

AGENDA

November 2, 2020

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of October 5, 2020

Cases

CASE NO. 2020-1740

Michael and Elisabeth Davis, the property owners of 7191 West Aracoma Drive, are requesting a variance to Zoning Code Section 154.12 (A). The variance would allow for an accessory structure to be constructed in the rear yard, 5' from the side lot line.

CASE NO. 2020-1743

Shawn and Tricia Reynolds, the property owners of 2430 Section Road, are requesting a variance to Zoning Code Section 154.14 (A). The variance is to allow for the extension of an existing front yard fence.

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, OCTOBER 5, 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, October 5, 2020 at 7:00 p.m.

Roll was called:

PRESENT:

Rich Bardach
Rick Lauer
Susan Rissover
Scott Wolf
Scott Rubenstein

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 September 9, 2020 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2020-1722

Village Zoning Administrator Wes Brown introduced Case No. 2020-1722, in which Paul and Amy Owens, the property owners of 2595 Twigwood Lane, are requesting variances to Village Code Sections 154.12 (A) (1) and (4). The property is a corner lot at the intersection of Twigwood Lane and Willowbrook Lane; the variances would allow for the construction of a 384 square foot accessory structure located in the Willowbrook Lane front yard, 5' from the property line.

Mr. Brown stated that a letter from the Owens' said contributing factors to the variance request included topography of the rear yard, overhead power lines, a mature tree, and a drainage ditch to the south. While researching the application, staff confirmed there is also an 8' sanitary easement that runs southwest from Willowbrook Lane across the rear yard and a 10' stormwater easement along the eastern property. Moving the shed to the west or to the western side of the property would place it in the sanitary easement.

Mr. Owens was in council chambers and testified that Mr. Brown's assessment was accurate and well stated.

Mr. Rubenstein said that the proposed shed did not seem to be visible from the street, and Ms. Rissover asked if the plan was to have decking on three sides with a door facing Willowbrook. Mr. Owens said the plans had been adjusted to have the door face the backyard.

Ms. Rissover then asked about the need for the size variance. Mr. Owens indicated the size was required in order to safely store wood working tools and material and items from the

garage. Mr. Brown stated the Village owns the property to the east of Mr. and Mrs. Owens' property.

Mr. Wolf asked if drainage would be affected by the shed, to which Mr. Brown replied no.

Mr. Bardach asked Mr. Lahrmer if there had been any feedback from residents. Mr. Lahrmer stated one neighbor had called and was satisfied with Mr. Lahrmer's response that the front yard was really near the back yard of the corner lot.

Ms. Rissover requested information about a tent, wood stacks and a trailer that were previously located on the property. Mr. Owens said that his parents had moved in, and his father had been a woodworker. He said all the items have been moved or are being moved to another location on the property.

Mr. Lauer moved to approve the variance as submitted, which was seconded by Mr. Wolf.

Ms. Rissover asked if there were any concerns regarding the proposed size of the shed. Mr. Wolf stated that due to the site, location, and design of the proposed structure, he did not feel it would interfere with neighboring properties. Ms. Rissover said she felt the proposed shed was of quality structure and design. Mr. Rubenstein stated he felt the points made by Mr. Wolf and Ms. Rissover were a huge consideration, as future structures should not interfere with neighboring residents.

Mr. Lauer said he assumed the modifications to the doors to face away from the street would be incorporated into the design, called for a vote. The variance passed unanimously.

CASE NO. 2020-1723

Mr. Brown then introduced Case No. 2020-1723, in which Ilana Nadel, representative for the Mayerson Jewish Community Center (JCC), requested a modification to its Conditional Use Permit (CUP). The modification to the CUP would allow for a 40'Wx120'Lx21'H temporary tent to remain on the property until November 30, 2020 because of the COVID-19 pandemic. The request would also allow for an annual placement of the tent from April 1 to November 30 to offer members an outdoor option for fitness classes and events.

Mr. Brown cited the need for the tent was the result of member reluctance to enter the JCC building because of concerns related to COVID-19. He said the tent provides ventilated outdoor space that puts wary members at ease. Discussion was held regarding the location of the tent.

Mr. Marc Fisher of the JCC, who was in attendance by phone, stated the tent was set in its current location for safety purposes.

Mr. Francis Niehaus of 2510 Appleridge Lane was present in chambers and expressed concern regarding noise from use of the tent. He said he had no problem with utilizing it during the pandemic but was opposed to a blanket permission to allow it in subsequent years. Mr. Niehaus said the current noise from the JCC's dumpster pickup at 5 a.m. multiple days a week has been an ongoing problem, despite multiple complaints. He said he feared noise from the tent would simply create more of a problem in the neighborhood.

Mr. Fisher stated he was unaware that Mr. Niehaus had complained about the noise from the dumpster and said he would look into the issue.

Mr. Wolf said he was in favor of seeing how things worked out with the tent by granting its usage through November and then revisiting the issue in spring if necessary.

Ms. Rissover pointed out the difference between this scenario and the renewable permission for the tent at French Park was that French House has no immediate neighbors.

Mr. Rubenstein stated Mr. Niehaus raised an important point regarding residential noise.

Ms. Rissover said she felt renewal would be appropriate if the Village was still in a state of emergency in the spring, but not permanently. Mr. Lauer said that while he is a member of the JCC, he shared resident concerns regarding the noise and agreed the tent should be permitted through November, but then revisited moving forward.

Mr. Wolf suggested the possibility of approving the tent through November and then allowing staff to decide in the spring if things went smoothly.

Mr. Lauer moved to approve the request to keep the tent through November 30, as well as reinstallation in April of 2021 provided the state of emergency was still in place, pending staff approval. If approved in the spring, the variance for the tent would extend through the state of emergency, or through November of 2021, whichever occurs first.

Ms. Rissover seconded the motion and the motion passed unanimously.

NEW BUSINESS

There being no new business, Chairman Bardach announced the meeting was adjourned at 7:35 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
MEETING NOTICE

WHEN: November 2, 2020 at 7:00 PM
WHERE: Amberley Village Municipal Building, 7149 Ridge Road
FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Monday, November 2, 2020** at 7:00 p.m. online via Zoom. Those wishing to speak at the meeting are invited to participate via the contact information listed below, or to submit comments in writing to the Village Clerk at tpreasoner@amberleyvillage.org. The public meeting will be held to review the following item:

Michael and Elisabeth Davis, the property owners of 7191 West Aracoma Drive, are requesting a variance to Zoning Code Section 154.12 (A). The variance would allow for an accessory structure to be constructed in the rear yard, 5' from the side lot line.

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 **Monday, November 2, 2020** Planning Commission/Board of Zoning Appeals public meeting via Zoom. If you should have any questions, please feel free to contact Village Manager Scot Lahrmer at (513) 531-8675.

Amberley Village November Planning Commission/Board of Zoning Appeals Meeting

When: Nov 2, 2020 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/joining/register/tZlqfuihqzMvG91SHwHUhusZ42uZuFuX9H7o>

After registering, you will receive a confirmation email containing information about joining the meeting.

cc: KDRK Properties, 1035 Eversole Road
Brian Nagel, 7201 West Aracoma Drive

Brian Earlywine & Jason Geier, 7104 West Aracoma Drive
John & Zoe Pappas, 7102 West Aracoma Drive
Jeffrey & Kristen Bickel, 7102 Willowbrook Drive
David & Tamara Peters, 7100 Willowbrook Drive



7149 Ridge Road
Amberley Village, OH 45237

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amberleyvillage.org

Amberley Village Planning Commission Staff Report

November 2, 2020

Subject:

7191 West Aracoma Drive

Variance:

Setbacks for a storage shed

Item: Case#2020-1740

Variance Request: Michael and Elisabeth Davis, the property owners of 7191 West Aracoma Drive, are requesting a variance to Zoning Code Section 154.12 (A). The variance would allow for an accessory structure to be constructed in the rear yard, 5' from the side lot line.

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. Davis are the property owners of 7191 West Aracoma Drive and are requesting a variance to Zoning Code Section 154.12 (A). Their property is a .96 acre lot located in the Residence A Zoning District. The minimum lot size in Residence A is 1 acre.

Mr. and Mrs. Davis are requesting the variance to allow for a 10'x16' storage shed to be constructed in the rear yard, 5' from the side (north) property line.

Village Code Section 154.12, states that an accessory structure can be built in a rear yard but not nearer to the rear or side lot line than the requirement for the principal structure. The setbacks for an accessory structure in Residence A are 20' from the rear and 20' from the side property lines.

The storage shed is proposed to be 160 square feet in floor area and located approximately 80' from the rear property line and 5' from the side (north) property line. The access doors will face south into the yard and the color scheme was chosen to complement the house.

The letter to the Board states that this location is ideal for both esthetics and practicality while taking into account the slope of the yard and existing shrubs. Also, placing the shed 20' from the north or south property lines would place it in the middle of the rear yard. The letter to the Board also states that the existing landscaping would partially screen the proposed shed from the street.

The variance is required for the storage shed to be constructed within the required side yard.

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

Date: 10-9-20

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:

A 10x16 Garden Shed to be built within the 20ft Set-back requirement.
The Slope of my yard & existing Trees & Shrubs don't allow for this requirement.
I have done my best to illustrate my point within the packet, but an
in-person visit may help show better

The structure is proposed at the following address:

7191 W. Aracoma Pr Cincinnati, OH 45237

I certify the attached plat and measurements are accurate.

Chuck Noland
Contractor's Name

4601 Kellogg Ave

Cincinnati, OH 45226
Contractor's Address

513-413-3167
Telephone Number

Sincerely,

Michael Davis
Homeowner's Signature

Michael Davis
Homeowner's Printed Name

513-519-7755
Telephone Number (daytime)

Michael Davis
7191 W. Aracoma Dr
Cincinnati, OH. 45237
10/9/20

Mr. Lahrmer / Board of Zoning Appeals
Village Manager
7149 Ridge Road
Cincinnati, OH. 45237

Dear Mr. Lahrmer / Board of Zoning Appeals
Village Manager:

I'm asking that you approve a 10' x 16' Garden shed be built in my backyard, that is not 20 ft from the North property Line (it would be 20 ft from West line). I'm proposing that the most suitable location would be approximately 5 feet off the Property / Fence Line on the North side of the property, as seen on the aerial Photograph. This location is ideal, as it works from both an esthetic point of view, but also from a practical point, as that is a fairly level section of the yard. In addition, this space is tucked behind existing landscaping, would be barely visible from the street, and neither sets of doors would face the street. Lastly, our neighbors to our North also believe this is a good spot for the shed.

I have included a picture of a similar shed (same color, size, etc) in my original packet. We chose this particular color scheme and size to compliment the house, the existing landscape, and topography of our lot.

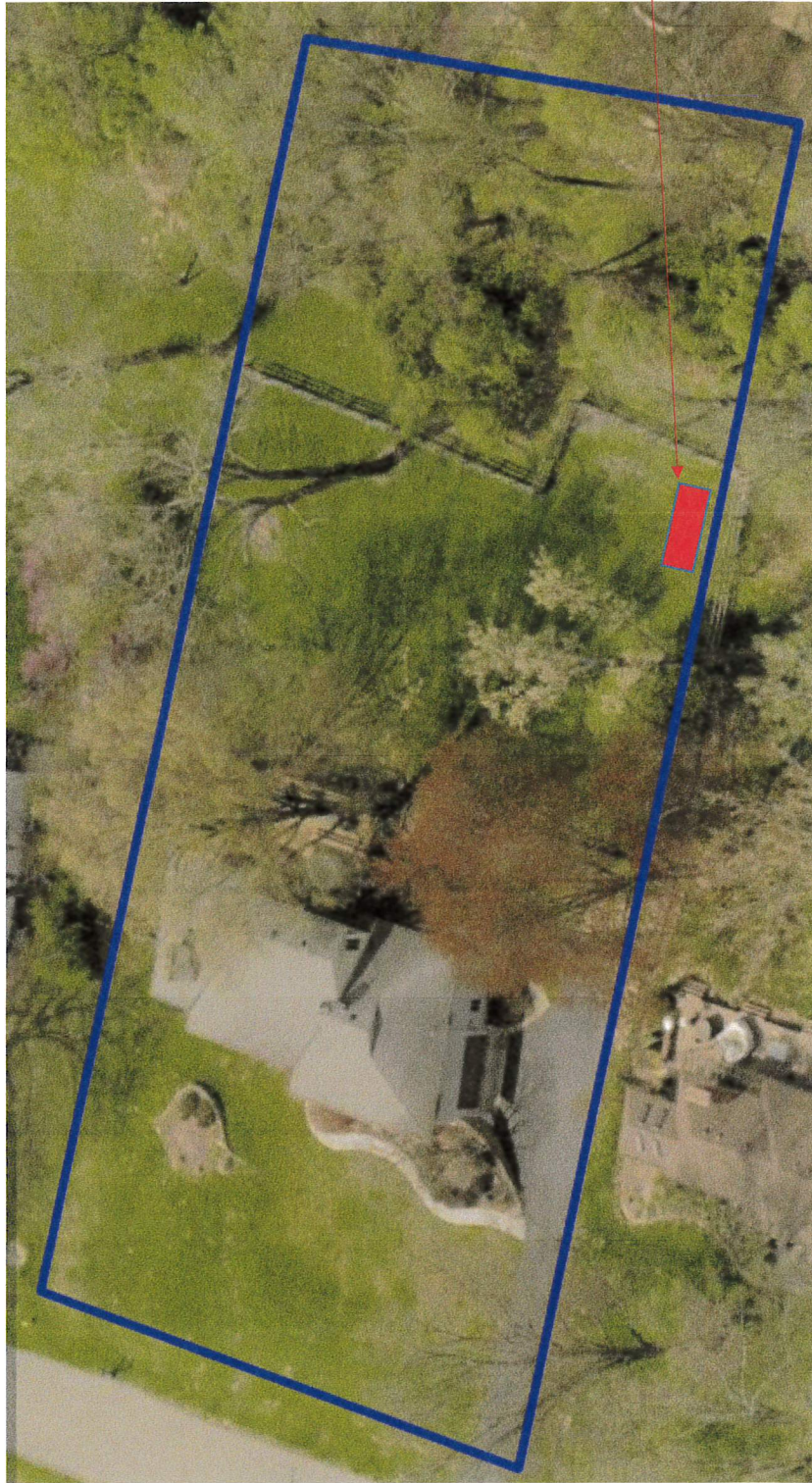
If the shed is built 20 ft off the back property Line and 20 ft off either the North or South Line, it would be in the middle shrubs, tree's, and a gully.

Again, our goal is to build this shed in the best location within our property, while taking into account the slope of the yard, existing shrubs, and most importantly eye appeal from the street view.

Thank you,

Michael Davis

7191 W Aracoma



Approx
Shed
Location

7191 W Aracoma
Request for Shed Variance

View from Street



View from Gate
Shed would be located behind shrubs

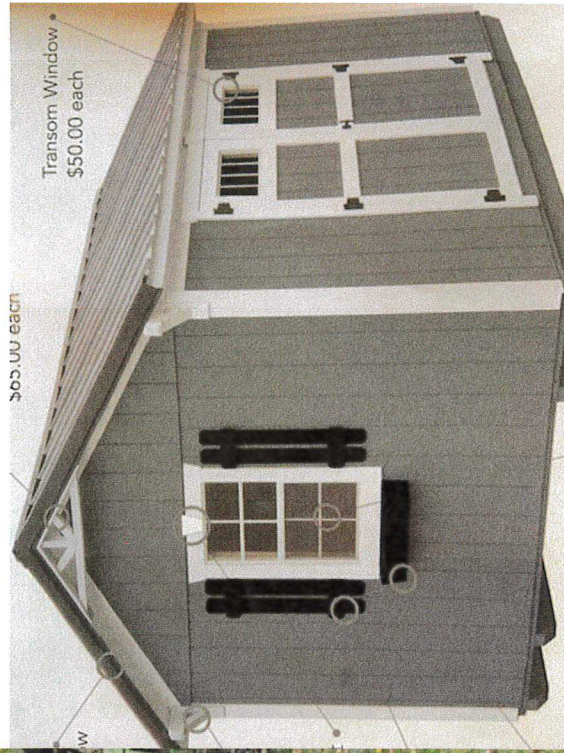


7191 W Aracoma
Request for Shed Variance



Approx. Shed Location

Actual Shed Color & Style





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Amberley Village, OH 45237

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MEETING NOTICE

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FROM: Scot Lahrmer, Village Manager

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Shawn and Tricia Reynolds, the property owners of 2430 Section Road, are requesting a variance to Zoning Code Section 154.14 (A). The variance is to allow the extension of an existing front yard fence.

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 **Monday, November 2, 2020** Planning Commission/Board of Zoning Appeals via Zoom. If you should have any questions, please feel free to contact Village Manager Scot Lahrmer at (513) 531-8675.

Amberley Village November Planning Commission/Board of Zoning Appeals Meeting

When: Nov 2, 2020 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/meeting/register/tZlqfuihqzMvG91SHwHUhusZ42uZuFuX9H7o>

After registering, you will receive a confirmation email containing information about joining the meeting.

cc: James Huey & Catherine Hamilton, 2470 Section Road
Kneseth Israel Congregation, P.O. Box 37118
Faigie Rosedale, 6835 Glen Acres Drive



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

November 2, 2020

Subject:

2430 Section Road

Variance:

Front yard fence.

Item: Case#2020-1743

Variance Request: Shawn and Tricia Reynolds, the property owners of 2430 Section Road, are requesting a variance to Zoning Code Section 154.14 (A). The variance is to allow for the extension of an existing front yard fence.

Zoning Code Review: 154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, fences and walls not exceeding four and a half feet in height may be permitted in any required side or rear yard, provided that no fence or wall be permitted in any part of a front yard. Hedges not over two and a half feet in height may be permitted in public right of way.

Variance Review: Mr. and Mrs. Reynolds recently purchased the property at 2430 Section Road and are requesting a variance to Zoning Code Section 154.14 (A). The house and majority of the property are on the north side of the Amberley Creek, which is approximately 56' from the front of the house.

The requested variance is to allow for the extension of the existing front yard fence that crosses both sides of the bridge and runs along the right side of the driveway.

The proposed fencing would be Kentucky Board to match that of the existing fence and would be installed on the north side of the creek from the bridge to both side property lines. The fence would then turn north to run beyond the front of the house into the side and rear yards.

Village Code Section 154.14 states fences may be permitted in any required side or rear yard provided that no fence be permitted in any part of a front yard. The previous property owners received a variance for the existing fencing on the bridge and right side of the driveway for safety reasons and the steep bank.

The letter to the Board states that the creek is active year-round, a safety risk during heavy rains, and is several feet deep in front of the house even during dry weather. The letter also states that the creek is a safety concern because of the young children in the home.

Mr. and Mrs. Reynolds's letter also states that the extension of the fencing is to protect their family from

accessing the steep hill and creek, and the visibility of the fence from Section Road would be minimal.

A variance is required for the portion of the fencing in the front yard.

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

Date: October 12, 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:

Fence to be installed for safety reasons. Additional to
existing fencing existing on the property. Fence to protect
children from entering dangerous Amberly Creek that
runs across property.

The structure is proposed at the following address:

2430 Section Road

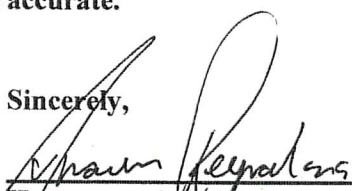
I certify the attached plat and measurements are accurate.

Contractor's Name

Contractor's Address

Telephone Number

Sincerely,


Homeowner's Signature

Shawn Reynolds
Homeowner's Printed Name

513-252-4040
Telephone Number (daytime)

Re: Zoning Approval - Variance Approval
Amberly Village Planning Commission, Board of Appeals

To Whom it May Concern,

We are hereby request a zoning variance to permit a fence on the property located at 2430, Section Road.

The property located at 2430 Section Road includes approximately 150 feet of Amberly Creek running east to west on the property approximately one hundred feet from Section road. The property includes a bridge that is required to access the home on the property. This portion of Amberly Creek that runs through the property is very active year round, and during heavy rains can be a safety risk. During dry times of the year, this portion of the creek is still several feet deep directly in front of the home. The Amberly Creek is approximately fifty feet from the front of the home, and is at the bottom of a steep hill.

We are new homeowners at 2430 Section Road, and new residents of Amberly Village. We have young children in the home, and the risk of injury or death is of great concern if not permitted to install a fence on the side of Amberly Creek that is closest to the home. The home already includes a small portion of fence that crosses the bridge, and on the right side of the bridge that has been approved by previous owners

We are requesting that the variance be approved for us to simply extend the fencing that already exists on the property to protect our family from accessing a dangerous hill, and access to the creek.

Since the fencing is on the other side of Amberly Creek, away from Section Road, the visibility of the fence is very minimal. In fact, during most of the year, the foliage, trees, and landscaping will make it nearly impossible to see as the fence while driving by the home.

We are concerned for the safety of our children, and family members with the Amberly Creek running only feet from the front door of the home.

Please permit the variance.

Regards
Shawn & Tricia Reynolds
2430 Section, Road

October 12, 2020

The following images are of the property at 2430, Section Road. The highlighted yellow areas are the approximate location of the additional fencing the homeowners are requesting the zoning committee approve. PLEASE NOTE – the photos taken of the property were taken during the winter months. It is nearly impossible to see this home, and area of the property during spring summer and fall with the foliage and landscaping. Also, while driving by this property you would need to be traveling below the speed limit, or have your vehicle at a stop to see the proposed new fencing. ALSO, the proposed fencing actually drops below the ground level of the home in the front of the house as it sits on the downside of a hill. The visibility of the fence will be minimal as a result.

The Amberly creek that runs through the property is a hazard for small children.





