. Brown stated that HOA approval is required. Ms. Jamie Cusick, representing the HOA, stated they would request trees in the back to ensure privacy, and would like to make sure enough landscaping would be put in to buffer the view. Mr. Alan Eichner, also with the HOA, agreed trees would be a great solution.

Mr. Voigt asked if the preference was for evergreen trees or another type of tree. Ms. Cusick responded she would provide feedback as the project progresses. Mr. Eichner stated he thought the structure was beautiful, but he wanted to make sure visibility from street is protected.

Ms. Rissover said the proposal met what Amberley Village had intended by allowing variances for a quality structure, and stated she was in favor of the proposal. Ms. Rissover made the motion to pass the proposal, and said details of the project could be deferred to the HOA. Mr. Lauer seconded the motion, which passed unanimously.

CASE NO. 2019-1444

Chairman Bardach introduced the application from Benjamin and Elisa Travis, property owners of 6820 Elbrook Avenue, requesting a variance to Zoning Code Section 154.12 (2). The variance would allow for the construction of an accessory structure/shed in the rear yard with a 1'8" side yard setback.

Mr. Brown provided the staff report for the application. The proposed shed would measure 10'x12' within the required side yard, with a setback of approximately 1'8", and doors facing east. The letter states the backyard is able to accommodate a number of playsets, but the trees make placement of the shed difficult. Placing a utility shed behind the house would force them to curtail the use of space in their yard. Mr. and Mrs. Travis' property is located in the Residence B Zoning District, which requires 12' setbacks from both the side and the rear property lines. Their proposal would allow the shed to be placed closer to the lot line. Per Zoning Code Section 154.12, a variance is required for the utility shed to be constructed as proposed.

Mr. Travis showed pictures on the Smart Board to demonstrate current landscaping which would block the view from the street. He then showed an overview of the property, along with photos of the

proposed location of the shed and a street view. A representation of the proposed shed was shown on the screen, and he stated the doors would be facing the access drive.

Rabbi Travis also handed out printed photos and apologized his wife couldn't be present, as she is in Baltimore. He thanked the Board of Zoning Appeals for the opportunity to present, and stated the Village is experiencing an influx of young families. He said the demand for homes has increased beyond supply, and home values have increased. He said while this is good for all Amberley Village residents, the homes in this part of Amberley Village are smaller, so more efficient use of space is needed. He stated this was what was driving his request for the shed. He said he eventually plans to convert his garage into additional living space, and the shed would provide storage to make up for the loss of storage space in the garage.

He referred to photographs he handed out to show open space that is basically unused. Rabbi Travis said he wanted to maximize the space by retaining usable recreation areas for the current trampoline and playsets, as well as an open space for soccer. He stated he would like to highlight a few mitigating factors, including considerable shrubbery along Elbrook which extends past the fence line, shielding the back yard from street view. He said the neighbor most directly affected was Mr. Horvitz, at 6830 Elbrook. Mr. Horvitz was unable to come to the meeting, but had sent a video clip supporting the shed to Village Manager Scot Lahrmer. Rabbi Travis also said he brought a laptop to show the clip.

Mr. Lauer asked to be shown on the handouts where the trampoline and playsets are located, and asked why the shed couldn't be placed back closer to the access drive to meet code. Rabbi Travis stated this would cut into usable recreation space in the yard.

Mr. Lauer asked if the trampoline could be moved to allow for compliance with Village Code. Rabbi Travis stated it wouldn't fit the way the yard is presently laid out.

Mr. Lauer then asked if there was any way the yard could be configured to meet code. Rabbi Travis said Mr. Brown had come to the property to offer suggestions on various configurations. His family decided they preferred to try and preserve usage of the yard as configured.

Mr. Lauer asked how the back-facing doors would impact the private access drive. Mr. Brown said the Village has allowed this in the past. Rabbi Travis said the neighbor on that side of the yard would appreciate the shed there to offer additional privacy to his home, and saw this as an advantage.

Chair Bardach asked if there had been any other neighbor feedback. Mr. Lahrmer confirmed receipt of a video of Rabbi Travis's neighbor, Mr. Horvitz, who supported the placement of the shed.

Mr. Wolf stated there was no need to hear the clip, as the discussion should center on the rules vs. what is needed.

Ms. Rissover said this is an example of why we have this code. She said the shed would be very visible from the street, and she didn't think according to Zoning Code that playsets are hardships. She said it wasn't as if the property wouldn't allow for it, and the request was based more on convenience than hardship.

Mr. Lauer expressed concerns about forcing the homeowner to comply, stating it could make it more of an inconvenience for neighbors, as the swingset or trampoline would be moved to the corner instead of shed. He said his concern was about setting precedent for future cases.

Ms. Rissover stated when the Board has allowed variances on some of the smaller lots, they've always been in the back corner, and sheltered with landscape. She felt a 40-year-old overgrown bush didn't count as landscaping.

Mr. Wolf asked for thoughts about placing the shed in the corner, and Mr. Rubenstein suggested Rabbi Travis resubmit the plans with the variance in the back corner.

Rabbi Travis asked if, instead, additional landscaping would allow him to build the shed as proposed. Mr. Rubenstein said the Board could discuss the possibility.

Ms. Rissover said there was still the issue of precedent.

Mr. Lauer said if the homeowner was asked to put the shed in the back corner 12 feet from the property line, everyone driving down the private access drive would see the shed.

Ms. Rissover stated there were multiple property maintenance issues in that area.

Rabbi Travis asked if the shed could be moved closer to the house, and Mr. Lauer asked if it were possible to move it to the other side of the house to allow access from the driveway. Rabbi Travis said there was only 12 feet to the property line, which would not be enough room.

Ms. Rissover asked if the garage conversion was already finished space. Rabbi Travis responded it wasn't, and the family would need to clear out the garage to start the work. Ms. Rissover asked the Rabbi if he could expand the garage to make up for the loss of storage, but he said it would double the cost.

Mr. Lauer stated if the variance was denied, the situation could end up worse. Ms. Rissover said she did not think there was enough room for sheds back there, regardless of what it looks like from the service drive.

Rabbi Travis stated he was concerned with both security and privacy. Ms. Rissover noted it was a fenced yard, and asked if security was a problem. Rabbi Travis said he had an intruder two years ago.

Mr. Wolf said he would be happy to have the shed back closer to the service drive if landscaping was installed. He said this way, the shed would stay on the side of the house where the neighbor isn't going to complain. He said turning the shed with the doors facing inside the yard and adding landscaping to block the view from street would resolve the issue. He added the Board would have to be careful about setting precedent, but if the shed was moved back a little further, turned to the side and landscape added, the variance could be approved.

Ms. Rissover said she would like to see a better layout of where the shed would be, and stated she didn't feel it was a legitimate zoning issue when it was a choice between where kids play soccer or the homeowners having a shed.

Rabbi Travis said he would make whatever was agreed upon work.

Mr. Wolf motioned to pass the variance to allow the shed in the northeast corner of the property with doors facing south, providing adequate landscaping is installed on the side that faces Elbrook.

Mr. Rubenstein asked if these changes would require a new plan. Mr. McDonough said if the approved result involved only a small modification, it would be acceptable, but if major changes were needed, new plans would have to be submitted.

Mr. Lauer seconded the motion. All were in favor except Ms. Rissover, who still wanted to see a new plan.

The motion was passed 4-1, with the provision that the Rabbi would honor his word to install landscaping.

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

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513-531-8154 *fax*

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: December 2, 2019 7:00 PM at
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 Planning Commission and the Board of Zoning Appeals on **Monday, December 2, 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:

Amberley Village staff is requesting to sub-divide Village-owned parcel 526-0040-0029 and is also requesting a variance from Zoning Code Sections 154.78 (A). The requests are to allow for the creation of three separate parcels, all less than the 3-acre minimum required within the North Site Zoning District.

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 **December 2, 2019** Planning Commission and Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: Christopher & Carla Clemons, 841 Maple Drive
Mary Ann Burckard, 837 Maple Drive
Julia Gregory, 833 Maple Drive
Brenda Barrett, 829 Maple Drive
Jean Hartman, 825 Maple Drive
Kathleen Plummer, 866 E. Columbia
Mary Hill, 817 Maple Drive
Barbara Evans, 813 Maple Drive
Courtney Bullock, 809 Maple Drive
Kyle Williamson & Taylor Wuest, 805 Maple Drive
Kyle Theis, 7 Camelot Drive, Unit F
Andrew & Melissa Rodenfels, 757 Maple Drive
John Kidd & Stephanie Bryant, 753 Maple Drive
Ronald Fasce, 749 Maple Drive
Jerome & Donna Minks, 745 Maple Drive

Brian Mueller, 741 Maple Drive
Terry Deyhle, 737 Maple Drive
Marlee Enterprises LLC, 5289 Lakeside Drive
John J. Points, 729 Maple Drive
Maple Drive Properties LLC, 10115 Sprucewood Lane
Arthur Matz, 721 Maple Drive
Thomas Edward O'Connell II, 717 Maple Drive
Anthony & Michael Wash, 713 Maple Drive
Ian M. Healy, 709 Maple Drive
David Powell & Debra Niehaus, 705 Maple Drive
Vera Hirka, 701 Maple Drive
James Sears, 649 Maple Drive
Bradley Wilhelm, 4307 Cornell Road
Cynthia Brown, 10027 Windzag Lane
Keith Papania, 2437 Clara Bea Lane
Elvin Hunley, P.O. Box 247
Patrick Ross, Safety Services Director, City of Reading, 1000 Market
Street
Mayor Robert Bemmes, City of Reading, 1000 Market Street



7149 Ridge Road
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amberlevillage.org

Amberley Village Planning Commission Staff Report

December 2, 2019

Subject:

Amberley Village North Site

Variance:

Creation of three separate parcels, all less than the 3-acre minimum required within the North Site Zoning District.

Item:2019-1499 Case#

Variance Request:Amberley Village staff is requesting to sub-divide Village-owned parcel 526-0040-0029, which is currently 6.7130 acres, and is also requesting a variance from Zoning Code Sections 154.78 (A). The requests are to allow for the creation of three separate parcels, all less than the 3-acre minimum required within the North Site Zoning District.

Zoning Code Review:154.78 REQUIRED MINIMUM AREA AND DISTANCES FROM LOT LINES REGULATIONS.

(A) The minimum lot area in this district shall be three acres.

155.02 APPROVAL OF SUBDIVISION REQUIRED.

(A) No subdivision shall be made of land within the jurisdiction of the Planning Commission without the preparation, approval, and recording of a plat of subdivision as defined in § [155.01](#) or if no plat is required without the approval required by § [155.03](#).

Variance Review:The Village with the assistance of the Hamilton County Building Department created the North Site Zoning District (NS) in 2012. The district was created to encourage construction of office developments and other similar uses, while also ensuring an appropriate character that will result in a high-quality development pattern within the district.

Due to the limited access to the property, the complex intersection and high traffic count at Ridge Road and Ronald Reagan Highway, the Village has been pursuing smaller developments that would have less of an impact on the surrounding area. The developments would be professional offices that would require smaller lots sizes than the 3-acre minimum requirement in the NS District and have less of a traffic impact during peak hours (6-8 am and 4-6 pm).

The Village is currently leasing 2.08 acres of the North Site Property to the Mercy Health Amberley medical practice and is negotiating the sale of a second parcel of 2.2658 acres.

Village staff is requesting to sub-divide Village-owned parcel 526-0040-0029 to create three separate parcels for the development of the eastern portion of the property.

Village Zoning Code Section 155 requires the subdividing of land into two or more parcels to be approved by the Planning Commission as defined in Section 155.01. Code Section 155.1 defines a subdivision as the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots.

The proposed division of parcel 526-0040-0029, which is currently 6.713 acres, would include Parcel II, (Mercy Health, 2.0881 acres), Parcel III (2.2657 acres), and Parcel IV (2.2003 acres) as shown on the attached plat map. The creation of the three parcels will better define the Mercy lease area and create two parcels for future low impact developments.

The North Site Zoning District lot size requirements call for each lot to be a minimum of 3 acres. As stated above, in the Village pursuit of developments that are less impactful to the area and would not significantly increase the traffic during peak hours, Village staff is requesting to create smaller lots sizes on the eastern portion of the property.

Village Zoning Code Section 154.15 (A) requires every lot to be adjacent to or have access to an approved public or private street. The Village's limited access of 20' on Ridge Road prevents the creation of panhandle lots which would allow the newly formed parcels to be adjacent to Ridge Road.

With the creation of the three parcels, an easement contiguous to our access drive on Village-owned parcel 526-0040-0026 will be granted and attached to the deeds of each of the new parcels to satisfy the access requirements in Code Section 154.15 (A).

In order for staff to record the proposed parcels, a motion by the Planning Commission to approve the division of parcel 526-0040-0029, into three separate lots and a variance from Zoning Code 154.75 to allow the new parcels to be less than 3 acres, by the Board of Zoning Appeals are required.

Project Recommendations: The requests are recommended to be considered on their merits.

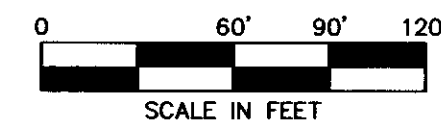
NORTH AND BEARINGS BASED ON N 88°06'18" W
ALONG THE NORTHERLY CORPORAION LINE
OF THE VILLAGE OF AMBERLEY AS DESCRIBED
IN D.B. 3335, PG. 13, H.C.R.O.



RIDGE ROAD

FUHRMAN ROAD

RONALD REAGAN CROSS COUNTY HIGHWAY
(STATE ROUTE 126)



DETAIL
SCALE: 1" = 10'

PLAT OF SURVEY
FOR:
VILLAGE OF AMBERLEY
SITUATED IN:
SECTION 26, TOWN 4, ENTIRE RANGE 1, M.P.
VILLAGE OF AMBERLEY
HAMILTON COUNTY, OHIO

SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS PLAT IS BASED ON A BOUNDARY SURVEY PERFORMED UNDER MY
DIRECTION IN ACCORDANCE WITH O.R.C. 4733-37 STANDARDS FOR BOUNDARY SURVEYS AND
THAT ALL MONUMENTS HAVE BEEN FOUND OR SET AS SHOWN AND ARE IN UPRIGHT AND
USABLE CONDITION UNLESS OTHERWISE NOTED HEREON.



CT CONSULTANTS, INC.

David Hulsmeyer
DAVID HULSMEYER
REGISTERED PROFESSIONAL SURVEYOR
#8548 IN THE STATE OF OHIO

6/28/2019
DATE

CURRENT OWNER:

526-40-29 & 30
AMBERLEY VILLAGE, OHIO
O.R. 7706, PG. 2563

SURVEYOR'S NOTES:

EVIDENCE OF OCCUPATION IS IN THE FORM OF FENCES. OCCUPATION GENERALLY FITS
THE DEED BOUNDARIES.

DATA SOURCES INCLUDE DOCUMENTS CITED HEREON.

EXISTING MONUMENTATION IS IN GOOD, USEABLE CONDITION UNLESS OTHERWISE NOTED
HEREON.

SET MONUMENTATION IS AS NOTED HEREON.

• DENOTES 1/2" IRON PIN W/ CAP SET

SCALE AS NOTED		JOB 160692
DATE JUNE 2019		DRAWN BY DH
REVISION		REVIEWED BY DH
FILE GG-5		SHEET 1 OF 1

05/28/15 - 05/27/17 TAD SHEET NAME
H:\2016\160692\DWG\160692 LEWIS ANNUAL HOSPITAL CUT UP PLAT.DWG



Parcel IV
2.2003 Acres

Parcel III
2.2657 Acres

Mercy Amberley
Parcel II
2.0881 Acres

Maple Drive

Ridge Road

Ronald Reagan Highway

100 m