

AGENDA

November 6, 2017

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of October 2, 2017

Cases

CASE NO. 2017-2018

Liz Huesman of Farmcrest Properties LLC is seeking a variance from Village Code Section 154.14 (A). The variance would allow for the installation of a front yard fence in the rear of the house at 3194 North Farmcrest Drive.

CASE NO. 2017-2019

Resident Sandra Copenhaver of 3690 Lansdowne Avenue is seeking a variance from Village Code Section 154.12 (C) for the installation of an above ground pool with a 3 foot rear yard setback and a 4 foot rear yard setback for related decking, and a variance to Section 154.14 (A) to allow the existing fence to be relocated 2' into the front yards.

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
MONDAY, OCTOBER 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 Monday, October 2, 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
 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 September 5, 2017 meeting minutes. There being none, the minutes were accepted as submitted.

Case No. 2014

Chair Bardach introduced the application from residents Todd and Molly Ross of 3551 East Galbraith Road who are seeking a variance from Village Code Section 154.14 (A). The variance would allow for the replacement of the existing front yard fence and the installation of a gate across the driveway.

Mr. Brown provided the staff report for the application. He informed the Board that the property has an existing split rail fence across the front yard, approximately 16' from Galbraith Road. He stated the fence is believed to be part of the Rollman Farm fencing which would be grandfathered as it exists today.

Mr. Brown stated that the applicants would like to replace the existing fence and add a gate across the driveway for the safety of their children and pet. The fence could be repaired as-is without approval, however, with the addition of a gate a variance is required.

The applicant, Mrs. Ross, reviewed the fence and gate plans with the Board and noted the gate would be black aluminum and set into the driveway so as not to back up traffic on Galbraith.

Ms. Rissover asked if the entire fencing would need replaced and Mrs. Ross confirmed that the western portion is not necessary to replace right now.

Mr. Lauer asked for clarification on the type of fence. Mrs. Ross stated the fence would be split rail and the gate would be black aluminum.

Ms. Rissover asked Mrs. Ross to provide an understanding from a safety standpoint how access would be gained beyond the gate if the police needed to respond or packages needed delivered. Mrs. Ross explained options were available for a small, hand-opened gate to be a part of the project, and a phone app for controlling the gate.

Mr. Brown noted that a former resident had a box at the gate that you would speak into and be let in by the owner.

Ms. Rissover expressed her concern for a bypass method for the police in case of emergency. Mrs. Ross assured there would be a way to get them access.

Mr. Lauer asked what would be located out at the street (a box or a phone app control only). Mrs. Ross explained that they had not decided on those options yet and would be willing to select the safest method.

Mr. Rubenstein asked if a gate was previously there. Mrs. Ross stated she believed so as there is electric already there that needs replaced. Mr. Brown stated that he recalls the existence of a gate there when he began working for the Village over 25 years ago.

Mr. Lauer noted that there is a front yard fence and gate on Galbraith that was approved for safety reasons and this fence is an existing fence.

Chair Bardach stated that if the fence was not already there he would be opposed.

Mr. Wolf asked for clarification on the variance being required only for the gate, not the fence. Solicitor Frank confirmed.

Mr. Rubenstein asked if this variance would give way to a different kind of fence in the future. Solicitor Frank added that the board could add stipulations and recommends doing so if it would like to control the material.

Mr. Wolf moved to grant the variance for replacement of the existing front yard fence and the installation of a gate across the driveway under the following conditions:

- Replace fence with same type of fencing that it is currently—split rail.
- With respect to the gate, install that described in the application: a black, aluminum rail gate, commercial grade, single swing.
- Provide fire and police access to the property at all times.
- Select the option for opening the gate that provides the quickest access.

Mr. Wolf cited the reason for granting the variance is that the fence has existed on the property for many years, which also had a gate at one time; located on a busy street, and for the safety of young children at the residence. Seconded by Ms. Rissover and the motion carried unanimously.

Case No. 2015

Chair Bardach introduced the application from residents Raphael and Nancy Warren of 6715 West Farm Acres Drive who are seeking a variance from Village Code Section 154.14 (A). The variance would allow for the installation of a 6' to 7' high deer fence around the garden in their rear yard.

Mr. Brown provided the staff report for the application. He informed the Board that the fence has been requested to protect a vegetable garden from wildlife. The proposed material to be used is a black plastic netting connected to metal T-posts. The fence would be around the 13 x 13 garden and be 5' from the side (north) property line and 22' from the rear (west) property line. The applicant's letter states that the neighbors are in support of the fence and plan.

Chair Bardach invited Mr. Warren to provide any additional information to the board. Mr. Warren asked if there were any questions. Mr. Wolf asked if Mr. Warren had ever had a garden. Mr. Warren confirmed that he did create his garden about 15 years ago and stopped over the past several years because of the deer.

Ms. Rissover shared that the board has never granted a deer fence request, and asked Mr. Warren what kind of precedent would be set if this one were approved. Mr. Warren stated that he did not believe it would "snowball" and the reason for the height was to have a fence tall enough to keep the deer out. He stated he already has a fence at regulation height and that does not keep the deer out.

Mr. Wolf commented that it is tough because there have been requests like this in the past. He noted the board has discussed reviewing certain code sections for this reason. He stated that he has a four and a half foot fence and deer do not jump into his garden.

Ms. Rissover reiterated that fences like this have not been approved, and that any that may exist in the Village are not permitted. She noted that if this one is approved there will be no reason to turn down any other fence requests.

Mr. Wolf stated that the Village Council should address this type of fence and determine the best policy, and until that is reviewed it is difficult to make a decision without a fair discussion on it. Previously the board has only approved higher fencing for properties bordering other jurisdictions.

Mr. Warren asked if the board would give weight to the fact that his neighbors are in agreement and support of the deer fencing for his garden. Mr. Wolf stated that neighbors can change.

Mr. Wolf commented that it needs to be decided going forward how we want the Village to look and the board concluded council should review it.

Mr. Lauer expressed that reviewing this application because of Mr. Warren service as a council member makes this even more difficult, and would send a bad message if an exception were granted. He commented that if the requirements for a variance are reviewed, this request does not meet those requirements. It is a convenience request to keep deer out and does not meet the standards for a variance.

Ms. Rissover shared that her neighbors had applied for the same type of fence and was turned down. She stated that the neighbors then installed a solid fence at four and a half feet and the deer do not disturb the garden.

Mr. Lauer moved to approve the variance as submitted. Ms. Rissover seconded. Chair Bardach took the voice vote and the nays were unanimous. The motion to approve failed.

Case No. 2016

Chair Bardach introduced the application from DBS Ridge Road LLC that requests a slight modification of the Site Plan for the Mercy Medical facilities which was approved on April 4, 2017. The modification proposed adjusts the number of plants along the boundaries and within the parking lot while adhering to the Village Code Section 154.80 for Landscaping Regulations set out in the North Site Zoning District.

Mr. Brown provided the staff report for the application. He informed the Board that the current landscape plan approved in April calls for more trees (25) and shrubs (246) than is required by the North Site Zoning District Regulations. DBS and their landscaper believe the number of plantings in the proposed plan will continue to meet the requirements and address unneeded future expense and maintenance of matured landscaping.

Mr. Brown stated that although not required by Village Code, some of these added trees and shrubs were recommended by staff to screen the Mercy parking lot from future development on the site. Staff met with DBS and their landscaper to discuss the required landscaping and the need to maintain the screening of the City of Reading residents.

Mr. Brown stated that it was mentioned to staff and in the letter to the board that the landscaping in the current plan would be far too dense and look over grown as it matures.

Mr. Brown shared that the applicant's letter also states that the North Site location was chosen because of its accessibility and visibility. He stated that DBS believes as the landscaping in the current plan matures it would reduce that visibility and the appearance of the facility.

Mr. Brown read the comparison of the required landscaping, the current plan and new landscaping plan:

Streetscaping Buffer:

Required by code	24 trees and 18 shrubs
Current Plan	24 trees and 40 shrubs
Proposed Plan	24 trees and 28 shrubs

Interior Parking Lot:

Required by Code	1826 sqft of landscaping, 9 trees and 27 shrubs
Current Plan	1940 sqft of landscaping, 12 trees and 159 shrubs
Proposed Plan	1940 sqft of landscaping, 10 trees and 75 shrubs

Mr. Brown stated that due to the limited area between the parking lot and the access drive, the required plantings in the boundary buffer utilizes the streetscape trees and shrubs.

Mr. Wolf stated that the parking lot on the right facing cross county seems to have less shrubs. He then asked if the proposed plan meets what Village staff would like to see and if it meets the village needs. Mr. Brown confirmed that it does meet the code.

Mr. Wolf asked how this plan changes the buffer for the Reading residents.

Mr. Lahrmer stated that when staff reviewed it, it was taken into consideration that the developer and user believe it will become overgrown. He confirmed that it does meet code and is adequate landscaping. He commented that what is proposed is a mix and compromise as the

Village would like this development to be successful and does not want to burden the developer or user.

Mr. Lahrmer stated that the view from Reading was his concern because they were the most impacted and vocal. He stated that the number of trees was staying the same and the shrubs are being reduced, which staff did not feel was a significant change.

Mr. Rubenstein asked if the headlights and shrubs were of concern. Mr. Lahrmer stated that the wall is high and provides a great buffer for headlights. He stated that when the plan was approved in April, there was nothing physical to observe and now the wall can be seen along the buffer area.

Chair Bardach asked if anyone from DBS was present to speak.

Mr. Ken Schuermann thanked the board for considering the request. He stated that Mercy loves the site and their concern is that the landscape becomes overgrown and requires high maintenance. The plan is a compromise reached with the user.

Mr. Lauer asked what kind of trees are being planted along the buffer. Mr. Gary Meisner confirmed the use of Red Bud (clumping) trees along the north line. Mr. Lauer asked what size of tree will be installed. Mr. Meisner confirmed that upon installation the trees would be approximately 8.5 – 10 feet tall.

Mr. Lauer asked if the property to the east still had the house on it. Mr. Brown confirmed it does, however, it will be demolished.

Mr. Wolf asked if all of the Reading residents will be buffered. Mr. Meisner confirmed yes they would. Mr. Brown stated that the Village code also calls out the size requirement upon installation of trees and shrubs when planted.

Mr. Meisner stated that additional work is also being done by the owner to clean up and hydro seed along the slope nearest cross county. There will be ground cover planted there that will resist erosion and enhance the view. He stated that while some plantings have been reduced, the buffer still includes Norway spruce trees on the west side.

Chair Bardach asked if there were any other questions.

Ms. Rissover commented that the Mercy development as a whole is great.

Mr. Lauer asked who's responsibility it is to maintain the landscape. Mr. Schuermann confirmed that the tenant would be the responsible keeper of the landscape.

Chair Bardach asked if any Reading residents were present to speak.

Mr. Dave Powell, 705 Maple Drive, complimented the aesthetics of the building. He then asked if the Red Buds along the south side of the drive would be 8-10 feet tall as he felt the drip line was located over the road, potentially causing the village maintenance trucks to hit the trees eventually. He asked what the spread of the trees would be matured. Mr. Meisner confirmed it the trees would be 18-20 feet wide. Mr. Powell stated that he felt the trees would come in contact with the trucks in the future.

Mr. Powell also proposed that screening be added at the driveways across the street to keep headlights off of homes. Mr. Schuermann asked how much room was in that area between the

back yards and the street. Mr. Powell stated about 4-5 feet. Mr. Schuermann agreed to screen it.

Mr. Powell then expressed his disappointment for the amount of time it took to remove spoils and vegetation from the property, and that a lot of dust is being generated. He asked that a water truck be run to reduce the dust impact on the residents.

Ms. Rissover moved to approve the revised landscape plan with the addition of the screening by the driveways to buffer Reading residents from headlights exiting and entering the parking lot, and that the number and size of plants be maintained. Mr. Wolf seconded and the motion carried unanimously.

NEW BUSINESS

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: November 6, 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, November 6, 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:

Liz Huesman of Farmcrest Properties LLC is seeking a variance from Village Code Section 154.14 (A). The variance would allow for the installation of a front yard fence in the rear of the house at 3194 North Farmcrest Drive.

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 **November 6, 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: Property Owner, 3194 N. Farmcrest Drive
Farmcrest Properties LLC, 2478 Bethel Hygiene Road
Gary & Connie Hindersman, 3188 N. Farmcrest Drive
James & Lori Reidel, 3195 N. Farmcrest Drive
Chris & Molly Cain, 3197 N. Farmcrest Drive
Thomas & Myra Elfers, 6620 Kincaid Road
Tracy Sheridan, 6740 Kincaid Road
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 10/27/17

Amberley Village Board of Zoning Appeals Staff Report

November 6, 2017

Subject:

3194 North Farmcrest Drive

Variance:

Front yard fence

Item: Case#2017-2018

Variance Request: Liz Huesman of Farmcrest Properties LLC is seeking a variance from Village Code Section 154.14 (A). The variance would allow for the installation of a front yard fence in the rear of the house at 3194 North Farmcrest Drive.

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

Variance Review: The property at 3194 North Farmcrest Drive was purchased by Farmcrest Properties LLC; they have been remodeling the house and cleaning up the property. The property is a corner lot with three front yards: North Farmcrest Drive to the west, Kincaid Road to the south and to the east.

Liz Huesman, representative for Farmcrest Properties, has submitted plans to fence the yard to the east or rear of the house. The letter to the board states the need for the fence is to due to Kincaid being a cut through street from Section Road to Montgomery Road. The letter also states that although this section of Kincaid is a short narrow street, the cars travel at a high rate of speed and is unsafe for kids.

The proposed fence is a split rail fence and would be installed along the south and east at the right of way line for Kincaid, approximately 10' from the edge of pavement.

Village Code Section 154.14 (A), prohibits fences and walls in any part of a front yard, therefore a variance is required.

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

For the committee's consideration: Smaller than 4 ft split rail farm fence for safety reasons

Liz Huesman

3194 north farm crest

Cincinnati Oh 45213

We are remodeling a house on north farm crest and are trying to preserve the community feeling that the property and neighborhood boasts. Our lot adjoins 3 different streets which is our main hardship in why we would like to do a split rail farm fence that is still within the 4 ft height limit. We are hoping that the house that is a few more down closer to ridge rd. can be considered as an example. They are a corner lot and have the same split rail fencing we are looking to install. Additionally, we had no idea just how bad of a cut street it is that butts up to our house. The side street is only 254 ft. long but people fly from corner to corner so much that I have had officers thank me for parking trailers on that street because they said it surely slows down the cut through traffic. It is a very dangerous street to allow kids to play in a yard so close to. Therefore, we are requesting permission to put a fence along Kincaid (204 ft of fencing installed on the short street where Kincaid and north farm crest divide, and 103 ft of fencing to be installed at the rear of the house on Kincaid where it runs parallel to north farm crest. Thank you for your consideration in this matter.

Liz Huesman



- gas line
- water line
- Electric line
- measurement in ft
- proposed new fence
- property line



BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: November 6, 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, November 6, 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:

Resident Sandra Copenhaver of 3690 Lansdowne Avenue is seeking a variance from Village Code Section 154.12 (C) for the installation of an above ground pool with a 3 foot rear yard setback and a 4 foot rear yard setback for related decking, and a variance to Section 154.14 (A) to allow the existing fence to be relocated 2' into the front yards.

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 **November 6, 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: Sandra Copenhaver, 3690 Lansdowne Avenue
Shelli Gatto, 7621 Gwenwyn Drive
Michelle Healy, 7620 Gwenwyn Drive
Philip & Chantal Thornberry, 7600 Gwenwyn Drive
Daniel Stadtmiller, 7656 Gwenwyn Drive
Mary Sterling & Caleb Faux, 7600 Sagamore Drive
Rena Taylor, 3655 Lansdowne Avenue
Shailesh Singh & Kumari Madhu, 3667 Lansdowne Avenue
Susan Molony & Patricia Burk, 3677 Lansdowne Avenue
Ryan & Anna Shaw, 3687 Lansdowne Avenue
Dorothy Fisher, 3697 Lansdowne Avenue
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 10/27/17

Amberley Village Board of Zoning Appeals Staff Report

November 6, 2017

Subject:

3690 Lansdowne Avenue

Variance:

Rear yard setback and front yard fence.

Item: Case#2017-2019

Variance Request: Resident Sandra Copenhaver of 3690 Lansdowne Avenue is seeking a variance from Village Code Section 154.12 (C) for the installation of an above ground pool with a 3 foot rear yard setback and a 4 foot rear yard setback for related decking, and a variance to Section 154.14 (A) to allow the existing fence to be relocated 2' into the front yards.

Zoning Code Review: 154.12 (C) Accessory buildings may be built in a required rear yard not nearer to a rear or side lot than the side yard requirement for such lot. Principal access may not face any street, road, or highway.

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

Variance Review: Sandy Copenhaver, property owner of 3690 Lansdowne Avenue has submitted plans to install a 27' above ground swimming pool and 8'x14'x4.5' high deck in the rear yard of her residence. The plans also propose to replace the existing chain link fence with a 4' high privacy fence and relocate the fence into the front yard.

Mrs. Copenhaver's property is a corner lot and has two front yards: Lansdowne Avenue to the south and Gwenwyn Drive to the east. The property has a small back yard due the location of the house on the property. The area of the proposed pool and deck is approximately 33' from the back of the house to the north property line and approximately 30' from the east end of the house to the patio.

The property is a non-conforming lot in the Residence A Zoning District. The required setbacks for an accessory structure in Residence A are 20' from the side and 20' from the rear property lines. The Residence A Code Section 154.14, prohibits fences and walls in any part of a front yard.

The proposed setback for the pool is 3' from the north property line and the proposed setback for the deck is 4' from the north property line. The existing fence is proposed to be replaced and relocated 2' into the front yard. The letter to the board states that the need for the additional two feet is to allow more room to maintain the pool.

The proposed project requires a variance to Code Section 154.12 (C) to allow the 17' encroachment of the pool and the 16' encroachment of the deck into the required rear yard. The project also requires a variance to Code Section 154.14 (A) to allow the fence to be relocated 2' into the front yard, otherwise

the fence can be installed at the existing location without the variance.

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

Date: 10/16/17

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

RE: Zoning Approval

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

Variance for rear yard Set Back
& Front yard Fence

The structure is proposed at the following address:

3690 Lansdowne Avenue, Cincinnati, OH 45236

I certify that the attached plat and measurements are accurate.

Contractor's Name

Contractor's Address

Telephone Number

Sincerely,


Homeowner's Signature

513-484-2129
Telephone Number

October 16, 2017

To Amberley Village

To Whom It May Concern:

I am applying for a variance for a swimming pool and deck and another separate variance for a 4 foot privacy fence into my 2nd front yard, since I am on a corner lot on the north east corner of Gwenwyn Drive and Lansdowne Avenue.

I am asking for this variance because I live in Residence A zoning which calls for 20 feet from the property line. I am applying for a rear yard 17 foot variance which will make my pool 3 feet off of my property line and 3 feet off of my house.

I would like to add a 27 foot round above ground swimming pool on the back right side of the house on the Gwenwyn Drive side.

I would also like to extend the existing fence 2 feet out and replace it with a 4 foot privacy fence on the Gwenwyn Drive into my second front yard, which will give us 5 feet clearance between the fence and the swimming pool in order to maintain the pool properly..

Also, I would like to add a deck off the side of the pool which will be 8' x14' and will be 4 ½ feet high with 3 feet high railing above that with steps and railing and a gate going up to the swimming pool for easy access into the pool.

I'm asking for the 2 variances to be able to enjoy my backyard with my family since my house sits back away from the road, which leaves me with little yard in the back , being on a corner lot

Thank you..

Sincerely,



Sandy Copenhaver

3690 Lansdowne Avenue

Cincinnati, Ohio 452364

Cell Phone # 513-484-2129

