

AGENDA

May 4, 2020

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Cases

CASE NO. 2020-1644

Ralph Doering, the property owner of 3160 North Whitetree Circle, is requesting a variance to Zoning Code Section 154.14 (B). The variance would allow for the replacement of an existing 32' long privacy panel in the rear yard. Village code states that a privacy panel can be no more than 16' long.

CASE NO. 2020-1645

Arianne Smith and Kathryn Waligura, the property owners of 8301 Lynnehaven Drive, are requesting a variance to Zoning Code Section 154.14 (A). The variance would allow for the construction of a 3-board Kentucky Board fence, 16' from the street in the Lynnehaven Court front yard. Village code states that a fence shall not be permitted in any part of a front yard.

CASE NO. 2020-1646

Faigie Rosedale, the property owner of 6885 Fair Oaks Drive, is requesting a variance from Zoning Code Sections 154.25 (B) (2) (a) and 154.28 (A). The variances would allow for the construction of a 2-car attached garage on the east side of the existing house, with the garage doors facing north toward Section Road and allow the garage to encroach 4' into the required front yard.

CASE NO. 2020-1648

Adoption of Chapter 160: Small Cell Facilities and Wireless Support Structures to Title XV Land Usage and Regulation Thereof

New Business

Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD ONLINE VIA ZOOM
MONDAY, APRIL 6, 2020**

Chairperson Richard Bardach called to order the regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held via the Internet on Monday, April 6, 2020 at 7:00 p.m.

Roll was called:

PRESENT:

Rich Bardach
Rick Lauer
Susan Rissover
Scott Wolf
Scott Rubenstein

ALSO PRESENT:

Kevin McDonough
Wes Brown
Scot Lahrmer
Tammy Reasoner

Chairperson Bardach welcomed everyone to the meeting and asked if there were any corrections to the minutes of the March 3, 2020 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2020-1598

Mr. Bardach called for Case No. 2020-1598, which was continued from the March 3, 2020 meeting of the Board of Zoning Appeals. Mr. Brown introduced the case, in which homeowners Ira and Miriam Younger, the property owners of 2699 Willowbrook Drive are requesting a variance to Zoning Code Section 154.12 (A) (4). The variance would allow for the construction of a 336 square foot accessory structure. Village code states that an accessory structure not open to the sky, and shall not cover more than 200 square feet in floor area.

Ms. Younger joined the meeting via phone, and stated the home is built on a slab, with no basement and no room for storage. She said the need for additional storage was initiated by the inheritance of family heirlooms which she wishes to save to pass on to her children when they marry.

Mr. Brown showed an aerial map of the neighborhood to represent the Youngers' property in relation to the rest of the surrounding homes. Ms. Rissover stated she was concerned about setting a negative precedent, but appreciated the structure would not be visible from other properties. She questioned the hardship when off-site storage could be considered, and asked if the door would be considered opening to the street based on its position on the lot.

Mr. Brown stated the door would open toward the neighbor's house, and not toward the street. Discussion was held to clarify where the doors would face based on the map. Mr. Brown clarified there was a property between the shed doors and the private drive.

Ms. Younger said off-site storage could become costly between now and when her children get married. She stated the shed should not affect any of her neighbors. Ms. Rissover said the code requires demonstration of hardship.

Mr. Wolf stated he has had things in storage long-term, but felt the difference was that Ms. Younger's house was built on a slab. He said this difference could justify a hardship.

Mr. Rubenstein agreed that given the limited visibility of the shed in this case, he was inclined to support the variance.

Mr. Bardach asked if there were any other questions or comments. Mr. Lahrmer suggested a review of code section 154.67 (B) to clarify any issues regarding the consideration of acceptable reasons for a variance by the Board of Zoning Appeals.

After consideration of the factors for consideration of a variance, Mr. Wolf moved to grant the variance, which was seconded by Mr. Lauer. Mr. Rubenstein stated he felt the variance would not have any negative impact on neighbors, and he supported the variance. Mr. Lauer felt the intention of the changes to the zoning code were not to restrict sheds like the one under consideration. He said this would not have previously required a variance, so he was in support of it, and Mr. Bardach agreed with his reasoning.

Ms. Rissover stated the shed wouldn't be seen from the street for the purposes of precedent, but she still had concerns over setting precedent by allowing several accessory structures on the property. However, she felt the request was reasonable given the yard size and circumstances. Mr. Wolf felt the variance would be justified based on the Younger's unique circumstances including the yard, its location and the house being built on a slab. He also commented on how well done the proposed shed appeared.

The Board voted unanimously to allow for the variance.

CASE NO. 2020-1612

Mr. Lahrmer stated a public hearing of the Planning Commission was required to invite feedback from residents regarding proposed changes to the Zoning Code as it pertains to the property maintenance code. The Planning Commission would then be asked to make any changes for referral back to Council.

Mr. Lahrmer said the Law Committee had been working on changes to section 154.14 to disallow barbed wire, farm fencing and razor wire. In addition, with fences with only one finished side would be required to be built with the finished side facing adjacent properties, and be constructed to create a straight line.

Vegetable and fruit garden fences would be permitted up to six feet with an area of no greater than 400 square feet. Agricultural fencing would be required to be constructed of a see-through type of green or black material for the purposes of protecting agricultural gardens. These will not be permitted to be visible from the street.

The final proposed changes would allow chicken coop fencing to be constructed up to 6' in height. The current code only allows fencing up to 4.5', which has been determined to be inadequate protection against predators. This change would be consistent with the requirement to provide adequate protection. Code also requires chicken coops to be kept clean, and the additional height would allow for easier entry by persons caring for the coop.

Mr. Wolf asked for clarification regarding the color and material of permitted garden fencing. Mr. Lahrmer said it was a mesh-type fencing similar to that used at the Amberley Village Community Garden.

Ms. Rissover said she felt these were excellent changes and provided important clarification to the current code.

Mr. Lauer asked for clarification on farm fencing. Mr. Brown stated it was wire fencing constructed in four-inch squares. Mr. Lauer asked why chain link fence was not prohibited, and stated he would like them to be included. He felt chain link fence should be considered on a case by case basis. He also felt the 400 square feet restriction on the garden size would generate a significant number of BZA cases.

Mr. Brown stated the garden size limit was to prevent people from fencing their entire yards. Mr. Lauer said he didn't want to have attend a bunch of meetings just to approve garden fencing. Mr. Lahrmer said the Law Committee was trying to prevent abuses, and the size was considered by the committee to be reasonable.

Mr. Lahrmer stated the chain link fence was originally considered for omission from permitted fence materials by the Law Committee, however, it was decided to allow it. Mr. Bardach said he wished to refrain from comment, as he has chain link fencing in his yard, and replacing it would be extremely costly.

Discussion was held regarding the cost of fencing materials and the rationale of the Law Committee behind allowing chain link fence. Mr. Lahrmer said the Planning Commission was a recommending body on the proposed changes, but that Council would have the final say.

Mr. Lauer said while he didn't care for chain link fencing, he could understand someone wanting it for its more reasonable cost. He said he'd prefer, though, to have cases where chain link fencing is desired to be heard by the Board of Zoning Appeals.

Mr. Lahrmer recommended generating commentary to explain why chain link fence is not preferred by the Planning Commission so Council would understand its position. Mr. Lauer said his opposition is primarily aesthetic. He said many of the chain link fences in the Village appear to be very old and in poor repair, and they do not look much better than farm fencing, which we're restricting.

Ms. Rissover said if the purpose of restricting fencing is to prevent obstructing the views in the Village, the aesthetic argument is a good one. She also said it would put us in line with many of the surrounding neighborhoods, which do not allow chain link fence.

Mr. Lahrmer stated there had been a complaint regarding a stockade-type fence on Springvalley, which surrounds a swimming pool, and brought it to the attention of the Planning Commission for consideration.

At 7:47 p.m., Chairman Bardach opened the public hearing regarding proposed changes to the Village Code.

There being no one to comment, and having received no written feedback from residents, the public hearing was adjourned at 7:48 p.m.

Mr. Lahrmer said the Planning Commission would need a vote to make its recommendations back to Council. Mr. Bardach moved to approve the Council-recommended changes; Ms. Rissover seconded the motion, but with the additional restriction on chain link fencing.

The Planning Commission then passed the recommended changes with the additional restriction on chain link fencing in a 4 to 1 vote. Mr. Bardach stated his vote against the motion was to remain consistent with the recommendations of the Law Committee, of which he is a member.

There being no further business, Mr. Bardach adjourned the meeting at 7:52 p.m.

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 Planning Commission Staff Report

May 4, 2020

Subject:

3160 North Whitetree Circle

Variance:

To allow for the replacement of an existing 32' long privacy panel in the rear yard.

Item: Case#2020-1644

Variance Request: Ralph Doering, the property owner of 3160 North Whitetree Circle, is requesting a variance to Zoning Code Section 154.14 (B). The variance would allow for the replacement of an existing 32' long privacy panel in the rear yard. Village code states that a privacy panel can be no more than 16' long.

Zoning Code Review: 154.14 (B) Privacy panels are permitted in a rear yard located directly behind, and attached to or immediately adjacent to, the principal structure. The finished side of a panel shall face adjacent properties. The unfinished side of a panel, with any exposed posts or supports, shall face in toward the principal structure of the subject property. The construction and appearance of privacy panels shall be aesthetically pleasing and appropriate for the location. Materials such as brick, block, lumber, vinyl, natural materials or landscaping, shall be used and are to be similar or complementary in appearance and style to the principal structure. Alternate materials may be considered for approval by the Village Manager. Privacy panels are subject to the Village Property Maintenance Code. Privacy panels shall be located as close as possible to the object or area intended to be screened so as to allow for limited screening but also minimize adverse effects on neighboring properties and sightlines. The maximum height of a privacy panel, as measured from the bottom of a panel, shall be no more than six feet. The maximum height of a privacy panel as measured from the ground or deck surface shall be no more than six and one-half feet. **The maximum length of a privacy panel, whether constructed singularly or in combination, is 16 linear feet.**

Variance Review: Ralph Doering is requesting a variance to Zoning Code Section 154.14 (B) to allow for the replacement of an existing 32' long privacy panel in the rear yard. Village code states that a privacy panel can be no more than 16' long.

Mr. Doering's property is located at the northwest corner of Lamarque Drive and North Whitetree Circle, giving the property 2 front yards. There are two privacy panels on the back of the house and the purpose of the panels is to screen the master bedroom from the street and screen the air conditioner unit.

The letter to the Board states that the existing privacy panels are constructed of wood, are old and deteriorating, and require steady maintenance. The screening for the master bedroom is 4 - 6' tall panels and 32' long, the screen for the air conditioner is two - 6' tall panels and 8' long, and both form an L shape.

The proposed new privacy panels, if approved would be constructed of 6' high white vinyl panels and in the same location and length.

Both panels are grandfathered and can be maintained as they exist today. However, without a prior zoning variance and the fact that the proposed material is different than what exists, a variance is required for the 32' long panel to be reconstructed as proposed.

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

Date: April 8, 2020

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:

the removal of an old existing wooden fence (6' height)
and the installation of a new vinyl fence (6' height)
as a replacement. I am requesting a variance to the
54" height allowance.

The structure is proposed at the following address:

3160 North Whitetree Circle Amberley Village, OH 45236

I certify the attached plat and measurements are accurate.

Sincerely,

EADS Fence Company, Inc.
Contractor's Name

131 Broadway St.
Loveland, OH 45140
Contractor's Address

(513) 677-4040
Telephone Number

Ralph F. Doering, Jr.
Homeowner's Signature

RALPH F. DOERING, JR.
Homeowner's Printed Name

(513) 321-3116
Telephone Number (daytime)

April 17, 2020

Wes Brown
Zoning and Project Administrator
Amberley Village
7149 Ridge Road
Amberley Village, OH 45237

Re: Zoning Variance Request: Section 154.14 Fences, Walls and Hedges

To the Amberley Village Board of Zoning Appeals:

I am writing to request zoning approval for the replacement construction of two privacy panels to my home located at 3160 North Whitetree Circle. Specifically, I am requesting approval to the 16' linear length allowance.

Background

There are two existing privacy panels, one to provide seclusion around the master bedroom and another for the air conditioning unit. The existing privacy panels are constructed of wood with 6' (height) x 8' (length) panels located in the rear of the property. There are four panels around the master bedroom (consisting of 32' length) and two panels around the air conditioning unit (16' length).

Issues/Concerns

The existing wood panels are old, deteriorating and require steady maintenance, especially after storms with strong winds/rain. The current panels do not match the aesthetic of the house.

Both panels are located in the backyard of my home. I live on a corner lot at the intersection of North Whitetree Circle and Lamarque Drive. With visual access from Lamarque, it's a corner lot with two front yards and little privacy for the back of my home. This issue cannot be mitigated solely with landscaping.

Additionally, the elevation of Lamarque Drive is higher than North Whitetree Circle, therefore, it requires a longer panel than the code currently allows to provide adequate privacy.

Request

In consideration of the rationale above, I simply request your approval of the zoning variance to permit the replacement of existing panels with the installation of new, updated panels to significantly enhance the beauty of my home, the neighborhood and ultimately the Village.

Upon zoning approval, EADS Fence Company will furnish and install 32' of 6' high white vinyl privacy panels around the master bedroom and 16' of 5' high panels around the air conditioning unit. The existing wood panels will be removed and hauled away.

A copy of my home's original survey illustrating the location of the panels, photos of the existing panels and a picture of the new, proposed EADS privacy panels will accompany this letter to increase the Board's understanding and comfort level with this request.

Thank you in advance for your consideration!

Respectfully submitted,

Rocky Doering

Ralph F. (Rocky) Doering
3160 North Whitetree Circle
Amberley Village, OH 45236
Phone: (513) 321-3116

Plat of

Lot 1

Whitetree Estate

Block '

Situate

Section 26, Town 4

Sycamore T

Hamilton Co

31

30

Laurel Hill Subdivision
RL. PB. 6, Pages 11 thru 14

S 89°51'00" E

194.28'

52.09'

43.35'

46.20'

29.02'

13

43807.9663 SQ. FT.
1.0057 ACRES

Ex.
Frame
Storage

*privacy fence
around air conditioning unit*
*2 panels
5' H x 8' W*
*privacy fence
around back
bedroom*
*4 panels each
6' H x 8' W*

3160
Existing 1 Story
Brick & Frame Residence

Lamarque Drive

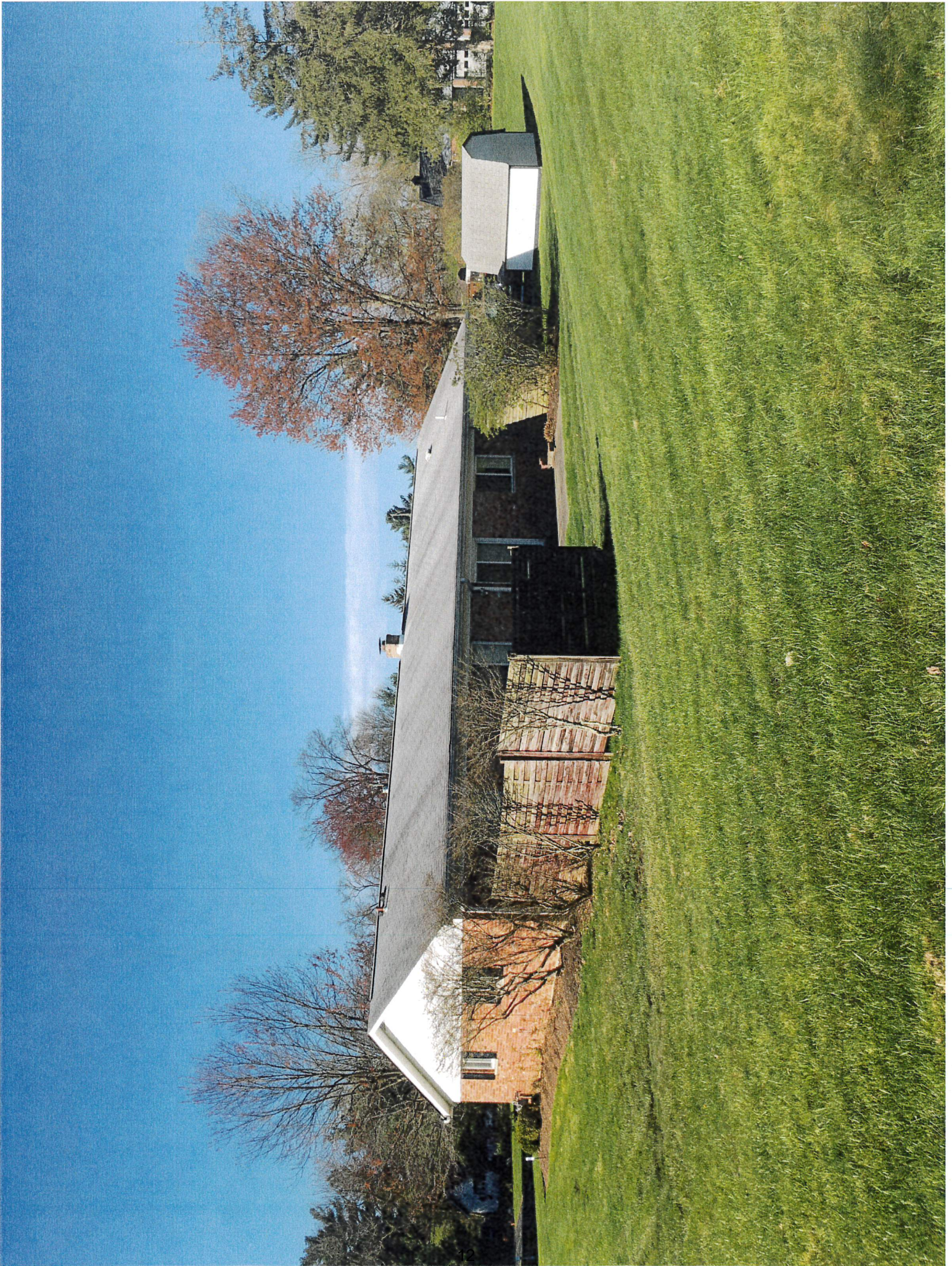
L=39.02'
R=25.00'
Δ=89°25'30"
C LEN=35.18'
BRG=S 45°26'15" W

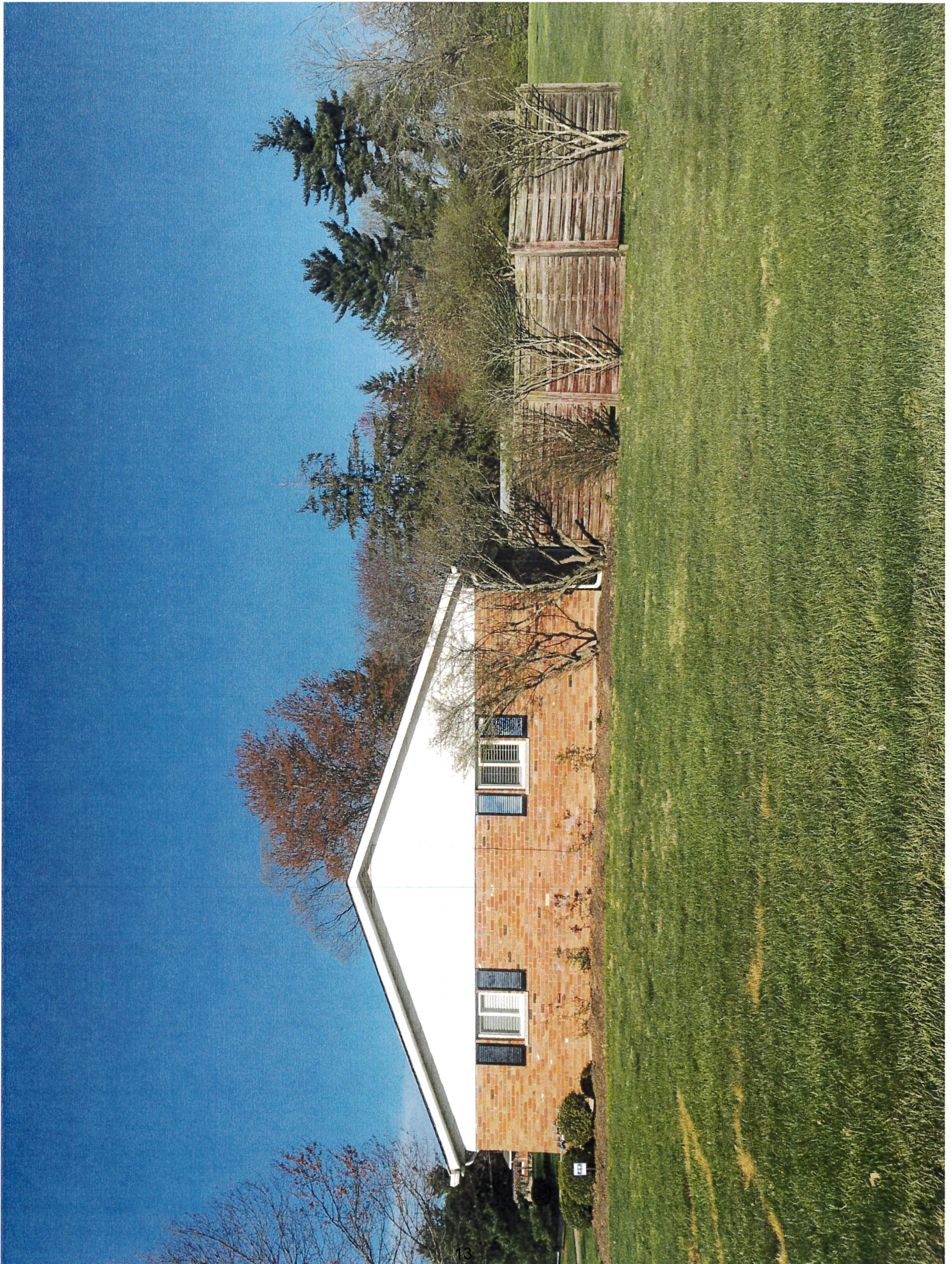
North Whitetree Circle

Wes:

This is the actual property survey. The two fences, located at the back of the house are shown in red on this plat. I am writing to request approval to replace the existing fences (both 6' height) with new vinyl fencing that exceed the 54" height allowance.

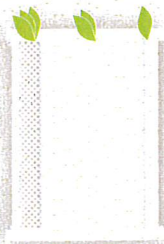
Rocky







Arrowwood



Aspen



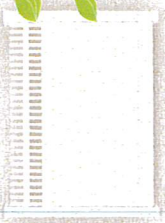
Dogwood



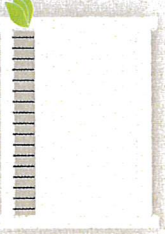
Juniper



Moonstone



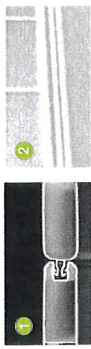
Persimmon



HAVEN SERIES

Features	
Widths	8'
Heights	4', 5', 6', 8'
Boards	GlideLock® 1
Rails	2" x 7" Deco Rails 2
Colors	White, Sand, Wicker, Khaki

* 8' x 6' privacy panels available in White only.



HOME SERIES

Features	
Widths	8'
Heights	6'
Boards	GlideLock® 1
Rails	1 3/4" x 7" Straight Rails
Colors	White, Sand, Khaki

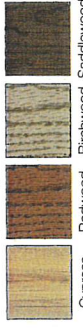
HARBOR SERIES

Features	
Widths	6', 8'
Heights	6'
Boards	Tongue & Groove
Rails	1 3/4" x 5 1/2" Straight Rails
Colors	White, Sand, Khaki

Colors Available:



Available only in Dogwood select series and sizes:



* All panels are not available in all series, colors and sizes.





7149 Ridge Road
Amberley Village, OH 45237

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

amberlevillage.org

Amberley Village Planning Commission Staff Report

May 4, 2020

Subject:

8301 Lynnehaven Drive

Variance:

To allow for the construction of a 3-board Kentucky Board fence, 16' from the street in the Lynnehaven Court front yard. Village code states that a fence shall not be permitted in any part of a front yard.

Item: Case#2020-1645

Variance Request: Arianne Smith and Kathryn Waligura, the property owners of 8301 Lynnehaven Drive, are requesting a variance to Zoning Code Section 154.14 (A). The variance would allow for the construction of a 3-board Kentucky Board fence, 16' from the street in the Lynnehaven Court front yard. Village code states that a fence shall not be permitted in any part of a front yard.

Zoning Code Review: 154.14 (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: Arianne Smith and Kathryn Waligura are requesting a variance to Zoning Code Section 154.14 (A) to allow for the construction of a 3-board Kentucky Board fence, 16' from the street in the Lynnehaven Court front yard. Village code states that a fence shall not be permitted in any part of a front yard.

The property at 8301 Lynnehaven Drive is a corner lot and per Village Code has 2 front yards. The house has a lower level garage and the side yard slopes down to the driveway.

The proposed fence would come off the side of the house, 13' from the southwest corner and extend south to 16' from the street, near the right of way for Lynnehaven Court. The fence would run parallel to Lynnehaven Court to the western property, then run along the western and northern property lines enclosing the rear yard.

Ms. Smith and Ms. Waligura, have stated in their letter to the board, the purpose of the fence is so their dog and future kids can exit the back door and stay safely in a fenced yard. Although a landscape plan was not submitted, the letter states that the fence will be landscaped with perennials, evergreens and deer-resistant plants

Also stated, to meet code and run the fence from the back of the house, it would force them to walk down the steepest part of the property to access the fenced yard and this would limit the use of their

property.

Village code states that fences and walls are not permitted in any part of a front 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.

RECEIVED

APR 14 2020

BY: _____
Initial: _____

Date: April 13, 2020

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:

Property perimeter fence, hardship variance.

The structure is proposed at the following address:

8301 Lynnehaven Drive Cincinnati, OH 45236

I certify the attached plat and measurements are accurate.

Ron Ehemann
Contractor's Name

5060 Batavia Pk
Cincinnati, OH 45244
Contractor's Address

(513) 231-7627
Telephone Number

Sincerely,


Homeowner's Signature

Arianne Smith-Waligora
Homeowner's Printed Name

(650) 228-3234
Telephone Number (daytime)

Amberley Village Board of Zoning Appeals

Hardship Variance

7149 Ridge Road, Cincinnati, OH 45237

Arianne & Kathryn Smith-Waligura

8301 Lynnehaven Drive, Amberley, OH 45236

To Whom It May Concern:

We are the current residents at 8301 Lynnehaven Drive. We purchased this 0.66-acre corner lot in August of 2018 and have been rehabbing this beautiful home and property ever since.

We moved to this neighborhood because we want to put roots down and start a family. We love the big lots, friendly neighbors, amazing areas to walk our dog and large houses that will allow us to grow in the near future. We fell in love with 8301 Lynnehaven Drive because of the mature trees, large corner lot, and the quiet cul-de-sac off the back of our property. Our goal was to put a fence off the side yard and extend it around our property so our dog and future kids would be able to exit the back door and stay safely in a fenced in yard to play.

Amberley Village zoning laws regulate that corner lots have two front yards, and that a new fence would need to come off our back corner of the house and extend the length of our property. Our back door, which is our most used entry to the house, opens onto our deck. This door is accessed by a walkway that slopes up a hill from the driveway. The current regulated fence would need to come off the side of our house would force us to have to walk down the steepest part of our property to access the land within the fence (please see pictures attached). This current restriction also limits our property use, as only about 1/3 of our property would be able to be enjoyed safely.

While most of our property stretches along Lynnehaven Court, our side yard is close to Lynnehaven Drive, a road that is used as a cut through for vehicles and city buses getting to Ronald Reagan Highway. Our side yard is used quite a bit since we use the back door as our primary entrance, we can also we can see what is going on from our kitchen window. We would love to be able to continue to use this space, as it is perfect for our dog and growing family.

Our proposed fence would start 13 feet from the corner of our house and extend to Lynnehaven Court. The fence would be setback 16 feet from the road (out of the Village's right of way) extend the length of the property, with a setback of 6 inches from our bordering neighbors. The fence will continue through the forested northwest area of our lot and connect back to the other corner of the house, with accessible walking gates on either side, as well as a double door driveway gate (please see fence quote from EME fencing). The proposed fence will be a 3 Kentucky board fence with a vinyl coated welded wire liner that is seen commonly in Amberley, and will be landscaped with perennials, evergreens, and deer resistant plants.

We have attached pictures of the condition of the house we bought it, in August of 2018, as well as pictures of what it looks like now. We have also attached our plat, images of our proposed fence line, and images of the fence and landscaping. We have since added new windows, painted the exterior, landscaped, repurposed the deck, added a new roof, and completely renovated the inside of this house. We have invested a lot of money into this property because we would like to it to be our forever home. This fence will be a great addition to our property, and any future owners. We would love the opportunity to be able to use our beautiful back yard to its full potential, while maintaining safety for our dog and family.

Thank you in advance for your time,

Arianne & Kathryn Smith-Waligura

PLAT OF SURVEY

IN SECTION 20 TOWN 4 ENTIRE RANGE 1
MIAMI PURCHASE
SYCAMORE TOWNSHIP
VILLAGE OF AMBERLEY
HAMILTON COUNTY STATE OF OHIO

LOT 83
ARBORCREST SUBDIVISION
SECTION "A"

PLAT BOOK 2 (R.L.) PAGES 64 & 65

REFERENCES

PARCEL NO. 526-0120-0054

OWNER: KATHRYN WALIGURA

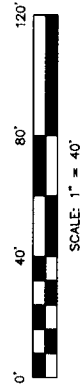
DEED REFERENCE: OFFICIAL RECORD 13745 PAGE 898

NOTES

1. ALL MONUMENTS FOUND IN GOOD CONDITION UNLESS OTHERWISE NOTED.
2. EVIDENCE OF OCCUPATION FITS THE SURVEY.
3. SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

LEGEND

- FOUND STONE MONUMENT
- FOUND IRON PIN
- SET CAPPED 5/8" IRON PIN "GCM"
- SET WOOD LATH
- R/W RIGHT-OF-WAY



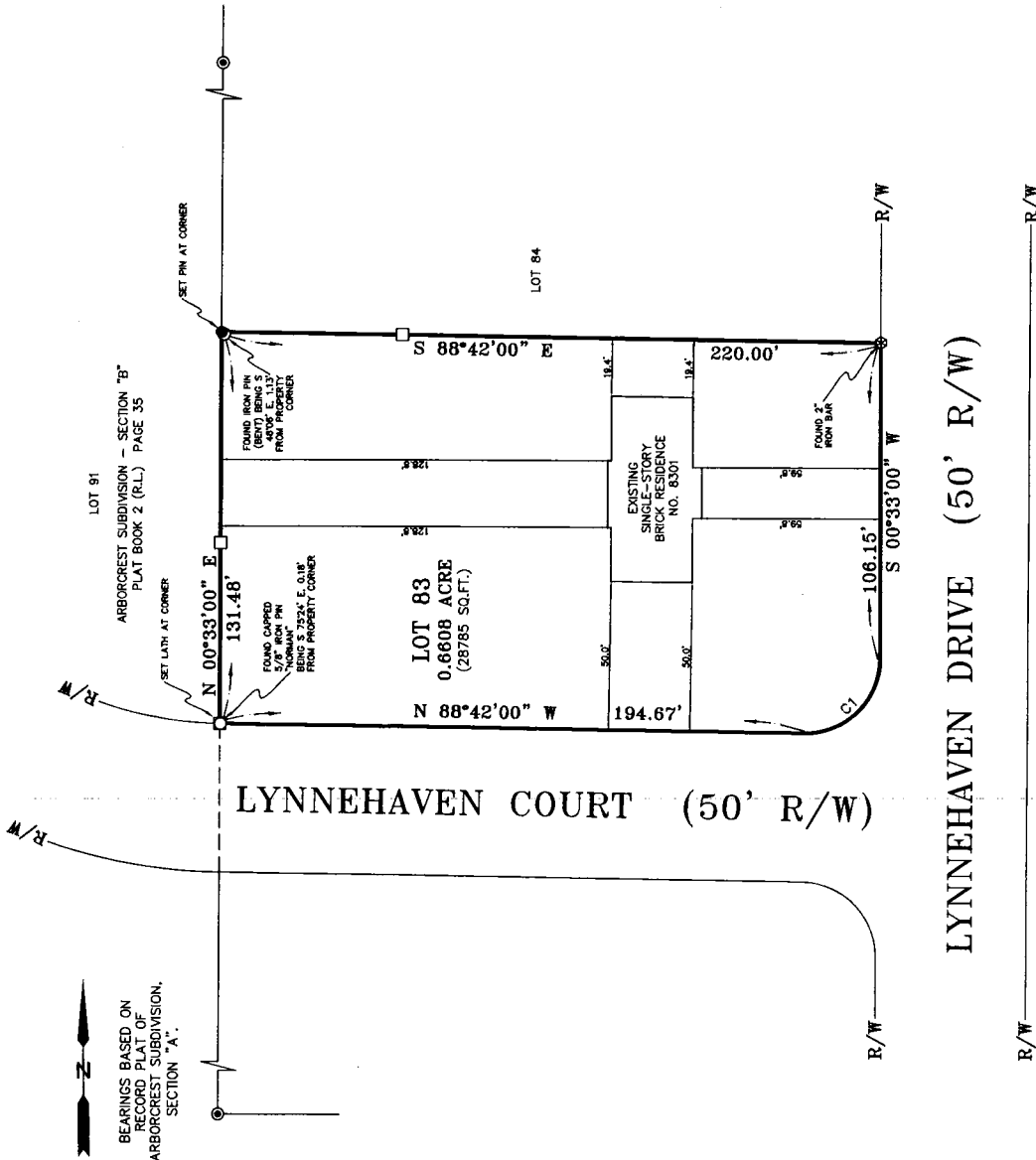
PROPERTY ADDRESS: 8301 LYNNEHAVEN DRIVE
CINCINNATI, OHIO 45236

QCM INC.
(513) 779-8425
7395 KINGSCLAY WAY
CINCINNATI, OHIO 45069

PROJECT NO.: 2019.264	DRAWN BY: JRB	REVIEWED: JRR	FIGURE: 1 OF 1
DATE: 05-17-19	APPROVED: JRR		

I HEREBY CERTIFY THAT THIS PLAT IS BASED
UPON A FIELD SURVEY MADE UNDER MY DIRECTION.

JERRY ROSENFELDT
OHIO PROFESSIONAL SURVEYOR NO. 7598
DATE





Fence and Landscape Details

Fence

The fence will be a 3 board Kentucky Board style with a vinyl coated welded wire liner. There will be two walking gates on either side of the house to access both utilities, and the front yard. Over the drive way (set 14 feet back from Lynnehaven Court) will be a 12 foot double drive gate. All gate hardware is black.



Landscape

We will be landscaping the fence line with deer resistant perennials. A mixture of plants like sage, lavender, peonies, spirea, butterfly bushes, ornamental grasses will be placed on the fence line facing Lynnehaven Drive as well as Lynnehaven Court. Taller deer resistant evergreen trees and shrubs like juniper will be placed on the rear property fence corner.



EME FENCE CO., INC.

5060 Batavia Pk., Cinti., OH 45244

Office: 513-231-7627 Fax: 513-231-7640

Visit us at www.emefence.com



"Just off the Beechmont Levee"

Proposal

To: Arianna Smith
8301 Lynnhaven Drive
Cincinnati Ohio 45236

Date: 8.20.2019
Cell #: 650-228-3234
Home #:
Office #:
Fax #:
P.O. #:



A 3% Administrative Fee
is charged per transaction

Email: ariwsmith@gmail.com

The undersigned Contractor agrees to furnish all materials & labor necessary to do work on premises listed:

Job @:

in accordance with specifications given below:

Job 1	Install 4' 3 board Kentucky board fence with brown vinyl coated welded wire liner	
	94 1 x 6 x 16' treated boards	\$ 1,189.10
	2 6 x 6 x 8' treated posts	\$ 77.72
	65 4 x 4 treated posts	\$ 727.00
	75 1 x 6 x 4' treated face boards	\$ 225.00
	2 4' Kentucky board walk gates	\$ 192.00
	1 12' Kentucky board double drive gate	\$ 256.00
	5 sets of gate hinges	\$ 110.00
	3 gate latches	\$ 66.00
	1 drop bar assembly	\$ 24.00
	495' brown wire liner	\$ 565.00
	labor	\$ 3,325.00
		\$ 6,756.82

Job 1A	Customer to secure permit This estimate was prepared by Ron Ehemann if 1 5/8" galv round pipe frames are desired for 12' double drive swing gates add 1 set of 4' x 12' 1 5/8" round pipe double drive gate frames 4 bulldog gate hinges	
		\$ 308.00
		\$ 77.97
		\$ 385.97

Note Customer to clear existing bushes along property lines



Quotation reflects a 10% discount for payment on completion of job. Accounts not paid on completion add 10% to price

TERMS: 50% Down - Balance C.O.D. on Completion of Job.
EXCEPTION - Wrought Iron: 50% Down - Balance C.O.D. on
Completion of Job.
BECAUSE OF ECONOMIC CONDITIONS WE FIND IT NECESSARY
TO CHARGE 10% OR 15% PER ANNUM SERVICE CHARGE ON
INVOICES THAT ARE UNPAID AND OVER 10 DAYS OLD.

COMPLETION DATE
PLUS COSTS OF BUILDING PERMIT IF NEEDED.

CONDITIONS

Invoices will be rendered at above unit prices for more or less quantities required to complete the job.
The purchaser agrees to establish property line stakes, grade stakes, and to clear the fence lines of all obstructions that may interfere with the installation.
This preliminary work is to be completed by the purchaser before the date installation is to begin. Unless otherwise specified, it is assumed that the fence is
to follow the natural contour of the ground.

Should it be necessary to drill rock for the setting of posts, to remove existing fence or buildings, to grade, to fill, or to furnish extra large, or deep footings for posts, or if additional labor is required
other than fence erection, the purchaser agrees to pay for the extra expense involved.

All changes or alteration in measurements or materials will be treated as an entirely new contract. If installation is suspended at the purchaser's request the ensuing expense for time and travel of the
erection men to complete the job, is to be paid by the purchaser.

We assume no responsibility for Underground Cables, Wires, Pipes, Cable-T.V., Pool Filter Lines, that are not properly marked.

Prices named herein are subject to change without notice.

When properly signed by the purchaser and approved and accepted by the home office of the seller, this proposal becomes a contract, upon the terms and
conditions expressly set out herein, and is contingent upon delays due to strikes, fires, accidents or other causes beyond the control of the seller.

We do not haul away old fencing, bushes, or trash from job site, unless listed above.
It shall be owner's responsibility to secure building permit.

If it becomes necessary to file a mechanics lien,
costs will be added to Total Cost of Contract.

EME FENCE CO., INC. IS FULLY INSURED AND COVERED
BY WORKER'S COMPENSATION

PROPOSAL ACCEPTED
X
JOB COMPLETED AND ACCEPTED

Date

Date

REPRESENTATIVE

Date

SEE DRAWING ON BACK



OHIO 1-800-362-2764
KY 1-800-752-6007
IND 1-800-382-5544

I understand that any subterranean substance other than soil which requires drilling through it for installation will necessitate additional labor charges. In addition, I understand, I will be billed for additional materials if they are needed or will receive credit for any surplus materials.

(signature)

EME FENCE CO., INC.

5060 Batavia Pk., Cinti., OH 45244
Office: 513-231-7627 Fax: 513-231-7640

Visit us at www.emefence.com



"Just off the Beechmont Levee"

Proposal

To:

Date: _____
Cell #: _____
Home #: _____
Office #: _____
Fax #: _____
P.O. #: _____

Email:



A 3% Administrative Fee
is charged per transaction

The undersigned Contractor agrees to furnish all materials & labor necessary to do work on premises listed:

Job @:

in accordance with specifications given below:

Customer to secure permit

This estimate was prepared by Ron Ehemann

Job 1



Quotation reflects a 10% discount for payment on completion of job. Accounts not paid on completion add 10% to price

TERMS: 20% Down - Balance C.O.D. on Completion of Job.

EXCEPTION - Wrought Iron: 50% Down - Balance C.O.D. on Completion of Job.

BECAUSE OF ECONOMIC CONDITIONS WE FIND IT NECESSARY TO CHARGE 15% ON 15% PER ANNUM SERVICE CHARGE ON INVOICES THAT ARE UNPAID AND OVER 10 DAYS OLD.

Invoices will be rendered at above unit prices for more or less quantities required to complete the job.

The purchaser agrees to establish property line stakes, grade stakes, and to clear the fence lines of all obstructions that may interfere with the installation. This preliminary work is to be completed by the purchaser before the date installation is to begin. Unless otherwise specified, it is assumed that this fence is to follow the natural contour of the ground.

Should it be necessary to drill rock for the setting of posts, to remove existing fence or buildings, to grade, to fill, or to furnish extra large, or deep footings for posts, or if additional labor is required other than fence erectors, the purchaser agrees to pay for the extra expense involved.

All changes or alteration in measurements or materials will be treated as an entirely new contract. If installation is suspended at the purchaser's request the ensuing expense for time and travel of the erection men to complete the job, is to be paid by the purchaser.

We assume no responsibility for Underground Cables, Wires, Pipes, Cable-T.V., Pool Filter Lines, that are not properly marked.

Prices named herein are subject to change without notice.

When properly signed by the purchaser and approved and accepted by the home office of the seller, this proposal becomes a contract, upon the terms and conditions expressly set out herein, and is contingent upon delays due to strikes, fires, accidents or other causes beyond the control of the seller.

We do not haul away old fencing, bushes, or trash from job site, unless listed above. It shall be owner's responsibility to secure building permit.

If it becomes necessary to file a mechanics lien, costs will be added to Total Cost of Contract.

PROPOSAL ACCEPTED

Date

X

JOB COMPLETED AND ACCEPTED

Date

EME FENCE CO., INC. IS FULLY INSURED AND COVERED BY WORKER'S COMPENSATION

REPRESENTATIVE

Date

SEE DRAWING ON BACK



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 4, 2020

Subject:

6885 Fair Oaks Drive

Variance:

To allow for the construction of a 2-car attached garage on the east side of the existing house, with the garage doors facing north toward Section Road.

Item: Case#2020-1646

Variance Request: Faigie Rosedale, the property owner of 6885 Fair Oaks Drive, is requesting a variance from Zoning Code Sections 154.25 (B) (2) (a) and 154.28 (A). The variances would allow for the construction of a 2-car attached garage on the east side of the existing house, with the garage doors facing north toward Section Road and allow the garage to encroach 4' into the required front yard.

Zoning Code Review: 154.25 (B) (2) (a) Attached garages may not exceed 1,500 square feet or 40% of the floor area of the remaining principal structure, whichever is less. A garage may not have its principal access face a street. Detached garages are treated as accessory structures.

154.28 (A) Lot area, lot width, and yards.

Dwellings

Lot area	1 acre
Lot width	150 feet
Front yard depth	50 feet
Side yard width (each)	20 feet, or 10% of lot width, whichever is larger, but need not exceed 50 feet
Rear yard depth	50 feet, or 20% of depth, whichever is larger, but need not exceed 75 feet

Variance Review: Faigie Rosedale, the property owner of 6885 Fair Oaks Drive, is requesting a variance from Zoning Code Sections 154.25 (B) (2) (a) and 154.28 (A). The variances would allow for the construction of a 2-car attached garage on the east side of the existing house, with the garage doors facing north toward Section Road and allow the garage to encroach 4' into the required front yard.

Mrs. Rosedale is currently renovating the house at 6885 Fair Oak Drive in order to move into during the planning and reconstruction of their residence at 6835 Glen Acres Drive.

The renovation plans have evolved into several additional needs including adding a 691 square foot

attached two-car garage. The detailed plans for the garage will be completed if the variances are approved.

Due to the property being a corner lot, having two front yards, and is located in the federal flood plain, they are limited on the placement of the garage.

The garage is being proposed to be attached to the east end of the house and to the front of the existing one-car detached garage, which will be incorporated into the principal structure. If the variances are granted, the garage will be 61' south of the right of way line for Section Road and will encroach approximately 4' into the required front yard on Fair Oaks Drive (45' from the right of way line) and the principal access will face Section Road.

Village Code Section 154.25 states that an attached garage can be up to 1,500 square feet or 40% of the principal structure. The proposed garage is approximately 123 square feet below 40% of the home. Code section 154.28 (A), states a garage may not have its principal access face a street. The two variances are required for the garage to be constructed as proposed.

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

Date: 04/10/20

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

RE: Zoning Approval - Variance

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

The addition of a 2-car garage and mud room to the existing residence.

The addition will connect the existing single car garage that is proposed
to be remodeled and converted into interior space for the primary residence.

The structure is proposed at the following address:

6885 Fair Oaks Dr., Cincinnati, OH 45237

I certify the attached plat and measurements are accurate.

Steve Schuholz
BlueRidge Capital

Contractor's Name

53 Evergreen Circle
Wyoming, OH 45215

Contractor's Address

513-484-1188

Telephone Number

Sincerely,

F Rosedale

Homeowner's Signature

Faigie Rosedale

Homeowner's Printed Name

513-310-9525

Telephone Number (daytime)

Yitzchak and Fagie Rosedale
6885 Fair Oaks Drive
Amberley Village, Ohio 45237

April 14, 2020

Mr. Wes Brown
Zoning and Project Administrator
Amberley Village
7149 Ridge Road
Amberley Village, Ohio 45237

Dear Mr. Brown:

Please accept the following letter as our formal request for a variance to our home located at 6885 Fair Oaks Drive.

Our family is in the process of building a new home located at 6835 Glen Acres Dr. During the interim, we are renovating our rental home located at 6885 Fair Oaks Drive in order to move into during the two year construction process. It is our intention to upgrade the home by undergoing a complete renovation and modernization including adding a new 2 car garage, new deck to overlook the creek and bringing the home back into the standard of the local community.

The home sits in the county flood plain limiting the availability to place a new garage in any other location than what is proposed. In order to construct a typical 2 car garage, the building will encroach upon the 50ft. set back requirements by 4foot 3 inches. This will place the garage doors facing the Section rd. frontage utilizing the original driveway and curb. The property is completely surrounded by a very tall hedge row for privacy.

Please note, at the outset of our stay during the construction of our new home, our intention is for our oldest child to reside there to start their new family.

Thank you for your consideration,

Yitzchak and Fagie Rosedale

FOLD AND FORM

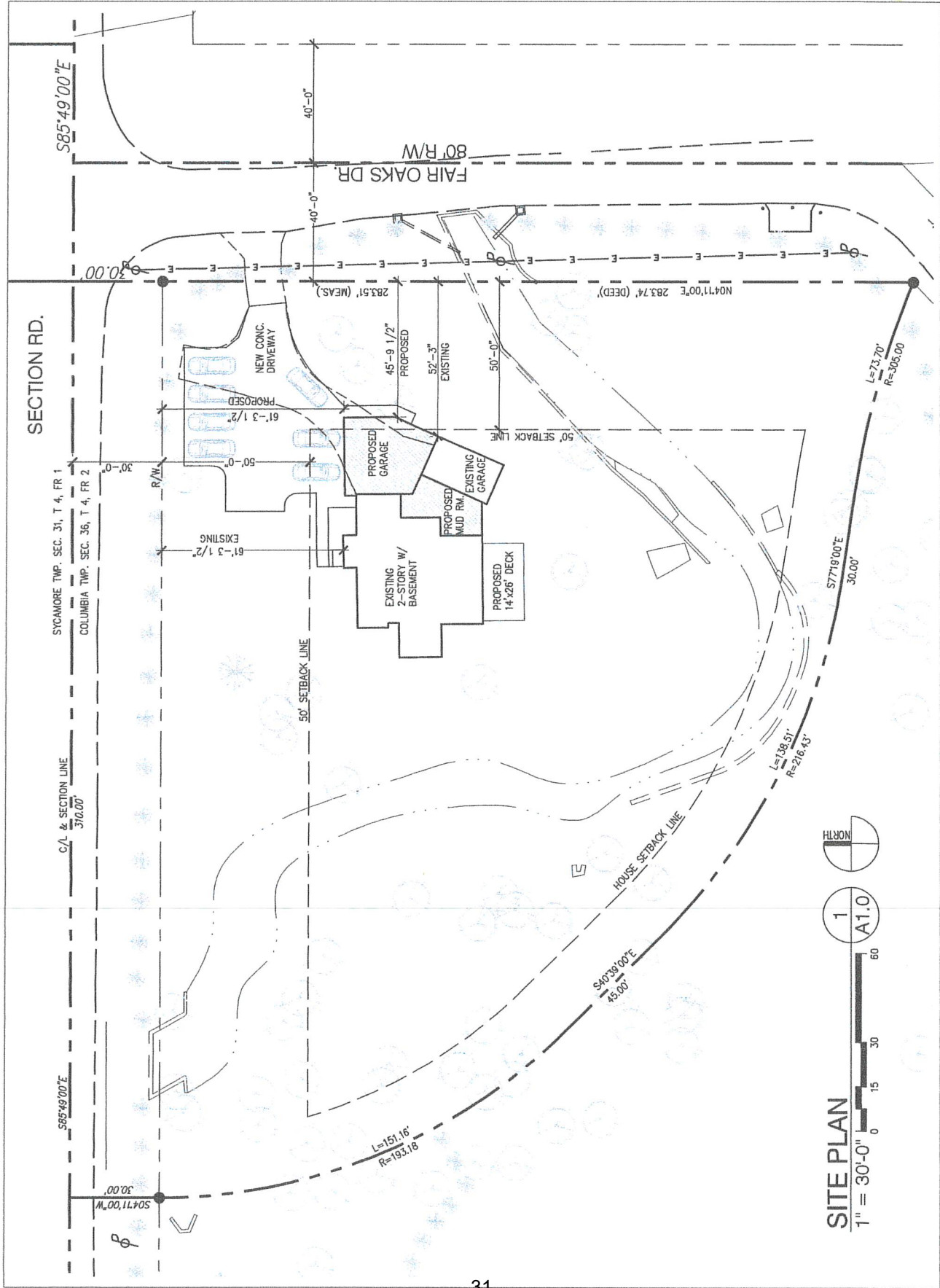
Fold & Form, LLC,
1118 Piedmont Street
Suite 412
Cincinnati, Ohio 45202
(513) 978-1190

Garage & Mud Room Addition:
6885 Fair Oaks Dr.
Cincinnati, OH 45237

Preliminary
For Review
04.06.20

CHAD H. PUCKETT, OH 15261 EXP. 12/31/21

NO. DESCRIPTION DATE



1
A1.0

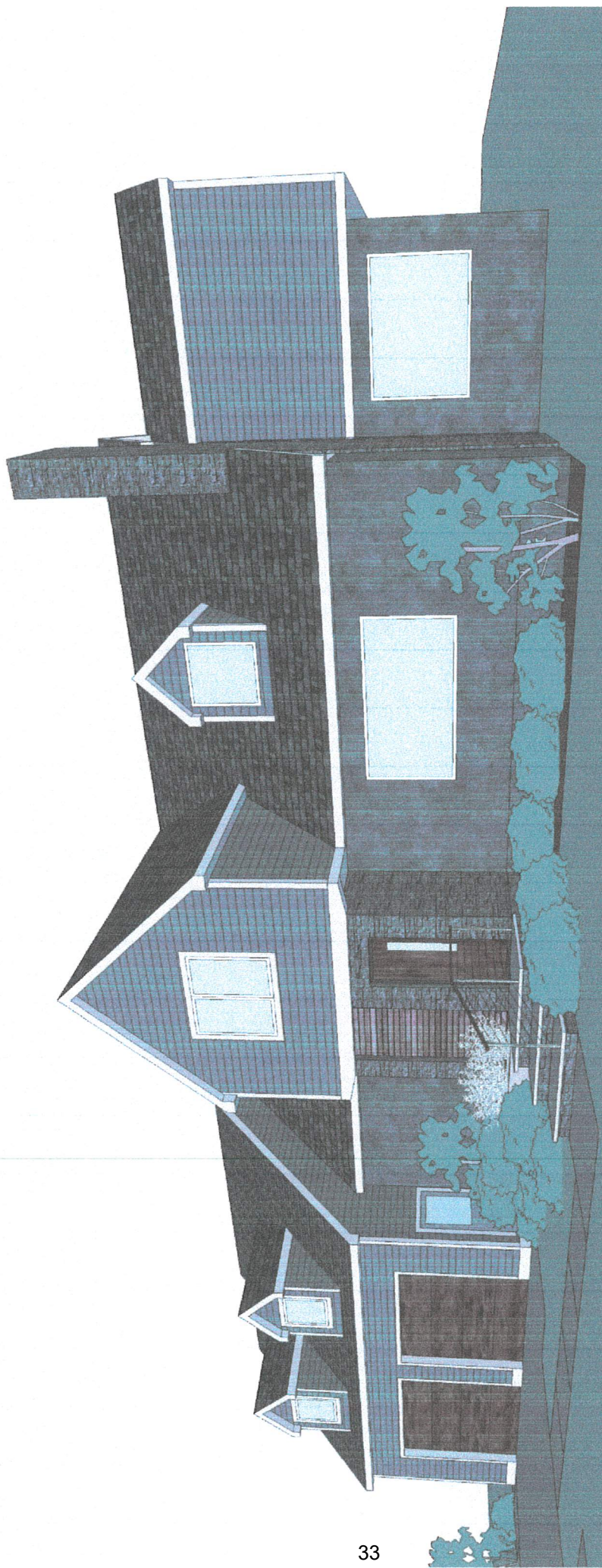


SITE PLAN

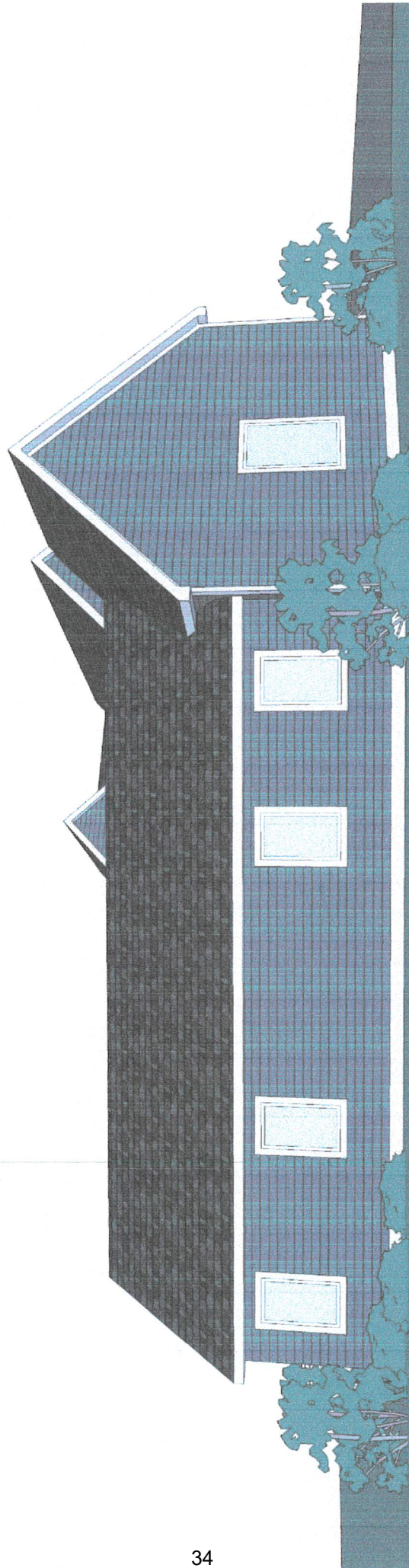
A1.0



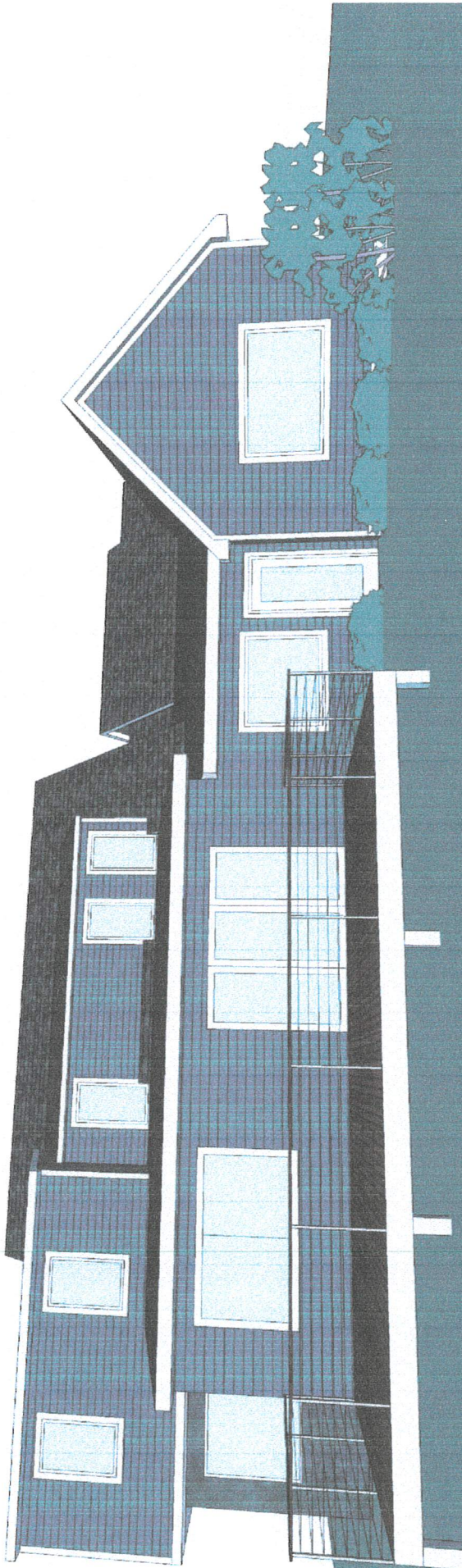
Existing Residence
Facing Section Rd.



Proposed Front Elevation - Facing Section Road



Proposed Side Elevation - Facing Fair Oaks Dr.



Proposed Rear Elevation - Facing Rear of Property



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION/BOARD OF ZONING APPEALS
REVISED MEETING NOTICE

WHEN: May 4, 2020 at 7:00 PM

WHERE: Online (see back of notice for login information)

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, May 4, 2020** at 7:00 p.m. via Internet. The Board of Zoning Appeals will review the following items:

Ralph Doering, the property owner of 3160 North Whitetree Circle, is requesting a variance to Zoning Code Section 154.14 (B). The variance would allow for the replacement of an existing 32' long privacy panels in the rear yard. Village code states that a privacy panel can only be 16' long from the back of the house.

Arianne Smith and Kathryn Waligura, the property owners of 8301 Lynnehaven Drive, are requesting a variance to Zoning Code Section 154.14 (A). The variance would allow for the construction of a 3-board Kentucky Board fence, 16' from the street in the Lynnehaven Court front yard. Village code states that a fence shall not be permitted in any part of a front yard.

Faigie Rosedale, the property owner of 6885 Fair Oaks Drive, is requesting a variance from Zoning Code Sections 154.25 (B) (2) (a) and 154.28 (A). The variances would allow for the construction of a 2-car attached garage on the east side of the existing house, with the garage doors facing north toward Section Road and allow the garage to encroach 4' into the required front yard.

The Planning Commission will also hold a public meeting to consider Adoption of Chapter 160: Small Cell Facilities and Wireless Support Structures to Title XV Land Usage, regulating small cell facilities and wireless support.

If you are interested in reviewing the applications you may do so by email request to the Village Clerk at tpreasoner@amberleyvillage.org or you may attend the **Monday, May 4, 2020** Planning Commission and Board of Zoning Appeals public meeting by logging in at 7:00 p.m. via the attached invitation (see back of notice). If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

Topic: Planning Commission/BZA 2020-04-06

Time: May 4, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85259700405?pwd=Mm9YVXBscmZ1RTg4ZGtkNkpZSHJJQT09>

Meeting ID: 852 5970 0405

Password: For security purposes, please contact tpreisoner@amberleyvillage.org prior to 6 pm on May 4, 2020 for password

One tap mobile

+16465588656,,85259700405# US (New York)

+13126266799,,85259700405# US (Chicago)

Dial by your location

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

Meeting ID: 852 5970 0405

Find your local number: <https://us02web.zoom.us/j/85259700405>

TO: Village Planning Commission

FROM: Scot F. Lahrmer, Village Manager

DATE: May 1, 2020

RE: Small Cell Facilities and Wireless Support

Last year, the State of Ohio passed House Bill 478 which relates to the regulation of Small Cell Facilities in Ohio. After litigation stopped a previous iteration, this negotiated legislation returns more authority back to municipalities. Ohio Revised Code Chapter 4939 permits some regulation of small cell facilities and wireless support structure by municipalities.

Based on the State legislation, Village rules and procedures must remain compliant with the State. Village staff and the Village Solicitor have drafted Chapter 160, to be add to Title IV Land Use. The purpose of creating Chapter 160 is develop guidelines to regulate the design and installation of small cell towers, micro wireless systems and wireless support structures in the Village.

Chapter 160 includes updated definitions for micro wireless facilities, small cell facilities, and wireless support structures. It also includes application and administrative approval procedures along with the creation of Design Guidelines for Small Cell Facilities.

The Small Cell Design Guidelines provide direction on permitted types of small facilities, their design, location parameters, and the submittal/approval process. To remain compliant with new State requirements, some of the more significant changes to Village's regulations include:

- Set the allowable maximum height of small cell facilities to 40 feet.
- Allowing and recommend co-location of small cell facilities onto existing utility poles within the right of way, provided they are designed in a stealth manner.
- Set the small cell facility spacing requirement at a minimum of 1,000 feet.
- New small cell facilities to be of a stealth design, black in color and contained within an enclosure.
- New facilities to be set away from the property lines of a residential use a minimum of 100 feet.
- New wood poles may not be installed, and all utility connections are to be underground.

The guidelines are designed to be able to be flexible in application and can be modified as technology changes or based on individual merits of a case.

While the Village does not have application fees for site plan review, the State has set a maximum of \$250 per application.

Staff is currently working with Verizon on their deployment schedule of 5 small cell sites in anticipation of the planned modifications.

Village Council will consider this legislation at their council meeting on May 11 and are seeking Planning Commission's recommendation.

If you have any questions, please contact me.

PASSED:
BY:

ORDINANCE NO. 2020-10

**ORDINANCE ADDING CHAPTER 160 TO THE VILLAGE OF AMBERLEY
CODIFIED ORDINANCES REGARDING SMALL CELL FACILITIES AND
WIRELESS SUPPORT STRUCTURES AND DECLARING AN EMERGENCY**

WHEREAS, the addition of Chapter 160 to the Amberley Village Codified Ordinances will allow the continued regulation of small cell facilities and wireless support structures within the Village; and

WHEREAS, House Bill 478 and Ohio Revised Code Chapter 4939 permits the regulation of small cell facilities and wireless support structures by municipalities; and

WHEREAS, Council has determined that it is in the best interest of the Village to add Chapter 160 to its codified ordinances.

WHEREAS, the Planning Commission has reviewed and recommends the adoption of Chapter 160 and the Small Cell Design Guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE Council of the Village of Amberley, Ohio, seven (7) members elected thereto concurring:

SECTION 1: That Chapter 160 be added to the Amberley Codified Ordinances as more fully set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: That the Small Cell Design Guidelines as more fully set forth in Exhibit B, attached hereto be incorporated herein by reference.

SECTION 3: That all other provisions of the Codified Ordinances not specifically amended herein shall remain in full force and effect.

SECTION 4: That this Ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare, and shall be effective immediately. The reason for the emergency is to ensure adequate measures are in place in order to deal with applications for small cell facilities and wireless support structures that are anticipated in the near future.

Passed this ____ day of _____, 2020.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: _____ Seconded: _____

Muething	_____
Wolf	_____
Bardach	_____
Conway	_____
Hattenbach	_____
Kamine	_____
Warren	_____

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of _____, 2020, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council

EXHIBIT A:
CHAPTER 160: SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES

160.01 DEFINITIONS

Micro Wireless Facility - Means a small cell facility that is not more than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that does not have an exterior antenna more than eleven inches in length suspended on cable strung between wireless support structures.

Small Cell Facility – Means a small cell facility that meets both of the following requirements:

- (1) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
- (2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Wireless Support Structure - Means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities. Wireless support structure excludes all of the following:

- (1) A utility pole or other facility owned or operated by a municipal electric utility.
- (2) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

160.02 APPLICABILITY

Applicants for small cell and micro wireless facilities, or renewals thereof, shall file an application as required by the Village Engineer along with an application fee. The Village Engineer shall determine if the application is in order in accordance with established administrative policy and shall make a final determination within 90 days after the date the permit is applied for as to whether or not such permit should be granted and, if so, under what terms and conditions. The Village Engineer is authorized to promulgate regulations as allowed per Ohio Revised Code 4939.0314 including, but not limited to: design, height, spacing, location, and co-location.

- (1) The Village Engineer shall promulgate detailed design guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetic and character of the immediate area.
- (2) The Village Engineer shall have authority to update or supplement the design guidelines to address relevant changes in law, technology, or administrative procedures.
- (3) If any provisions of this chapter are in conflict with any other provisions of the Codified Ordinances of the Village of Amberley, the provisions of this Chapter 160 and the Small Cell Design Guidelines shall apply.

EXHIBIT B: AMBERLEY VILLAGE SMALL CELL DESIGN GUIDELINES

PURPOSE

The purpose of these guidelines is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, co-location, modification, relocation, operation, and removal of small cell wireless technology as authorized by *Chapter 160* of the Codified Ordinance of the Village of Amberley (Village).

DEFINITIONS

Chapter 160 of the Codified Ordinance of the Village established definitions for the following terms. These definitions are contained herein for reference.

Micro Wireless Facility

Means a small cell facility that is not more than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that does not have an exterior antenna more than eleven inches in length suspended on cable strung between wireless support structures.

Small Cell Facility

- (1) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
- (2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Wireless Support Structure

Means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities. Wireless support structure excludes all of the following:

- (1) A utility pole or other facility owned or operated by a municipal electric utility.
- (2) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

Location Requirements

In accordance with *ORC 4939.0314(D)*, the Village shall reserve the right to propose an alternate location to the proposed location of a new wireless support structure, provided the alternate location is within 100 feet or a distance equal to the width of the right-of-way in or on which the new wireless support structure is proposed, whichever is greater. The Village also finds that certain locations and collocation configurations are preferred. A preferred location and collocation configuration should be utilized whenever possible and should only be surpassed if in the determination of the Village Engineer or his/her designee

that there is clear and convincing evidence to support such a decision. Cost alone shall not be grounds for such a determination.

It is the Village's preference that small cell and micro wireless facilities be co-located on existing poles, structures, or wireless support structures that currently exist within a utility easement or within the Village's right-of-way. If there is not an existing pole, structure, or wireless support structure available for co-location, new wireless support structures may be permitted subject to the standards contained herein. All small cell wireless facilities, including co-locations and new wireless support structures, shall be setback a minimum of 100 feet from any property line of a residential use. The Village Engineer or his/her designee may reduce this setback in unique circumstances where a reduced setback would still protect existing residential uses.

Spacing

New wireless support structures shall be located a minimum of 1,000 feet apart from any other wireless support structure within the Village of Amberley.

Design

New small cell or micro wireless co-location applications and new wireless support structure applications shall adhere to the following design standards. The Village Engineer or his/her designee may alter these standards if the application still meets the intent of the section, while proposing an alternative approach that successfully disguises the equipment.

Co-locations

The following standards shall apply to all small cell or micro wireless co-location applications:

- Small cell co-location on existing poles and structures is highly encouraged.
- Co-locations shall not increase the overall height of the structure it is mounted on by more than five feet.
- If an existing pole is proposed to be used, the following apply:
 - The applicant shall provide a signed owner authorization of the subject pole.
 - The color of the antenna and related equipment shall be consistent with the color of the pole it is to be located on. All equipment related to the antenna shall be located within an enclosure that is mounted to the pole in order to disguise the equipment to the greatest extent feasible as approved by the Village Engineer.
 - All equipment and antennas shall be mounted at a height of at least 20 feet.
 - Should an existing pole be selected for a co-located wireless facility, the applicant shall submit a certified structural analysis of the existing pole to the Village Engineer for review. This report must indicate that the pole can structurally and feasibly support the proposed wireless facility.
 - All utility service lines shall be installed underground.

New Wireless Support Structures

The following standards shall apply to all new wireless support structures:

- The height of the wireless support structure and any co-located antennas shall not be more than 40 feet in height.
- All equipment and antennas shall be mounted at a height of at least 20 feet.
- The structure shall be capable of supporting at least two small cell facilities.
- The antenna and all associated equipment shall be concealed to the extent deemed necessary by the Village Engineer or his/her designee in response to the aesthetic context of the small cell facility.
- New wireless support structures shall adhere to the following design elements:
 - **Color/Material** – The material and color of the wireless support structure shall be consistent and complementary to the surrounding area. New wireless support structures shall be painted, anodized, or constructed out of materials that are colored grey or black. Galvanized material may not be used in the construction of the structure unless it can be painted or otherwise coated as required in this section. New wood poles are prohibited.
 - **Base** – New poles shall have a pedestal base on a reinforced concrete footing/foundation pier. The base shall not exceed six inches above grade.
 - **Siting** – Wireless support structures shall align with other poles to achieve a uniform inline appearance.
 - **Footprint** – Wireless support structures shall not exceed 24 inches in diameter with the exception of the foundation. All related equipment, including, but not limited to, electrical boxes, conduit, wiring, and mounting equipment shall be placed underground or be wholly contained within an enclosure so as not to be visible.
 - **Utility Lines** – Utility service lines must be installed underground.

LINE OF SIGHT

If a micro wireless facility, small cell facility, or associated equipment is located near an intersection of two traveling surfaces, it must conform to the sight triangle standards set forth in Section 154.13 of the Amberley Village Zoning Ordinance.

APPLICATION

Permit Required

Unless otherwise exempted, it shall be unlawful for any person to co-locate or remove a small cell facility or construct, maintain, modify, operate, replace, or remove wireless support structures in, along, across, upon, and/or under any property or right-of-way unless a permit has been issued in accordance with *Section 160* of the Codified Ordinances of the Village of Amberley and the standards contained within.

Application Procedure

Pre-Application Meeting

A pre-application meeting is required to discuss projects on a conceptual level with the Village including application types, location, design, process, and other similar factors.

Application Submittal

The applicant shall submit a completed application, fee, and associated materials (as described below in the **Application Submittal Requirements** section) to the Village Engineer or his/her designee for review in conformance with the standards contained herein. The Village Engineer or his/her designee shall either approve, approve with conditions, or deny the application. If the application is denied, the reasons for denial shall be provided in writing to the applicant.

The Village reserves the right to deny an application if any one of the following conditions exists:

- The application does not comply with a provision of these design guidelines, Chapter 160 of the Village's Codified Ordinances, or any other applicable ordinances of the Village;
- The applicant is not authorized to conduct business in the State of Ohio;
- The applicant is not current in its obligation to pay to the Village fees or taxes imposed by this Ordinance;
- The design or location is deemed unsafe or non-compliant in regards to transportation and engineering standards for construction within the right-of-way;
- The design is counter to the health, safety, and welfare of the Village;
- The design or location is in conflict with current or proposed accessibility standards;
- The design does not meet standards related to electrical, structural, safety or construction best practices; or
- The proposed design is in conflict with existing infrastructure, facilities, and/or utilities.

Timeline for approval

The Village shall complete its review of each application and provide a determination within 90 days for an application to co-locate, replace, or modify a small cell facility or 120 days for an application to construct, modify, or replace a wireless support structure associated with a small cell facility. The timeline will commence once the Village has determined a complete application has been submitted for review. Amendments to an application in process which are not part of a response to a notice of incompleteness or a correction notice shall be treated as a new application.

Revocation

The following are grounds for revocation of an approved permit:

- The intentional provision of misleading information by the applicant (the provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence);

- The failure to comply with any condition of approval, order, or other applicable law, rule, or regulation;
- The site, structure, or operation is otherwise not in compliance with any other provision(s) of applicable law; or
- The subject site or use is otherwise not in compliance due to incomplete work or projects, or is not in compliance due to unperformed work as part of an open permit.

Application Submittal Requirements

Application fee

The applicant must submit an application fee per small cell facility. The fee amount for each facility shall in no case exceed \$250. Fees for consolidated applications apply to each location and are cumulative.

Application Materials

The following items must be included in association with a small cell or micro wireless permit application:

- Completed application(s) associated with a small cell or micro wireless permit;
- Applicant contact information;
- Property owner approval, if applicable;
- Map showing location of the proposed facilities and all existing wireless facilities within 1,000 feet of the proposed facility;
- Description of the number and dimension of facilities and/or structures to be installed;
- Other required plans: dimensional site plan, elevation drawings, and structural calculations prepared, sealed, stamped, and signed by a Professional Engineer licensed and registered by the State of Ohio. Other plans may be requested by the Village as deemed necessary;
- Photo simulations of the proposed facility;
- For new wireless support structures, a distance analysis to confirm that the structure conforms to the spacing requirements contained within these guidelines;
- Utility plans including electrical service and fiber optic connections;
- Confirmation of compliance with state and federal environmental regulations;
- Confirmation that the operator is in compliance with federal licensing standards;
- Sworn affidavit prepared and signed by an RF engineer confirming that the facility conforms with applicable governmental regulations; and
- **Equipment Specifications** - For all equipment depicted on the plans, the applicant must provide the following information:
 - The manufacturer's name and model number;
 - Physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; and
 - The ambient noise level generated from the equipment, if any.

OTHER APPLICATION REGULATIONS

Regulations contained in *Chapter 160: Small Cell Facilities and Wireless Support Structures*, of the Codified Ordinance of the Village of Amberley, related to laws governing telecommunication permits shall also apply to micro wireless facilities, small cell facilities, and wireless support structures. Should there be a conflict in the language between this document and the regulations contained within *Chapter 160*, this document shall govern.

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