

AGENDA

June 5, 2017

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Regular Minutes of May 2, 2017

Cases

CASE NO. 2017-2010

Residents Kenton Brett and Amanda Weise of 6680 Meadow Ridge Lane are seeking a variance from Village Code Section 154.14 (A). The variance would allow for the construction of a retaining wall in the front yard of their residence to prevent erosion and level the yard.

CASE NO. 2017-2011

Residents Jeffrey and Shanny Katzman of 2190 Bluegrass Lane are seeking a variance from Village Code Section 154.12 (B). The variance would allow for the construction of a 15' x 8' shed between the driveway and the north property line with a side yard setback of less than 1' (from the north property line).

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, MAY 2, 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, May 2, 2017 at 7:00 P.M.

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

 ALSO PRESENT: Kevin Frank, Esq., Solicitor
 Scot Lahrmer, Village Manager
 Nicole Browder, 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 April 4, 2017 meeting minutes. Mr. Rubenstein moved to approve the minutes as submitted. Seconded by Mr. Wolf and the motion carried unanimously.

Case 2008

Chair Bardach introduced the application from residents Matthew and Julia Pentecost of 2627 Fair Oaks Lane 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.

Mr. Brown provided the staff report for the application. He informed the Board that 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 in their application letter 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. 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.

Matthew and Julia Pentecost introduced themselves to the Board and commented that Mr. Brown did a great job explaining their application and request. Ms. Pentecost reiterated that the netting will protect the chickens from predators. She noted that the deer fencing does not block views, and the garden and chickens will be in view from her window. She stated she felt the 4.5-foot fence option would be unappealing and bold; noting her preference for something that would not obstruct line of sight views.

Mr. Lauer asked if the hen house was inside the area to be enclosed. Mrs. Pentecost confirmed it was located inside of the proposed enclosure. Mr. Lauer offered the idea of an open run for the chickens and she shared that friends of hers have experienced open runs and warned that predators are an impact.

Mr. Rubenstein asked for confirmation that the hen house is behind the home. Ms. Pentecost stated that is the proposed location and currently the chickens are in the garage.

Mr. Rubenstein asked the applicant to view the aerial image of the property online and the Board and applicant then discussed the location and layout in relationship to the neighboring properties.

The Pentecosts stated that they talked with their neighbors and received support as long as the fencing is not chain link.

Mr. Bardach asked Village Manager Scot Lahrmer if anyone contacted the Village regarding this application. Mr. Lahrmer confirmed that he had not received any communications for or against the request.

Mr. Lauer commented that this is one of the areas of the Village Code that could be better written.

Mr. Wolf stated the Board has a long history of not granting seven foot fences for gardens but the chicken ordinance has not been in existence very long. He proposed the Board consider whether this request is reasonable or not.

Mr. Rubenstein commented that the Board did recently review a request for the same type of fencing however that location was visible where many neighbors could see it, and that request was denied. He stated he came to his decision on that request quickly because it was out in front of the neighbors. He noted that, however, if the Board approved this fence it would create an inconsistency on the issue. He stated that it appears the applicant in this case has done everything possible to remediate how it will appear from other properties and based on its location it would not be seen. He proposed the Board consider precedent.

Chair Bardach noted that he was concerned with setting a precedent and otherwise would not have an issue with the request.

Mr. Wolf stated that this would be a request to support when it cannot be seen by neighbors and there are no complaints about it. He agreed that the applicant did a good job of screening and selecting a location that is not out in the open.

Mr. Lauer commented that if the Village were to draft an ordinance for garden fencing, it should include lack of visibility from neighboring properties and require material that reduces its visibility. He noted it was difficult to permit some reasonable use with the existing code as written.

Mr. Rubenstein inquired to Solicitor Frank in regards to whether the Board could grant variances with conditions. Mr. Frank confirmed that conditions could be applied and encouraged the Board to consider the seven practical difficulty factors when considering a variance request.

Mr. Lauer stated that he did not believe the proposed fence would negatively impact surrounding properties and considering that the applicant has reasonably mitigated an impact on other properties, he moved to approve the variance request as submitted with the condition that the fencing in the application be used to reduce visibility and that the landscaping described in the application be installed if it is not ready installed to further reduce any visibility of neighboring properties. Seconded by Mr. Wolf.

Mr. Wolf expressed that he felt the variance was not substantial, there are no negatives, there would be no effect on neighbors' property values, and while the Board has been tough in the past on such fences, under these circumstances where it is not in sight of the neighbors and is well screened, it is reasonable.

Mr. Lauer noted that the previous fence request which was denied was a case where the location was on a corner lot out in the open and was already installed, and then in addition a complaint was received.

The motion carried:

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

Case 2008

Chair Bardach introduced the application from residents Steve and Christine Guyer of 2390 Section Road 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.

Mr. Brown provided the staff report on the application. 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 structures 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 old son. They have chosen a shadowbox style fence so it will be pleasing to look at from both sides.

Chair Bardach invited Mr. Guyer to speak to the Board. Mr. Guyer stated that privacy is an issue. He stated there are several cars parked in the parking lot of the synagogue. He has contacted police for suspicious vehicles in the lot as well. He stressed that unlike if a residence was next door, he does not know who is frequenting the property and there are a lot more events that he might have expected.

Mr. Wolf asked if the fence was the same on both sides. Mr. Guyer confirmed it was appealing from both sides and he did talk with the synagogue about it and they were supportive.

Mr. Lauer stated that he seemed to recall the site plan for the synagogue and inquired about landscaping that was to be installed on the boundary between the properties. Mr. Guyer stated there was landscaping but it was not enough. Mr. Wolf affirmed that this was a unique situation.

Mr. Bardach asked Village Manager Scot Lahrmer if the Village received any comments from surrounding properties. Mr. Lahrmer stated that no communications were received for or against the variance request.

Mr. Lauer stated the Board has looked higher fences in the past and some higher than the proposed for this application. He stated that higher fences have been approved when the applicant is adjacent to other communities or the use of the neighboring property, which is part of the reason for this variance.

Mr. Wolf stated that he saw this as a unique hardship with multiple cars next door and understands the applicant's appreciation for wanting to know who should be there and should not be there. He stated it was a reasonable request under the circumstances.

Mr. Bardach commented that this is a distinguishing case from typical residential properties. Mr. Rubenstein agreed and moved to approve as submitted, seconded by Mr. Bardach and the roll call showed the following vote:

AYE: Bardach, Lauer, Rubenstein, Wolf (4)
NAY: (0)

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: June 5, 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 **Monday, June 5, 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 Kenton Brett and Amanda Weise of 6680 Meadow Ridge Lane are seeking a variance from Village Code Section 154.14 (A). The variance would allow for the construction of a retaining wall in the front yard of their residence to prevent erosion and level the yard.

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 **June 5, 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: Kenton Brett & Amanda Weise, 6680 Meadow Ridge Lane
Rozanne Kadish, 6690 Meadow Ridge Lane
Gregory & Pearl Spitz, 6670 Meadow Ridge Lane
Leroy Blannon, 6681 Meadow Ridge Lane
Seth & Sharon Barry, 6661 Meadow Ridge Lane
Yisroel & Yocheved Kaufman, 6680 W. Farm Acres Drive
Elliot & Rachel Singer, 6665 W. Farm Acres Drive
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 05/26/17

Amberley Village Board of Zoning Appeals Staff Report

June 5, 2017

Subject:

6680 Meadow Ridge Lane

Variance:

Front yard wall

Item: Case#2017-2010

Variance Request: Residents Kenton Brett and Amanda Weise of 6680 Meadow Ridge Lane are seeking a variance from Village Code Section 154.14 (A). The variance would allow for the construction of a retaining wall in the front yard of their residence to prevent erosion and level the yard.

Zoning Code Review: 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. Brett and Ms. Weise purchased their home in 2014 and about a year and a half ago, the small retaining wall began collapsing into the driveway. Mr. Brett stated that he dismantled the wall because it was creating a hazard for the cars.

The retaining wall is believed to have been constructed with the house in 1954. Although the wall is not in compliance with the current zoning code, under code section 154.22 (A) it would have been allowed to remain as it was constructed because of being grandfathered.

Mr. Brett and Ms. Weise are proposing to rebuild the wall and extend it into the front yard to support the property near the house and prevent erosion. By extending the wall they would also be creating a semicircle landscape feature of stone from the south corner of the house to the north corner of the house to level a portion of the front yard. The proposed wall will be 32" high at the south corner of the house and end in the center of the yard at 12" high. At that point a stone border would continue to the north corner of the house.

The landscape feature is proposed to be 35' wide near the house, extending 23' into the front yard and is intended to make the property more attractive, reduce erosion and promote plant and soil health. The wall will be built of natural stone selected to compliment the coloration of the house and designed to be level across the top while conforming to the contours of the property.

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

Date: 5/15/2017

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:

Rebuilding and extending the retaining wall
along the driveway to support our yard and
make an attractive feature in our front yard.

The structure is proposed at the following address:

6680 Meadow Ridge Ln, 45237

I certify the attached plat and measurements are accurate.

Sincerely,

Kenton Brett
Homeowner's Signature

Kenton Brett
Homeowner's Printed Name

Contractor's Name

Contractor's Address

Telephone Number

513.478.8885
Telephone Number (daytime)

Proposal for Zoning Variance
6680 Meadow Ridge Ln
Amberley, OH 45237

Mr. Scot Lahrmer,

My wife and I are currently seeking a variance to help beautify and repair our front yard. We purchased the property about three years ago, and about a year and a half ago the small retaining wall along the driveway began to collapse. I dismantled the wall as it was falling into the driveway creating a hazard for cars. We would like to submit for a variance to rebuild the wall and lengthen it to support the property where it has fallen along the driveway and help prevent future erosion of topsoil.

The plan is to make a perfect semicircle of stone, extending from two corners on the front of the house. The proposed wall will be 32" high along the driveway at the south corner, to bring the yard up to level. The wall will conform to the contours of the property, thus making the wall height approximately 12" at the center, and only a couple inches high at the north corner where it meets the house (as indicated in the included plans). We feel that this feature will make the property more attractive, reduce erosion, and promote plant and soil health.

I have produced some artist's rendering of what the proposed wall will look like and have included them with this proposal.

Thank you for your consideration.

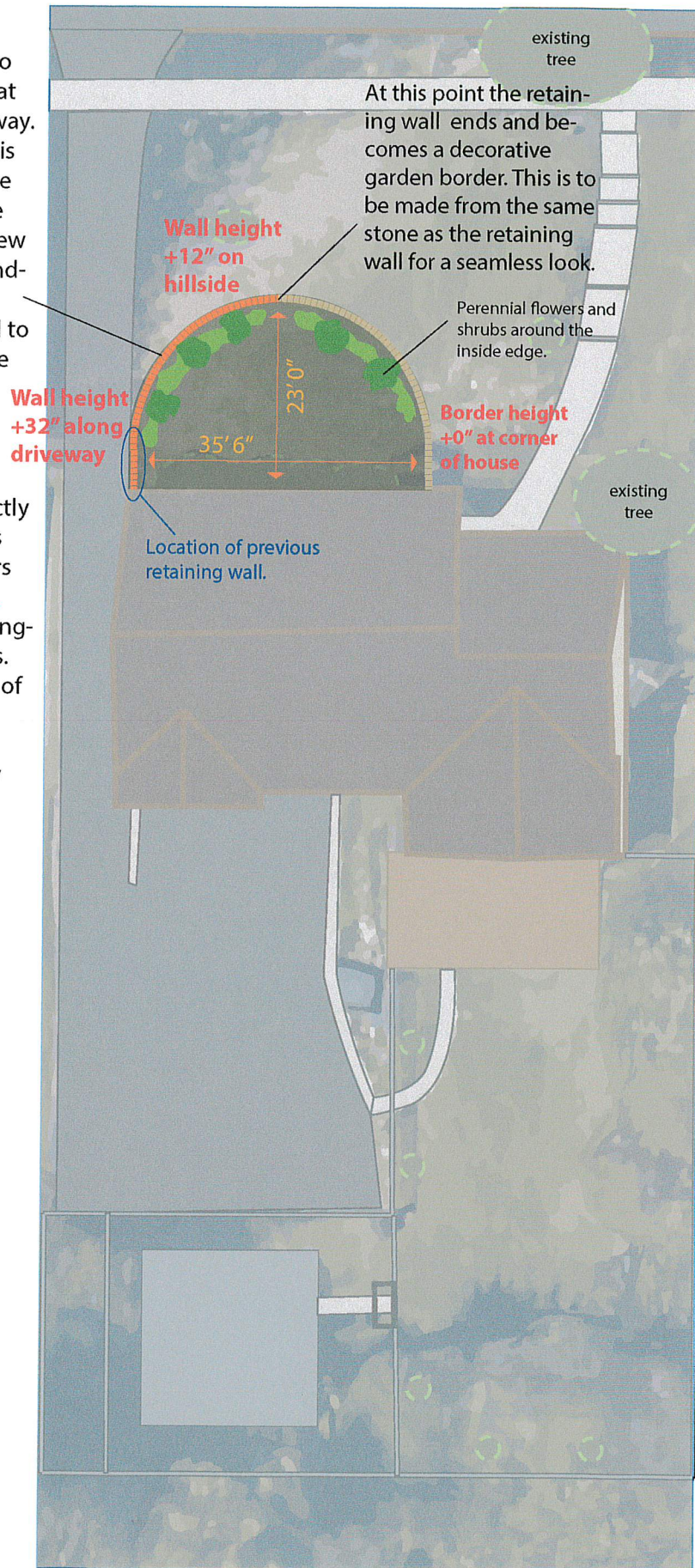
Kenton W. Brett

A handwritten signature in cursive script, appearing to read "Kenton W. Brett", written in dark ink.

Proposed retaining wall for 6680 Meadow Ridge Ln. 5/11/2017

Proposed retaining wall. This is to replace the old retaining wall that began collapsing into the driveway. We continue to see erosion in this location and want to increase the curb-appeal of our property. The intention is to incorporate the new wall into a large semi-circular landscaped feature in the front yard. Built from natural stone selected to compliment the coloration of the house.

The wall is designed to be perfectly level across the top of the stones while conforming to the contours of the property. As noted in red, the visible height of the wall changes along the facade of the stones. Ultimately, we will fill in the area of the hillside within the wall to be flat, while leaving the remaining topography of the yard relatively unchanged.



6680 Meadow Ridge Ln. Retaining Wall Proposal 5/15/2017



Current view of the house and yard alongside the driveway. Location of future retaining wall marked in red. The wall will incorporate colors from the brick in the house and have perennial flowers and shrubs planted along the inside edge to beautify the front yard. You can see considerable top-soil erosion is already happening.



This detail shows the current washout and erosion that is happening since the collapse of the original wall. The wall is necessary to hold up this portion of the yard along the driveway and to help promote soil health.



Artist's Rendering:
Approximation of retaining wall with plants, based on measurements taken with landscape designer. The wall will conform to the contours of the property and transition into a low garden border that will define this upper section of the front yard in a semi-circle. This will help make the retaining wall seem more considered along the driveway as an intentional feature of the property.



Artist's Rendering:
Detail of proposed retaining wall along the driveway.

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: June 5, 2017 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road

FROM: Scot Lahrmer, Village Manager

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Residents Jeffrey and Shanny Katzman of 2190 Bluegrass Lane are seeking a variance from Village Code Section 154.12 (B). The variance would allow for the construction of a 15' x 8' shed between the driveway and the north property line with a side yard setback of less than 1' (from the north property line).

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 **June 5, 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: Jeffrey & Shanny Katzman, 2190 Bluegrass Lane
Alicia & Michael Duncan, 2192 Bluegrass Lane
Ido Yahel & Avivia Leah Lipnick, 2188 Bluegrass Lane
Yehuda & Deena Pfeffer, 2205 Bluegrass Lane
William Roman, 6811 Elbrook Avenue
Marjorie Korelitz, 114 Stone Oaks Drive
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 05/26/17

Amberley Village Board of Zoning Appeals Staff Report

June 5, 2017

Subject:

2190 Bluegrass Lane

Variance:

Side yard setback

Item: Case#2017-2011

Variance Request: Residents Jeffrey and Shanny Katzman of 2190 Bluegrass Lane are seeking a variance from Village Code Section 154.12 (B). The variance would allow for the construction of a 15' x 8' shed between the driveway and the north property line with a side yard setback of less than 1' (from the north property line).

Zoning Code Review: 154.12 Accessory Structure (B) No accessory structure shall be erected in any side yard within a distance from the rear side lot line less than the least width of the side yard required for the principal building and its principal access may not face any street, road, or highway.

Variance Review: Mr. and Mrs. Katzman purchased their property six years ago and have stated that their family is out growing their home. They have been working with a contractor to develop renovation plans that would increase the living space in the home.

Their plans include converting the existing garage into living space which creates the need to build a shed to store their lawn and recreation equipment and their religious hut. The plan would also expand the driveway for parking.

The plans submitted propose to construct the shed in the northeast corner of their rear yard bordering 2192 Bluegrass Lane. The proposed shed would have two sets of doors, one set facing east and one to the south with setbacks of 19' from the rear and less than 1' from the side property line.

The Katzman's property is in the Residence B Zoning District and requires a minimum setback of 12' from each the rear and the side property lines (Section 154.12).

The letter to the board states they feel this location is best and listed several reasons for choosing this location.

1. The intent is to utilize the driveway for access to the shed
2. The proposed shed has two sets of doors and they believe if they place the shed anywhere else one set of doors will face the street
3. They intend to extend the driveway to the south to park their car
4. This location allows their family to continue to use the remaining portion of the backyard for recreation
5. Their neighbors are interested in sharing the storage shed
6. The topography of their lawn in the back has a sloped grade and would make it harder to prepare

the site for the shed

The variance is needed to construct the shed as proposed.

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

Date: 5.12.17

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

RE: Zoning Approval - Variance

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

a shed 15' x 8' to be placed on my property line.

The structure is proposed at the following address:

2190 Bluegrass Lane

I certify the attached plat and measurements are accurate.

Contractor's Name

Contractor's Address

Telephone Number

Sincerely,



Homeowner's Signature

Shanny Kateman

Homeowner's Printed Name

443-604-4260

Telephone Number (daytime)

May 9, 2017

To Whom It May Concern,

We have been happy residents of 2190 Bluegrass Lane for the past six years. Thank G-d, our family has grown to the point that our home cannot serve all our needs, and we would like to do renovations to allow us to stay in our fantastic location near our community school, and close to our fantastic friends and neighbors! Moving to another home is not only undesirable for us in the current real estate climate, but is proving to be more complicated, as the homes are becoming increasingly expensive due to the many newcomers moving in each summer.

Our renovation plans would include converting our garage for more living space, and to do so, we would need a shed to accommodate our lawn equipment, mower, bikes, and rec equipment. We need a shed that measures approximately 15' and that has doors that can access the front and side to accommodate the length of the religious hut that we erect each year for our Holiday of Booths.

The specific location that we feel is best for the shed would be close to the northeast corner, in the rear of the property, between our driveway and our neighbor's property. Our reasons for having the shed in this location include the following:

1. We intend to utilize the driveway to access the doors of the shed. Having the shed in this location will allow us to easily access it from the driveway.
2. We know the doors of the shed are not allowed to face the street, and the shed we picked out—which accommodates for our religious structure—has doors in front and on the side. If we put it anywhere else, one set of doors would inevitably be facing towards the street.
3. Because we no longer would be able to park in the garage, we are concerned about the slope of the driveway and the potential for getting stuck in the winter, which was not an issue when we could park in the garage. Therefore, we have plans to increase the size of our driveway over part of the lawn to allow a car to park on a flat surface. Placing the shed on our lawn behind our home would hinder this plan.
4. Having the shed in the northeast corner will allow us and our children to continue using the remaining portion of our backyard for recreation.
5. Our neighbors are aware of our plans for the shed and are interested in sharing the storage space because it will be conveniently close to their home.
6. The topography of our lawn in the back has a sloped grade and is not as flat as the side location we are proposing. This location will be easier to form a flat surface to place the shed on.

We truly love our location and the upbringing our children are getting in this home, but we cannot continue to grow our family without this renovation.

Thank you for your consideration.

Jeffrey and Shanny Katzman

The Lifetime 15' x 8' Shed (side entry) has two sets of double doors (front and side) and features: (6) small skylights, (2) large skylights, (2) shatter-proof polycarbonate windows, (2) screened vents, (2) decorative shutters, (2) peg strips, (1) 90" x 9" shelf, (4) corner shelves, (1) tool corral, and a 10-year limited warranty. Floor and installation hardware included. Comes in (4) boxes.

Model Number: 60079

Color: Desert

Floor Color: Black

Material of Construction: High-density polyethylene (HDPE) plastic and weather-resistant powder-coated steel

Walls: Steel reinforced, 1 inch double-walled polyethylene plastic

Doors: Two sets of double doors with internal spring latches, interior deadbolts, and exterior padlock loops

Windows: Two 16.5"W x 16.5"H Polycarbonate Windows - Open Half-Way

Screened Vents: Two Screened Vents

Skylights: 6 Small Skylights and 2 Large Skylights

Floor: Slip and Stain Resistant Double-Wall Polyethylene

Shelving Units: One 90 x 9 inch shelf, four corner shelves, two 16 inch peg strips w/tool hooks and 1 tool corral

Warranty: 10 year Limited Warranty!

Shed Specifications

Nominal Dimensions: 15' x 8'

Footprint: 178"W x 94"D

Exterior Measurements: 92.75"W x 175.5"D

Exterior Roof Measurements: 96"W x 180"D

Exterior Height: 96"

Eave Depth: 2"

Fascia Height: 1.25"

Roof Pitch: 6:12

Door Opening Dimensions: 56"W x 76"H

Window Opening Dimensions: 16.5"W x 16.5"H

Interior Measurements: 90"W x 174"D

Interior Height - Minimum: 70"

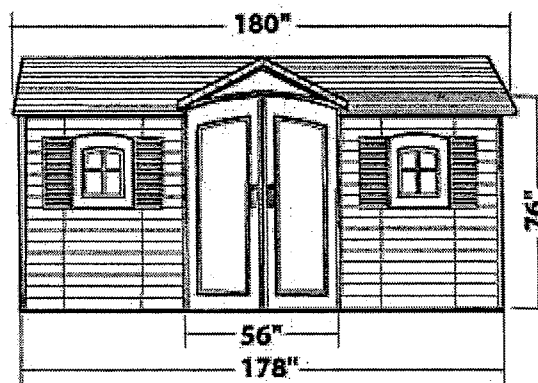
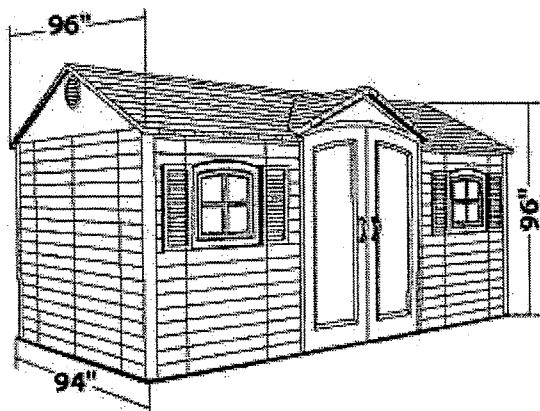
Interior Height - Maximum: 94"

Wind Rating: 65 mph

Snow Load Capacity: 23 pounds per square foot (*upgrade to 30lbs psf using model 60144 below*)

Square Feet: 108.75 square feet

Cubic Feet: 749 cubic feet



East View



12/21/2016

East View Zoom

