

AGENDA

May 1, 2023

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of April 3, 2023

Cases

CASE NO. 2023-411

Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Zoning Code Section 154.28 (A), which states all structures shall be a minimum of 20 feet from a side yard lot line, or 10% of the lot width, whichever is larger, but need not exceed 50 feet. If approved, the variance would allow for a remodeling addition to the rear of the home along the northeast and southeast lot lines.

New Business

Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
MONDAY, APRIL 3, 2023**

Acting Chairperson Rick Lauer called to order the regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission at the Amberley Village Municipal Building in Council Chambers on Monday, April 3, 2023 at 7:00 p.m. Mr. Lauer welcomed everyone to the meeting and led those in attendance in the Pledge of Allegiance.

Absent from the meeting was Board Chairperson Richard Bardach. Roll was taken as follows:

PRESENT:

Rick Lauer
Scott Rubenstein
Craig Cappozzo
Nimet Jeruzalmi

ALSO PRESENT:

Scot Lahrmer, Village Manager
Chris Fritsch, Zoning Administrator
Andrew Kaake, Village Solicitor
Tammy Reasoner, Clerk of Council

Mr. Lauer asked if there were any corrections to the minutes of the February 6, 2023 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2023-390

Zoning Administrator Chris Fritsch introduced Case No. 2023-390, in which Micah and Jessica Max, property owners at 8460 Springvalley Drive, were seeking a variance from Zoning Code Section 154.51 (A2), which states accessory structures in residential areas may not exceed 16 feet in height, or up to the same height as the principal structure, whichever is less. If approved, the variance would allow for the installation of a 480-square-foot, 18 foot-high, detached garage in the rear yard near the north and east lot lines.

In a letter to the Board, the couple stated they do not have the option of building an attached garage due to the proximity of the east lot line, significant earth excavating to the north lot line and the shape of their lot. The proposed garage size would allow for lawn mowing equipment and maintenance access to the rear of their property. The residents requested an extra two feet in height for a car lift to be installed which will permit cars to be stacked vertically. The extra two feet in height would convert a typical 2-car garage into a 4-car garage by utilizing a lift.

Mr. Micah Max of 8460 Springvalley Drive said he didn't have much to add to Mr. Fritsch's description, but would be happy to answer any questions.

Mr. Cappozzo asked if the sloped roofline of the proposed garage was sloped toward the house. Mr. Max said they were attempting to mimic the architecture of the home. Mr. Cappozzo asked if the height of the garage would be greater than the height of the house. Mr. Max said he was unsure because of the slope of the property, but he said that it would definitely grade up.

Mr. Cappozzo asked Mr. Max what the height of the house was at its highest peak. Mr. Max responded it was definitely more than 18 feet.

Mr. Lauer asked if the garage would be brick veneer to match the existing home. Mr. Max replied that the builder had been able to find matching brick to purposely ensure a match.

Ms. Jeruzalmi asked why Mr. Max needed space for additional cars, to which he responded he was a car collector. She added that her concern was the variance would set a precedent.

Mr. Rubenstein asked for confirmation that the variance was needed for height. Mr. Fritsch responded this was accurate. Mr. Rubenstein noted the lot shape was unique in that it didn't allow enough space along the frontage to allow for an increased building footprint, but that Mr. Max had developed a creative solution.

Mr. Max said the challenge on his property was ensuring there would be enough space to bring maintenance equipment into the yard.

Mr. Lauer asked the Village Manager if there had been any feedback from neighbors, to which Mr. Lahrmer said there had not. He addressed Ms. Jeruzalmi's concerns regarding precedent, and said the purpose of the rules was to ensure cases outside the approved parameters would come before the board.

Mr. Cappozzo noted that everything else in the yard behind the proposed structure grades up.

Mr. Rubenstein asked if approval could be contingent upon compliance with the proposed plans, to which Mr. Lauer replied it could. He said this was a minor variance request, allowing an additional two feet in height to avoid a larger footprint, and moved to pass the variance provided it was done according to the plans presented before the board. Seconded by Mr. Rubenstein, the motion carried 3 – 1.

Ms. Jeruzalmi said she still had concerns regarding precedent. Both Mr. Lauer and Mr. Rubenstein expressed their understanding of her concerns, but emphasized that the contingency that requiring the project to adhere to the plans would ensure that future variance requests would have to be considered on their own merit.

NEW BUSINESS

There being no further new business, the meeting was adjourned at 7:13 p.m.

Tammy Reasoner, Clerk of Council

Rick Lauer, Acting Chairperson



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 1, 2023 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Monday, May 1, 2023**, at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building at 7149 Ridge Road. The public meeting will be held to review the following item:

Adam R. and Thunder N. Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Zoning Code Section 154.28 (A), which states all structures shall be a minimum of 20 feet from a side yard lot line, or 10% of the lot width, whichever is larger, but need not exceed 50 feet. If approved, the variance would allow for a remodeling addition to the rear of the home along the northeast side lot line and the southeast rear lot line.

If you are interested in reviewing the applications, you may do so Monday through Friday, 8:00 a.m. to 4:00 p.m. at the Amberley Village Municipal Building at 7149 Ridge Road, or you may attend the **Monday, May 1, 2023**, Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Village Manager Scot Lahrmer at (513) 531-8675.

cc: *Adam & Thunder Dunki-Jacobs, 6722 West Beechlands Drive*
James & Meredith Freeman, 6765 East Beechlands Drive
Steven & Jeannie Messer, 6690 West Beechlands Drive
Rebecca Frankel, 6670 West Beechlands Drive
Jack & Stephanie Volker, 6745 East Beechlands Drive



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 1, 2023

Subject:

6722 West Beechlands Drive

Variance:

Remodeling addition to the home that will be built within the 20 foot side lot line.

Item: Case#2023-411

Variance Request: Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Zoning Code Section 154.28 (A), which states all structures shall be a minimum of 20 feet from a side yard lot line, or 10% of the lot width, whichever is larger, but need not exceed 50 feet. If approved, the variance would allow for a remodeling addition to the rear of the home along the northeast and southeast lot lines.

Zoning Code Review:

§ 154.28 REQUIRED MINIMUM LOT AREA, LOT WIDTH, YARDS, DISTANCES FROM LOT LINES AND DWELLINGS.

All structures shall comply with at least the following minimum requirements:

(A) *Lot area, lot width, and yards.*

	<i>Dwellings</i>	<i>Public Buildings</i>
Lot area	1 acre	3 acres
Lot width	150 feet	300 feet
Front yard depth	50 feet	100 feet
Side yard width (each)	20 feet, or 10% of lot width, whichever is larger, but need not exceed 50 feet	50 feet
Rear yard depth	50 feet, or 20% of depth, whichever is larger, but need not exceed 75 feet	75 feet, or 30% of lot depth, whichever is larger, but need not exceed 100 feet

(B) *Distances from lot lines and dwellings.*

(1) Any accessory structure or enclosure for the housing of farm animals shall be at least 300 feet from the property lines of the property on which the farm animals are housed and a lot size of ten acres or more is required.

(2) Any accessory structure or enclosure for housing family pets shall be at least 30 feet from the lot lines of the property on which the structure or enclosure is located.

(3) Stables for riding horses. See § [154.50](#) (A)(2).

(C) *Additional front yard requirements.*

(1) If the alignment of existing buildings within 200 feet on each side of the lot in question, within the same block, and on the same side of the street, is farther from the front lot line than 50 feet, the principal building on the lot in question must have a front yard not less in depth than the average formed by such existing alignment; provided that it shall not be required to be set back farther than the rear line of a principal building occupying a lot on either side of the lot in question.

(2) There shall be a front yard on each street side of a corner lot.

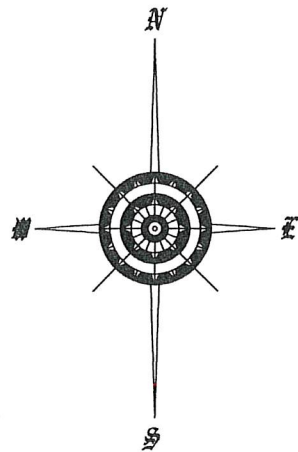
('69 Code, § 151.28) (Ord. C-285, passed 7-8-68; Am. Ord. C-666, passed 10-10-89; Am. Ord. C-692, passed 10-9-90) Penalty, see § [154.99](#)

Variance Review: Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Zoning Code Section 154.28 (A), which states all structures shall be a minimum of 20 feet from a side yard lot line, or 10% of the lot width, whichever is larger, but need not exceed 50 feet. If approved, the variance would allow for a remodeling addition to the rear of the home along the northeast and southeast lot lines.

The letter to the board states the residents' intention is to add a patio porch to the rear of the home with a basement below for a golf simulator and home theater. The project requires a variance due to the design of the home addition on the irregular-shaped lot. The residents have the proposed addition following the northeast side of the home to be consistent with their home. The proposed porch and basement addition will be 14' from the side lot line. The resident states the main structure will have a flat roof not engineered for walk out access or future construction. A privacy wall will be constructed along the addition closest to the northeast lot line and will have painted white brick to match the existing home. The residents state the floor will be natural stone and additional greenery will be planted to provide additional privacy between the back addition wall and the neighbor's property.

The resident states that to maintain the required 20' setback, the patio structure would have to move over 6' from the rear northeast corner of the house. Doing so would obstruct the existing office window with the privacy wall. They believe the privacy wall is a critical aspect to the design of the proposed structure to provide visual privacy between them and neighbors at 6765 E. Beechlands Drive.

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



House Location

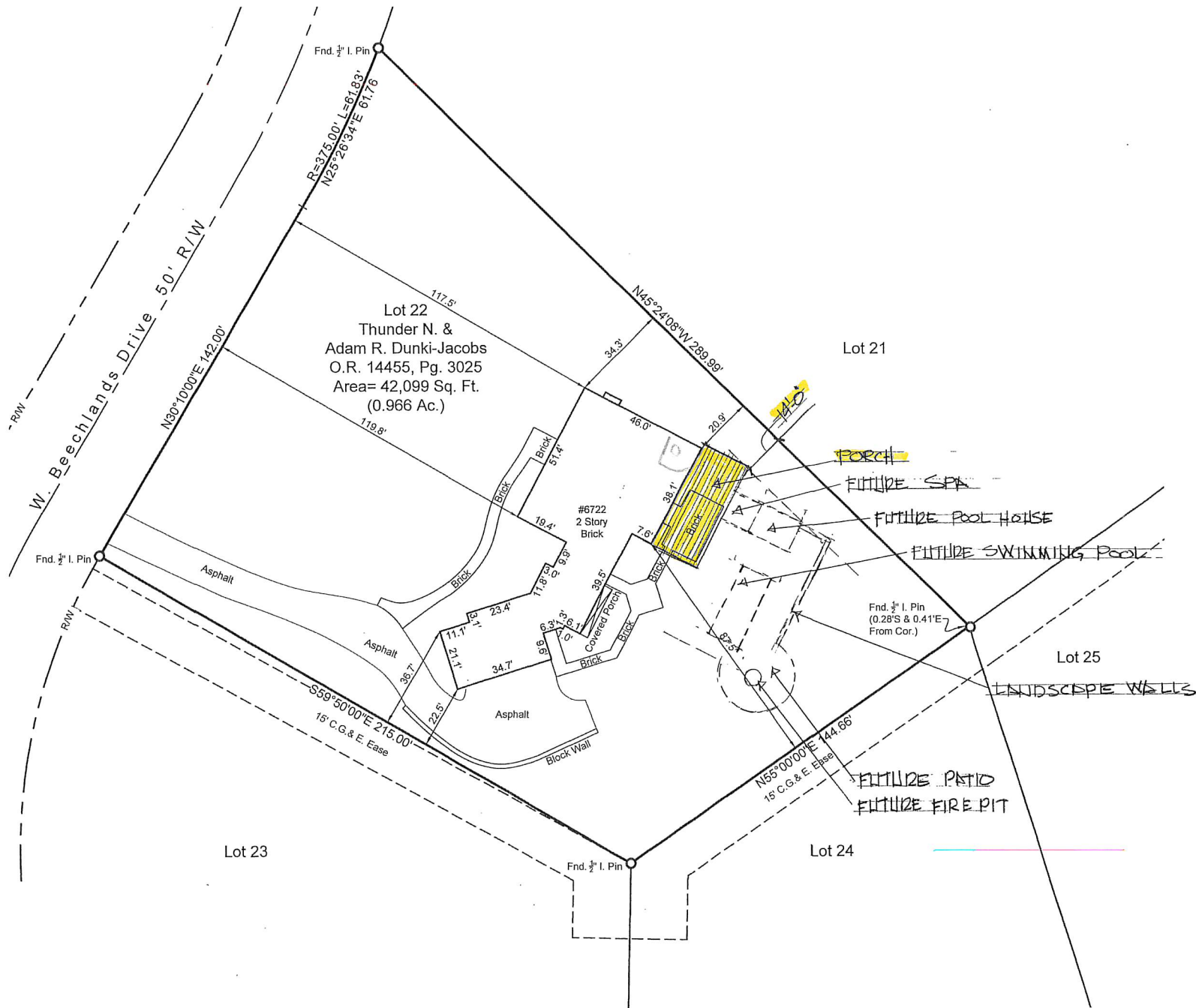
Situated in Section 30, Town 4, Fractional Range 2, Miami Purchase, Village of Amberley, Hamilton County, Ohio, being all of Lot 22 of Block "B" of Beechland Acres subdivision as recorded in Plat Book 102, Page 11 thru 14 and re-recorded in Plat Book 103, Pages 63 & 64 of the Hamilton County Recorder's Office.

Date of Survey:
January 5, 2023

Notation of Occupation
Occupation in General Fits Survey.

Citation of Pertinent Documents
As depicted graphically hereon.

Note: All monumentation is in good condition unless otherwise stated.



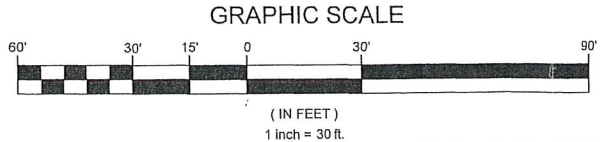
This survey was made in accordance with the minimum Standards for Boundary Surveys located in Chapter 4733-37 of the Ohio Administrative Code and was based on an actual field survey performed on or about January 5, 2023.

David J. Kroger
David J. Kroger
Registered Surveyor No. 8329,
State of Ohio



Legend of Symbols & Abbreviations

- Found Iron Pin
- Set Iron Pin
- Found PK
- Set Wood Stake
- C/L Centerline
- Indicates Mutual Ownership
- R/W Right of Way



Tax Parcel No. 526-10-113



Land Surveying LLC.
Serving Southwest Ohio

4109 Westwood Northern Boulevard
Cincinnati, Ohio 45211
Phone: (513) 288-5828
Company Email: aezland@gmail.com

LAND SURVEYING

PROPERTY ADDRESS:

6722 W. Beechlands Drive
Cincinnati, Ohio 45237

All Rights Reserved, AEZ Land Surveying LLC.

Print date: January 5, 2023

REVISIONS

No.	Date	Description
1	January 5, 2023	Original Survey

2

3

4

5

Project Number: 2023-0001
Drawn By: DJK

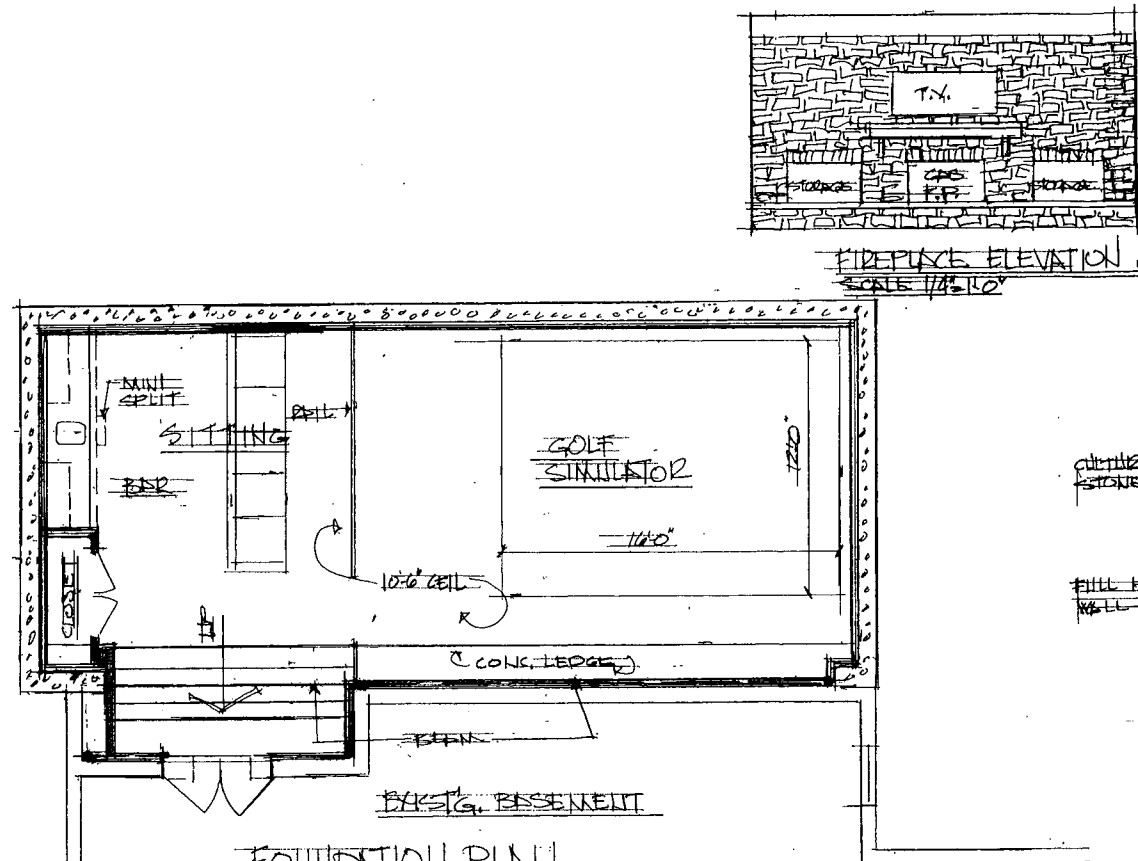
Checked By:
DJK

Sheet Title:

Plat of Survey

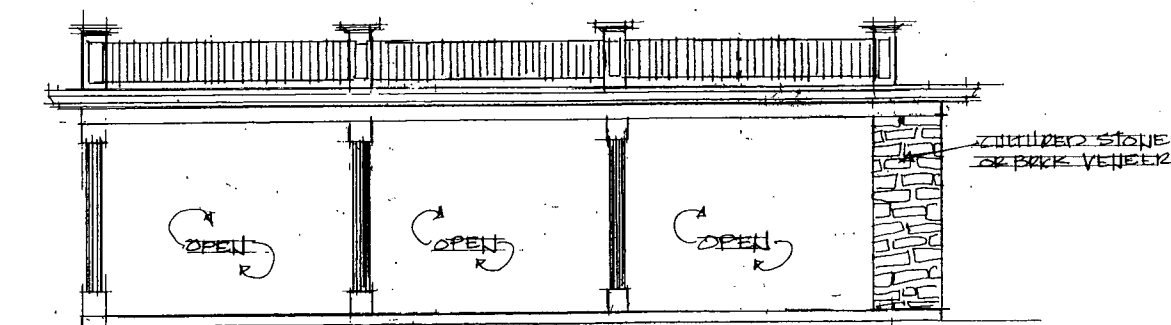
Sheet Number:

Sheet 1 of 1

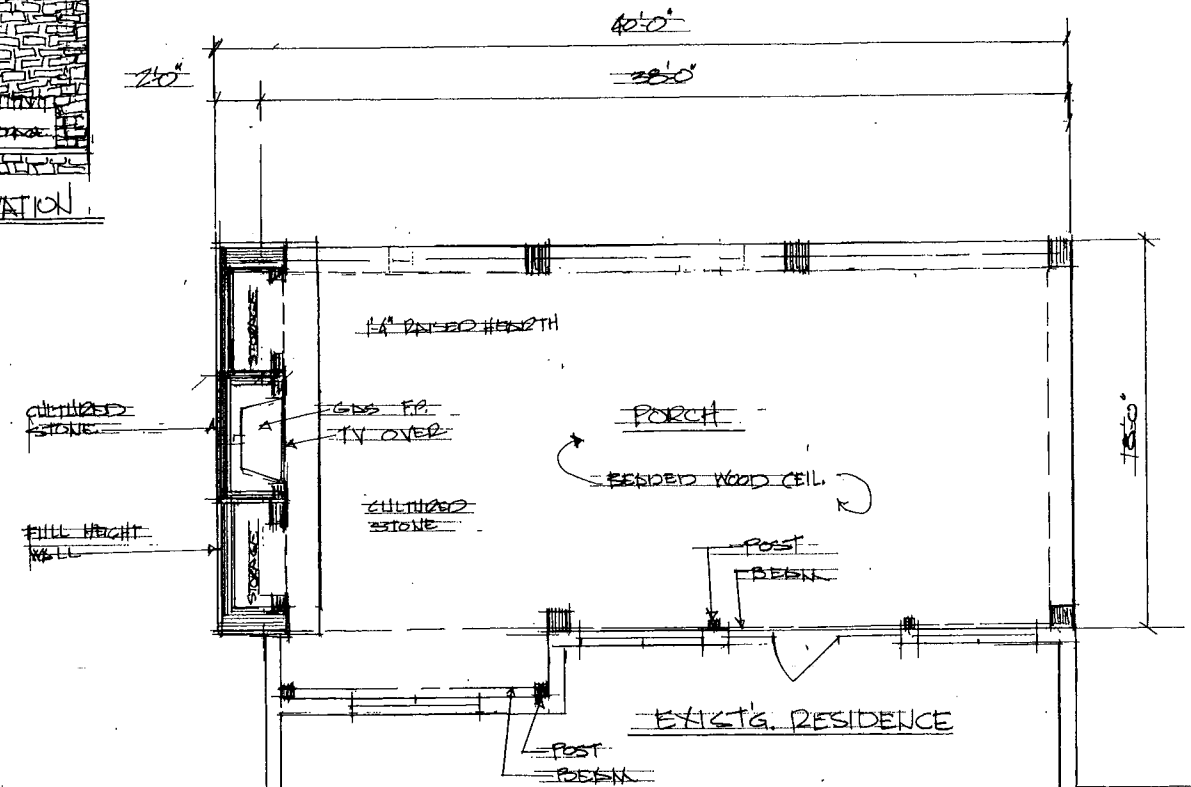


FOUNDATION PLAN
SCALE 1/4"=1'-0"

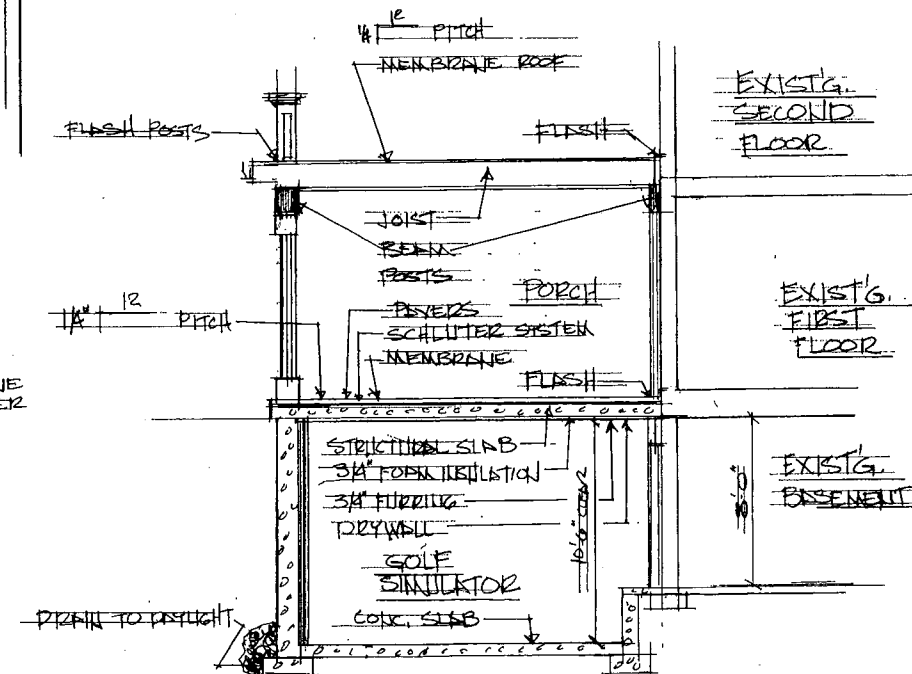
PRELIMINARY DESIGN PORCH & GOLF
SIMULATOR ADDITION FOR
ADAM & NICOLE DINK-JACOBS
SPIDER RESIDENTIAL DESIGNS INC.



REAR ELEVATION
SCALE 1/4"=1'-0"



FIRST FLOOR PLAN
SCALE 1/4"=1'-0"



SECTION
SCALE 1/4"=1'-0"

REVISION 1/16/23 = 1/3/23

6722 W BEECHLANDS DR

PATIO RENOVATION PROJECT

OVERVIEW

The following is a detailed description of a project being proposed to the Amberley Village Zoning Board for approval. The property is located at 6722 W. Beechlands Drive and is being proposed by the homeowners, Adam & Nicole Dunki-Jacobs. We are asking the Zoning Board to consider approving a variance to the existing zoning setback requirements to construct a covered patio that extends into the backyard directly behind the house. The project requires a variance to manage an irregular lot. We have considered many other layouts and options before arriving at this one. We believe the proposed structure size and location is the best solution to provide enough space for an outdoor living and dining area, while maintaining the function and aesthetics of the existing primary structure and room for a pool in a future project phase. The project also includes adding a basement underneath the patio area. The added basement area will have an increased ceiling height to accommodate stadium style (tiered) seating for a movie room and golf simulator. The image below shows a 3D model of the proposed patio structure and layout. The roof of the patio is strictly for overhead cover and will not be engineered for second story access or use. More details are provided about the materials of construction and design style in the *Materials of Construction* section of this proposal.



Privacy for our neighbors and ourselves has been a key focus area for the design of the structure we are proposing. While the structure we are proposing has a minimum setback of 14-ft from the side property line, we believe that it will actually increase the privacy between us and the closest property (6765 E. Beechlands Drive), whose backyard

faces our existing patio area where the proposed structure will go. The existing view from the patio area is shown below. The previous owner installed this privacy barrier however it doesn't provide the amount of privacy we would like.



MATERIALS OF CONSTRUCTION

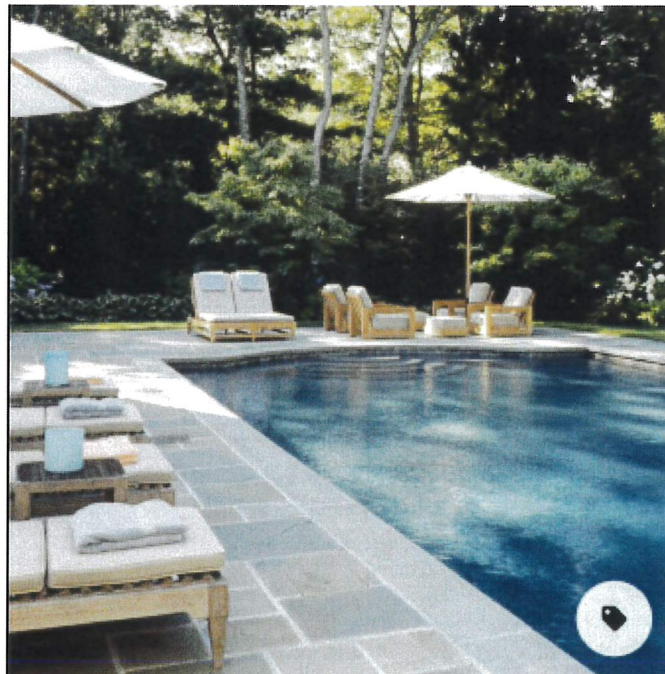
1. Main Structure

The main structure, including railings and columns, will be constructed from wood and painted white to compliment the existing white brick of the house. The style of the structure will be similar in style to the image below.



2. Flooring

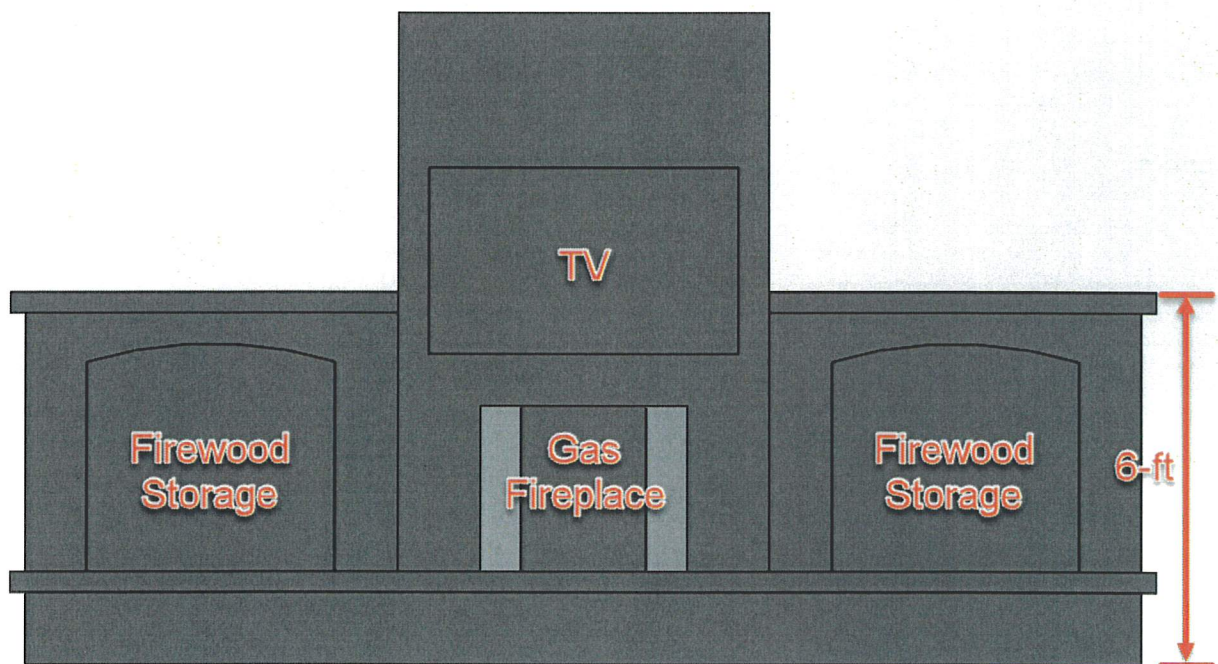
The flooring will be natural stone similar in style to the image below.



3. Privacy Wall



The privacy wall will be constructed with brick and painted white to match the existing structure like the image above. An example of the layout of the wall is shown below and will contain a gas fireplace, non-combustible mantel, TV above the mantel and wood storage (for indoor wood burning fireplace). The center of the privacy wall, with the fireplace, will extend the entire height of the structure and the walls on either side of the fireplace are roughly 6' tall providing line of sight privacy to the backyard of the neighbor's property.



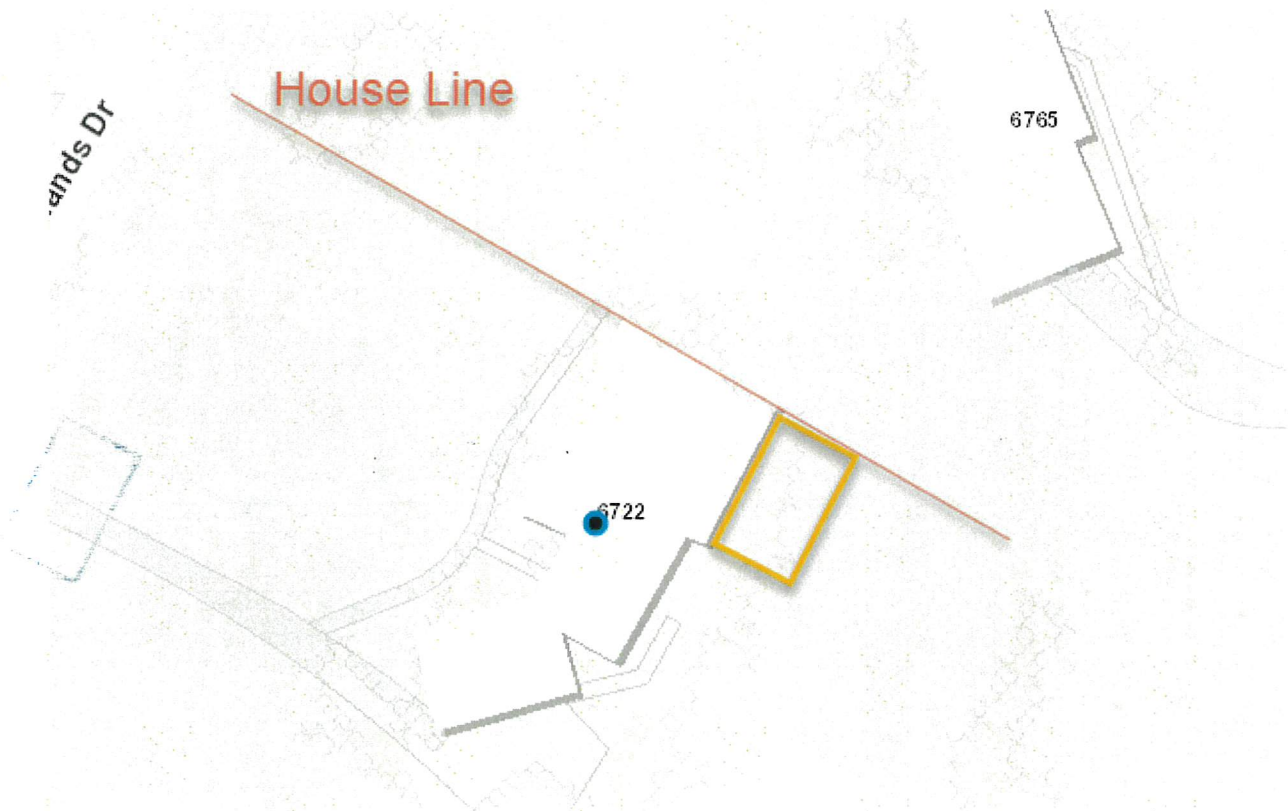
4. Roof

The roof will be waterproofed with a black membrane lining similar to EPDM (ethylene propylene diene terpolymer). Using such a material will maximize the lifetime of the roof and will not dirty as quickly as a similar membrane material that is white or lighter in color.

5. Plantings

Once construction is complete additional greenery will go in to replace honeysuckle to provide additional privacy and greenery between the back of the privacy wall and the neighbor's property.

HARDSHIP



While the proposed patio structure extends directly behind the house, because of the irregular lot shape and orientation of the house relative to the lot line maintaining the required setback is not possible. The setback from the existing house to the lot line is 20.9-ft. To maintain the required setback of 20-ft the patio structure would need to move over approximately 6-ft from the corner of the house. Doing so would obstruct the existing office window by the privacy wall. We believe that the privacy wall is a critical aspect to the design of the proposed structure to provide visual privacy between us and our neighbors at 6765 E. Beechlands Drive; whose backyard faces that side of our house.

