

AGENDA

September 9, 2020

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of August 3, 2020

Cases

CASE NO. 2020-1699

Kim and Cynthia Caswell, the property owners of 8101 Sagamore Drive are requesting a variance to Village Code Section 154.12 (A) (3). The variance would allow for the construction of a 10'x12' shed in the rear yard with setbacks of 5' from the rear and side property lines.

CASE NO. 2020-1701

Brandon and Kristina Poston, the property owners of 8191 Fontaine Court are requesting 2 variances to Village Zoning Code Section 154.14 (A). The variances would allow for the installation of 6' high privacy fencing in the rear and on the left side of the house and also allow 4' high black aluminum fencing to be installed in the Galbraith Road front yard of their residence.

CASE NO. 2020-1702

Public Hearing of the Amberley Village Planning Commission: The Planning Commission will review and discuss proposed changes to the Amberley Village Code pertaining to the allowable height of hedges.

New Business

Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD IN COUNCIL CHAMBERS & BY PHONE VIA ZOOM
MONDAY, AUGUST 3, 2020**

Chairperson Richard Bardach called to order the regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held in Chambers and via the Internet on Monday, August 3, 2020 at 7:00 p.m.

Roll was called:

PRESENT:

Rich Bardach
Rick Lauer
Susan Rissover
Scott Wolf

ALSO PRESENT:

Andrew Kaake, Village Solicitor
Wes Brown, Zoning Administrator
Scot Lahrmer, Village Manager
Tammy Reasoner, Clerk of Council

Chairperson Bardach welcomed everyone to the meeting and led those in attendance through the Pledge of Allegiance.

Chairperson Bardach then outlined protocols for speakers both on the phone and in chambers, and asked if there were any corrections to the minutes of the July 8, 2020 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2020-1682

Mr. Brown introduced Case No. 2020-1682, in which James and Monica Tuohy, the property owners of 7775 Sagamore Drive, requested a variance to Zoning Code Section 154.12. The variance would allow for the replacement of an existing shed in the same location, within the required side and rear yards. The new shed was proposed to be 2'-3' from both the side and rear property lines, with the door facing toward the yard instead of toward the street.

The owners submitted a letter stating the doors were too small to fit their riding mower, and moving the shed to the distance required under code would place the shed in the middle of the yard. Mr. Touhy stated the proposed location would be unobtrusive to the neighbors and showed pictures demonstrating it would be an aesthetic improvement.

Ms. Rissover asked regarding the size of the yard, which Mr. Touhy stated was approximately ½ acre.

Mr. Wolf asked if there were plans for landscaping. Mr. Touhy showed pictures showing the shed was well hidden from the neighbors' line of sight, and said there were no plans to plant trees.

While there were no negative letters submitted, Ms. Rissover stated she thought there was a letter of support from a neighbor, which Mr. Lahrmer confirmed. Darryl and Katie

Schneider stated in writing that they were fully in support of the replacement of the shed as submitted.

Mr. Bardach asked if anyone present or online had any questions. There being none, Ms. Rissover moved that the zoning variance for the shed to replace the existing shed be approved as submitted based on the hardship of the smaller lot. Seconded by Mr. Wolf, the motion passed unanimously.

CASE NO. 2020-1683

Lynne Heyman, the property owner of 7280 Meadowbrook Drive, requested three variances to Zoning Code Section 154.12 to allow for the placement of a 240 square foot (12'x20') shed in the required side yard with a setback of 5' from the south property line and the principal access facing north toward Oakridge Drive. Mr. Brown introduced the case and stated all three variances were required for the shed to be constructed as submitted to allow for the reduced setback, the increased size and doors which would face the street.

Ms. Heyman's letter stated the topography of the rear yard makes most of it unsuitable for shed placement, and the proposed location is the only relatively level spot. She wrote that the proposed location would be screened with mature trees on both her property and that of her neighbor.

John Holt of 7280 Meadowbrook Drive spoke on behalf of Ms. Heyman, and provided photographs of trees surrounding the neighbor's pool, which would also block visibility of the shed. He said the proposed location is convenient to the house, and added that being on a corner lot presents issues with placement. Mr. Holt asked if anyone on the Board had any questions.

Mr. Wolf asked why the size of the shed needed to be larger than permitted. Mr. Holt said the space would be used for storage. Mr. Wolf asked if the increased size would impact visibility to the neighbors. Mr. Holt said it wouldn't look any different.

Ms. Rissover said she walks by regularly, and noticed the loss of some trees. She said without that loss, a shed in the proposed location wouldn't even be noticed. Mr. Holt said they planned to plant around the shed once installed.

Mr. Bardach asked if Mr. Lahrmer had received any comments from residents, and called for any comments from residents in Chambers and online, and there were none. Mr. Polk asked if it would be ok to place the shed within 10 feet of the proposed location should there be issues with topography. Mr. Wolf moved to approve the variance up to ten feet from the requested location, which was seconded by Mr. Lauer. The motion passed unanimously.

CASE NO. 3030-1677: PUBLIC HEARING

The Planning Commission held a public hearing to review and discuss the formation of a special zoning district for the Amberley Green property located at 7801 Ridge Road.

Mr. Lahrmer stated a presentation and public hearing had been held the previous month on July 8, 2020 to discuss the formation of a special zoning district for Amberley Green. The Village proposes zoning text specific to the property at Ridge and Galbraith Roads. The Planning Commission is being asked to make recommendations on the proposed text and report back to Council.

Mr. Lahrmer said the Village was not requesting rezoning, as this would specify a primary use. He said resident feedback was considered in the development of the zoning code text, which indicated residents wanted the Village to consider many options for the property. He said there is enough space on the property to consider multiple uses, and emphasized the Village does not have specific uses planned for the property.

Mr. Lahrmer also reminded the Planning Commission the Village owns the land. He said the zoning code language is based on resident feedback, and includes land usage parameters and establishes a process for development.

Mr. Lahrmer reviewed feedback from the Planning Commission gathered from the last meeting and responded to each.

Principal Uses

With regard to comments about potential allowable principal uses on the property, Mr. Lahrmer explained the uses listed in the document are not necessarily what will be done, but what the Village could consider. By exclusion from the list, a principal use cannot be considered without completing a full zoning text amendment involving both Council and the Planning Commission. Therefore, the Planning Commission recommendation options could be to leave the uses intact, further define the uses, or eliminate specific permitted uses.

Event Center: Profit vs. Non-Profit

Mr. Lahrmer said the language included in the zoning code text that allowed for either a profit or a non-profit event center has no specific purpose, and can therefore be recommended to be left intact or removed.

Height Restrictions

In response to concerns regarding defining allowable height at the previous meeting, Mr. Lahrmer explained the Planning Commission should consider what style architecture it wished to encourage. He offered guidelines for the height of various styles of architectural construction by stories, and stated the Planning Commission's options would be to leave the minimum lot size intact, modify it with the goal of attracting a higher price from single-family residential construction or recommend covenants to address the concern.

Landscaping Standards

At the last meeting, concerns were expressed that landscaping standards were too light. Mr. Lahrmer provided landscape code for Mason as a possible model, as it is

considered heavy, and suggested the Commission could leave the minimums intact or modify them to mimic another community.

Architectural Restrictions

Members of the Planning Commission expressed concerns that architectural restrictions in the proposed zoning text might be too much. Mr. Lahrmer explained these had been pulled from North Site with minor modifications. He said the intention was not to be creatively restrictive, and pointed out that any plan would need to go through Council before zoning.

Mr. Lahrmer then stated tonight's meeting represented the second public hearing on zoning code text before the Planning Commission. He said the purpose was to gather feedback from the Planning Commission to take back to Council, and that a motion would be needed to take recommendations back to Council regarding what should or should not be included.

He said the 60-day window for the Planning Commission to consider its recommendations and allow for one more meeting before September, but that the Commission could also make its recommendations tonight.

Mr. Bardach officially opened the public hearing at 7:50 p.m.

Mr. Colin Driscoll of 6600 Ridge Road took the podium to say he had listened to the audio of last meeting multiple times and read through the minutes. He read through a list of responses from Planning Commission members from the previous meeting that he said resonated with him. He also read testimony from Mr. Louis Katz from the previous meeting, and stated he wholeheartedly agreed with his opposition to the zoning code text.

Mr. Lauer stated he supports the effort to send the message that Amberley Village is open for business, but wanted to remove all language regarding height, landscape, lighting and similar aspects of development. He said as the Village will control the use of the property, he would encourage site plans to include all the details with the intention of marketing to people with fresh ideas.

Mr. Wolf asked Mr. Kaake what disadvantages there might be in following Mr. Lauer's recommendation. Mr. Kaake stated the practical problem might be with consistency.

Ms. Rissover stated she agreed with Mr. Lauer, and felt that an overall plan would be preferable, and asked Mr. Bardach for council's perspective.

Mr. Bardach said there were only a few developable areas on the property, and that building infrastructure was not affordable for the Village, so would have to be done by a developer. He said the structure needed to be in place for developers to follow.

Mr. Lauer said the problem with the plan was that it is too restrictive, and would disallow submission of a plan. He said the Village would not encourage people by limiting them.

Mr. Wolf said there had not been much interest in the property, and the Village doesn't have enough money to afford not to develop it.

Mr. Lauer asked why, given the challenges of economics, topography, traffic and utilities, the Village would want to make it even more difficult to develop. He said he would feel differently about it if the Village didn't own the property.

Ms. Rissover stated Blue Ash should be the model for Amberley Green. She said the Village cannot restrict developers, and must be more open. Both she and Mr. Wolf suggested reviewing allowed uses.

Mr. Lauer asked why language describing single family units did not allow them to be attached. Mr. Lahrmer stated council did not want shared walls.

Ms. Rissover said the 20% retail usage language was too restrictive. Mr. Lahrmer stated the language was written to outline specifications, but that variances could be requested. Mr. Lauer expressed concern regarding the practicality of requiring variances, and said the process was too cumbersome and would scare off developers.

Mr. Lahrmer indicated the Planning Commission could recommend that Council consider a greater capacity for retail.

Mr. Lauer moved to recommend that council amend the zoning code text to maintain the current land usage classifications as written, with the exception of the 20% mixed use facilities, and remove all other requirements to be included as part of the concept plan submission. Mr. Lauer stated developers should be able to proceed without having to acquire additional variances. He envisioned a preliminary plan with a more detailed plan to follow.

Mr. Wolf stated he supported including only principal uses in the document.

Mr. Brown walked through the process as proposed to clarify the steps. Mr. Lauer said he still felt the Village needs a developer, and the process as written is too cumbersome.

Mr. Lahrmer said he was hearing Mr. Lauer state he would prefer to have the process be more specific with a preliminary and a final plan vs. the concept plan as written. Mr. Lauer confirmed this was his intent. Mr. Lauer then moved to recommend Council amend the zoning text to maintain the principal uses as written, with the exception of the 20% mixed use space, and to remove all other language.

Mr. Wolf seconded the motion, and a 3-1 roll call vote was recorded as follows:

AYE:	Lauer, Rissover, Wolf	(3)
NAY:	Bardach,	(1)

The public hearing was closed at 8:41 p.m.

Mr. Driscoll of 6600 Ridge Road asked for an additional opportunity to speak. Mr. Bardach stated the public hearing was closed, but allowed him to speak as a courtesy if he kept it brief. Mr. Driscoll read quotes from previous Village leadership, recapped some of the history of the property and offered opinions on various aspects of Amberley Green. Mr. Bardach thanked him for his input.

NEW BUSINESS

Mr. Lahrmer stated the next scheduled meeting would fall on Labor Day, and that an alternative meeting date would be sought. Mr. Bardach adjourned the meeting at 8:45 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

PLANNING COMMISSION/BOARD OF ZONING APPEALS PUBLIC HEARING NOTICE

WHEN: September 9, 2020 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road
(or by phone; see reverse for call-in information)

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Wednesday, September 9, 2020** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The meeting will also be live-streamed on the Village website at www.amberleyvillage.org, and those wishing to speak at the meeting are invited to call in at the contact information listed below. The public meeting will be held to review the following item:

Kim and Cynthia Caswell, the property owners of 8101 Sagamore Drive are requesting a variance to Village Code Section 154.12 (A) (3). The variance would allow for the construction of an 10'X12' shed in the rear yard with setbacks of 5' from the rear and side property lines.

If you are interested in reviewing the application, you may do so by email request to the Village Clerk at tpreasoner@amberleyvillage.org or you may attend the **Wednesday, September 9, 2020** Planning Commission/Board of Zoning Appeals public meeting in person or by phone. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

Cc: Kim & Cynthia Caswell, 8101 Sagamore Drive
Patricia Day, 8121 Sagamore Drive
Kristin Patterson & Jason Heitz, 8075 Sagamore Drive
Brian & Kathryn Pietrandrea, 8126 Sagamore Drive
Claire Carr, 8072 Sagamore Drive
Robert Roth & Christine Blanck, 8068 Sagamore Drive
Janet & Graig Smith, 3040 Glenfarm Court
Michael Gressel & Sheila Kelly, 3050 Glenfarm Court

POSTED: 8/20/2020

If you are interested in reviewing the applications or the code language being considered at the public hearing, you may do so by email request to the Village Clerk at tpreasoner@amberleyvillage.org or you may attend the **Wednesday, September 9, 2020** Planning Commission/Board of Zoning Appeals public meeting in person or by phone. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

Cc: Kim & Cynthia Caswell, 8101 Sagamore Drive
Patricia Day, 8121 Sagamore Drive
Kristin Patterson & Jason Heitz, 8075 Sagamore Drive
Brian & Kathryn Pietrandrea, 8126 Sagamore Drive
Claire Carr, 8072 Sagamore Drive
Robert Roth & Christine Blanck, 8068 Sagamore Drive
Janet & Graig Smith, 3040 Glenfarm Court
Michael Gressel & Sheila Kelly, 3050 Glenfarm Court

Call-In Credentials:

Topic: Amberley Village August Planning Commission/Board of Zoning Appeals
Time: Sep 9, 2020 07:00 PM Eastern Time (US and Canada)

Dial by your location

+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)

Meeting ID: 829 6455 7919

Passcode: For security purposes, please contact Clerk of Council at tpreasoner@amberleyvillage.org or 531-8675 for passcode information.

Find your local number: <https://us02web.zoom.us/j/kcllruc0nu>

POSTED: 8/20/2020



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

September 9, 2020

Subject:

8101 Sagamore Drive

Variance:

Accessory structure setbacks

Item: Case#2020-1699

Variance Request: Kim and Cynthia Caswell, the property owners of 8101 Sagamore Drive are requesting a variance to Village Code Section 154.12 (A) (3). The variance would allow for the construction of a 10'x12' shed in the rear yard with setbacks of 5' from the rear and side property lines.

Zoning Code Review: 154.12 Accessory Structures (A) (3), accessory structures may be built in a rear yard not nearer to a rear or side lot than the side yard requirement for the principal structure.

Variance Review: Mr. and Mrs. Caswell are requesting a variance to Zoning Code Section 154.12 (A) (3) to allow for the construction of a storage shed in the rear yard of their residence, with setbacks of 5' from the rear and side property lines.

Their property is non-conforming, as it is less than half an acre (.29 acres) in the Residential A district, which requires a minimum of 1-acre lot.

The regulations in Residence A, also state that an accessory structure is permitted in the rear yard but not nearer to a rear or side lot line than the side yard requirement for the principal structure. The rear and side yard setbacks for an accessory structure in Residence A are 20' from the rear and 20' from the side property lines.

The letter to the Board states that due to the small yard, meeting code would place the shed in the middle of the rear yard. The letter also states the northwest corner of the yard is best because the neighbors to the west have a line of tall bushes that would help screen the shed.

The shed is proposed to be 10'x12", located in the northwest corner of the rear yard with the principal access facing south into the yard and painted to closely match the house.

The variance is required for the shed to be located in the required rear and side yards as proposed.

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

Date: 17 August 2020

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:

A shed being placed within five feet of
the property line.

The structure is proposed at the following address:

8101 Saganos Dr. 45236

I certify the attached plat and measurements are accurate.

Contractor's Name

Contractor's Address

Telephone Number

Sincerely,

Cindy Caswell
Homeowner's Signature

Cindy Caswell
Homeowner's Printed Name

614.403.7915
Telephone Number (daytime)

Dear committee,

I am requesting a variance to place a shed in our backyard at 8101 Sagamore Drive in Amberley Village. The dimensions of the shed will be 10X12 and we would like to locate the shed in the northwest corner of the back yard, 5 feet from the boundary lines. The door will face South into our yard.

Since we have a small yard, the five-foot distance is necessary, because meeting code would put the shed too close to our trees and in the middle of our back yard.

Our neighbors to the west, have a line of tall bushes along the property line, however, there is a large gap due to failed shrubbery growth. We also plan to plant arborvitaes on the east side of the shed, as well as flowers.

Aesthetically, the shed will blend in and cover the big hole in our neighbor's tall bushes and the colors will match as closely as possible to that of our house.

Thank you for your consideration in this matter.

Cindy Caswell



Online Property Access

Parcel ID 526-0090-0011-00 **Address** 8101 SAGAMORE DR **Index Order** Parcel Number **Tax Year** 2019 Payable 2020

Property Information

Tax District	017 - AMBERLEY-CINTI CSD	Images/Sketches 
School District	CINCINNATI CSD	
Appraisal Area	52602 - AMBERLEY 02	Land Use
		510 - SINGLE FAMILY DWLG
Owner Name and Address	CASWELL KIM & CYNTHIA L 8101 SAGAMORE DR CINCINNATI OH 45236 (call 946-4015 if incorrect)	Mailing Name and Address
		CINFED CREDIT UNION 550 MAIN ST ROOM 5510 CINCINNATI OH 45202 (call 946-4800 if incorrect)
Assessed Value	64,330	Effective Tax Rate
		85.353964
Total Tax		\$4,177.36
Property Description	SAGAMORE DR 75 X 178 R1-T4-S19 S W	

Appraisal/Sales Summary

Year Built	1953
Total Rooms	5
# Bedrooms	2
# Full Bathrooms	1
# Half Bathrooms	1
Last Sale Date	1/2/2020
Last Sale Amount	\$314,900
Conveyance Number	223889
Deed Type	SV - Survivorship Deed (Conv)
Deed Number	
# of Parcels Sold	1
Acreage	0.299

Tax/Credit/Value Summary

Board of Revision	No
Rental Registration	No
Homestead	Yes
Owner Occupancy Credit	Yes
Foreclosure	No
Special Assessments	No
Market Land Value	34,910
CAUV Value	0
Market Improvement Value	148,890
Market Total Value	183,800
TIF Value	0
Abated Value	0
Exempt Value	0
Taxes Paid	\$4,177.36
Tax as % of Total Value	2.635%

Notes

I Want To...

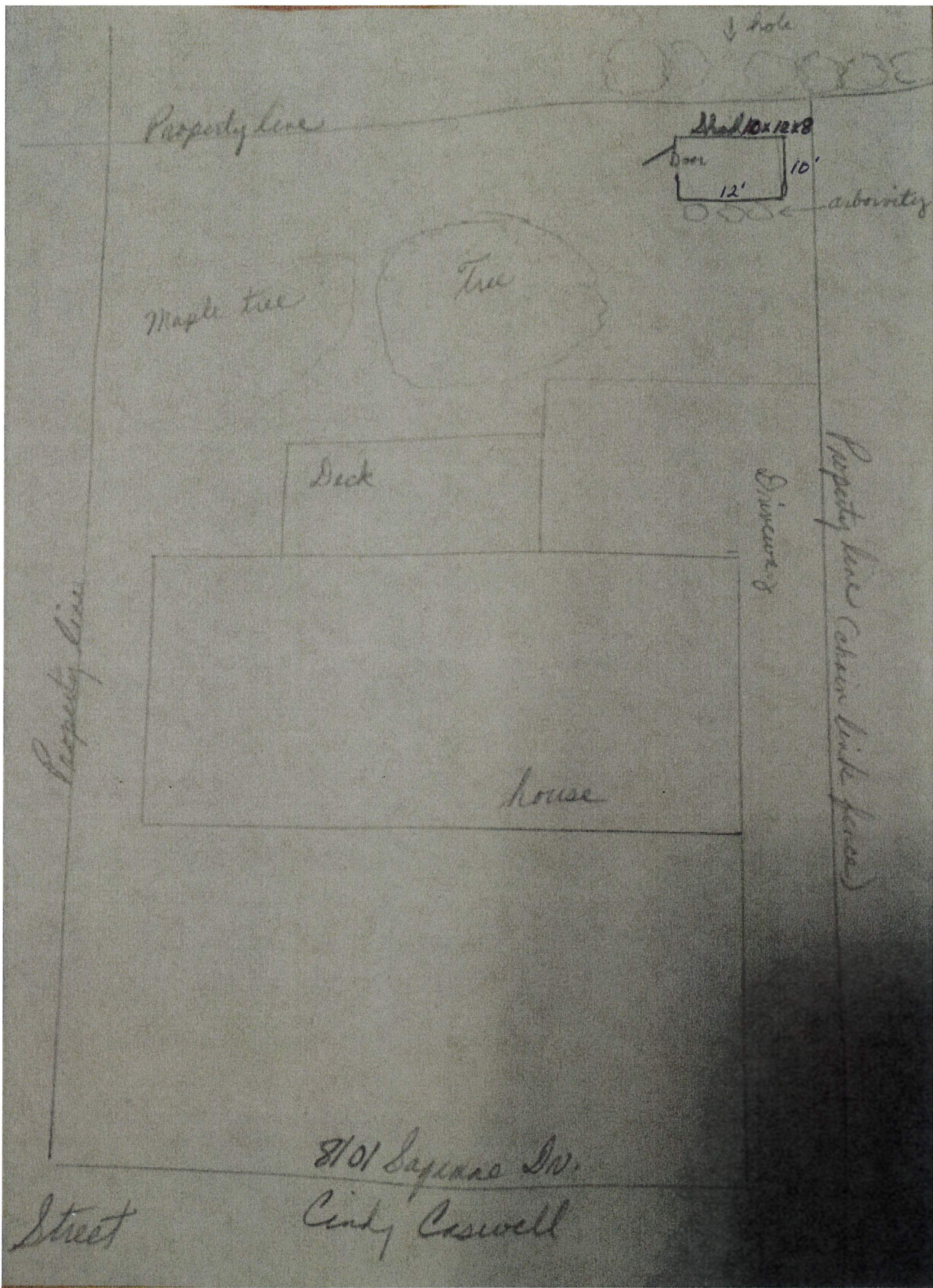
Start a New Search
 Email the Auditor
 View the Online Help
 Auditor's Home

View:

Property Summary
 Appraisal Information
 Levy Information
 Transfer
 Value History
 Board of Revision
 Payment Detail
 Tax Distributions
 Images
 Special Assessment/Payoff
 Tax Lien Certificates
 CAGIS Online Maps
 Aerial Imagery
 Owner Names

Print:

Current Page
 Property Report









7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION/BOARD OF ZONING APPEALS PUBLIC MEETING NOTICE

WHEN: September 9, 2020 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road
(or by phone; see reverse for call-in information)

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Wednesday, September 9, 2020** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The meeting will also be live-streamed on the Village website at www.amberleyvillage.org, and those wishing to speak at the meeting are invited to call in at the contact information listed below. The public meeting will be held to review the following items:

Brandon and Kristina Poston, the property owners of 8191 Fontaine Court, are requesting 2 variances to Village Zoning Code Section 154.14 (A). The variances would allow for the installation of 6' high privacy fencing in the rear and on the left side of the house and also allow 4' high black aluminum fencing to be installed in the Galbraith Road front yard of their residence.

If you are interested in reviewing the application, you may do so by email request to the Village Clerk at tpreasoner@amberleyvillage.org or you may attend the **Wednesday, September 9, 2020** Planning Commission/Board of Zoning Appeals public meeting in person or by phone. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: Kristina Poston & Brandon Scott, 8191 Fontaine Court
Judy Fiedler, 3685 Galbraith Road
Brannon & Kayanna Long, 8180 Fontaine Court
Chris Gavitt, 8181 Fontaine Court
Christopher & Coletta Davis, 3651 Galbraith Road

--OVER FOR CALL-IN CREDENTIALS--

POSTED: 8/20/2020

Topic: Amberley Village August Planning Commission/Board of Zoning Appeals
Time: Sep 9, 2020 07:00 PM Eastern Time (US and Canada)

Dial by your location
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)

Meeting ID: 829 6455 7919

Passcode: For security purposes, please contact Clerk of Council at tpreasoner@amberleyvillage.org or 531-8675 for passcode information.

Find your local number: <https://us02web.zoom.us/j/kcllruc0nu>

POSTED: 8/20/2020



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

September 9, 2020

Subject:

8191 Fontaine Court

Variance:

6' high fence in rear and side yard and 4' high fence in front yard

Item: Case#2020-1701

Variance Request: Brandon and Kristina Poston, the property owners of 8191 Fontaine Court are requesting 2 variances to Village Zoning Code Section 154.14 (A). The variances would allow for the installation of 6' high privacy fencing in the rear and on the left side of the house and also allow 4' high black aluminum fencing to be installed in the Galbraith Road front yard of their residence.

Zoning Code Review: 154.14 Fences, Wall 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: Mr. and Mrs. Poston, are requesting 2 variances to Village Zoning Code Section 154.14 (A). The variances would allow for the installation of 6' high privacy fencing in the rear and on the left side of the house and also allow 4' high black aluminum fencing to be installed in the Galbraith Road front yard of their residence.

The property is located on the southwest corner of East Galbraith Road and Fontaine Court and is zoned Residence A. The house sits in the southwest corner of the lot making most of the useable area of the lot in the front yards along Galbraith Road and Fontaine Court.

The letter to the Board states that they are requesting a variance to allow them to install a 4' low maintenance black aluminum fence in the front yard along Galbraith Road. The fence would be located in the Galbraith road front yard only and stretch from the house to 33' from the street.

The fence is to create a protective area for their children to safely play without the fear of them running into the street. The letter also states that they are working with a landscape designer to enhance the area further with shrubbery.

Mr. and Mrs. Poston are also requesting a variance to allow for the replacement of an existing deteriorated 6' high privacy fence along the back and left side of the house.

The letter to the Board states the existing 6' fence is beyond repair. The 6' high privacy fence allows for some privacy from the neighbor's property and driveway, which is approximately 16' from the back of their house. The fence also prevents the neighbor's headlights from shining directly into their windows as their property sits higher.

The proposed 6' high fencing would be a dog ear privacy fence and only stretch the length of the house in order to maintain privacy from the neighbors.

The variances are required to allow for the 4' high fencing to be installed in the Galbraith Road front yard and to allow for the privacy fence to be taller than the 54" regulation.

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

Date: 8/17/2020

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:

115' linear feet of 6' tall dog ear privacy fence
along the rear & left side of property
150' linear feet of 4' tall black aluminum fence
to capture Right side yard.

The structure is proposed at the following address:

8191 Fontaine Ct. 45236

I certify the attached plat and measurements are accurate.

Green Living by Design
Contractor's Name
P.O. Box 37180
Cincinnati, OH 45222
Contractor's Address

513 708 0754
Telephone Number

Sincerely,

Kristina Poston
Homeowner's Signature
Kristina Poston
Homeowner's Printed Name

314-374-1103
Telephone Number (daytime)

Hello,

Thank you for the opportunity to submit this request to the Zoning Committee to seek a fence variance for our single family home at 8191 Fontaine Ct.

We moved to our home in November 2017. We were newlyweds and excited to move into our first house, especially in Amberley Village. We knew the house needed updates on both the inside and outside to bring it up to Amberley Village standards which are apparent when driving through the area. In the short 3 years we have lived here, our family has doubled in size. In September 2018, we welcomed our first son, Caleb, into our family and then our second son, Reece, in December 2019. As our family grew, the need for exterior space for our boys to safely play has increased in importance.

Our home is on the corner of Galbraith Rd and Fontaine Ct. Our home sits on the south-west corner of the lot furthest from the roads, which means a meaningful portion of usable yard space is in the front and side of our property. We do understand that having a corner lot means that our side yard is also considered a front yard. Therefore, we are requesting a variance for a fence in the side yard. We understand the aesthetics of Amberley Village and the importance of maintaining the vistas so we would like to create a space that is beautiful, functional, and most importantly, safe. We are requesting a 4 ft black aluminum fence that is low maintenance and will remain appealing for years to come. This will create a protective area for our children and help reserve the open views of the yard. We are also working with a landscape designer to enhance the area ever further with shrubbery along the fence. Our greatest fear is our two boys will be playing in the yard and run into Galbraith road by chasing a ball or running around. Without a fence this is a very real fear, and it is our responsibility as parents to make sure our children have a safe place to play and grow, especially in our own yard.

We also have an existing 6 ft privacy fence in the rear of our house that we would like to replace. The current fence is far beyond repair. The 6ft fence allows us to have some privacy from our neighbors as their property and driveway sit 4-5 feet above ours. If we do not have the privacy fence their car headlights would shine directly into our windows, and it allows us to have some separation from their property as our house is set so far back. The 6ft privacy fence will be a dogear privacy fence and will only stretch the length of our house in order to maintain privacy from our neighbors.

Thank you for your time today. We believe these additions will not only allow us to enjoy our house to its full potential, it will allow our children to play safely in our yard all the while enhancing our neighborhood.

Thank you,

Brandon and Kristina Poston (Caleb and Reece)
8191 Fontaine Ct.
Cincinnati, Ohio 45236

Dogear Privacy Fence



3 Rail Smooth Top Aluminum Fence





7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION/BOARD OF ZONING APPEALS PUBLIC HEARING NOTICE

WHEN: September 9, 2020 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road
(or by phone; see reverse for call-in information)

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Wednesday, September 9, 2020** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The meeting will also be live-streamed on the Village website at www.amberleyvillage.org, and those wishing to speak at the meeting are invited to call in at the contact information listed below. The public meeting will be held to review the following items:

Kim and Cynthia Caswell, the property owners of 8101 Sagamore Drive are requesting a variance to Village Code Section 154.12 (A) (3). The variance would allow for the construction of an 8'X10' shed in the rear yard with setbacks of 5' from the rear and side property lines.

Evan Polaski and Nicole Nichols the property owners of 3132 Esther Drive are requesting a variance to Zoning Code 154.14 (A). The variance would allow for the installation of 6' high black aluminum fencing and 6' high wood fencing to surround the existing pool.

Brandon and Kristina Poston, the property owners of 8191 Fontaine Court, are requesting 2 variances to Village Zoning Code Section 154.14 (A). The variances would allow for the installation of 6' high privacy fencing in the rear and on the left side of the house and also allow 4' high black aluminum fencing to be installed in the Galbraith Road front yard of their residence.

A public meeting of the Planning Commission will also be held to review the following item referred by Village Council:

The Planning Commission will review and discuss Section 154.14 (A) of the Amberley Village Code, which addresses the allowable height of hedges.

If you are interested in reviewing the applications or the code language being considered

POSTED: 8/20/2020

at the public hearing, you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org or you may attend the **Wednesday, September 9, 2020** Planning Commission/Board of Zoning Appeals public meeting in person or by phone. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

Call-In Credentials:

Topic: Amberley Village August Planning Commission/Board of Zoning Appeals
Time: Sep 9, 2020 07:00 PM Eastern Time (US and Canada)

Dial by your location

+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)

Meeting ID: 829 6455 7919

Passcode: For security purposes, please contact Clerk of Council at tprisoner@amberleyvillage.org or 531-8675 for passcode information.

Find your local number: <https://us02web.zoom.us/j/kcllruc0nu>



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

September 9, 2020

Subject:

Review changes to Zoning Code Section 154.14, in regards to the allowable height of hedges

Variance:

Item: Case#2020-1702

Variance Request: Public Hearing of the Amberley Village Planning Commission: The Planning Commission will review and discuss proposed changes to the Amberley Village Code pertaining to the allowable height of hedges.

Zoning Code Review:

Variance Review: PUBLIC HEARING OF THE AMBERLEY VILLAGE PLANNING COMMISSION

Regarding proposed changes to the Village Code pertaining to the allowable height of hedges:

154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, ~~fences, walls, and hedges~~ fences and walls 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 be permitted~~ in any part of a front yard ~~shall be permitted~~. Hedges not over two and a half feet in height may be permitted in ~~the public right of way-a front yard~~.

(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 sight lines. 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.

The proposed change to 154.14 (A) is to allow hedges not in the public right of way to be taller than two and a half feet in height. This change stems from questions from the Village Council public hearing on zoning and property maintenance changes.

Project Recommendations: