

AGENDA

October 2, 2023

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of September 6, 2023

Cases

CASE NO. 2023-522

Ian and Kimberly Soper, the homeowners at 3184 Dot Drive are requesting a variance to Zoning Code Section 158.15. If approved, the variance would allow for the installation of roof-mounted solar panels on the front plane of their home.

CASE NO. 2023-523

Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Amberley Village Code Section 98.02 (A) (1), which states: No person who is the owner, occupant or tenant of any parcel of real property within the village limits shall permit a pool to be constructed or maintained thereon, unless surrounded by a fence at least four and one-half feet in height. The property owners are requesting the rear yard fence around their pool to be four feet in height.

New Business

Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 6, 2023**

Chairperson Richard Bardach 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 Wednesday, September 6, 2023, at 7:00 p.m.

Absent from the meeting were Village Solicitor Andrew Kaake and Nimet Jeruzalmi. Roll was taken as follows:

PRESENT:

Rich Bardach
Craig Cappozzo
Rick Lauer
Scott Rubenstein

ALSO PRESENT:

Chris Fritsch, Zoning Administrator
Scot Lahrmer, Village Manager
Tammy Reasoner, Clerk

Chairman Bardach welcomed everyone to the meeting and led those in attendance in the Pledge of Allegiance.

Chairman Bardach asked if there were any corrections to the minutes of the August 7, 2023, meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2023-501

Mr. Fritsch introduced Case No. 2023-501, in which Todd and Lea Immell of 6768 Hudson Parkway requested a zoning variance to Amberley Village Code 154.12 (A)(7) pertaining to accessory structures to allow their shed doors to be facing the street. The Immells were initially granted approval on March 2, 2023 for plans submitted to the Village, which met Village Code requirements. However, once constructed, Zoning Administrator Chris Fritsch observed that the shed was not installed according to the submitted application. The Immells are seeking the variance to allow the shed to remain in its current location with doors facing the street.

Present at the meeting was homeowner Lea Immell, who also put together the original site plan for construction of the shed. She said she typically utilizes CAGIS and an onsite visit when considering placement for a project. She said the intention was always to be in accordance with Village Code, however, a broken leg prevented her from being able to walk the property when planning the shed placement.

Ms. Immell said that when the contractor arrived, she instructed him to install the doors facing the house. She said the shed was angled to fit the curve of the street, and because of the curve, the doors would be visible from the street even in the originally proposed position. She invited the Board to visit the property to get a better sense of the lot, and said she didn't want to have to move it. Ms. Immell presented a petition containing 45 signatures from Amberley Village residents in support of keeping the garage as it currently sits.

Mr. Bardach asked for clarification on the original plan that had been approved in March. Mr. Fritsch said the original plans did not require a variance, and were approved based on the direction of the doors facing away from the street. He said that Ms. Immell admitted to having rotated the direction of the shed by four feet, which resulted in the doors facing the street.

Mr. Lauer said the shed as it sits would have required a variance, and he wasn't sure if the variance would have been granted had it come before the BZA in the first place. He said he had driven by the property and felt the shed looked nice. However, he said, at issue was that what had been approved was different than what was done. He expressed concerns about the precedent that would be set by leaving the shed where it is.

Mr. Cappozzo said that while the shed was only four feet off from the original approved plans, it was still not in compliance. He agreed with Mr. Lauer's concerns regarding precedent.

Mr. Rubenstein asked why the plan had not been adhered to, and Ms. Immell explained that she was unable to walk through the plan with the installer due to a leg injury. She said she instructed the installer to align the shed with the curve of the grass, which she thought was more facing the house than it turned out to be. She said her main concern was with respect to the property line setback.

Mr. Lauer said he suspected that the intention behind the Village Code requiring garage doors not facing the street was to prevent sight lines into people's garages, and ultimately, to provide a better neighborhood aesthetic. He said he was unsure how the Board would have ruled if the plan had been submitted to reflect its current position.

Mr. Rubenstein said he thought they would probably have denied the variance, and reiterated his concerns regarding precedent. He said he knew Ms. Immell had the best of intentions, but the shed is not in compliance.

Mr. Bardach agreed that it would set a bad precedent to allow the shed to remain in its current position, and asked if there were any residents who wished to speak.

Keely Paul of 3100 Fairhaven Lane said she wanted to point out that CAGIS offers topographical and aerial views of the land that would have provided a better perspective on placement options than the two dimensional flat view Ms. Immell said she had used.

Mr. Rubenstein moved to approve the request for variance, which was seconded by Mr. Lauer. The motion failed 4-0.

Ms. Immell said she felt it was unfair to punish someone who works hard to create a beautiful yard. Mr. Lauer explained it was not a punishment, but rather an assurance that the Village enforces the Code. He said letting it go would set a bad precedent that would encourage others to violate the rules. Mr. Cappozzo added that everyone thinks their situation is unique, but approval means that the project must be executed as it was approved.

CASE NO. 2023-506

Mr. Fritsch introduced Case No. 2023-506, in which Norman Miller of 7202 W. Aracoma Drive requested a variance to allow for a garage to be built with the garage doors facing the street as required by Amberley Village Code 154.12 (A)(7) pertaining to accessory structures.

Dr. Miller was present at the meeting, and said he was seeking the garage variance after being refused permission to install a carport. He said he was only interested in having cover for his car, and was willing to meet the requirements. The challenge, he said, was that his property is a corner lot, and the garage doors would face the street regardless of where he positioned them.

At Mr. Bardach's request, Dr. Miller pointed out on the touchscreen map the location options he considered. The proposed plans represent the furthest distance between the doors and the street.

Mr. Lauer asked if the setback was okay, and Mr. Fritsch said it was. Mr. Lauer then asked what color Dr. Miller intended to install on the garage, to which Dr. Miller responded he hoped to select a color that complemented the house.

Mr. Rubenstein asked if the variance was needed solely because the property sits on a corner lot, which was confirmed by Mr. Fritsch.

Mr. Carlson of 7281 W. Aracoma Drive said he was in support of the proposed variance as he already has one garage door facing his property. He said Dr. Miller was a good neighbor, and he trusted the integrity of his proposal.

Mr. Lahrmer reported that one neighbor had contacted the Village regarding Dr. Miller's variance request, and was supportive as long as there would be landscaping to screen the garage from the street. Mr. Lauer asked if Dr. Miller was willing to install landscaping, to which he replied he was planning to put in trees.

Mr. Lauer moved to approve the variance with the stipulation that the color would match the house and the project would include landscaping. Seconded by Mr. Rubenstein, the variance was approved unanimously.

CASE NO. 2023-507

Mr. Fritsch introduced Case No. 2023-507, in which H. Howard Fan of 3200 Fairhaven Lane requested a variance to Village Code 154.12 (A)(7) pertaining to accessory structures to allow for a 24' x 26' garage with a covered walkway to be built in the rear yard with the garage doors facing the street.

Mr. Fan was in attendance and said he was requesting the variance as it would require additional paving to modify the property to accommodate the garage doors facing away from the street, and the required pavement would encroach on his neighbor's lot line. He said in order to comply with Village Code, it would also be difficult to maneuver a car at that angle.

Mr. Fan said his plan was to convert the attached garage into additional living space, and to build a detached garage in his back yard. He said he deliberately had the detached garage planned for behind the house line to block it from street view.

Mr. Rubenstein asked if Mr. Fan would have chosen to put the detached garage on the side of the house or in another location, would this require additional paving, to which Mr. Fan responded yes.

Mr. Cappozzo asked if the options available to him to comply with Code would cause him to lose his backyard, to which he replied yes.

Mr. Lauer said the right wall of the house is in line with the right wall of the proposed garage, which was good. He asked Mr. Fan to speak to proposed building materials and color. Mr. Fan said he planned to use vinyl siding and was still considering colors, but that a brick façade would be too cost prohibitive. Mr. Lauer stated that a complementary color would be preferred. Mr. Fan said he agreed.

Mr. Fan stated he felt the proposed changes would increase the value of the house by expanding its usable space.

Mr. Bardach asked if anyone in attendance wished to speak.

Mr. Neil White of 3220 Fairhaven Drive said he just wanted to be sure the greenery on the property would be preserved, but was in support of the garage doors being permitted to face the street. He said there was greenery already in place on the property, but he wanted to ensure it would be maintained or replace.

Councilmember Keely Paul of 3100 Fairhaven said she had been approached by several neighbors who were unable to attend the meeting, She said they were originally concerned about the variance request, but since reviewing the plans had changed their minds and are now supportive of it.

Mr. Lahrmer reported there had been no resident correspondence with the Village regarding the variance.

Mr. Rubenstein said that the unique circumstances of the lot met all the criteria for a variance. He said the house blocks the garage and the additional paving that would be required to adhere to Code was the definition of hardship. Mr. Rubenstein then moved to approve the variance request provided the greenery on the property is preserved and the garage color it complementary to the house. Seconded by Mr. Lauer, the variance request passed unanimously.

NEW BUSINESS

There being no new business, the meeting was adjourned at 7:29 p.m.

Tammy Reasoner, Clerk

Richard Bardach, Chairperson



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: October 2, 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 **Monday, October 2, 2023** 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:

Ian and Kimberly Soper, the homeowners at 3184 Dot Drive are requesting a variance to Zoning Code Section 158.15. If approved, the variance would allow for the installation of roof-mounted solar panels on the front plane of their home.

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 October 2, 2023 Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at 513-531-8675.

cc: *John & Ronna Greff Schneider, 6445 Kincaid Road*
Aimee Lemond & Jonathan Doench, 3163 S. Farmcrest Drive
Daniel Benz & William Duffy, 3171 S. Farmcrest Drive
Sara & Ryan McCoy, 3153 Dot Drive
Lynn Tumen, 3168 Dot Drive
Mary Griswold, 3185 Dot Drive
Carolyn E. Conlon, 3194 Dot Drive
Camille Molloy & Brigid Monteith, 3199 Dot Drive
Kimberly & Ian Soper, 3184 Dot Drive



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

October 2, 2023

Subject:

Ian and Kimberly Soper, the homeowners at 3184 Dot Drive are requesting a variance to Zoning Code Section 158.15. If approved, the variance would allow for the installation of roof-mounted solar panels on the front plane of their home.

Variance:

Installation of roof-mounted solar panels on the front plane of their home.

Item: Case#2023-522

Variance Request: Ian and Kimberly Soper, the homeowners at 3184 Dot Drive are requesting a variance to Zoning Code Section 158.15. If approved, the variance would allow for the installation of roof-mounted solar panels on the front plane of their home.

Zoning Code Review: Chapter 158 Alternative Energy, 158.15 (A) Roof Mounted Systems. Roof-mounted solar energy systems shall not extend beyond the existing roof (with and height) of the structure to which they are attached. Roof-mounted systems shall not exceed the height of the roof line on a pitched roof; SES may project vertically up to five feet above a flat roof line. Roof-mounted systems are not permitted in the front yard or on the front plane of a structure.

Variance Review: Ian and Kimberly Soper, the homeowners at 3184 Dot Drive are requesting a variance to Zoning Code Section 158.15. If approved, the variance would allow for the installation of roof-mounted solar panels on the front plane of their home.

The letter to the board states that they have contracted with Icon Solar to install 46 roof-mounted solar panels on three planes of the house. This would include 34 on the front plane of the house, which is the south-facing plane, and that the south-facing panels are the most efficient and will create the largest amount of energy. This is due to being exposed to the sun longer and this being the largest plane of the roof.

The letter also states that without the panels being installed on the front plane of the home, it would be impossible to meet the goals of energy production to significantly reduce their energy bill.

Village Code section 158.15 states that roof-mounted systems are not permitted in the front yard or on the front plane of the structure. Therefore, the variance is required for the 34 panels to be installed on the front plane of the house.

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

Letter Of Hardship

Amberley Village

September 13, 2023

To the Board:

I (Ian Soper) and my wife (Kimberly Soper) at 3184 Dot Drive are requesting a zoning variance to install solar panels on the street facing side of our roof. The street facing side of the roof is the southern facing side of our roof, the optimal placement for solar panels in the northern hemisphere. Specifically for our house, 34 of the 46 planned panels (74%) are located on the street facing side of the roof. As the northern side of our roof receives significantly less sunlight resulting in less energy production. Without this variance approval, it will be impossible to meet our goals of energy production and significantly reduce our electric bill.

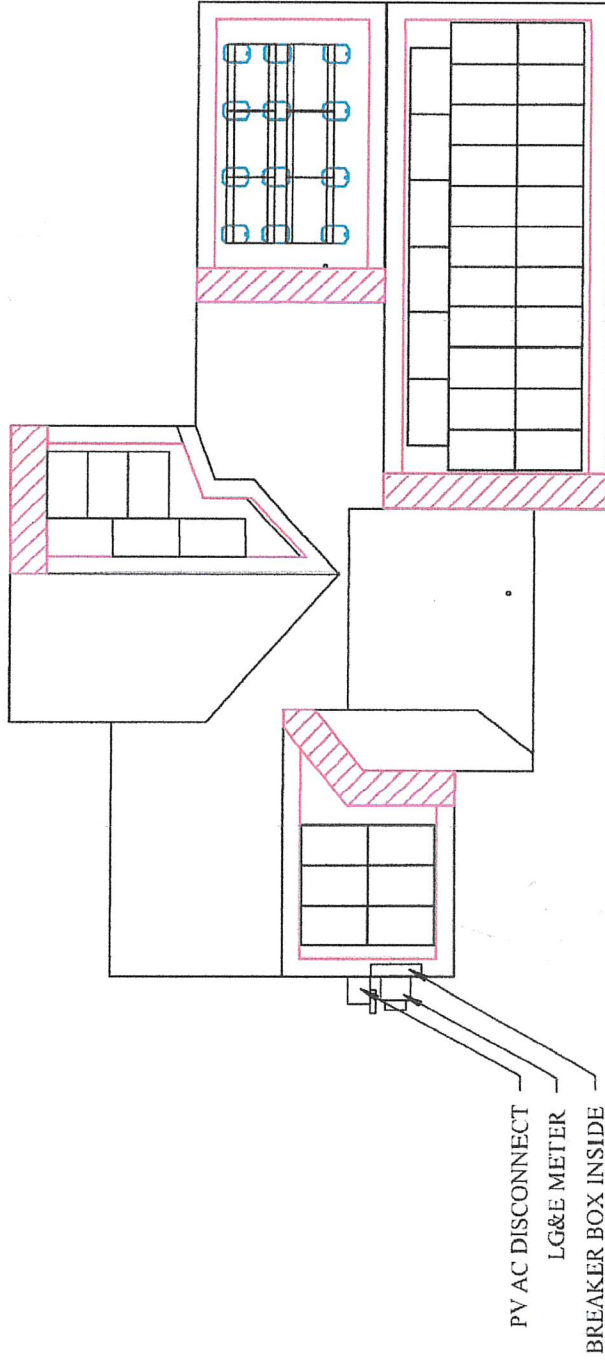
Sincerely,

Ian & Kimberly Soper



MEASURE THESE ROOFS
PLEASE.

18" SETBACKS ON ALL ROOFS WITH SOLAR
 TWO - 3' PATHWAY ON ALL ROOFS WITH SOLAR
 OVER 1/3 COVERAGE WITH SOLAR



46- HANWHA Q.CELL - Q. PEAK- DUO-BLK-G10+
 365W EACH - 16.79KW TOTAL DC RATING
 46-ENPHASE IQ7PLUS-72-2-US .29KW EACH
 13.34KW MAX CONT. TOTAL AC OUTPUT
 SHINGLE ROOF ON PLY DECKING
 2x6 RAFTERS AT 16" O.C WITH 1/2" PLYWOOD
 AZ- 130, 230
 PITCH - 1:12, 9:12

SOPER RESIDENCE
3184 DOT DRIVE
CINCINNATI OH 45213



ICON SOLAR
 50 WEST TECHNE CENTER DR
 MILFORD OH 45150

SITE PLAN
 1/16" = 1'-0"



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: October 2, 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 Monday, October 2, 2023 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:

Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Amberley Village Code Section 98.02 (A) (1), which states: No person who is the owner, occupant or tenant of any parcel of real property within the village limits shall permit a pool to be constructed or maintained thereon, unless surrounded by a fence at least four and one-half feet in height. The property owners are requesting the rear yard fence around their pool to be four feet in height.

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 October 2, 2023 Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at 513-531-8675.

cc: *Jack & Stephanie Volker, 6745 E. Beechlands Drive*
James & Meredith Friedman, 6765 E. Beechlands Drive
Rebecca Frankel, 6670 W. Beechlands Drive
David Greenblatt, 6755 W. Beechlands Drive
Steven & Jeannie Messer, 6690 W. Beechlands Drive
Todd Schild, 6715 W. Beechlands Drive
Adam & Thunder Dunki-Jacobs, 6722 W. Beechlands Drive



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Amberley Village, OH 45237

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

amberlevillage.org

Amberley Village Planning Commission Staff Report

October 2, 2023

Subject:

Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Amberley Village Code Section 98.02 (A) (1), which states: No person who is the owner, occupant or tenant of any parcel of real property within the village limits shall permit a pool to be constructed or maintained thereon, unless surrounded by a fence at least four and one-half feet in height. The property owners are requesting the rear yard fence around their pool to be four feet in height.

Variance:

Rear yard fence that will be 48" in height to prevent access to an inground pool.

Item: Case#2023-523

Variance Request: Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Amberley Village Code Section 98.02 (A) (1), which states: No person who is the owner, occupant or tenant of any parcel of real property within the village limits shall permit a pool to be constructed or maintained thereon, unless surrounded by a fence at least four and one-half feet in height. The property owners are requesting the rear yard fence around their pool to be four feet in height.

Zoning Code Review: § 98.02 FENCING OF POOLS REQUIRED.

(A) (1) No person who is the owner, occupant or tenant of any parcel of real property within the village limits shall permit a pool to be constructed or maintained thereon, unless surrounded by a fence at least four and one-half feet in height.

(2) Exception: Hot tubs and jacuzzis need not be surrounded by a fence so long as a secured cover is in place over them when they are not in active use.

(B) Each day pool is permitted to remain unfenced, or uncovered if a hot tub or jacuzzi, shall be considered a separate offense.

('69 Code, § 95.01) (Ord. C-63, passed 5-8-56; Am. Ord. C-68, passed 12-10-56; Am. Ord. C-636, passed 5-9-88; Am. Ord. 2020-7, passed 7-13-20) Penalty, see § 10.99

Variance Review: Adam and Thunder Dunki-Jacobs, property owners at 6722 West Beechlands Drive, are seeking a variance from Amberley Village Code Section 98.02 (A) (1) and are requesting the rear yard fence around their pool to be four feet in height.

The letter states that a 48" high fence will meet Hamilton County Building Departments code requirements. The letter also states the pool enclosure at four feet in height will be safe and adequate for

keeping unwanted persons from entering the pool area.

Amberley Village Code Section 98.02 (A) (1) states no person who is the owner, occupant or tenant of any parcel of real property within the village limits shall permit a pool to be constructed or maintained thereon, unless surrounded by a fence at least four and one-half feet in height. Therefore, the variance is required for the fence to be four feet in height around the pool in their rear yard.

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



OPERATING RULES OF THE AMBERLEY VILLAGE

PLANNING COMMISSION AND ZONING BOARD OF APPEALS

ADOPTED FEBRUARY 15, 1980

REVISED JANUARY 23, 2023

Requests from Amberley Village residents or their legally appointed representatives to have a matter placed on the agenda for either a regular or a special meeting must comply with the following:

1. Requests must be in writing and signed by the property owner or his/her legally appointed representative. In the case of a representative, clear communication of appointment must be provided to Zoning Administrator Chris Fritsch.
2. The request must be addressed to the Village Manager at 7149 Ridge Road, Cincinnati, Ohio 45237, or via email to cfritsch@amberleyvillage.org, and must be received at the office not later than 4:30 P.M. twenty-one (21) calendar days in advance of the meeting
3. The request must provide complete information that covers the purpose for the requested appearance and the subject matter to be discussed. Requests may be submitted electronically (preferred) or in person with ten (10) copies of relevant maps, drawings, or sketches to be provided.
4. Notice of the meeting date will be mailed by the Village staff to interested property owners no later than 4:30 P.M. ten (10) calendar days prior to the meeting. A general and brief description of the subject matter to be covered will be included in the notice.
5. Attendance by the resident or his/her designated representative is required.
6. Regular meetings are held the first Monday of each month at 7:00 P.M. when there is business to be handled.
7. Special meetings may be called by the Chairman with a minimum of 24 hours prior notice.
8. All meetings are open to the public.

**INFORMATION REQUIRED BY AMBERLEY VILLAGE FOR CONSIDERATION OF A
ZONING APPROVAL**

- 1. An accurate plat of the complete property is to be provided (to scale) displaying all property lines and their lengths, also showing the property's frontage on the public street.**
- 2. The plat must show all existing structures on the property and their exact locations in terms of distances from front, side, and rear lot lines. The size (dimensions) of each structure must be provided.**
- 3. The proposed structure must be described and its size (dimensions) must be provided. Unless submitted digitally, ten (10) complete sets of plans are to be provided for zoning review by Amberley Village. The exact location of the proposed structure is to be provided in terms of distances from front, side, and rear lot lines. Front yard setbacks are to be measured from the right-of-way line (not from the street).**
- 4. The attached request for zoning approval form concerning the proposed structure must be provided, certifying the undue hardship or practical difficulty (see Amberley Village code section 154.67), and that the attached plat and measurements are accurate. The letter must be signed by the owner of the property (or appointed representative) upon which the proposed structure is to be constructed.**
- 5. Following the submission of the above information and letter, the Village may require the submission of additional information where required to determine compliance with the Amberley Village Code of Ordinances.**
- 6. Yard sprinkler systems, electrical invisible fences, and other private utilities are not permitted in the public right-of-way. Violation of this regulation will result in court action against those working in the public right-of-way without written permission.**
- 7. For new house or renovated house plans the following information must be provided:**
 - a. Total amount of square footage of ground coverage including attached garage.**
 - b. Written calculation of square footage of all rooms in the house excluding closets, halls, and storage spaces.**
 - c. Finished ceiling heights of all habitable rooms.**
- 8. Include all contractors' information on the request form. Contractors may be required to register with Amberley Village Income Tax Department.**

Zoning Approval / Zoning Variance / Property Zoning Change



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

Date: 09/05/2023

You may email documents to the attention of: cfritsch@amberleyvillage.org

RE: Zoning Project Approval

- Zoning Approval
- Zoning Variance
- Property Zoning Change
- Other

Dear Mr. Lahrmer:

I hereby request approval for:

a variance to Amberley Village building code 98.02 (fencing of pools required).

Specifically, I am requesting a minimum fence height of 48 inches be considered rather than 54 inches. Approving a fence height of 48 inches for use with a pool is consistent with the current Hamilton County codes/regulations (attached for reference).

The proposed project is at the following address:

6722 W. Beechlands Drive

I certify the attached plat and measurements are accurate.

Sincerely,

Adam Dunki-Jacobs

Homeowner's Printed Name

Homeowner's Signature

adam.dunkijacobs@teleflex.com

Homeowner's Email Address

(614) 915-6692

Homeowner's Phone Number

N/A

Contractor's Name

N/A

Contractor's Address

N/A

Contractor's Email Address

N/A

Contractor's Phone Number

Adam Dunki-Jacobs
6722 W. Beechlands Drive
Amberley Village, OH 45237

September 11, 2023

Amberley Village Planning Commission and Zoning Board of Appeals
7149 Ridge Road
Amberley Village, OH 45237

Dear Amberley Village Planning Commission and Zoning Board of Appeals,

I recently submitted and received approval from Amberley Village to install a fence in my backyard. I would like the fence to be compliant with the codes/regulations required for a pool if I decide to install one in the future. The current Amberley Village codes require a minimum fence height of 54" for pool enclosures. I am requesting your consideration for a variance allowing a 48" fence height for use as a pool enclosure. While the decision to approve this request is up to the board, I believe that the existing code is to ensure safety for surrounding residents. However, many jurisdictions including Hamilton County only require pool enclosure fencing to be a minimum of 48" in height. I have also seen several properties in Amberley Village with pools and 48" high fences.

Sincerely,

A handwritten signature in black ink, appearing to read 'ADJ', with a stylized flourish at the end.

Adam Dunki-Jacobs
Property Owner at 6722 W. Beechlands Drive

SWIMMING POOLS

Hamilton County Planning and Development, Room 801 County Administration Building (513) 946-4550

I. WHEN IS A POOL PERMIT REQUIRED?

A pool permit is required for all public swimming pools. Family (residential) swimming pools that are more than 24 inches in depth at any point, or greater than 150 square feet in surface area also require pool permits. Pool permits are required to help safeguard against life-threatening accidents. A family (residential) swimming pool is any built or unitized accessory structure consisting of a basin or tank of water for swimming and diving by the homeowner and family, and their invited guests only. This definition excludes hot tubs, spas and ponds. All swimming pools other than a family (residential) swimming pool shall be classified as a public swimming pool.

II. WHAT CODES/REGULATIONS ARE APPLICABLE?

All work performed must be in accordance with the *Ohio Building Code*, the *Hamilton County Building Code*, the *Hamilton County Zoning Resolution* (or applicable Township Zoning Code), the *Ohio Administrative Code*, and all other applicable laws and ordinances. Contact the following agencies:

Hamilton County Department of Building Inspections	(513) 946-4550
Hamilton County Zoning Department (or local township zoning administrator)	(513) 946-4501
Hamilton County Public Works	(513) 946-4750
Hamilton County General Health & Plumbing (private sewage system on lot)	(513) 946-7800
Inspection Bureau	(513) 381-6080
Ohio Department of Health (Public Pools Only)	(614) 644-5597

III. HOW DO I OBTAIN A PERMIT FOR A POOL?

NOTE: The Zoning Certificate and electrical permit number must accompany the pool permit application. Complete a pool permit application and submit three copies (six commercial) of the approved site plan to the Department of Building Inspections, Room 803 County Administration Building, 138 E. Court Street, Cincinnati, Ohio 45202. A non-refundable plan processing fee must be paid at the time of application. Contact a Building Department Permit Specialist for details prior to submitting.

NOTE: Filing of an application for a pool permit does not constitute permission to begin the work. An acceptable set of plans should include the following:

- A. Plot Plan - Drawn to a uniform scale (not less than 1" = 50 feet) showing:
 - 1. Property lines (and dimensions).
 - 2. All existing structures, the proposed pool, and pool enclosure (see minimum pool enclosure requirements below).
 - 3. Dimensions from the pool to property lines and to other structures.
 - 4. North arrow.
- B. Minimum Pool Enclosure Requirements:
 - 1. Enclosure Devices. Every person owning land on which a family (residential) swimming pool is situated, which constitutes an obvious hazard, or which is more than 24 inches in depth at any point or greater than 150 square feet in surface area, shall erect and maintain thereon an enclosure surrounding the pool area, sufficient to make such a body of water inaccessible to small children.
 - * Pool enclosures, including gates, must be not less than forty-eight (48) inches tall. This measurement should be taken from up to four (4) feet beyond the enclosure.
 - * All gates must be self-closing & self-latching with all latches placed on the inside of the enclosure high enough to render the gate inoperable by small children.
 - * All enclosures shall have intermediate rails or ornamental closures which will not allow the passage of an object four (4) inches or more in diameter.

Exceptions:

- a. Pools with walls forty-eight (48) inches or higher above grade require no enclosure. Grade must prevail for at least four (4) feet beyond the pool wall.
 - b. Above-ground pools with walls forty-eight (48) inches tall or higher and with decks and removable ladders as the sole means of access need no enclosure if the ladder is removed to render the pool inaccessible to small children when not in use.
 - c. Pools with fencing attached to the top of the wall making the total height over forty-eight (48) inches high require no further enclosure.
2. Pool Covers. Manufactured, mechanically operated or manually closed horizontal pool covers may be installed without a building permit, but such covers are not considered as a substitute or replacement for the enclosure required above.

IV. **ADDITIONAL INFORMATION REQUIRED FOR PUBLIC SWIMMING POOLS**

All public swimming pools are required to have approval by the Ohio Department of Health in accordance with Rule 3701-31-03 of the Ohio Administrative Code.

The approval of all county and state authorities having jurisdiction over swimming pools shall be obtained by the applicant before applying to the code official for approval. Certified copies of these approvals shall be filed as part of the supporting data for the plan approval application. Public pools and towers or slide structures exceeding three meters in height, shall be engineered and designed to withstand all applied loads. The towers or slide structures shall be provided with a stairway designed and constructed in accordance with the Ohio Basic Building Code.

Contact the aforementioned agencies for additional requirements and regulations for public pools.

V. **WHAT HAPPENS AFTER I APPLY FOR MY PERMIT?**

The aforementioned agencies will review the application. If any of the agencies have questions or comments, they will contact the applicant (the person who signed the application form). Upon receipt of the necessary approvals, a Building Department Permit Specialist will notify the applicant that the permit is ready and the balance of the permit fee that may be due.

VI. **WHAT IS REQUIRED AFTER THE PERMIT IS ISSUED?**

All work must be performed in accordance with the approved plans, the *Ohio Building Code*, the *Hamilton County Building Code*, the *Hamilton County Zoning Resolution* (or applicable Township Zoning Code), the *National Electric Code* and other applicable ordinances. The permit will expire if work is not started, is postponed, abandoned, or an inspection is not requested within six months of the issue date.

VII. **INSPECTIONS REQUIRED (24 hour minimum notice)**

Hamilton County Department of Building Inspections (513) 946-3780

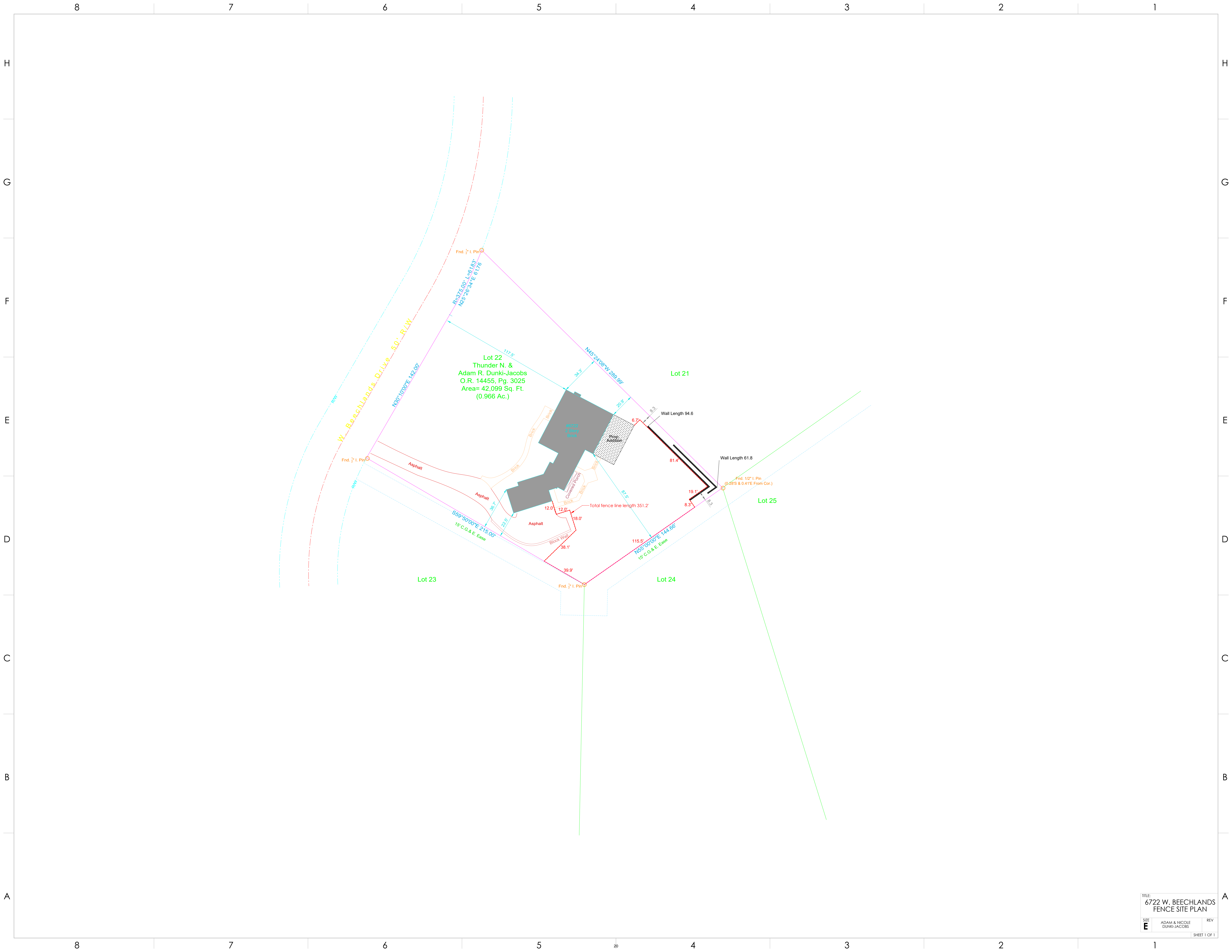
Pools require three (3) inspections. The applicant is legally responsible to call for all inspections.

1. Soil Inspection (after excavation is complete)
2. Electrical Inspection (after electric work is complete, but not covered)
3. Final Inspection (after the pool, enclosure and electric are complete)

Hamilton County General Health District (513) 946-7800

Inspection Bureau, Inc. (513) 381-6080

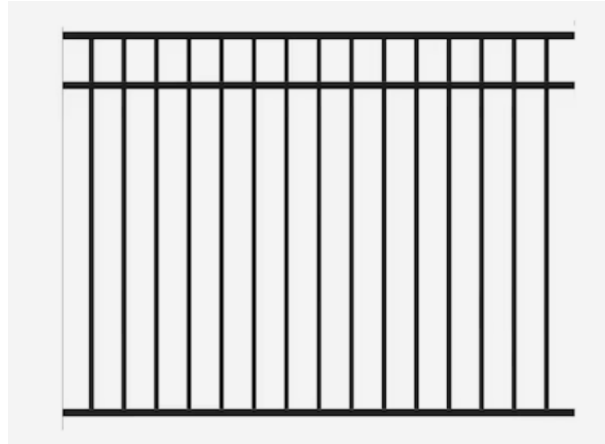
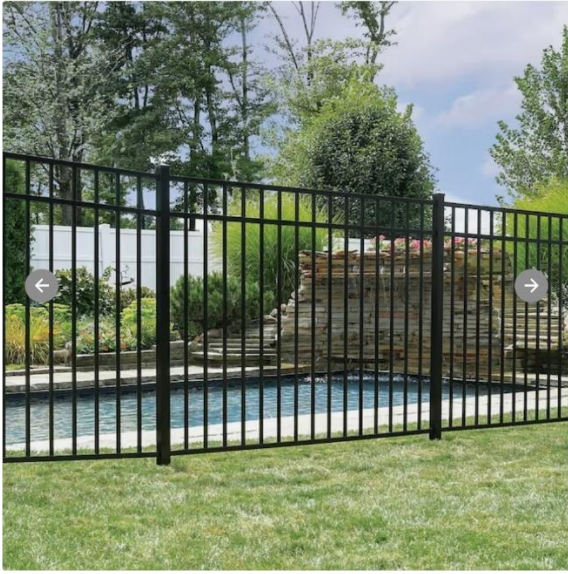
Hamilton County Zoning Department (or applicable township zoning) (513) 946-4501



6722 W. Beechlands Drive – Fence Project

The property owners of 6722 W. Beechlands Drive are seeking zoning approval from Amberley Village for installing fencing in the rear yard of the property. Please see *6722 W Beechlands - Fence Site Plan.pdf* for a site plan of the proposed fence along with existing setbacks and structures.

The following images show the aesthetic design of the fence that is proposed for the project. The fencing is black powder coated aluminum and each panel is 4.5'(high) x 6'(long).



Typical setback for fencing installed adjacent to a stackable retaining wall is 3' to ensure structural integrity of the fence and wall. An approved system such as the Strata Sleeve-it system will be used to allow for the fence to be installed as close to the top tier of the retaining wall as possible while also eliminating the chance of disturbing the GeoGrid mesh of the retaining wall ensuring structural integrity of the fencing and wall.

