

AGENDA

May 2, 2017

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting Minutes of April 4, 2017

Cases

CASE NO. 2017-2008

Residents Matthew and Julia Pentecost of 2627 Fair Oaks Lane are requesting a variance to allow for the installation of a seven foot high fence in their rear yard. The request would require a variance from Village Code Section 154.14 (A).

CASE NO. 2017-2009

Residents Steven and Christine Guyer of 2390 Section Road are requesting a variance to allow for the installation of a six foot high fence in their side and rear yard. The request would require a variance from Village Code Section 154.14 (A).

New Business

Adjournment

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING
TUESDAY, APRIL 4, 2017

Chairperson Richard Bardach called to order a regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held at the Amberley Village Municipal Building on Tuesday, April 4, 2017 at 7:00 P.M.

Roll was called: PRESENT: Richard Bardach, Chairperson
 Rick Lauer
 Susan Rissover
 Scott Rubenstein
 Scott Wolf

 ALSO PRESENT: Kevin Frank, Esq., Solicitor
 Scot Lahrmer, Village Manager
 Kathleen Harcourt, Acting Clerk
 Wes Brown, Project & Zoning Administrator

Chair Bardach welcomed everyone to the meeting and led them through the pledge of allegiance.

Chair Bardach asked if there were any corrections to the minutes of the January 3, 2017 meeting minutes. Mr. Wolf moved to approve the minutes as submitted. Seconded by Mr. Lauer and the motion carried unanimously.

Case 2006

Chair Bardach introduced the application and Mr. Brown provided the staff report. Mr. Brown reported that resident Lukas Ruecker of 6980 Knoll Road requested a variance to allow a newly constructed deck which extends into the front yard to remain.

Mr. Brown reported that the Zoning code section 154.42 Yard exceptions (A) An open unenclosed porch, deck, patio or paved terrace may project into a front yard for a distance not exceeding ten feet. The property was purchased in 2015. They began renovating the main house, the Frank Lloyd Wright house. When renovations slowed, Mrs. Ruecker moved into the smaller house on the property (3510 Section Road). At that time Mrs. Ruecker determined that some work had to be done on this house as well to make it livable while renovations were completed on the main house. The intention was to increase the livable space of the 3510 Section Road house without expanding the footprint or encroaching onto the Frank Lloyd Wright house. The front porch on the house needed to be replaced and she did not think she needed a zoning approval for a replacement. But as the porch was being built she decided she wanted to make it bigger. It was at that time the Village became aware of what she was doing without a zoning approval. We had a conversation with her which brings us here today. The new porch is 31 feet wide and extends into the yard 18 feet. A variance of 8 feet will be needed for the front porch to remain.

Chair Bardach invited the applicant to address the Board. She identified herself as Sofina Oberoy. Lukas Ruecker is her husband but she kept her own name. Ms. Oberoy thanked Mr. Brown for pointing out the main house is a historical property. Renovations they thought would take a year, now look to take five. They are very keen to keep anything they do to the second

property out of the view of the main property. Ms. Oberoy pointed out that while the porch being replaced was the “front” porch, it has operated for decades as the “back” porch. It is 180 feet from Section Road. The entrance they use as the front door is toward Knoll Road and the driveway is to that entrance. It is well out of view from the main road and so the applicant hopes it doesn’t impinge on the neighborhood in any way.

Mr. Lauer inquired about it being a front yard and Mr. Brown clarified that there were two front yards, since it is a corner lot.

Mr. Bardach asked the Village Manager if anyone had written or called in about the porch. Mr. Lahrmer stated that he received one message from the King family who lives north of the subject property on Knoll Road stating that they liked the deck and had no objections to the variance being granted.

Ms. Rissover stated that it seemed obvious that it was the back porch. It seems like there are many other instances of three front yards where variances were granted.

Mr. Bardach mentioned that he drives past it regularly and it is almost impossible to see.

Ms. Rissover made a motion that the variance be approved and was seconded by Scott Wolf.

Kevin Frank suggested that it would be prudent to approve it “as submitted” complete with the materials listed on the applications so that changes could not be made that might not be desirable.

Ms. Rissover amended her motion to state that the variance should be approved as submitted and already built. It was again seconded by Mr. Wolf and the voice vote showed the following vote: Aye (5), Nay (0).

Case 2007

Chair Bardach introduced the next case involving Mercy Health and Village Manager Lahrmer gave background information for the project. This is Village-owned property referred to as the North Site. In 2015, the Village entered into a purchase agreement with Schuermann Properties for 13 acres to be developed for mixed use—retail, office and office flex. To complete the purchase the Village first needed to purchase three small parcels totaling less than half an acre total belonging to Hamilton County. The Village entered into a purchase agreement, but before it could be completed the county required that the Village complete a traffic study to determine if this development was viable. TEC Engineering determined that it would have an adverse effect on Ridge Road traffic. Schuermann Properties inquired about what type of development would fit the property based on the study. They were able to secure a medical office building for a portion of the site which would have minimal traffic impact. When the Village then moved forward to purchase the parcels from Hamilton County, the County would only sell two. The third parcel along Ridge Road they wished to keep in the case of improvements being needed to the Ridge Road/Cross County interchange. This fact required a change from a purchase agreement to a land lease due to access issues. A lease agreement was signed for slightly more than two acres for a period of 99 years.

Mr. Brown outlined the information for the approval of the site plans as well as the variances needed. The plans are for a 15,000 square foot medical office building housing a family practice. The four variances were presented first.

1) The minimum yard setbacks in section 154.78, states that all structures shall comply with the minimum yard requirements:

- 1) Ronald Reagan Highway: 25 feet
- 2) Front yard: 25 feet
- 3) Side Yard: 20 feet
- 4) Rear Yard: 20

A variance is required from section 154.78 (C) (1), to allow the east parking lot to encroach into the 25' required setback along the Ronald Reagan Highway.

2) Section 154.81 (B) Buildings with continuous facades that are 90 feet or greater in width shall be designed with offsets (projecting or recessed) not less than two feet deep, and over intervals between offsets of not greater than 60 feet.

A variance is required for Section 154.81 (B) to allow for the 130' continuous facade on the south side of the proposed structure (along Ronald Reagan Highway), and for the 93.8' continuous façade on the north face of the structure.

3) The North Site Code Section 154.82 regulates the signage in the North Site District. The code allows one square foot of building sign per foot of frontage that fronts a public street including Ronald Reagan and located on the facade in which the measurement was taken. The code also permits one freestanding or monument sign for parcels with at least 150' of frontage.

A variance is required for Section 154.82 to allow a second monument sign to be placed at the eastern entrance to the facility and two additional building signs to be placed on the east and west facades.

4) The North Site Code Section 154.82 regulates the signage in the North Site District. The regulation states that no sign may be posted in the public right of way except for public signs such as regulatory and traffic signs and must be placed in such a way that they will not obstruct the vision of drivers.

A variance is required from section 154.82, to allow for the monument sign near Ridge Road to be located on public property owned by Hamilton County.

Mr. Brown then did the review of the site plans.

The proposed development will be a 15,000 square foot medical office building for a Mercy Family Practice. Medical office is a permitted use in the North Site Zoning District. The structure will be a one story brick and mortar, with parapet walls and flat roof construction. The building construction is similar to the construction of the Jewish Community Center south of Ronald Reagan Highway.

The North Site Regulations (Section 154.77) allow a building height of 60 feet, which is 36' higher than the proposed 24' at the southwest corner near Ronald Reagan Highway.

The minimum yard setback requirements are 1) Ronald Reagan Highway-25 feet 2) Front yard-25 feet 3) Side Yard-20 feet 4) Rear Yard-20 feet. The east parking lot extends 6' into the required yard along Ronald Reagan Highway, therefore requires a variance to allow the encroachment.

Parking

The off street parking requirements in section 154.79 for the proposed 15,000 medical building is 76 spaces (6 spaces plus one space for every 200 square feet of floor space in excess of 1,000 square feet) and proposed plans show 83 spaces.

Sidewalks

Section 154.79 also calls for sidewalks to be installed on both sides of all streets and from the building to the street. Staff has determined sidewalks are not required for this project, due to the existing access that is a driveway and not a public street, the Village does not own the parcel that abuts Ridge Road, there are no sidewalks to connect the North Site to Ridge Road, and the sidewalks would likely not be required unless the larger part of the North Site is developed as was originally planned.

Exterior lighting

The regulations call for zero foot-candle at any residential property line and the plan shows zero-foot candle at 25 to 30 feet from all residential property lines (the lease line abutting the south side of the driveway).

Dumpster and trash handling areas

Zoning Section 154.79 requires the dumpsters and trash handling areas meet the same minimum setback (25') as the main building and be surrounded on three sides with a wall or fence with a height of no more than 7' and no less than 5'. The proposed dumpster/trash handling area will be 47' from the lease line and 83' from the residential property line, surrounded by a 6'4" brick wall.

Landscaping

The regulations in Zoning Section 154.80 requires streetscape buffers along property lines abutting public streets, boundary buffers and interior parking landscaping.

The streetscape requirement is to install 4 under-story or canopy trees and 3 shrubs per 100' of frontage. The medical building frontage on the leased area is approximately 578' which would require 24 trees and 18 shrubs. The proposed landscape plans show 24 trees and 40 shrubs along the North Site driveway to satisfy the streetscape requirement.

The boundary buffer has the same requirement of 4 trees and 3 shrubs per 100'. The development has approximately 542' on the east, west and south borders, which requires 20 trees and 15 shrubs. The plans show a total of 20 trees and 69 shrubs to satisfy the boundary buffer requirement.

The interior parking lot requires 22 square feet of landscaping per parking space; plans submitted show a total of 83 parking spaces, which would require 1,826 square feet of landscaping. The landscape plan shows five landscape beds totaling 2,315 square feet which meets the minimum square footage required in Zoning Section 154.80.

Architectural Regulations

The exterior architectural features of the proposed structure will consist of brick and mortar with parapet walls, flat roof with screening to enclose the roof top HVAC unit. Architectural features surround the main entrance (including a covered entry) and the southwest corner of the building.

Section 154.81 also requires that continuous facades of 90' or greater in width be designed with an offset not less than two feet and that intervals between offsets not be greater than 60'. The south wall along Ronald Reagan Highway is proposed to be a 130' continuous facade and will require a variance to this section to be constructed as planned.

Signage Regulations

The North Site Code Section 154.82 regulates the signage in the North Site District. The Code allows one square foot of building sign per foot of frontage that fronts a public street including Ronald Reagan and located on the facade in which the measurement was taken. The Code also permits one freestanding or monument sign for parcels with at least 150' of frontage.

The signage proposed for the development includes three building signs on the south, east and west walls. The south facing building sign is per code but the east and west building signs require a variance to allow the installation. The signage plan also proposes to have two monument signs, a 4.5" high and 10' long sign 15' from the back of the curb on Ridge Road and a second sign at the east entrance to the facility. The second sign will be 4.5" high and 6' long; this sign will require a variance to this section to be permitted.

Mr. Brown stated that staff recommends approving the site plan for the Mercy Health Medical Office Building and the required variances. The variances requested do not affect the residential properties in the City of Reading.

Mr. Bardach invited a representative from Mercy Health to come forward to speak. Mr. Brett Oberholzer came forward and thanked everyone for their consideration of the building and stated that for Mercy Health is an appropriate and necessary project.

Mr. Lauer asked Mr. Oberholzer to speak about the materials used at the entrance of the building. Mr. Oberholzer explained that the whole building was brick with the entrance in glass. There will be a cantilevered canopy that extends a few feet from the entrance that allows passengers to enter and exit out of the rain.

Mr. Lauer asked what Mercy Health could do about the continuous facades that require variances. Mr. Oberholzer stated that they could shift the entrance, but it was configured that way in the case the building added a second tenant to allow ease of entrance. He went on to explain that Mercy Health is trying to develop an identity and a brand with their medical office buildings. Several are in the works with one almost completed all with the same design so they would like to be consistent.

Mr. Wolf asked for a clarification of the term "foot-candle" mentioned earlier in the presentation. Mr. Oberholzer explained it was a measurement of light. Zero foot-candle means that no light will extend beyond that point. While required to have zero foot-candle beyond the property line, there is zero foot-candle 25 to 30 feet from all residential property lines. Mr. Wolf also asked about the hours of operation. Mr. Oberholzer explained it was a daytime operation which may in some cases extend to early evening.

Chair Bardach then opened the meeting to anyone who wished to speak. Mr. Dave Powell of 705 Maple Drive, Reading, came forward. He cited Section 154.78 of the North Site Zoning Regulations calling for a three acre minimum lot area. He stated his concern that the Village was going for a greater density of development on the property because the project is being

developed on only 2.1 acres. Next, he addressed the lack of sidewalks. Section 154.79 of the Regulations called for 5-foot sidewalks on both sides of the street. He mentioned that Vice Mayor Natalie Wolf had emphasized the importance of sidewalks when the Regulations were written. He understood there was not room for a sidewalk on each side of the drive, but stated there should be one five-foot sidewalk on the south side of the drive. Citing Section 154.80 of the North Site Regulations, he stated there should be a buffer between the access driveway and Reading homes. Finally he questioned the Village's determination that the parcel still owned by Hamilton County is part of the North Site Zoning District since it is not owned by the Village and the wording of Ordinance 2012-11 refers to property owned by Amberley Village. He feels that parcel is still Residence B.

No one else wished to come forward. Solicitor Frank suggested that the public hearing be officially closed, so that Board discussions could begin. Chair Bardach closed the Public Hearing at 7:42pm with the provision that if anyone wished to comment during the Board's discussions, that would be allowed.

Mr. Wolf began the discussion by questioning the lack of sidewalks. Solicitor Frank explained that sidewalks were discussed in regard to this project. When zoning was determined for the North Site all of the regulations were written by the Hamilton County Planning Department and were based on the sale and development of all thirteen acres. With this project there is no room for sidewalks. Hamilton County will not give the Village any of its parcel so there is no way to connect it to Ridge Road and since it is not a street, but a driveway, it is not required. He also addressed the landscape buffer, stating there is a landscape buffer that meets all zoning requirements between the building and the access drive.

Mr. Powell then asked from the audience why the Village could not request a sidewalk easement from Hamilton County. Solicitor Frank stated the County wanted no restrictions on their property. Mr. Powell stated that since they were willing to allow the monument sign on their property, the County would probably grant the easement. Solicitor Frank explained that the County only allowed the sign because Mercy Health agreed to move the sign if the County needed it moved in the future. Ms. Rissover asked Mr. Powell how long he had lived on Maple and determined he moved in when the Swim Cub was there. She verified that no buffer existed at that time.

Mr. Lauer asked if the Village looked at a buffer for the north side of the access drive. Mr. Brown explained that the north side is not part of the leased property and the Village cannot require the tenant to install a buffer on property that is not part of their lease. Ms. Rissover inserted that residents of Reading could put in a buffer.

Mr. Lauer asked if the Village would be able to develop any more of the North Site property. Mr. Lahrmer responded that there was a possibility but whatever is done must be sensitive to traffic concerns. Mr. Lauer asked how many employees there would be. Mr. Lahrmer stated that total employee count is unknown but there will be 8 to 9 doctors and earnings tax is estimated to be \$40,000 a year.

Ms. Rissover asked if the board needed to address the proposed monument signs. Mr. Brown stated there were two signs. The one on the Hamilton County property would be 4 ½ feet high and 10 feet long and the sign at the east entrance would be 4 ½ feet high and 6 feet long. Both meet zoning requirements. Neither sign will be lit. Hamilton County would not allow electric to be run on their property. Ms. Rissover asked if the signs were designed by the same

architectural firm. That was affirmed. She then asked if the signs on the building were lit. Mr. Brown responded yes and went on to explain that Mercy Health had wanted signs on all four sides of the building, but in deference to the Reading residents on the north side agreed to forgo the sign on that façade.

Discussion completed, Mr. Wolf made a motion to approve the request for the four variances as written—A variance is required from section 154.78 (C) (1), to allow the east parking lot to encroach into the 25' required setback along the Ronald Reagan Highway. A variance is required for Section 154.81 (B) to allow for the 130' continuous facade on the south side of the proposed structure (along Ronald Reagan Highway), and for the 93.8' continuous façade on the north face of the structure. A variance is required for Section 154.82 to allow a second monument sign to be placed at the eastern entrance to the facility and two additional building signs to be placed on the east and west facades. A variance is required from section 154.82, to allow for the monument sign near Ridge Road to be located on public property owned by Hamilton County. The medical office building is an acceptable use within the regulations set forth regarding the North Site, the building is within regulations with the highest point of 24 feet farthest away from Reading, there is no encroachment on neighboring property and it will cause no diminished property values. Any development on the site would require some variances. The motion was seconded by Mr. Lauer. The voice vote showed the following vote: Aye (5), Nay (0).

Solicitor Frank then reminded the Board that they were required to make a separate motion to approve site plans for the property. Ms. Rissover made a motion to approve the site plan as presented. The motion was seconded by Mr. Lauer. The voice vote showed the following vote: Aye (5), Nay (0).

There being no further business the meeting was adjourned.

Kathleen Harcourt, Acting Clerk

Richard Bardach, Chairperson

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: May 2, 2017 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 **Tuesday, May 2, 2017** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The public meeting will be held to review the following item:

Residents Matthew and Julia Pentecost of 2627 Fair Oaks Lane are seeking a variance from Village Code Section 154.14 to allow for the construction of a seven foot high deer fence with bird netting on top to enclose their recently approved chicken coop located on their property.

If you are interested in reviewing the application you may do so Monday through Friday, 8:00 a.m. to 4:00 p.m. at the Amberley Village Municipal Building, 7149 Ridge Road or you may attend the **May 2, 2017** Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: Matthew & Julia Pentecost, 2627 Fair Oaks Lane
Joshua & Lindsay Frankel, 2625 Fair Oaks Lane
Abbie Youkilis, 6696 Fair Oaks Lane
Glen Pfister W. III Trust, 6654 Fair Oaks Drive
Beatric Rosedale, 2675 Fair Oaks Drive
David Dahlman, 2656 Fair Oaks Lane
Richard Tanner, 2666 Fair Oaks Lane
Members of the Board of Zoning Appeals
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin Frank, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer

POSTED 04/24/17

Amberley Village Board of Zoning Appeals Staff Report

May 2, 2017

Subject:

2627 Fair Oaks Lane

Variance:

Seven foot high deer fence

Item: Case#2017-2008

Variance Request: Residents Matthew and Julia Pentecost of 2627 Fair Oaks Lane are requesting a variance to allow for the installation of a seven foot high fence in their rear yard. The request would require a variance from Village Code Section 154.14 (A).

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

Variance Review: Mr. and Mrs. Pentecost were recently granted a zoning approval to construct a chicken coop and 20'x26' enclosure to house chickens on their property but was not aware the fencing could not exceed 4.5' in height.

Mr. and Mrs. Pentecost have submitted plans proposing to increase the fenced area in their rear yard to 37'x18'. Half of the area for a vegetable garden and half to enclose the area for the chickens. The requested variance is to install a 7' high deer fence surrounding the garden and area for the chickens. The chicken area would also be covered with bird netting.

The proposed fence and covering is to prevent birds of prey and other predators from causing harm to the chickens and prevent deer from entering the garden area. The 7' height is also to allow for easy access to the coop and create a safe enclosed area for their kids to interact and care for the chickens.

Mr. and Mrs. Pentecost stated that a 4.5' high fence would not be high enough to protect or allow easy access to the chicken coop or prevent deer from entering the garden and they would like to keep the fencing consistent in the two areas.

The letter to the board states that they appreciate the vista and the overall design of Amberley and would like to create a space that is both functional and pleasing to the eye. The letter also states that they have already planted evergreens and Dawn Redwoods to screen the enclosure and hope to continue to plant and improve their landscape and the landscape of the community.

Zoning Code Section 154.14 (A) states fences not exceeding four and half feet in height may be permitted in any required side or rear yard and Code Section 154.52 (D) states fences not exceeding four and half feet in height, may be permitted in any rear or side yard. Therefore, a variance is necessary to allow the fence to be installed as proposed.

Project Recommendations: Staff recommends consideration of the request on its merits.

Mat & Julia Pentecost
2627 Fair Oaks Lane
Cincinnati, OH 45237
April 6, 2017

Dear Amberley Village Zoning,

We have recently been approved to have a hen house at our home, and in the letter it mentioned that we could have a 4.5' tall fence. However, we were hoping to install 7' tall Deer Fence from A.M. Leonard Supply. We would like to use the deer fence because we feel that it is less obstructive to the eye and blends well into the landscape. We had also planned on covering the hen area on the top with a thin bird netting to keep out birds of prey and other natural predators, 7' tall would enable us to easily walk into the hen area to care for the chickens, as well as create a safe enclosed area for our kids to interact and care for the animals. 4.5' fence would be too short for the bird netting. In addition, we plan to have a vegetable garden next to the chicken area that would also be enclosed with the 7' deer fence. 4.5' is not tall enough to successfully keep the deer out of the vegetable garden, and we have found that Amberley has an abundance of deer and other wildlife which we love, but would not be beneficial to the garden and hen spaces. We would like to keep the fencing consistent in the two areas, a large 37' x 18' area divided in half, one side for the garden, and the other side to enclose the hen house with the bird netting overhead.

We very much appreciate the vista and the overall design of Amberley. We would like to create a space that is both functional and pleasing to the eye. We have already planted a row of evergreen Green Giant Arborvitae along the entire right side of the space, and at the back right corner of our property we planted 3 large Dawn Redwoods which will also provide ample screening of the proposed garden/hen space.

As a landscape designer by profession we hope to continue to plant and improve our landscape and the landscape of our community.

Thank you for your consideration.

Sincerely,

Mat & Julia Pentecost



6696 Fair Oaks Dr.

2625 Fair Oaks Lane
Chain Link Fence

(3) Dawn Redwoods
for natural privacy screening

65'-10"
92'-3"

Large Dead
Ash Tree
Scheduled for
Removal

Proposed New
7' tall deer fence area that is
37' x 18'.
One side of fenced area
for raised veggie
and herb gardens,
the other side to secure
hen house from predators.
(2) Access Gates one to
garden and one to hen area.

37'

6'-6"

20'

18'

Viburnum for
extra screening

(7) Green Giant
Arborvitae for
Natural Privacy
Screen

77'-11"

Natural Brush/Tree Line

156'-9"

160'-5"

2626 Fair Oaks Ln.

2627 Fair Oaks Lane

Mat & Julia Pentecost
2627 Fair Oaks Lane
Cincinnati, OH 45237

A.M.Leonard Deer Fence





BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: May 2, 2017 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 **Tuesday, May 2, 2017** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The public meeting will be held to review the following item:

Residents Steve and Christine Guyer of 2390 Section Road are seeking a variance from Village Code Section 154.14 to allow for the construction of a six foot in height shadowbox (privacy) fence along the east property line between their house and the Synagogue at 2400 Section Road.

If you are interested in reviewing the application you may do so Monday through Friday, 8:00 a.m. to 4:00 p.m. at the Amberley Village Municipal Building, 7149 Ridge Road or you may attend the **May 2, 2017** Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: Steve & Christine Guyer, 2390 Section Road
Congregation Sha'arei Torah, P.O. Box 37642
Congregation Sha'arei Torah, 2400 Section Road
Steven & Leah Klein, 2380 Section Road
Shirley Werthaiser, 2321 Royal Oak Court
Maxine Davis Hakim, 2330 Royal Oak Court
Barbara Younger, 2310 Royal Oak Court
Menachem & Devora Kalmanson, 7256 Laurel Oak Lane
Mordie Edelstein, 7258 Laurel Oak Lane
Members of the Board of Zoning Appeals
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin Frank, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer

POSTED 04/24/17

Amberley Village Board of Zoning Appeals Staff Report

May 2, 2017

Subject:

2390 Section Road

Variance:

Six foot high privacy fence

Item: Case#2017-2009

Variance Request: Residents Steven and Christine Guyer of 2390 Section Road are requesting a variance to allow for the installation of a six foot high fence in their side and rear yard. The request would require a variance from Village Code Section 154.14 (A).

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

Variance Review: Mr. and Mrs. Guyer's property abuts 2400 Section Road, the Congregation Sha'arei Torah (to the east). Due to multiple cars and numerous daily visitors, they are requesting a variance to allow for the installation of 200' of 6' high privacy fence. The proposed fence would be installed between the structure on both properties and is to provide privacy to their rear yard.

The letter to the Board states that while they have a good relationship with the members, it is still a public place of worship and there are many members they don't know. Unlike a residential property adjacent to them, where they would recognize the two or three cars and one family that frequents the property. The current situation has many vehicles and families that frequent the property on a daily basis which they do not recognize.

The letter also states that in January 2016 their home was broken into, their sons were one of the first to discover the incident after returning from school and that it has been very traumatic for them, especially their 10 year son.

The proposed fence is to create a safe and private haven for their son, so he can enjoy playing outside in his own yard without fear of being watched. They have chosen the shadowbox style fence so it will be pleasing to look at from both sides.

Zoning Code Section 154.14 (A) states fences not exceeding four and half feet in height may be permitted in any required side or rear yard. Therefore, a variance is necessary to allow the fence to be installed as proposed.

Project Recommendations: Staff recommends consideration of the request on its merits.

Date: 4-3-17

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

RE: Zoning Approval - Variance

Dear Mr. Lahrmer:

I hereby request a zoning variance for:

Installation of a Shadowbox fence 200 feet long and 6 foot high along my East
side yard.

The structure is proposed at the following address:

2390 Section Road

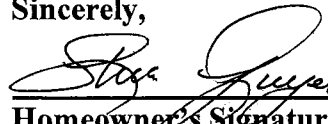
I certify the attached plat and measurements are accurate.

Contractor's Name

Contractor's Address

Telephone Number

Sincerely,



Homeowner's Signature

Steve Guyer
Homeowner's Printed Name

513-205-9238
Telephone Number (daytime)

Board of Zoning Appeals
7149 Ridge Road
Cincinnati, OH 45237

April 17th, 2017

RE: Zoning Approval – Variance for a 6' privacy fence located at 2390 Section Road.

Members of the Zoning Board of Appeals,

We are writing to seek a variance for a 6 foot privacy fence, 200 feet long along a portion of our East property line. Our house is located at 2390 Section Road and the property to the East of us is 2400 Section Road (Congregation Sha'arei Torah). The property line between these two parcels is 1,101 feet long.

While we have a good relationship with members of the congregation as a whole, it is still a public place of worship and there are many members we don't know. Unlike a residential property adjacent to us where we would recognize the 2 or 3 vehicles and one family that frequents the property. The current situation has many vehicles and families that frequent the property on a daily basis which we don't recognize. In January of 2016, our house was broken into and our boys were one of the first to discover this from coming home from school. This was very traumatic for them especially our 10 year old. He has anxiety and fears of being outside by himself especially if there are people next door. He has a fear of being kidnapped and taken away. We have had him in months of therapy last winter and spring but he still will not go outside unless accompanied by another. As parents, we need to do what's best for our child to help him relieve anxiety by providing privacy for us. We are trying to create a safe haven for him so he can enjoy playing outside in his own yard without the fear of being watched.

We have a great relationship with Howard Mayers (President Emeritus of the synagogue) and expressed our concern and he is not opposed to installing the fence. We would like to use a shadowbox fence so it is pleasing to look at from both sides.

Thank you for your consideration,

Steve and Christine Guyer

Shadowbox Fence

