

AGENDA

December 4, 2017

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of November 6, 2017

Cases

CASE NO. 2017-2020

Shawn Roland of 7085 Elbrook Avenue is seeking a variance from Village Code Section 154.14 (A). The variance would allow for the construction of a retaining wall and protective fencing in the front yard, along the south property line to support the driveway.

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, NOVEMBER 6, 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, November 6, 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

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 October 2, 2017 meeting minutes. There being none, the minutes were accepted as submitted.

Case No. 2018

Chair Bardach introduced the application from Liz Huesman of Farmcrest Properties LLC who 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.

Village Manager Scot Lahrmer provided the staff report for the application. He informed the Board that the property the applicant 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.

The applicant has submitted plans to fence the yard to the east or rear of the house because Kincaid is being used as a cut through street from Section Road to Montgomery Road. The applicant cites 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.

Chair Bardach asked if the applicant was present to speak with the Board. Mr. Joe Huesman, contractor for the work, was present.

Mr. Wolf asked if there was a fence previously on the property. Mr. Huesman confirmed there was not, and that the overgrown honeysuckle was removed. There was reference to a similar fence closer to Ridge. Mr. Rubenstein asked if the type of fence would be similar to that

example on Ridge and Mr. Huesmans confirmed it would be and stay within the four foot height requirement. He noted that the restriction is because of the three front yards on this property.

Connie Henderson, 3188 North Farmcrest expressed her support for the fence. She stated that split rail fence is installed on adjacent properties.

Chair Bardach asked if the Village received any other comments from residents. Mr. Lahrmer confirmed that no communications were received regarding this application. Chair Bardach asked if there were any other neighbors present to speak on the request.

James Reidel, 3195 Farmcrest, expressed his opposition to the fence. He stated he lives across the street and there is not a speeding problem and did not agree that would be a reason for a fence. He suggested his preference for plantings which would also help block car lights coming through the windows. He stated the biggest problem there are cars rolling through the stop signs which he notices while walking his dog.

Mr. Wolf stated that generally speaking speed would not be reason the board would consider. The code dictates that all 3 sides of the property are a front yard, and the Board is to decide which side will be the front yard going forward.

Molly Cain, 3197 North Farmcrest, shared her opposition to the fence. She stated that she preferred the greenery which was removed, and would prefer a natural border rather than a fence. She noted a fence would not filter the car lights like greenery. She was not opposed to a fence on the back side close the road.

Mr. Lauer inquired as to whether there was any other reason other than the variance for the front yard issue. Mr. Lahrmer confirmed there is no setback or height adjustment being requested.

Ms. Rissover stated that the Board does not have the authority to request bushes ore plantings in place of the requested fence.

Mr. Wolf shared that the Board has received requests in the past and have allowed the fences with multiple yard fronts. He stated that none were required nor can the Board require bushes be put along a fence. He noted speed was not a factor that could be considered, as that is a police issue not a zoning issue. He stated the Board follows consistency with prior requests where there are multiple front yards.

Chair Bardach agreed with the points Board members made thus far.

Mr. Lauer moved to approve the variance as requested on the condition that the fence be representative of a split rail farm fence in the location depicted with the appropriate setbacks. Mr. Rubenstein seconded, and the motion passed unanimously.

Case No. 2019

Chair Bardach introduced the application from 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.

Mr. Lahrmer provided the staff report. He stated that the 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 which includes replacing the existing chain link fence with a 4' high privacy fence and relocating the fence into the front yard.

The property is a corner lot and has two front yards: Lansdowne Avenue to the south and Gwenwyn Drive to the east. There is a small back yard with the property being located on a corner. 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 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 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.

Chair Bardach asked if anyone was present to speak on the request. The applicant, Ms. Copenhaver, was not in attendance.

Anna Shaw, 3687 Landsdowne, expressed her opposition to the pool. She stated she sent an email to the Board explaining how it would impact curb appeal and property values. She also stated that she does not have a way of screening her property to block the view of the pool, and she is concerned with the precedent that would be set if approved.

It was noted that there was an anonymous email from a neighboring property that was opposed to the application.

Solicitor Frank noted to the Board that the drawing submitted was not to scale.

Patricia Burke, 3677 Landsdowne, expressed her opposition to the application. She stated that she lives across the street and does not want to see the pool which would be a direct view for her. She stated that she and her sister Sue Maloney, who was also present, were opposed.

Ms. Rissover commented that the zoning code is in place to ensure that one neighbor does not encroach on another neighbor's peace and quiet. The jogged fence would also be an eyesore in the front side yard.

Mr. Lauer held a discussion regarding any other options that might be available for erecting the pool on the property where they would not need a variance. He asked if there was a way to comply with the setback. Mr. Lahrmer stated that it would not be permitted in the various areas on the property. Mr. Lauer commented that arguably a smaller pool could be installed, although he is not in favor of the variance.

Mr. Lauer stated that he has an in-ground pool next to his home and it interferes with the enjoyment of his property. He stated he was against this application because of the close proximity to the property line and that it is not in character the neighborhood.

Mr. Wolf stated that with the fence on the front yard and the size of the pool being requested, all of the neighbors surrounding it would be impacted as well as property values. He is opposed to the application.

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

NEW BUSINESS

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: December 4, 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, December 4, 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:

Shawn Roland of 7085 Elbrook Avenue is seeking a variance from Village Code Section 154.14 (A). The variance would allow for the construction of a retaining wall and protective fencing in the front yard, along the south property line to support the driveway.

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 **December 4, 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: Shawn Roland, 7085 Elbrook Avenue
Andres & Donna Loewy, 7105 Elbrook Avenue
Redevelopment Authority of Cincinnati, 3 East Fourth Street
Yoshua@4 Newmark or Property Owner, 7070 Elbrook Avenue
Yoseff Francis, 2281 Royal Oak Court
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 11/21/2017

Amberley Village Board of Zoning Appeals Staff Report

December 4, 2017

Subject:

7085 Elbrook Avenue

Variance:

Front yard retaining wall and protective fencing.

Item: Case#2017-2020

Variance Request: Shawn Roland of 7085 Elbrook Avenue is seeking a variance from Village Code Section 154.14 (A). The variance would allow for the construction of a retaining wall and protective fencing in the front yard, along the south property line to support the driveway.

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

Variance Review: Shawn Roland, property owner of 7085 Elbrook Avenue has recently received zoning approval for several projects on his property. The most recent zoning approval consists of a room addition, widening of the existing driveway, retaining wall and protective fencing.

Mr. Roland's side yard (to the south) has a steep slope making it difficult to widen the driveway without the proposed retaining wall.

The railroad tie retaining wall is proposed to be constructed along the south property line from the rear yard to near the right of way line for Elbrook Avenue. The right of way line is 12' from the street. The east end of the wall near the right of way will be determined by the slope of the yard but is not to encroach into the right of way.

The height of the wall is proposed to be approximately 4' high at the mid point and slope down to almost 0' at either end.

The fencing along the top of the wall is proposed to be a maximum of 4.5' high and run from the back property line to approximately 27' forward of the house.

The letter to the board states that the fencing is for safety, to prevent someone from falling over the the steep drop-off.

Per Village Code Section 154.14, the retaining wall and fencing from the front face of the house to the rear property line is allowed but a variance is required for the wall and fencing forward of the house.

Code Section 154.14 states that fences and walls not exceeding 4.5' in height may be permitted 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.

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

Date: Nov. 22nd, '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:

front yard retaining wall for driveway and front yard fence

The structure is proposed at the following address:

7085 Elbrook Ave

I certify the attached plat and measurements are accurate.

Sincerely,


Homeowner's Signature

Shawn Roland
Homeowner's Printed Name

Contractor's Name

Contractor's Address

Telephone Number

513-462-3073
Telephone Number (daytime)

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

RE: Zoning Variance

Dear Mr. Lahrmer,

My wife and I are requesting a variance in the zoning code to allow for a retaining wall to be built in order to widen our driveway. On the south side of our property, there is a steep hill that renders it impossible to widen the driveway without a retaining wall built to hold it up. This project came to the fore when we had guests over one time and they were unable to turn in the driveway enough prior to scratching the whole driver side of the vehicle against the side of our house. Had the driveway been wide enough, the maneuver would have been easier to complete. Additionally, the wider driveway will allow ample passage for our children's bicycles and scooters while there is a car parked there, whereas now it is a very tight fit and our car has accumulated a number of scratches due to happy children riding their bicycles. ☺

Please consider our request at the next village zoning meeting.

Thank you.



Shawn Roland
7085 Elbrook Avenue
Cincinnati, OH 45237
513-462-3073

Wes Brown

From: Shawn Roland <adir613@aim.com>
Sent: Monday, November 13, 2017 11:17 AM
To: Wes Brown
Subject: Re: Measurements for Retaining Wall - 7085 Elbrook

Hi Wes.

I took the other measurements you requested and here they are: from the street until the first wall of the house is about 62'. Of those 62', from the house, only about 27' will be needed for the fence to be on top of the retaining wall for safety to prevent any serious injury due to the steep dropoff. However, the other 35' will not need a fence. So basically, from the first wall of the house the fence will extend about 27' towards the streetline, and whereas the last 35' until the street will not have a fence.

I hope this is helpful. Please let me know if you need any other information.

Have a great week.

-----Original Message-----

From: Shawn Roland <adir613@aim.com>
To: wbrown <wbrown@amberleyvillage.org>
Sent: Mon, Oct 30, 2017 1:15 pm
Subject: Measurements for Retaining Wall - 7085 Elbrook

Hi Wes.

Just got the measurements you requested for the retaining wall. From the street to the beginning of the house is between 70'-71'. I doubt we'll need the last 20' because that's where the ground levels out, but let's try to rezone it all the way to the street just in case the architect says that we need to go a little into that last 20'.

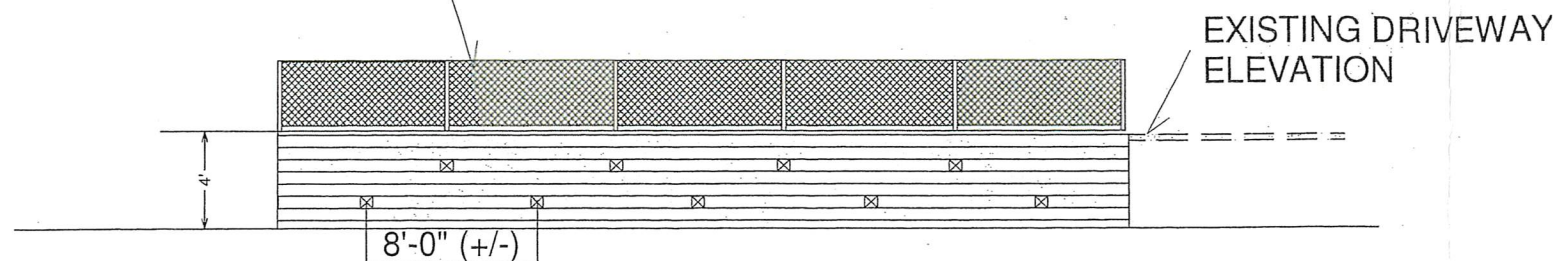
Please let me know if there's anything else I can do.

Thanks.

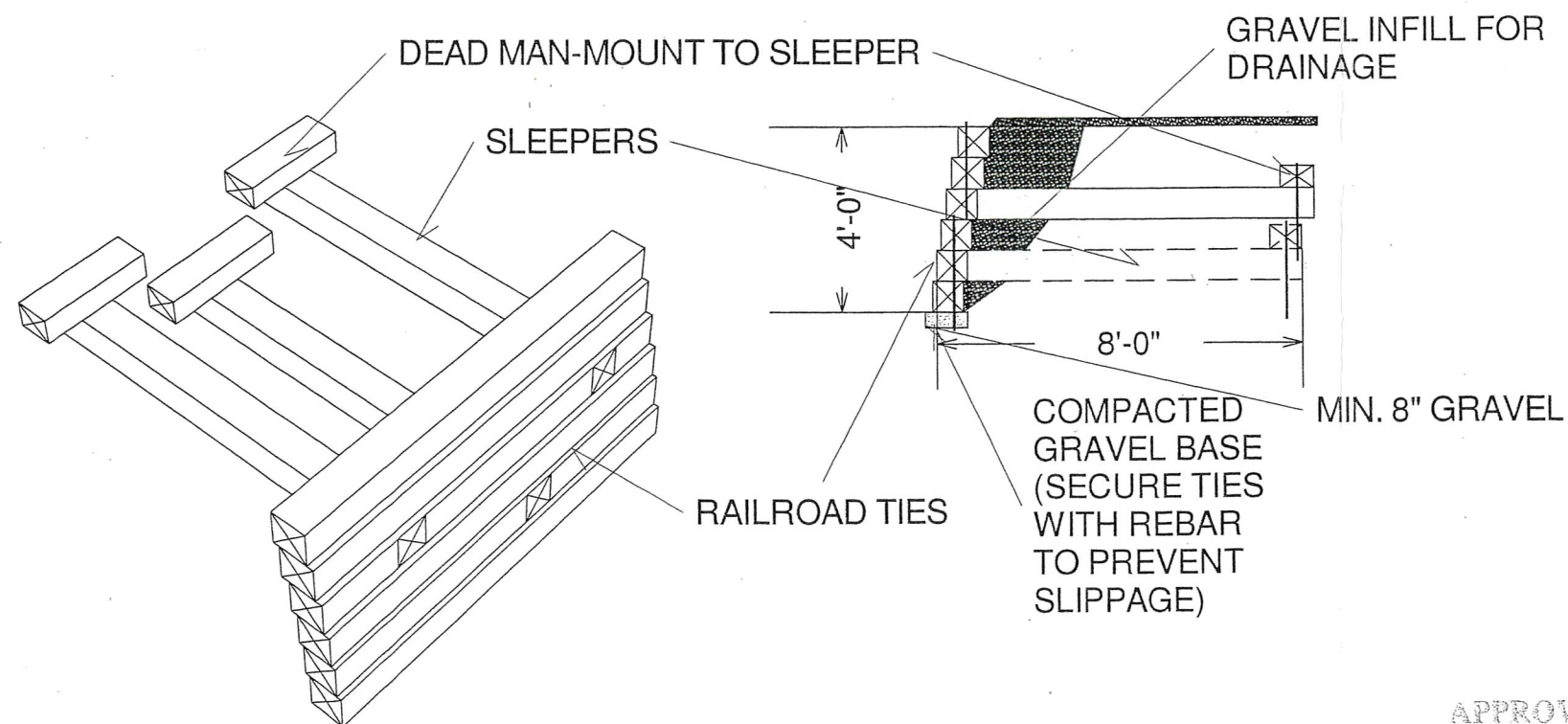
Shawn Roland
7085 Elbrook Avenue

ROOM ADDITION WITH SECOND STORY DECK

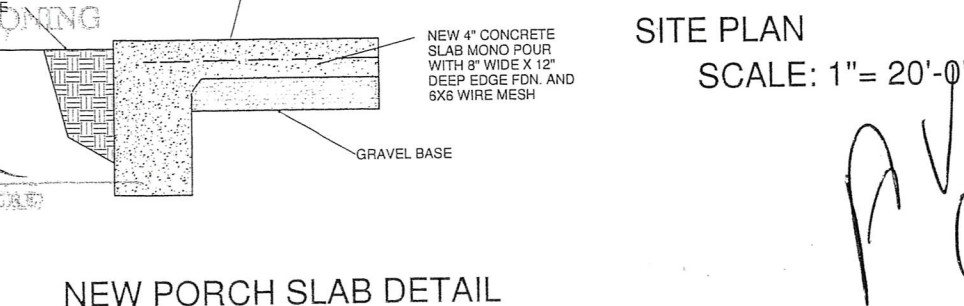
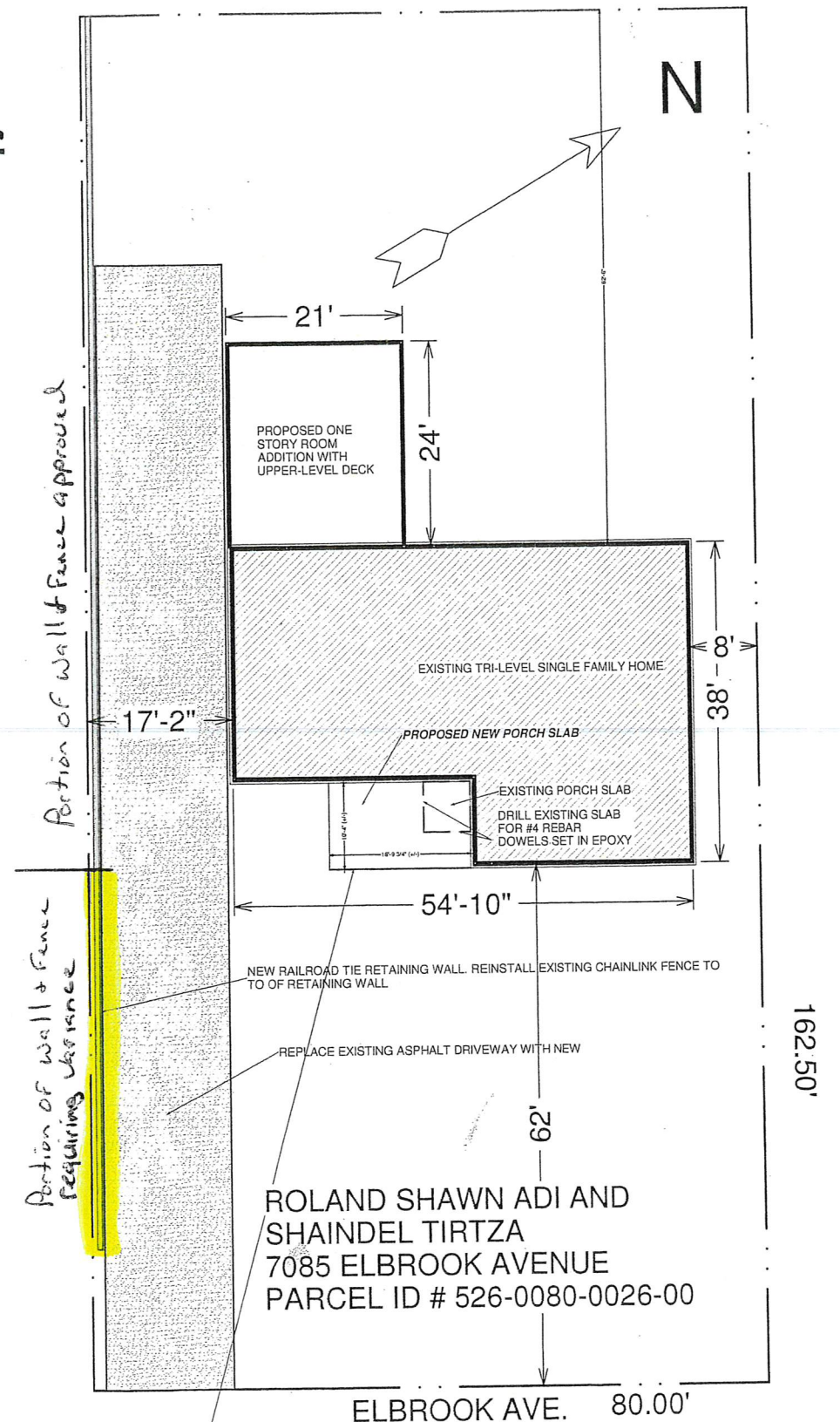
RE-ATTACH CHANGELINK
FENCE TO TOP OF NEW
RETAINING WALL



RETAINING WALL ELEVATION
SCALE: N.T.S.



RETAINING WALL SECTION DETAILS
SCALE: N.T.S.



NEW PORCH SLAB DETAIL

APPROVED
AMBERLEY VILLAGE ZONING

10/27/17
(DATE) (SIGNATURE)

NO.	DESCRIPTION	BY	DATE

SITE PLAN

PROJECT DESCRIPTION:
Room Addition Roland Shawn Adi and
Shaindel Tirtza
7085 Elbrook Ave.
Cincinnati, Ohio 45237

DRAWINGS PROVIDED BY:
Jim George
9701 Roberts Drive
Franklin, Ohio 45005
(937) 718-0842

DATE:
8/30/2017

SCALE:
NOTED

SHEET:
A-1



