

# AGENDA

April 3, 2024

## PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of March 4, 2024

Cases

### CASE NO. 2024-72

Sophia Holley, attorney for KMK Law and representative for 6701 Elbrook LLC, the owner at 6701 Elbrook Avenue, is requesting a 3-acre lot split for the construction of a Community Kollel that will include a Conditional Use Permit and front yard set-back parking lot variance to be approved by the Amberley Village Board of Zoning Appeals.

New Business

Adjournment

**MINUTES OF THE REGULAR MEETING OF THE  
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION  
MONDAY, MARCH 4, 2024**

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 Monday, March 4, 2024, at 7:00 p.m.

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

Roll was taken as follows:

**PRESENT:**

Rich Bardach  
Craig Cappozzo  
Nimet Jeruzalmi  
Rick Lauer  
Scott Rubenstein

**ALSO PRESENT:**

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

Chairman Bardach asked if there were any corrections to the minutes of the January 4, 2024, meeting. There being none, the minutes were accepted as submitted.

**CASE NO. 2024-30**

Mr. Fritsch introduced Case No. 2024-30 in which Kathryn and Arianne Smith-Waligura, property owners at 8301 Lynnehaven Drive, were seeking a variance from Zoning Code Section 154.28 (A), which states all structures shall be a minimum of 50 feet from the front yard lot line. If approved, the variance would allow for a remodeling addition to the south front lot bordering Lynnehaven Court.

Kathyrn Smith-Waligura thanked the Board for the opportunity to present, and said she and wife Arianne had purchased the house as a foreclosure as they planned to foster children. She said their hope was to add a primary suite and bump out the kitchen, and to keep the current look, but add an additional 20 feet. She said they want to add windows and landscaping, and had already researched and gathered estimates on expansion of the garage as an alternative. However, this option would require an additional story to be added, which was cost-prohibitive. The Smith-Waliguras said they had also consulted a tree expert to ensure the proposed expansion would not endanger their tree, which he assured them it would not.

Mr. Lauer asked if the proposal would have been approved if the lot wasn't on the corner, to which Mr. Fritsch responded in the affirmative. He said the lot also has an especially large right of way as well. Kathryn Smith-Waligura stated there was a neighbor who also has an addition that measures only 40 feet from the property line.

Mr. Rubenstein said there was clearly precedent, and Mr. Lauer stated that the driveway off the back added an additional hardship. Mr. Rubenstein moved to approve the request to build their addition within 40 feet of the property line. Seconded by Mr. Lauer, the motion passed unanimously.

**CASE NO. 2024-31**

Mr. Fritsch introduced Case No 2024-31, in which Mrs. Fishel of 5085 Rollman Estates Drive was seeking three variances from Zoning Code Sections 154.12, 154.28 and 154.51. The variances, if

approved, would allow for the construction of a 1,244 square foot detached garage with an overall height of 19” within the 20” side lot line. The Village Code permits a detached garage to have a floor area of only 800 square feet and a height of 16’. The Code also requires that a detached garage be built no closer than 20’ from a side lot. Mr. Fritsch said the three variances were being requested in order to provide additional parking and storage now and in the future. He said the intention of the code was to give the board an opportunity to review plans, and the project would require HOA approval.

Mr. Michael Fishel represented his wife, and provided four photos to demonstrate the garage would not be visible from the street. Mr. Lauer said it appeared the design was intended to match the existing home, which Mr. Fishel confirmed.

Mr. Cappozzo asked if the distance from the back lot line would require a variance. Mr. Fishel stated the lot line was not symmetrical on the lot, and the intent was to keep the garage in line with the house. He said the distance to the neighbor’s house was approximately 65.7’.

Mr. Rubenstein asked if the garage would fit if centered, and commented on the unusual shape of the lot. Mr. Fritsch said it would fit, but Mr. Fishel stated he was trying not to lose usable space on the property. Mr. Rubenstein said he could see how complying with zoning would look worse.

Mr. Fishel said he wanted to keep the design and flow consistent with the original house, and architect Ken French confirmed this was the case.

Mr. Albert Tomasi of 8268 Lynnehaven Drive said he wanted to better understand where the garage doors would face, as the requirement that garage doors not face the street was an aesthetic he particularly appreciated about the Village. Mr. Fishel said the garage doors would not face the street.

Mr. Rubenstein said Mr. Tomasi’s point was well taken. He said the Fishel’s lot was very unique, and that the garage design was done in a way that would add value to the home. He said he would support the variance on the condition that the garage was built according to plan.

Mr. Lauer said the unusual shape of the lot created a hardship. And while the garage wouldn’t be visible from the street, he had concerns regarding its proximity to the lot line. He noted that the rear neighbor had not objected, and said he was in favor of the variance as long as the garage was built according to design.

Mr. Bardach stated he was in agreement with the comments from the board, and called for a motion. Mr. Rubenstein moved to approve the variances on the condition the garage was built according to plans. Seconded by Ms. Jeruzalmi. The motion passed unanimously.

**CASE NO. 2024-32**

Mr. Fritsch introduced Case No. 2024-32, in which Andrew and Ariella Cohen, the property owners of 9131 Ambercreek Drive, were seeking two variances from Zoning Code Section 154.12 and one variance from Amberley Code 154.41. If approved, the variances would allow for the construction of a 2,733 square foot detached garage/entertainment area with an overall height of 25.6’ with garage doors facing the street. The variance is needed as Village Code permits a detached garage/entertainment area to have a floor area of only 800 square feet and to stand 16’ tall with primary access garage doors not facing the street.

Mrs. Cohen stated the project would provide secure parking for the family, and noted the garage doors would not be able to be seen from the street. She said landscaping currently blocks the view, and that garage doors on the current home could be seen from the side view.

Mr. Cohen confirmed the intent to increase security with additional parking, and said the neighbors were in favor of the proposal.

Mr. Lauer noted that the house next door has a similar variance, and confirmed that the garage would not be able to be seen from the street. Mr. Cohen said the structure could potentially be reoriented, but would take up space they hoped to use for a pool. He said there was a future site plan in the board members' packets, and that his family loves Amberley Village and had tried to be thoughtful in their planning.

Mr. Lauer said he is usually cautious about street-facing garage doors, but that the plan looked good. He noted that the project would still need approval from the homeowners association.

Mr. Rubenstein said it was vitally important that the doors not be seen from the street, and insisted this be a condition of a variance approval.

Mr. Cappozzo commented that the home was lovely, the design consistent, and the intention was clearly to upgrade the property. He said he recognized there was no other way to orient the garage given the layout of the lot. He said the grading of the property lends itself to masking the garage doors.

Mr. Bardach asked if there was any way to increase the grade of the front yard to further hide the doors. Mr. Tim Hensley of Hensley Custom Building stated the yard was already graded to hide the structure, and that additional grading wouldn't add anything to the property.

Mr. Albert Tomasi of 8268 Lynnehaven Drive stated he had concerns with the garage doors facing the street, but understood that the project couldn't be done any other way. He asked for assurance that the garage doors would be hidden from view of the street.

Mr. Lahrmer said there had been no feedback from residents, and Mr. Fritsch confirmed that while several neighbors had picked up copies of the plan, no one had left any comments.

Mr. Lauer said he recognized there was a hardship based on the circumstances and the shape of the lot, and that it would not be feasible to install the garage according to code. He said that, given the elevation and grading of the property, he would support approval of the variance, especially since the project would still need approval by the homeowners association.

Mr. Bardach stated he agreed with the comments of the board, and would support the variance contingent upon maintenance of the shrubs.

Mr. Lauer moved that the request for variance be approved contingent upon the maintenance of the shrubs and adherence to the plans as submitted. Mr. Rubenstein seconded the motion, and the variances approved unanimously.

### **NEW BUSINESS**

There being no new business, the meeting was adjourned at 7:43 p.m.

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Tammy Reasoner, Clerk

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Richard Bardach, Chairperson

DRAFT



7149 Ridge Road  
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION  
MEETING NOTICE

WHEN: April 3, 2024 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 Planning Commission and the Board of Zoning Appeals on **April 3, 2024**, 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 items:

Sophia Holley, attorney for KMK Law and representative for 6701 Elbrook LLC, the owner at 6701 Elbrook Avenue, is requesting the construction of a Community Kolllel that will include a Conditional Use Permit and front yard parking lot set-back variance to be approved by the Amberley Village Board of Zoning Appeals. The submitted site plan shows a 3-acre lot split and the construction of a two-story building.

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 **April 3, 2024** Planning Commission and Board of Zoning Appeals public meeting. If you have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: *6701 Elbrook LLC, 4555 Lake Forest Drive #645*  
*Ohio Pulp Mills, Inc., 2100 Losantiville Avenue*  
*Topicz, 2121 Section Road*  
*6516 Wiehe Road c/o Shepherd Real Estate LLC, 1203 Herschel Avenue*  
*6550 Wiehe LLC, 6545 Wiehe Road*  
*Isaac & Rivka Preis, 6600 Elbrook Avenue*  
*Joseph & Adena Goldberg, 6670 Elbrook Avenue*  
*David & Sarah Brotsky, 6680 Elbrook Avenue*  
*Ariel & Suzanne Goodman, 6690 Elbrook Avenue*  
*Shai & Tova Scherer, 6700 Elbrook Avenue*  
*Elliott & Julia Polsky, 6710 Elbrook Avenue*  
*William & Patricia Deloach, 6720 Elbrook Avenue*  
*Bartley & Kayla Berger, 6730 Elbrook Avenue*  
*Mark Louis & Sherri Ann Lehman, 6740 Elbrook Avenue*

*Ezra & Hanna Belsky, 6750 Elbrook Avenue*  
*Betty J. Bedford, 6760 Elbrook Avenue*  
*Esther Pollack & Michael Rootman, 6761 Elbrook Avenue*  
*Andrew & Rachel Sollofe, 6611 Meadow Ridge Lane*  
*Jessica Roodman, 6616 Meadow Ridge Lane*  
*Gayle Nyswonger, 6624 Meadow Ridge Lane*  
*Gayle Statman, 6632 Meadow Ridge Lane*  
*Claire Leist, 6640 Meadow Ridge Lane*  
*Menachem Rosenberg, 6650 Meadow Ridge Lane*  
*Nechema Baras, 6621 Meadow Ridge Lane*  
*Barbara Signer, 6545 Wiehe Road*



7149 Ridge Road  
Amberley Village, OH 45237

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

amberleyvillage.org

## Amberley Village Planning Commission Staff Report

April 3, 2024

### Subject:

Sophia Holley, attorney for KMK Law will be the representative for 6701 Elbrook LLC, the owner at 6701 Elbrook Avenue, is requesting a 3-acre lot split for the construction of a Community Kollel that will include a Conditional Use Permit and front yard set-back parking lot variance to be approved by the Amberley Village Board of Zoning Appeals.

### Variance:

Conditional Use Permit in Residence B zoning district for the new construction of a Community Kollel and a 32.3' front yard set-back variance.

**Item:** Case#2024-72

**Variance Request:** Sophia Holley, attorney for KMK Law and representative for 6701 Elbrook LLC, the owner at 6701 Elbrook Avenue, is requesting a 3-acre lot split for the construction of a Community Kollel that will include a Conditional Use Permit and front yard set-back parking lot variance to be approved by the Amberley Village Board of Zoning Appeals.

### Zoning Code Review: 154.661 CONDITIONAL USE PERMITS.

(A) The Board of Zoning Appeals shall have the power to hear applications for conditional use permits in accordance with the provisions of this Zoning Code, §§ [154.25\(C\)](#) and [154.30](#), and to authorize or refuse to authorize a conditional use permit or to issue a conditional use permit upon conditions which, in the judgment of the Board of Zoning Appeals, are necessary to protect the public health, safety, and general welfare and to carry out the policies contained in this code.

(B) A conditional use permit shall not be granted if the proposed conditional use will interfere with quiet enjoyment of proximate residential uses because of the generation of noise, traffic that is incompatible with the neighborhood in which the conditional use is proposed, or light from the conditional use that will spill onto nearby residential uses.

## RESIDENCE A DISTRICT REGULATIONS

### § 154.25 USE REGULATIONS.

(A) *Principal permitted uses.* A building or lot or other land area in this district shall be used only for the following principal permitted uses:

- (1) Single-family dwellings.
- (2) Public water tower or reservoir;
- (3) Farms, provided that no farm animals shall be kept on any property that is smaller than ten acres.

(B) *Accessory uses.*

(1) Home occupation. A professional or business activity conducted in a dwelling unit, provided:

(a) No person other than members of the family residing on the premises, and one additional individual at any one time who need not be a member of the family, shall be engaged in such occupation;

(b) The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and if unattached, positioned on the premises with the bottom at a height not exceeding 12 inches.

(d) No home occupation shall be conducted in any accessory building. Except for automobiles used in connection with the home occupation, no tools, equipment, implements, machinery, supplies, inventory or product of a home occupation shall be stored on the premises unless stored in the principal dwelling or in an accessory building located on the premises;

(e) There shall be no sales made in connection with such home occupation to customers who come onto the premises;

(f) Homeowner operated service businesses are permitted subject to restrictions within these regulations.

(g) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;

(h) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receiver, telephone, garage door opener, etc. off the premises, or causes fluctuations in line voltage off the premises;

(i) Any person wishing to conduct a home occupation shall apply for an accessory use permit from the Village Manager, submitting all information as required by the Village Manager to demonstrate that the provisions of this section will be met. The Village Manager may issue a permit to the applicant for a period of not more than two years. Upon expiration of the permit, the Village Manager may issue a new permit if satisfied that the applicant continues to be in compliance with the provisions of this section. A permit may be revoked at any time the Village Manager determines that the provisions of this section are not being met by the permit holder. Before issuing a permit, the Village Manager shall collect a fee of \$10.

(2) Garages.

(a) Attached garages may not exceed 1,500 square feet or 40% of the floor area of the remaining principal structure, whichever is less. A garage may not have its principal access face a street. Detached garages are treated as accessory structures.

(b) No automobiles, other motor driven vehicles or trailers shall be parked or stored in such structures or buildings unless owned and used by the occupants of the dwelling to which the structure or building is accessory or is a part of or attached.

(3) Pools. See [Ch. 98](#), [§ 98.01](#) and [§ 98.02](#).

(4) Temporary buildings for uses incidental to construction work, which buildings shall be removed on completion or abandonment of the construction work.

(5) Bulletin boards and signs as follows:

(a) Church or public building bulletin boards not exceeding ten square feet in area.

(b) Temporary signs not over 40 inches from the ground and not exceeding six square feet in area, the purpose of which is to communicate information about the lease or sale of a building or lot, which signs shall be removed as soon as the property is leased or sold.

(c) Small announcements or professional signs not over one square foot in area;

(d) Highway directional and traffic safety signs erected and maintained by public agencies;

(e) Outdoor election signs, provided that they may not be erected prior to four weeks before the day of election and that the owner of the property on which the sign is located must cause the sign to be removed within 72 hours after the election; a sign permitted under this section shall not exceed 12 square feet in area and the aggregate of all signs placed on any parcel of real property in one ownership shall not exceed 60

square feet, nor shall they be posted such that the bottom edge of each sign is more than 40 inches from the ground;

(f) No sign may be posted on public property or within the public right-of-way along public roads, except village corporation signs, highway directional or regulatory signs and traffic safety signs erected and maintained by public agencies. All signs shall be placed in such manner that they will not obstruct the vision of drivers with regard to oncoming or intersecting traffic on any public or private roads or driveways.

(6) No equipment or process shall be used as a hobby or vocation which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receiver, telephone, garage door openers, etc. off the premises, or causes fluctuations in line voltage off the premises.

(C) *Conditional uses.* Buildings, and village owned land, designed to be occupied by or to serve the general public may be constructed and/or utilized in Residence A and Residence B Districts provided they are authorized pursuant to a conditional use permit granted by the Board of Zoning Appeals. Public buildings subject to the conditional use permit regulations are: libraries, museums, community buildings, municipal buildings, police or fire stations, churches, and off-street parking to service such structures. The Board of Zoning Appeals may grant a conditional use permit for any of the foregoing structures if, upon application by the instrumentality that proposes to construct and operate the building and after a hearing, the Board of Zoning Appeals determines the following:

(1) The construction and operation of the proposed public building will not be detrimental to the peaceful occupancy of proximate dwelling houses;

(2) The construction and operation of the public building will not have a detrimental effect upon the property values in the neighborhood;

(3) The design of the proposed public building is such that it will not have an adverse impact upon the residential quality of the neighborhood;

(4) The public building will have off-street parking on the same parcel of land equal to one parking space for each three seats of seating capacity in the structure, or one parking space for each 200 square feet of floor space in any building which does not provide seating capacity. The off-street parking shall be set back a minimum of 100 feet from all abutting streets and a minimum of 25 feet from any lot line of any contiguous lot;

(5) If the plan for a public building includes a fenced area to be used for outdoor games, recreation or play, the fenced areas designed for these uses shall be set back from all lot lines by a distance of at least 50 feet;

(6) Any use authorized by the Board of Zoning Appeals as a conditional use shall not be used for any bazaar, fete or any other such outdoor activity and provided further that said land and building shall not be used for any commercial activity unless sponsored or directed by the regular and primary occupant of said building. As used herein, **COMMERCIAL** shall mean having financial profit as its primary aim but shall not include the renting of facilities for religious occasions, to charitable or civic organizations for meetings or to individuals or groups for weddings, anniversaries and other similar celebrations.

('69 Code, § 151.25) (Ord. C-285, passed 7-8-68, Am. Ord. C-303, passed 8-11-69, Am. Ord. C-431, passed 10-11-76; Am. Ord. C-496, passed 3-10-80; Am. Ord. C-666, passed 10-10-89; Am. Ord. C-692, passed 10-9-90; Am. Ord. C-808, passed 11-13-95; Am. Ord. 2001-14, passed 6-11-01; Am. Ord. 2009-14, passed 7-28-09; Am. Ord. 2018-13, passed 2-11-19) Penalty, see § [154.99](#)

## § 154.27 SIZE REGULATIONS.

(A) No dwelling in this district shall cover less than 2,000 square feet of ground area.

(B) Bedrooms shall have a minimum area of 150 square feet. The minimum required areas in each room are exclusive of closets, halls, and storage spaces.

(C) Habitable rooms shall have a clear height of not less than eight feet, except that rooms located in a basement shall have a clear height of not less than seven and one-half feet, and rooms located in half-stories shall have a clear height of not less than seven and one-half feet in at least one-half of their area and be not less than four feet in any part of their area.

(D) No habitable room shall be less than eight feet in width.

('69 Code, § 151.27) (Ord. C-285, passed 7-8-68; Am. Ord. C-666, passed 10-10-89; Am. Ord. C-692, passed 10-9-90; Am. Ord. 2001-5, passed 4-9-01) Penalty, see § [154.99](#)

**§ 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](#)

**RESIDENCE B DISTRICT REGULATIONS**

**§ 154.30 USE REGULATIONS.**

All zoning regulations for the Residence B District shall be the same as those in the Residence A District unless otherwise provided for in the Zoning Code. The following additional conditional uses must meet the same standards for conditional uses set forth in § [154.25\(C\)](#).

(A) Schools, including public elementary schools and high schools and educational institutions having curricula ordinarily found in public schools, and recognized by the Ohio Department of Education as offering curricula sufficient to satisfy the requirements of any existing compulsory education laws of the State of Ohio. The off-street parking requirements outlined in § [154.25\(C\)](#) do not apply to schools; instead, schools must provide sufficient off-street parking capacity to accommodate teachers, staff and visitors.

(B) Private recreational facilities, other than country clubs and golf courses, not operated for profit or as a commercial venture, which are located on a lot having a minimum area of four acres, and which provide off-street parking, in accordance with § [154.25\(C\)](#).

('69 Code, § 151.30) (Ord. C-285, passed 7-8-68; Am. Ord. C-666, passed 10-10-89; Am. Ord. C-692, passed 10-9-90; Am. Ord. 2018-13, passed 2-11-19) Penalty, see § [154.99](#)

**§ 154.32 SIZE REGULATIONS.**

(A) No dwelling in this district shall cover less than 1,500 square feet of ground area.

(B) Bedrooms shall have a minimum area of 150 square feet. The minimum required areas in bedrooms are exclusive of closets, halls, and storage spaces.

(C) Habitable rooms shall have a clear height of not less than eight feet, except that rooms located in a basement shall have a clear height of not less than seven and one-half feet, and rooms located in half-stories shall have a clear height of not less than seven and one-half feet in at least one-half of their area and be not less than four feet in any part of their area.

(D) No habitable room shall be less than eight feet in width.

('69 Code, § 151.32) (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](#)

**§ 154.33 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	21,780 feet	3 acres
Lot width	110 feet	300 feet
Front yard depth	50 feet	100 feet
Side yard width (each)	12 feet, or 10% of width, whichever is larger, but need not exceed 20 feet	50 feet
Rear yard depth	40 feet, or 20% of depth, whichever is larger, but need not exceed 50 feet	75 feet, or 25% 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).

(4) Any accessory structure for housing riding horses (stable) shall be set back from all property lines a distance of a minimum of 100 feet and shall require Planning Commission approval.

(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.

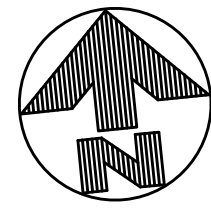
('69 Code, § 151.33) (Ord. C-285, passed 7-8-68; Am. Ord. C-351, passed 7-10-72; Am. Ord. C-666, passed 10-10-89; Am. Ord. C-692, passed 10-9-90) Penalty, see § [154.99](#)

**Variance Review:** The law firm representing the Cincinnati Community Kolllel and the property owner, 6701 Elbrook LLC, submits an application for a conditional use permit (CUP), Amberley Village Zoning Code Section 154.661, to construct a community building/school. They request a 32.3 ft. front-yard set-back variance, Amberley Zoning Code Section 154.25 (C)(4), to provide parking closer to the entrance for elderly and physically limited members and to preserve greenspace for the adjacent middle/high school. The Kolllel aims to create an inclusive, modern facility serving as a senior hub for the Jewish community and individuals of all abilities. The property, located in a Residence "B" District, requires compliance with zoning requirements. The proposed use aligns with the peaceful coexistence of proximate dwellings, enhances property values, and maintains the residential quality of the neighborhood. The variance seeks to accommodate the needs of the adjacent school and Kolllel's members, without imposing hardship on surrounding properties. The Kolllel's mission focuses on education and community enrichment, with plans for an accessible, modern structure designed by professional architects. They request approval of the conditional use and variance, stating their commitment to adhering to zoning regulations and contributing positively to the community.

If approved, the CUP and front yard parking lot set-back would allow for the construction of a two-story Cincinnati Community Kolllel building on a 3-acre parcel situated 50' from the north property lot line and 100' from the east property lot line.

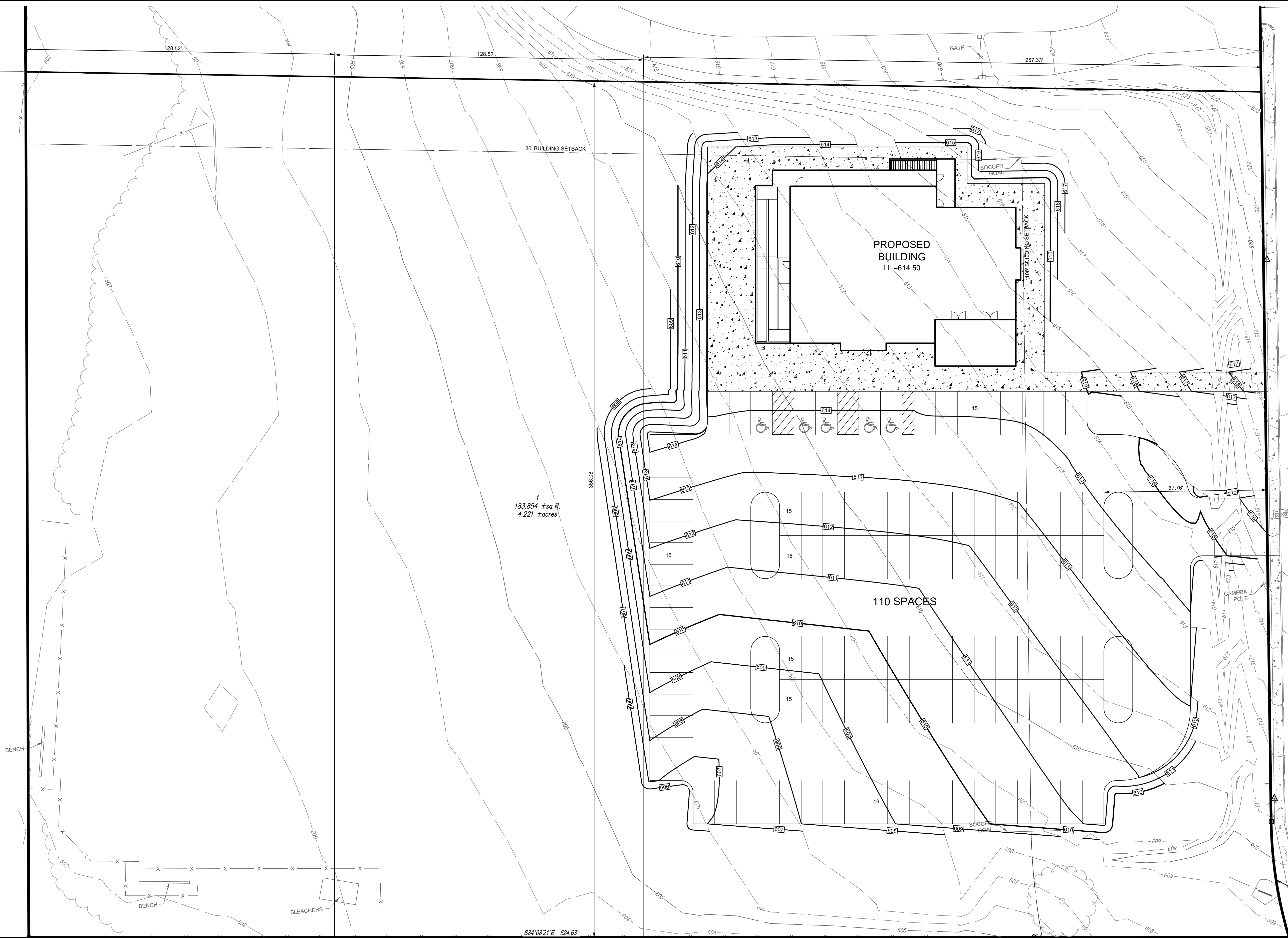
**Project Recommendations:** The project is to be considered on its merits.





ESTATE LLC  
0300166  
GE 30

360.27'



1  
183,854 ±sq.ft.  
4.221 ±acres

110 SPACES

BENCH

BENCH

BLEACHERS

S84°08'21"E 524.63'

ELBROOK AVE (50' R/W)



REVISIONS

**PRELIMINARY GRADING PLAN**  
**CINCINNATI KOLLEL**  
6701 ELBROOK AVE  
CINCINNATI, OHIO

SCALE: 1"=20'  
DATE: MARCH 5, 2024  
DRAWN: SAD  
DESIGNED: SAD  
CHECKED: RVP  
XREF:  
JOB NO.: 23105

CINCINNATI KOLLEL

Page

3LF MANOR OHIO  
52800040383

CINCINNATI HEBREW DAY  
SCHOOL THE  
PARCEL 052800040258

6527 ELBROOK LLC  
PARCEL 052800040297  
BOOK 528 PAGE 4

Date: Mar. 11, 2024

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

You may email documents to the attention of: [cfritsch@amberleyvillage.org](mailto:cfritsch@amberleyvillage.org)

RE: Zoning Project Approval

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

Dear Mr. Lahrmer:

I hereby request approval for:

A Conditional Use and Variance as discussed in the enclosed letter.

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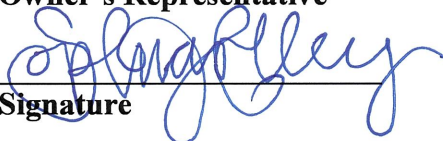
The proposed project is at the following address:

6701 Elbrook Avenue, Cincinnati, OH 45237

I certify the attached plat and measurements are accurate.

Sincerely,

Sophia R. Holley, Esq.  
Owner's Representative

  
Signature

sholley@kmklaw.com  
Email Address

(513) 579-6592  
Phone Number

TBD  
Contractor's Name

TBD  
Contractor's Address

TBD  
Contractor's Phone Number

**Sophia R. Holley**  
D: 513.579.6592  
sholley@kmlaw.com

March 11, 2024

**VIA HAND DELIVERY**

Amberley Village Board of Zoning Appeals

Mr. Richard Bardach, Chairperson

Mr. Rick Lauer

Mr. Scott Rubenstein

Mr. Craig Cappozzo

Mrs. Nimet Jeruzalmi

c/o Mr. Scot Lahrmer

Village Manager

7149 Ridge Road

Amberley Village, Ohio 45237

Re: Zoning Relief Application: 6701 Elbrook Avenue

Dear Members of the Board:

The undersigned law firm represents the Cincinnati Community Kollel (the “Kollel”), a non-profit organization formed to enrich and educate the Jewish community in Cincinnati since 1995, and 6701 Elbrook LLC, the owner of the property subject to this application (the “Owner”) (the Kollel and the Owner collectively, the “Applicant”). Please allow this letter and accompanying documentation to serve as the Kollel’s application (the “Application”) for conditional use to construct a community building/school at the above-referenced property pursuant to § 154.25 of the Village of Amberley Zoning Code (the “Code”). The Applicant further requests that the Board approve a modest 32.3 ft. front-yard set-back variance, to provide parking closer to the Kollel’s entrance to accommodate the Kollel’s elderly and physically limited membership, and to preserve greenspace for the students of the adjacent middle/high school.

The Kollel believes that there is learning in all that we do, and seeks to guide and educate its students through a lifetime of learning. The Kollel is currently located in Golf Manor in a 50+-year-old structure that lacks many modern features, including ADA- and handicap-compatible amenities. The Applicant seeks to construct a new Kollel that is inclusive to individuals of all abilities, and to support the senior population in Amberley and the greater Cincinnati community. The location shall serve as a new senior hub for the aging Jewish community. For the reasons stated below, the Applicant respectfully requests that this Board approve its requested conditional use and variance.

**Keating Muething & Klekamp PLL**

Attorneys at Law

One East Fourth Street | Suite 1400 | Cincinnati, Ohio 45202

P: 513.579.6400 | F: 513.579.6457 | kmlaw.com

## **I. The Property & Applicable Zoning**

The property is located at Hamilton County Parcel ID No. 526-0030-0010-90, and contains roughly 9.730 acres. The property is improved by a 57,653 sq. ft. high school, accompanying parking, as well as a softball field that is used by students at that high school. An aerial image of the property is enclosed as **Exhibit A**. As this aerial reveals, roughly half of the parcel is currently vacant, undeveloped land. The Kolliel seeks to construct its new school in a portion of the vacant land, as depicted in the proposed site plan documentation attached as **Exhibit B**. Notably, the students at the adjacent middle/high school benefit from their softball field, and the new Kolliel site plan has been designed to preserve as much green space as possible to benefit these students. In total, the Kolliel seeks to purchase and develop on approximately 3 acres of land (this property hereinafter the “Property”).

The Property is located in the Residence “B” District. Public buildings are permitted in the district pursuant to §§ 154.25(C) and 154.30, including community buildings and schools. These uses must meet the zoning requirements of § 154.25(C), which include the following principal requirements:

- (1) The construction and operation of the proposed public building will not be detrimental to the peaceful occupancy of proximate dwelling houses;
- (2) The construction and operation of the public building will not have a detrimental effect upon the property values in the neighborhood; and
- (3) The design of the proposed public building is such that it will not have an adverse impact upon the residential quality of the neighborhood.

(See Code at § 154.25(C)). Additional requirements relating to parking and fencing are outlined in § 154.25(C). The Applicant has retained Mr. Robert Painter, PE, President of RVP Engineering, to prepare a site plan that complies with the structural requirements of the Code. The Applicant has also retained the New Jersey-based design firm of B+F Design to create a modern and aesthetically pleasing structure that is also accommodating to the Applicant’s elderly and physically limited students.

Note, § 154.25 contains a 100 ft. front-yard setback for parking. The parking proposed by the Applicant here has a 67.7 ft. front-yard setback, requiring a 32.3 ft. variance. The parking layout has been designed with two primary considerations in mind. First, the Kolliel is mindful of the greenspace to the west of the proposed structure that is currently used by the athletic department of the nearby school. The Kolliel and its neighboring middle/high school would like as much of that green space to remain available for these athletes as possible. Second, as noted, above, the Kolliel serves as a thriving senior hub for the Jewish community, as well as individuals with mobility limitations. The Kolliel would like to provide as much parking for these individuals near the front entrance of the structure as possible. Notably, this moderate parking front-yard setback is compatible with existing public structures in Amberley, including the Jewish Community Center which has a front-yard setback of roughly 50 ft. or less.

## II. Proposed Use

The Cincinnati Community Kollel has supported the Jewish community as a gathering place and place of learning for nearly three decades, providing its students and scholars with a place to study and learn together in community. The Kollel believes that education is a lifetime endeavor, and strives to provide educational services to adults of all ages. The Kollel has approximately 50-75 members over the age of 65, as well as a number of members who have various physical mobility limitations. The design of the proposed Kollel is intended to provide accessible services to these members.

The mission of the Kollel is to provide Jewish learning opportunities to students throughout Cincinnati's Jewish community. The Kollel offers beginner-level courses in Judaism and Jewish philosophy, as well as more advanced classes. As noted above, the current building in which the Kollel is located is older, and unable to accommodate the physical limitations of its membership. The new proposed structure will provide a place of learning that is accommodating to people of all physical abilities.

With respect to the site, a landscaping plan relating to the Property is enclosed as **Exhibit C**, and the Applicant will ensure that no lighting trespasses on adjacent properties through the installation of fixtures that block light spillage. Elevations and designs for the Property are enclosed at **Exhibit D**. The Applicant has not yet identified its contractors, and will ensure that any contractors are registered with the Amberley Village Income Tax Department as needed.

## III. Relief Requested

The Applicant requests two forms of zoning relief from this Board: (1) approval of the Kollel's conditional use of community building/school; and (2) a 32.3 ft. front-yard parking variance. For the reasons stated below, the Applicant submits that the relief requested here satisfies the spirit and intent of the Amberley Zoning Code.

### A. Conditional Use Approval Pursuant to § 154.30

The Kollel is an appropriate and harmonious addition to the community, and for the reasons articulated above and below, the Applicant respectfully requests that this Board approve the conditional use requested herein.

- (1) *The construction and operation of the proposed public building will not be detrimental to the peaceful occupancy of proximate dwelling houses;*

The Kollel is appropriately suited for peaceful integration into the community similar to how a library would be appropriately suited. The students at the Kollel consist of young adults with jobs (and, in some cases, families), older students both working and retired, and everything in between. It is the hope of the Kollel that this new location can be inclusive of all individuals with all levels of physical abilities.

The vast majority of the activity at the Kolllel will be devoted to reading, writing, and discussion, as well as lecturing from trained educators. This type of low-intensity and academic activity is perfectly harmonious for the neighborhood, and fits in nicely with the proximate uses (i.e., the high school as well as neighboring homes, and light industrial to the west of the Property).

- (2) *The construction and operation of the public building will not have a detrimental effect upon the property values in the neighborhood; and*

The proposed Kolllel will support the value of the neighboring properties by providing an amenity and cultural center that will be in walking distance for many homes. Moreover, the Applicant has retained a distinguished professional architect firm to design the actual Kolllel structure. The proposed modern structure, with its community-enriching amenities, will contribute to the value of the neighborhood and the richness of the community overall.

- (3) *The design of the proposed public building is such that it will not have an adverse impact upon the residential quality of the neighborhood.*

In drafting the Code, Amberley determined that community buildings/schools could be incorporated into the Residence “B” District in a manner that is harmonious with the community, and the Kolllel is precisely this type of use. The Kolllel is a scholarly facility, and therefore provides a low-intensity public use to the community. Many of the students and scholars at the Kolllel will attend and study in the evenings, after the bustle of the workday and commute have terminated. Studying and reading—the predominant activities within the Kolllel—are generally peaceful and hushed activities that are perfectly suited for the community.

The Kolllel has been designed in a residential-friendly manner, permitting local students to walk to the facility to study. In fact, the Director of the Kolllel, Rabbi David Spetner, plans to walk to the Kolllel upon a successful approval of this Application.

**B. Front-Yard Parking Lot Setback Pursuant to § 154.67**

The Applicant further seeks this Board’s approval of a modest front-yard parking setback variance. Pursuant to § 154.67 of the Code, the proposed parking lot setback satisfies the zoning standard set forth by Amberley Village in the following ways:

- (i) *The variance will not be contrary to the public interest where, owing to special conditions of the appellant’s lots or to existing structures on adjoining lots, a literal enforcement of the provisions of the Zoning Code will result in undue hardship.*

As noted above, the variance sought here seeks to accommodate both the special conditions of the adjacent middle/high school, as well as the needs of the Kolllel’s elderly and physically-limited students.

The aerial image of Parcel ID No. 526-0030-0010-90 shows the softball field at the southwest corner of the parcel. This softball field is currently used and enjoyed by the students at

the adjacent middle/high school. The Kollel has been specifically designed to preserve as much green space for these students as possible. This unique interplay between multiple public buildings, and accommodations for the physical activity of the Kollel's students, warrants the modest variance relief requested here.

Additionally, the parking lot at the proposed Kollel has been specifically designed to maximize the number of parking spaces in close proximity to the entrance of the Kollel. The Kollel will serve as a senior hub for students of Judaism within the Cincinnati region, a number of whom have mobility limitations. The Kollel would like to welcome and serve students of all physical abilities. For this reason, the parking has been specifically designed to accommodate a closer walking distance.

- (ii) *The variance will relieve such hardship or practical difficulty, so that the intent of the Zoning Code shall be observed, and substantial justice done.*

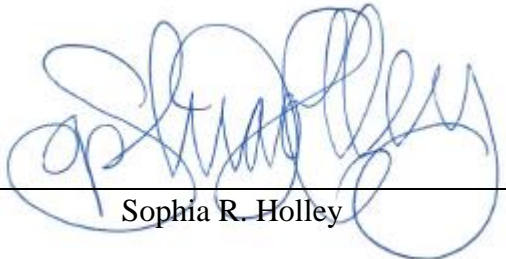
The requested variance here is in keeping with the spirit and intent of the zoning code. The variance is similar to that which has been awarded to the Jewish Community Center, and is therefore consistent with Amberley Village land use. Moreover, no hardship will be imposed on surrounding properties through the requested variance. The Property is surrounded by a mixture of properties, including light industrial to the west, somewhat high-density, single-family residential properties to the east, and an established middle/high school institution to the north. The properties to the south in Golf Manor include a relatively large educational facility, with a zero-ft. rear-yard setback from the adjacent Property. The Applicant's site plan and engineering have been crafted by industry-leading professionals, and the location of the proposed Kollel is harmonious with these diverse adjacent properties.

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For the reasons stated above, the Appellant respectfully requests that this Board approve the zoning relief sought here. Thank you for your consideration of these materials. We look forward to presenting to you at your earliest convenience.

Sincerely,

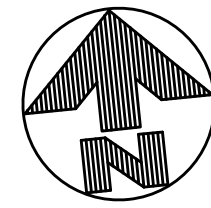
KEATING MUETHING & KLEKAMP PLL

By:   
Sophia R. Holley

# Exhibit A



# Exhibit B



SHEPHERD REAL ESTATE LLC  
 PARCEL 052600300166  
 BOOK 526 PAGE 30

M0539397E 36027'

6701 ELBROOK LLC  
 PARCEL 0528000010  
 BOOK 526 PAGE 30  
 N43°42'21"E 514.37'

30' BUILDING SETBACK

PROPOSED BUILDING  
 LL=614.50

GATE

SOCCER GOAL

30' BUILDING SETBACK

1  
 183854 S.F.

109 SPACES

ELBROOK AVE (50' R/W)

BENCH

BENCH

BLEACHERS

L=49.282, R=175.630  
 Δ=16.0771

VILLAGE OF GOLF MANOR OHIO  
 PARCEL 052800040393  
 BOOK 528 PAGE 4

CINCINNATI HEBREW DAY SCHOOL THE  
 PARCEL 052800040258  
 BOOK 528 PAGE 4

6527 ELBROOK LLC  
 PARCEL 052800040297  
 BOOK 528 PAGE 4



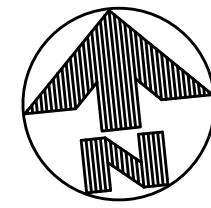
REVISIONS

**PRELIMINARY GRADING PLAN**  
**CINCINNATI KOLLEL**  
 6701 ELBROOK AVE  
 CINCINNATI, OHIO

SCALE: 1"=20'  
 DATE: MARCH 5, 2024  
 DRAWN: SAD  
 DESIGNED: SAD  
 CHECKED: RVP  
 XREF:  
 JOB NO.: 23105

CINCINNATI KOLLEL

Page



6701 ELBROOK LLC  
PARCEL 052600330010  
BOOK 526 PAGE 30

S83°12'21"E 514.37'

30' BUILDING SETBACK

303.67'

303.44'

147.81'

35.9'

GATE

SOCCER GOAL

102.77'

101'

103.4'

PROPOSED BUILDING  
LL=614.50

PROP. FIRE HYDRANT & FDC

ELBROOK AVE (50' R/W)

6" FIRE SERVICE

DUMPSTER PAD & ENCLOSURE

1  
183854 S.F.

15

15

15

109 SPACES

247.3'

238.09'

CAMERA POLE

15

15

19

SOCCER GOAL

L=49.282, R=175.630  
Δ=16.0771

N84°08'21"W 524.63'

CINCINNATI HEBREW DAY SCHOOL THE  
PARCEL 052800040258  
BOOK 528 PAGE 4

6527 ELBROOK LLC  
PARCEL 052800040297  
BOOK 528 PAGE 4

SHEPHERD REAL ESTATE LLC  
PARCEL 052600300166  
BOOK 526 PAGE 30

N05°39'39"E 360.27'

BENCH

BENCH

BLEACHERS

VILLAGE OF GOLF MANOR OHIO  
PARCEL 052800040393  
BOOK 528 PAGE 4



REVISIONS

NO.	DATE	DESCRIPTION

PRELIMINARY LOCATION PLAN  
CINCINNATI KOLLEL  
6701 ELBROOK AVE  
CINCINNATI, OHIO

SCALE: 1"=20'  
DATE: MARCH 5, 2024  
DRAWN: SAD  
DESIGNED: SAD  
CHECKED: RVP  
XREF:  
JOB NO.: 23105

CINCINNATI KOLLEL

Page

# Exhibit C



6 MOUNTBATTEN JUNIPER  
LANDSCAPE BED, 365 SQ FT

PROPOSED BUILDING  
LL = 614.50

110 SPACES

ELBROOK AVE (50' R/W)

4 UPRIGHT HORNBEAM  
2 BURR OAK  
EMERALD SUNSHINE ELM

LANDSCAPE BED, 280 SQ FT  
11 GOLD LACE JUNIPER  
12 CRIMSON PYGMY BARBERRY

LANDSCAPE BED, 540 SQ FT  
2 AUTUMN BLAZE MAPLE  
17 GREY OWL JUNIPER

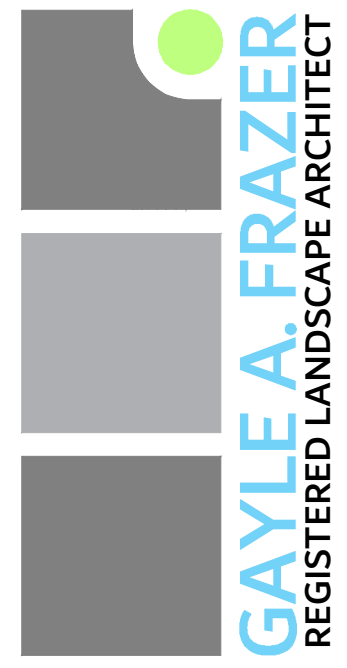
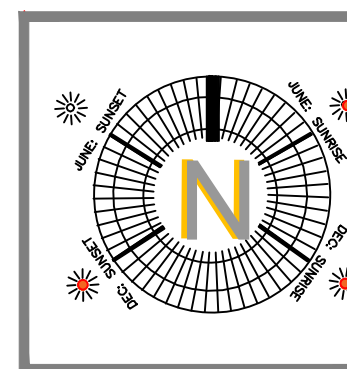
EX. TREELINE TO REMAIN

EX. TREE TO REMAIN  
2 WHITE PINE

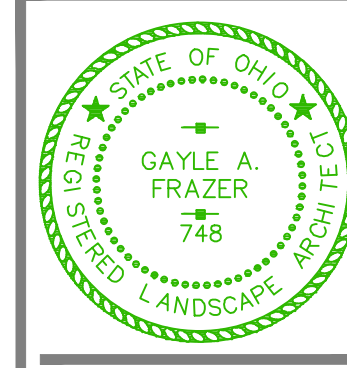
6527 ELBROOK LLC  
PARCEL 05280040297  
BOOK 528 PAGE 4

CINCINNATI HEBREW DAY  
SCHOOL THE  
PARCEL 05280040258  
BOOK 528 PAGE 4

\*\*\*SEED ALL DISTURBED AREAS\*\*\*



CINCINNATI KOLLEL  
6701 ELBROOK AVE  
CINCINNATI, OHIO



LANDSCAPE PLAN

SCALE  
1"=20'-0"

CURRENT:  
3/11/2024

REVISED:  
3/11/2024



L1

PLOT DATE: 3/17/2024 8:46 AM

**GENERAL PLANTING NOTES**

- THE CONTRACTOR SHALL:**
1. CONTACT ALL UTILITY COMPANIES AND HAVE ALL LINES MARKED PRIOR TO COMMENCING WORK.
  2. PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z60.1, "AMERICAN STANDARD FOR NURSERY STOCK."
  3. FURNISH NURSERY-GROWN TREES AND SHRUBS COMPLYING WITH ANSI Z60.1, WITH HEALTHY ROOT SYSTEMS DEVELOPED BY TRANSPLANTING OR ROOT PRUNING. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK, FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT.
  4. PROVIDE TREES AND SHRUBS OF SIZES AND GRADES COMPLYING WITH ANSI Z60.1 FOR TREES AND SHRUBS REQUIRED. TREES AND SHRUBS OF A LARGER SIZE MAY BE USED, IF ACCEPTABLE TO LANDSCAPE ARCHITECT, WITH A PROPORTIONATE INCREASE IN SIZE OF ROOTS OR BALLS.
  5. IF FORMAL ARRANGEMENTS OR CONSECUTIVE ORDER OF TREES OR SHRUBS IS SHOWN, SELECT STOCK FOR UNIFORM HEIGHT AND SPREAD, AND NUMBER LABEL TO ASSURE SYMMETRY IN PLANTING.
  6. LABEL AT LEAST ONE TREE AND ONE SHRUB OF EACH VARIETY AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING LEGIBLE DESIGNATION OF BOTANICAL AND COMMON NAME.
  7. NOTIFY LANDSCAPE ARCHITECT IF SUBSOIL CONDITIONS SHOW EVIDENCE OF UNEXPECTED WATER SEEPAGE OR RETENTION IN TREE OR SHRUB PITS.
  8. NOTIFY LANDSCAPE ARCHITECT IF A LIGHT FIXTURE OR OTHER UTILITY HAS BEEN BUILT WITHIN 10' OF PROPOSED TREE.
  9. REFER TO TYPICAL PLANTING DETAILS FOR PLANT INSTALLATION.
  10. KEEP ADJACENT PAVINGS AND CONSTRUCTION CLEAN AND MAINTAIN WORK AREA IN AN ORDERLY CONDITION FOR THE DURATION OF THE PROJECT.
  11. PROTECT EXTERIOR PLANTS FROM DAMAGE DUE TO LANDSCAPE OPERATIONS OR OTHER OPERATIONS BY OTHER CONTRACTORS BEING PERFORMED ON THE SITE. PROTECTION IS TO BE MAINTAINED FOR THE DURATION OF INSTALLATION AND MAINTENANCE PERIODS.
  12. TREAT, REPAIR, OR REPLACE DAMAGED EXTERIOR PLANTING.
  13. REMOVE SURPLUS SOIL AND WASTE MATERIAL, INCLUDING EXCESS SUBSOIL, UNSUITABLE SOIL, TRASH, AND DEBRIS, AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
  14. PROVIDE OWNER WITH A WRITTEN WARRANTY FOR LABOR AND MATERIALS.
  15. PROVIDE AND INSTALL ANY AND ALL LANDSCAPE PROTECTION REQUIRED FOR DEER RUT SEASON.

- THE CONTRACTOR'S WARRANTY SHALL INCLUDE:**
1. A WARRANTY FOR EXTERIOR PLANTS AGAINST DEFECTS, INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM LACK OF ADEQUATE MAINTENANCE, NEGLIGENCE OR ABUSE BY OWNER, OR INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.
  2. SPECIFIC WARRANTY PERIODS FOR TREES AND SHRUBS, SEED INSTALLATION, GROUND COVERS, AND OTHER EXTERIOR PLANTS.
  3. THE SERVICES OF MAINTAINING UPRIGHT POSITION OF EXTERIOR PLANTINGS DURING WARRANTY PERIOD, IMMEDIATE REMOVAL OF DEAD EXTERIOR PLANTS AND IMMEDIATE REPLACEMENT (UNLESS REQUIRED TO PLANT IN THE SUCCEEDING PLANTING SEASON,) AND THE REPLACEMENT OF EXTERIOR PLANTS MORE THAN 25% DEAD OR IN UNHEALTHY CONDITION AT END OF WARRANTY PERIOD.

\*THE ABOVE WARRANTY SHALL BE LIMITED TO ONE REPLACEMENT OF EACH EXTERIOR PLANT, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE OF CONTRACTOR TO COMPLY WITH REQUIREMENTS.

NOTE: LANDSCAPE ARCHITECT MAY OBSERVE TREES AND SHRUBS EITHER AT PLACE OF GROWTH OR AT SITE BEFORE PLANTING FOR COMPLIANCE WITH REQUIREMENTS FOR GENUS, SPECIES, VARIETY, SIZE, AND QUALITY. LANDSCAPE ARCHITECT RETAINS RIGHT TO OBSERVE TREES AND SHRUBS FURTHER FOR SIZE AND CONDITION OF BALLS AND ROOT SYSTEMS, INSECTS, INJURIES, AND LATENT DEFECTS AND TO REJECT UNSATISFACTORY OR DEFECTIVE MATERIAL AT ANY TIME DURING PROGRESS OF WORK. REMOVE REJECTED TREES OR SHRUBS IMMEDIATELY FROM PROJECT SITE.

- PREPARATION AND PLANTING**
- TOPSOIL SHALL BE ASTM D 5268, PH RANGE OF 5.5 TO 7, A MINIMUM OF 4% ORGANIC MATERIAL CONTENT, FREE OF STONES 1 INCH OR LARGER IN ANY DIMENSION AND OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH.
  - COMPOST SHALL BE WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, PH RANGE OF 5.5 TO 8; MOISTURE CONTENT 35

**ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE DEPARTMENT OF TRANSPORTATION "CONSTRUCTION AND PROJECT MANAGEMENT SPECIFICATIONS." IN THE EVENT OF A CONFLICT, THE MORE STRINGENT STANDARD SHALL APPLY.**

**IN THE EVENT OF A CONFLICT BETWEEN THE LANDSCAPE PLAN AND THE PLANT KEY, THE LANDSCAPE PLAN PREVAILS. CONTACT THE LANDSCAPE ARCHITECT FOR CLARIFICATION.**

**ALL STREET TREES SHALL BE CENTERED BETWEEN THE WALK AND CURB OF THE TREE LAWN EXCEPT WHERE PROHIBITED BY UTILITIES.**

- TO 55 % BY WEIGHT; 100 % PASSING THROUGH ONE INCH SIEVE; SOLUBLE SALT CONTENT OF 5 TO 10 DECISEMENS PER METER; NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS.
- FERTILIZER TO BE SLOW-RELEASE, GRANULAR OR PELLETED CONSISTING OF 50 PERCENT WATER-INSOLUBLE NITROGEN, PHOSPHORUS, AND POTASSIUM IN AMOUNTS RECOMMENDED FOR TYPE OF PLANT BEING GROWN.
  - LOCATE ALL UNDERGROUND UTILITIES PRIOR TO STARTING WORK. IF A PLANT IS SHOWN ON THE PLAN WITHIN THREE FEET OF AN UNDERGROUND UTILITY, NOTIFY LANDSCAPE ARCHITECT FOR ADJUSTMENT INSTRUCTIONS.
  - PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES, AND LAWS AND EXISTING EXTERIOR PLANTS FROM DAMAGE CAUSED BY PLANTING OPERATIONS.
  - PROVIDE EROSION-CONTROL MEASURES TO PREVENT EROSION OR DISPLACEMENT OF SOILS AND DISCHARGE OF SOIL-BEARING RUNOFF OR AIRBORNE DUST TO ADJACENT PROPERTIES AND WALKWAYS.
  - LAY OUT INDIVIDUAL TREE AND SHRUB LOCATIONS AND AREAS FOR MULTIPLE EXTERIOR PLANTINGS. STAKE LOCATIONS, OUTLINE AREAS, ADJUST LOCATIONS WHEN REQUESTED, AND OBTAIN LANDSCAPE ARCHITECT'S ACCEPTANCE OF LAYOUT BEFORE PLANTING. MAKE MINOR ADJUSTMENTS AS REQUIRED.
  - TREES SHALL BE SITED IN FIELD BY LANDSCAPE ARCHITECT WHERE NOTED ON PLANS.

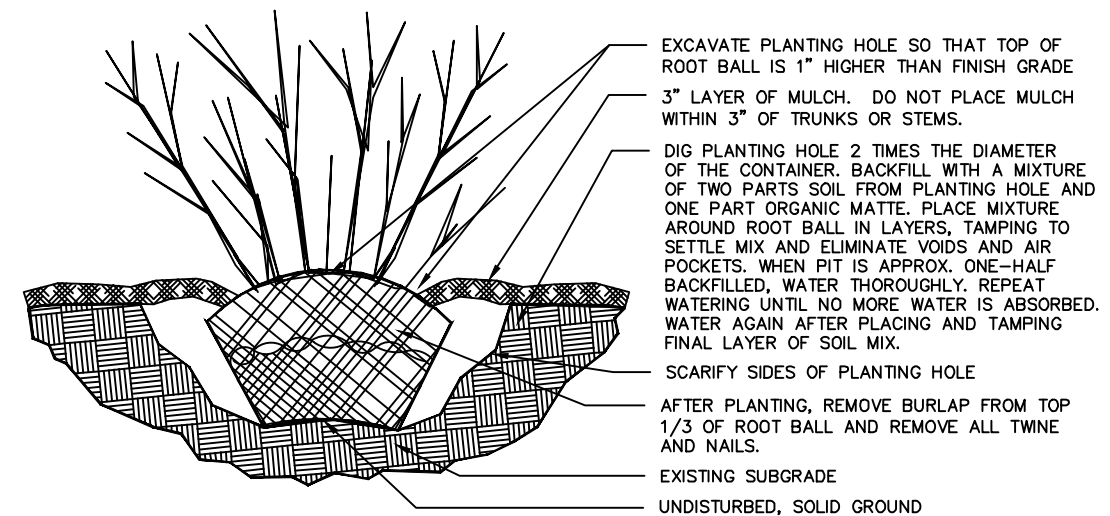
- PLANTING BEDS ARE TO BE PREPARED AS FOLLOWS:**
- LOOSEN SUBGRADE TO A DEPTH OF 4 - 6". REMOVE STONES LARGER THAN 1" IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER, AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
  - SPREAD COMPOST AT A DEPTH OF 4 - 6" AND TILL WITH LOOSENED SUBGRADE, MIXING THOROUGHLY.
  - GRADE PLANTING BEDS TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORM FINE TEXTURE. ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSIONS TO MEET FINISH GRADES.
  - EDGE BEDS 3 - 4" DEEP (SEE DETAIL).
  - ADDITIONAL PREPARATION FOR PERENNIAL BEDS: PROVIDE A TOTAL OF 8" OF COMPOST AND 8" UNSHREDDED TOPSOIL, THOROUGHLY BLEND MIXTURE. DO NOT COMPACT MULCH WITH MINI-PINE NUGGETS TO 100% COVERAGE. LANDSCAPE ARCHITECT TO OBSERVE AND APPROVE.
  - ALL PLANTING BEDS AND INDIVIDUAL TREES AND SHRUBS ARE TO BE MULCHED AT A DEPTH OF 3". APPLY PRE-EMERGENT HERBICIDE BEFORE MULCHING PER MANUFACTURER'S WRITTEN INSTRUCTIONS.

- \*ALL PLANTS ARE TO BE INSTALLED WITH ORGANIC BIO-TONE STARTER (A MYCORRHIZAL FUNGI STIMULANT) AND TRICHODERMA ABSORBENT GEL PER MANUFACTURER'S SPECIFICATIONS ON INSTALLATION MEANS AND METHODS AND APPLICATION RATES.**

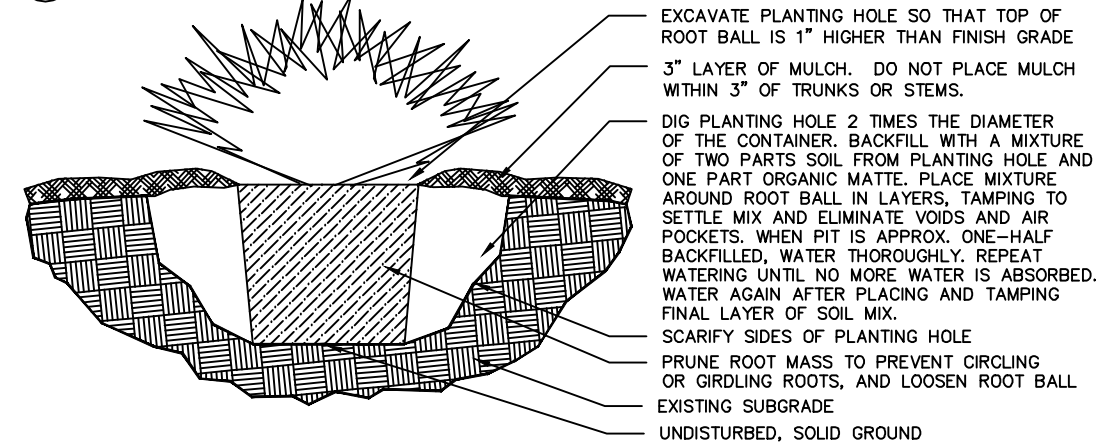
\*FOR ALL PLANT MATERIALS, PRUNE TO REMOVE DEAD OR INJURED BRANCHES ONLY, UNLESS OTHERWISE DIRECTED BY LANDSCAPE ARCHITECT.

- THE SEED CONTRACTOR SHALL:**
1. PERFORM A SOIL TEST FOR SEED NEEDS AND FERTILIZE AS REQUIRED FOR SUCCESSFUL GERMINATION.
  2. TILL AREA TO BE SEEDED TO A DEPTH OF 4". RAKE TILLED AREA TO REMOVE DEBRIS 1" OR LARGER IN SIZE THAT HAS BEEN BROUGHT TO THE SURFACE DURING TILLING.
  3. SEED WITH APPROPRIATE MIXTURE AT THE MANUFACTURER'S WRITTEN RECOMMENDED RATE.
  4. RAKE SEED LIGHTLY INTO TOP OF TOPSOIL, ROLL LIGHTLY, AND WATER WITH FINE SPRAY.
  5. PROTECT SEEDED AREAS WITH SLOPES EXCEEDING 1:6 AND/OR SWALES / AREAS OF HIGHER WATER FLOW WITH EROSION-CONTROL FIBER MESH INSTALLED AND STAPLED ACCORDING TO MANUFACTURER'S WRITTEN INSTRUCTIONS. \*SEED CONTRACTOR SHALL IDENTIFY THESE POTENTIAL AREAS OF EROSION AND PROVIDE MEANS TO MITIGATE SUCH.
  6. PROTECT ALL OTHER SEEDED AREAS BY SPREADING STRAW MULCH AT A UNIFORM RATE OF 2 TONS PER ACRE TO FORM A CONTINUOUS BLANKET 1-1/2" IN LOOSE DEPTH OVER
  7. SEED INSPECTION SHALL BE PERFORMED TO WARRANT A 90% GERMINATION, YIELDING 80% OPACITY WITHIN 90 DAYS OR INSTALLATION.
  8. SEED ONLY AS THE WEATHER AND TEMPERATURE ALLOWS FOR SUCCESS.

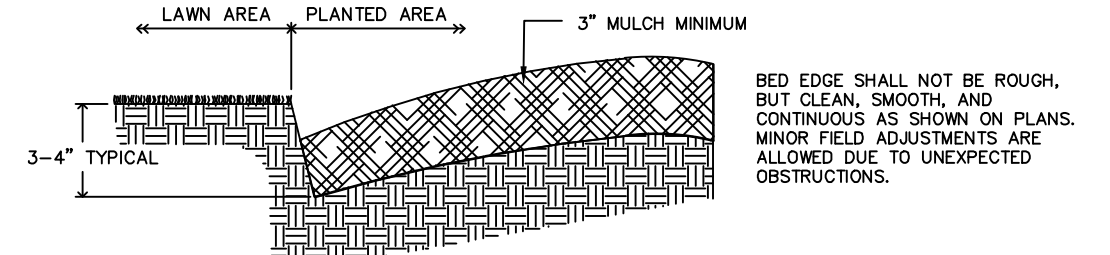
QNT	SIZE	COMMON	LATIN
1	2 in	Emerald Sunshine Elm	Ulmus propinqua 'JFS-Bieberich'
3	2 in	Autumn Blaze Maple	Acer rubrum 'Autumn Blaze'
2	2 in	Bur Oak	Quercus macrocarpa
4	2 in	European Hornbeam	Carpinus betulus 'Fastigiata'
2	6'	White Pine	Pinus strobus
<b>12</b>		<b>TOTAL TREES PROVIDED</b>	
12	3 gal	Crimson Pygmy Barberry	Berberis thunbergii var. atropurpurea 'Crimson Pygmy'
6	6'	Mountbatten Juniper	Juniperus chinensis 'Mountbatten'
11	3 gal	Gold Lace Juniper	Juniperus chinensis 'Gold Lace'
<b>29</b>		<b>TOTAL SHRUBS PROVIDED</b>	



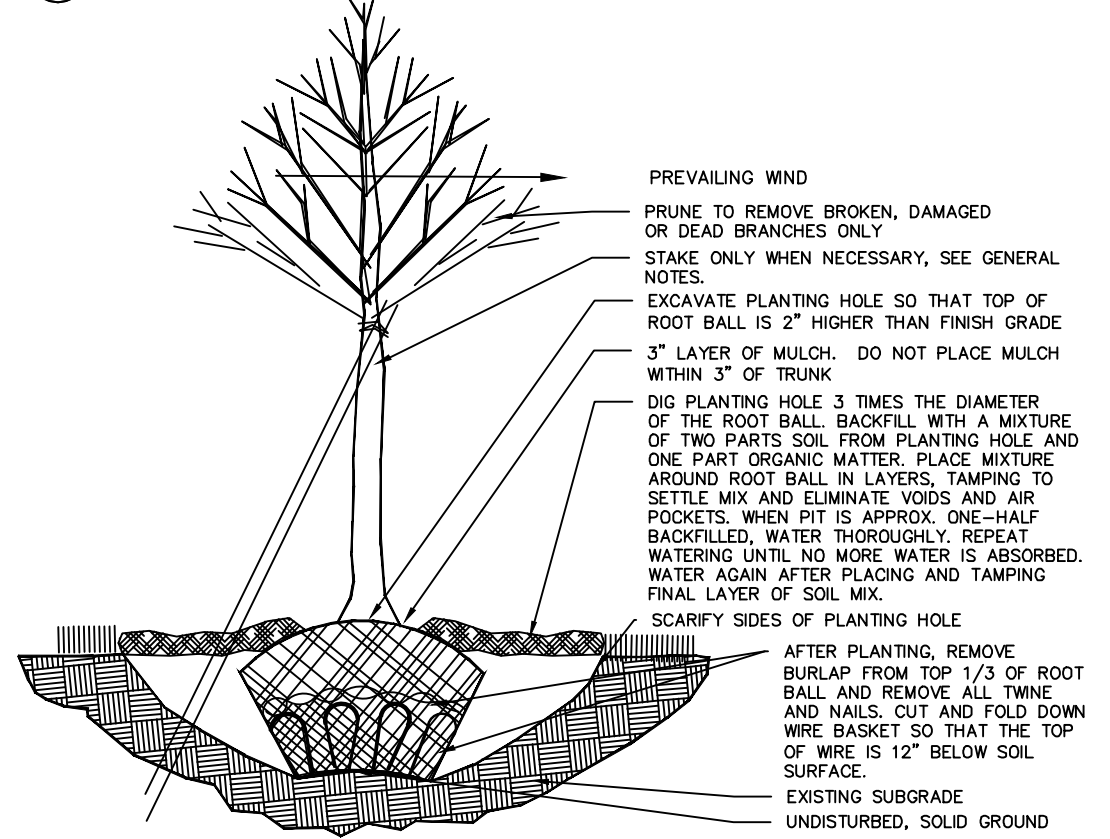
**BALLED AND BURLAPPED SHRUB**  
NOT TO SCALE



**CONTAINERIZED PLANTS**  
NOT TO SCALE



**BED EDGE**  
NOT TO SCALE



**BALLED AND BURLAPPED TREE**  
NOT TO SCALE

**ABSOLUTELY NO PLANT SUBSTITUTIONS WITHOUT WRITTEN PERMISSION OF THE MUNICIPALITY ZONING STAFF, CLIENT REPRESENTATIVE, AND/OR LANDSCAPE ARCHITECT (GAYLE A. FRAZER)**

**GAYLE A. FRAZER**  
REGISTERED LANDSCAPE ARCHITECT

**CINCINNATI KOLLEL**  
**6701 ELBROOK AVE**  
**CINCINNATI, OHIO**

**SPECIFICATIONS AND NOTES**

**3/11/2024**

**REVISIONS:**  
**L2**

**Type of Plants Normal Planting Dates**  
Non-Container Grown, Deciduous: October 1 to April 1  
Non-Container Grown, Other: October 1 to May 1  
Container Grown: Year-Round if suitable precautions are taken to protect the stock from extremes of moisture and temperature. If there is doubt, obtain a variance or a performance bond.

MULCH TO BE FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS, GRADE A MATERIALS APPLY TO 100 PERCENT OPACITY TO LAST 7 MONTHS WITHOUT ANY ADDITIONAL TOP DRESSING. DEPTH WILL VARY DEPENDING ON PRODUCT INSTALLED. TYPICALLY 3"DEPTH

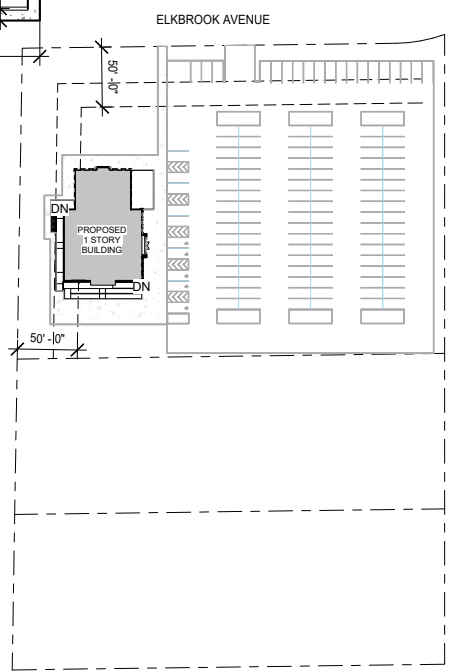
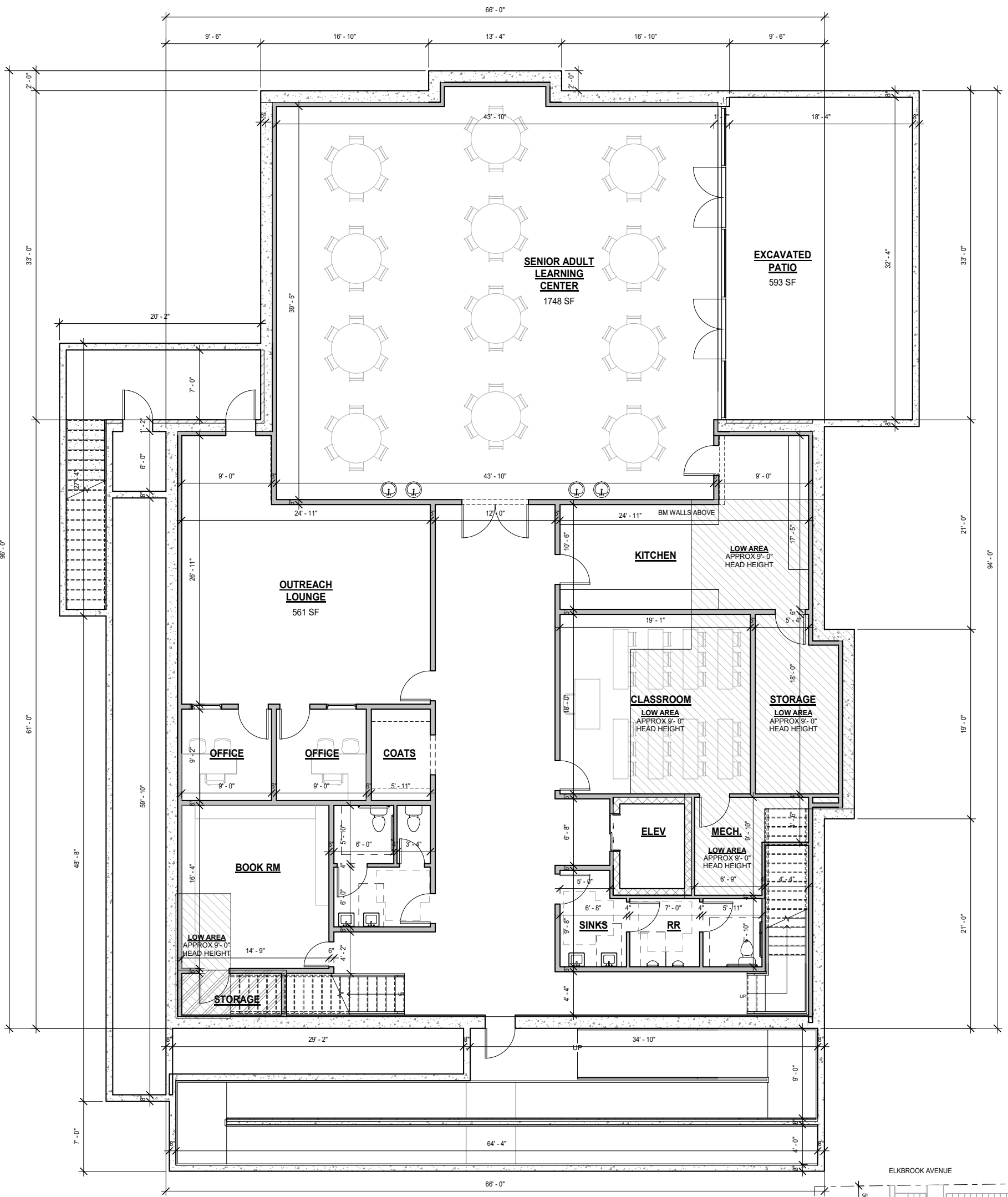
- PROVIDE CLIENT OR CLIENT REPRESENTATIVE WITH PRICE AND A SAMPLE OF THE FOLLOWING OPTIONS:
- LONG LASTING DYED BLACK MULCH DOUBLE SHREDDED
  - DYED BROWN MULCH DOUBLE SHREDDED
  - DOUBLE SHREDDED HARDWOOD BLEND
  - CYPRESS MULCH
  - MINI PINE NUGGET
  - MINI PINE FINES
  - PINE STRAW
  - PREMIUM WOOD CHIP
  - WOOD CHIP

PROVIDE CLIENT WITH QNT MULCH PROVIDED \_\_\_\_\_ CUBIC YARDS

PROVIDE CLIENT WITH QNT OF COMPOST PROVIDED \_\_\_\_\_ CUBIC YARDS

PROVIDE CLIENT WITH QUANTITY OF TOPSOIL PROVIDE \_\_\_\_\_ CUBIC YARDS

# Exhibit D



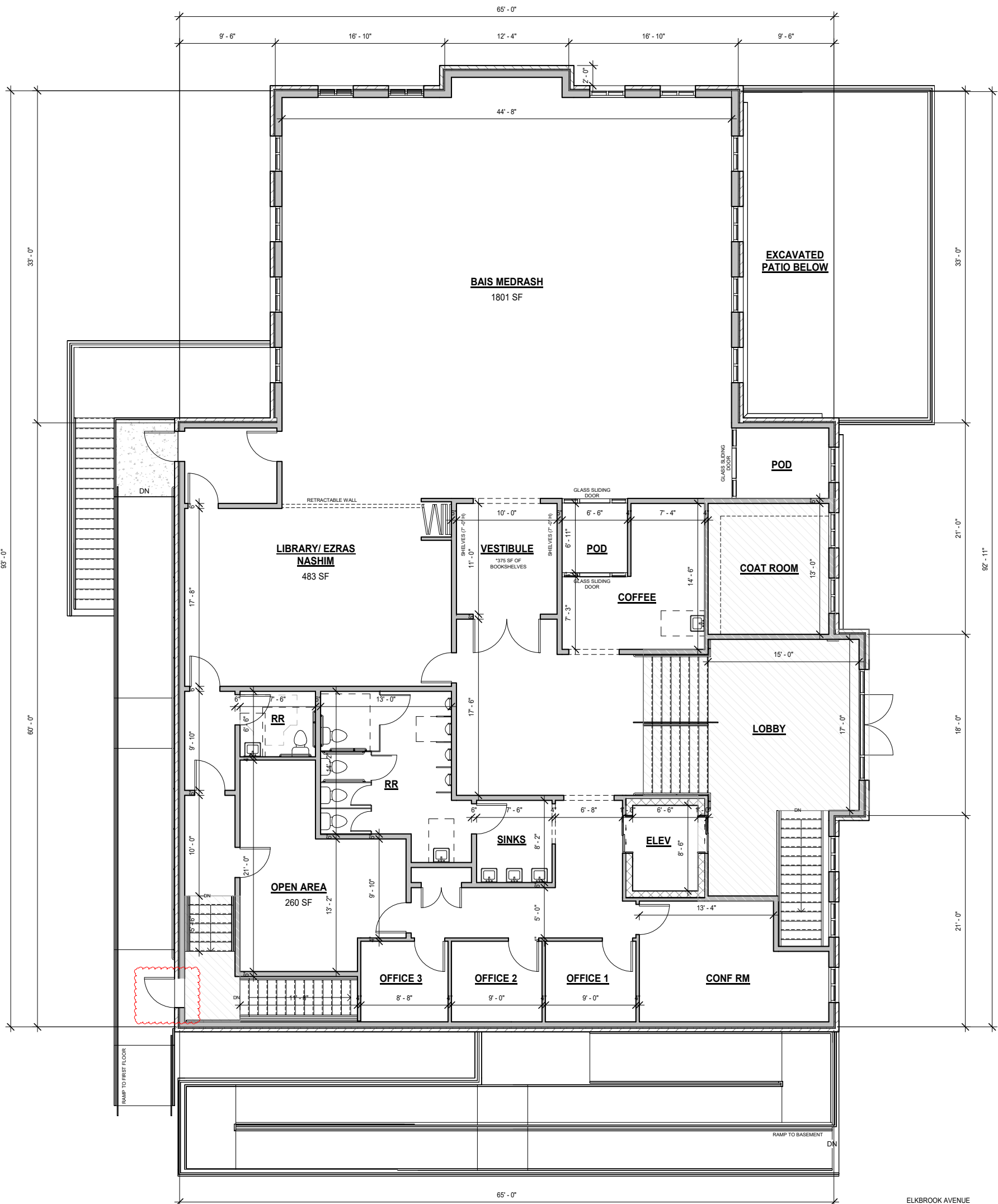
LEVEL ONE	5,661 SF
LEVEL TWO	5,661 SF

**KEY PLAN**  
Scale: 1" = 80'-0"

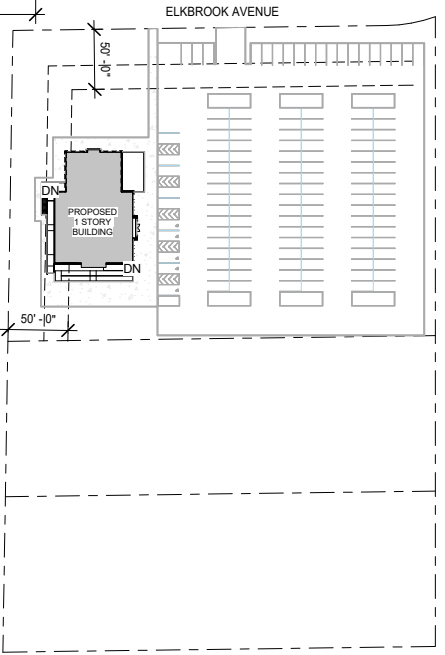
DRAWING NO. B-1	LEVEL ONE
	JOB #: 23CN9436
	DWN: SS/SP
	DATE : 02/27/2023

PROPOSED NEW CONSTRUCTION FOR:  
**CINCINNATI KOLLEL**

**B+F DESIGN**  
STUDIO & ARCHITECTURAL SERVICES  
317 MONMOUTH AVENUE, SUITE 207  
LAKEWOOD, NEW JERSEY 08701  
P: 732-961-1202 E: INFO@BFDESIGNNJ.COM



LEVEL ONE	5,661 SF
LEVEL TWO	5,661 SF



**KEY PLAN**  
Scale: 1" = 80'-0"

DRAWING NO. B-2	LEVEL TWO
	JOB #: 23CN9436
	DWN: SS/SP
	DATE : 02/27/2023

PROPOSED NEW CONSTRUCTION FOR:  
**CINNATI KOLLEL**

**B+F DESIGN**  
STUDIO & ARCHITECTURAL SERVICES  
317 MONMOUTH AVENUE, SUITE 207  
LAKEWOOD, NEW JERSEY 08701  
P: 732-961-1202 E: INFO@BFDESIGNNJ.COM



**A** ELEVATION A  
Scale: 1/8" = 1'-0"



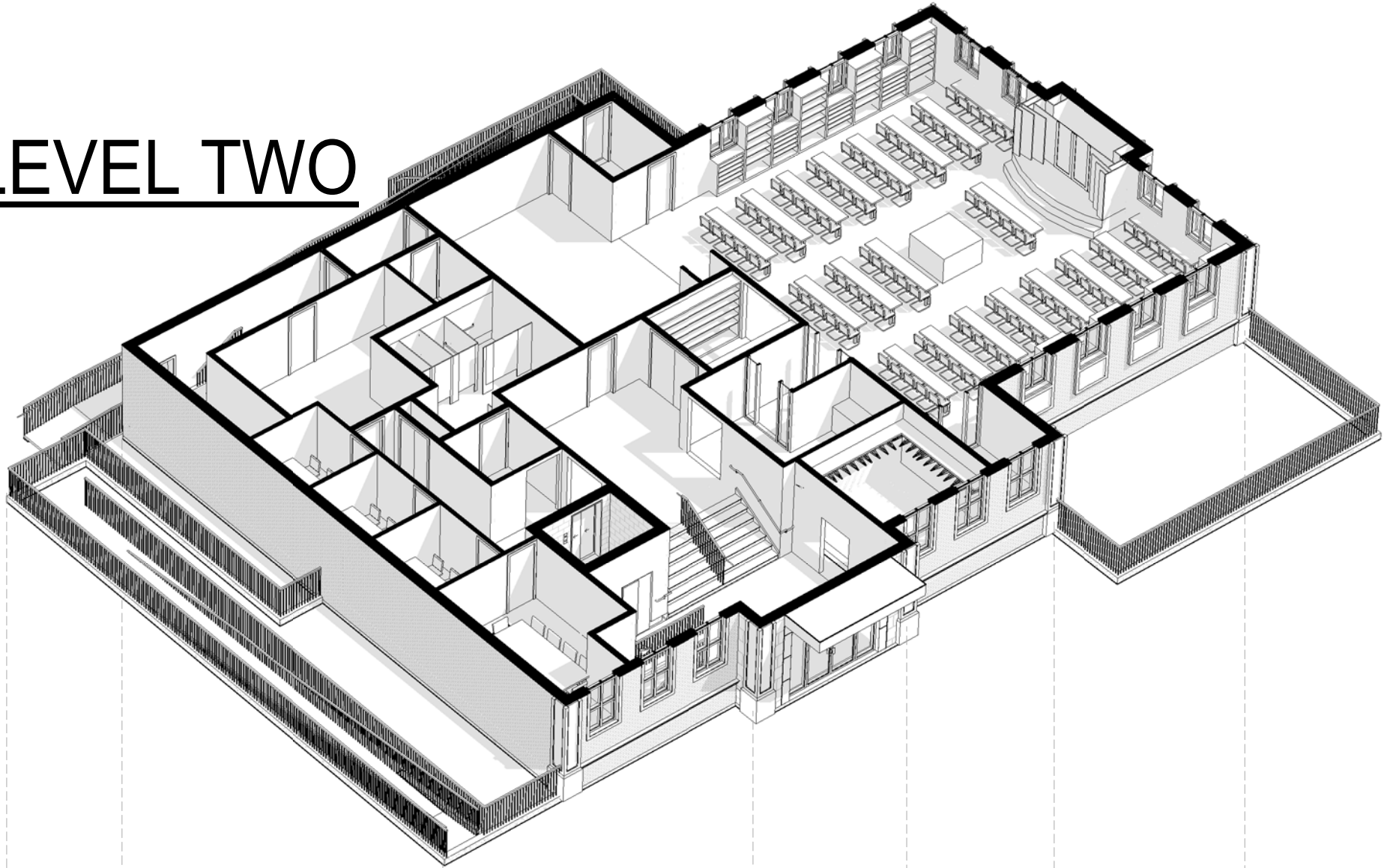
**B** ELEVATION B  
Scale: 1/8" = 1'-0"

DRAWING NO. B-4	ELEVATIONS
	JOB #: 23CN9436
	DWN: SS/SP
	DATE : 02/27/2023

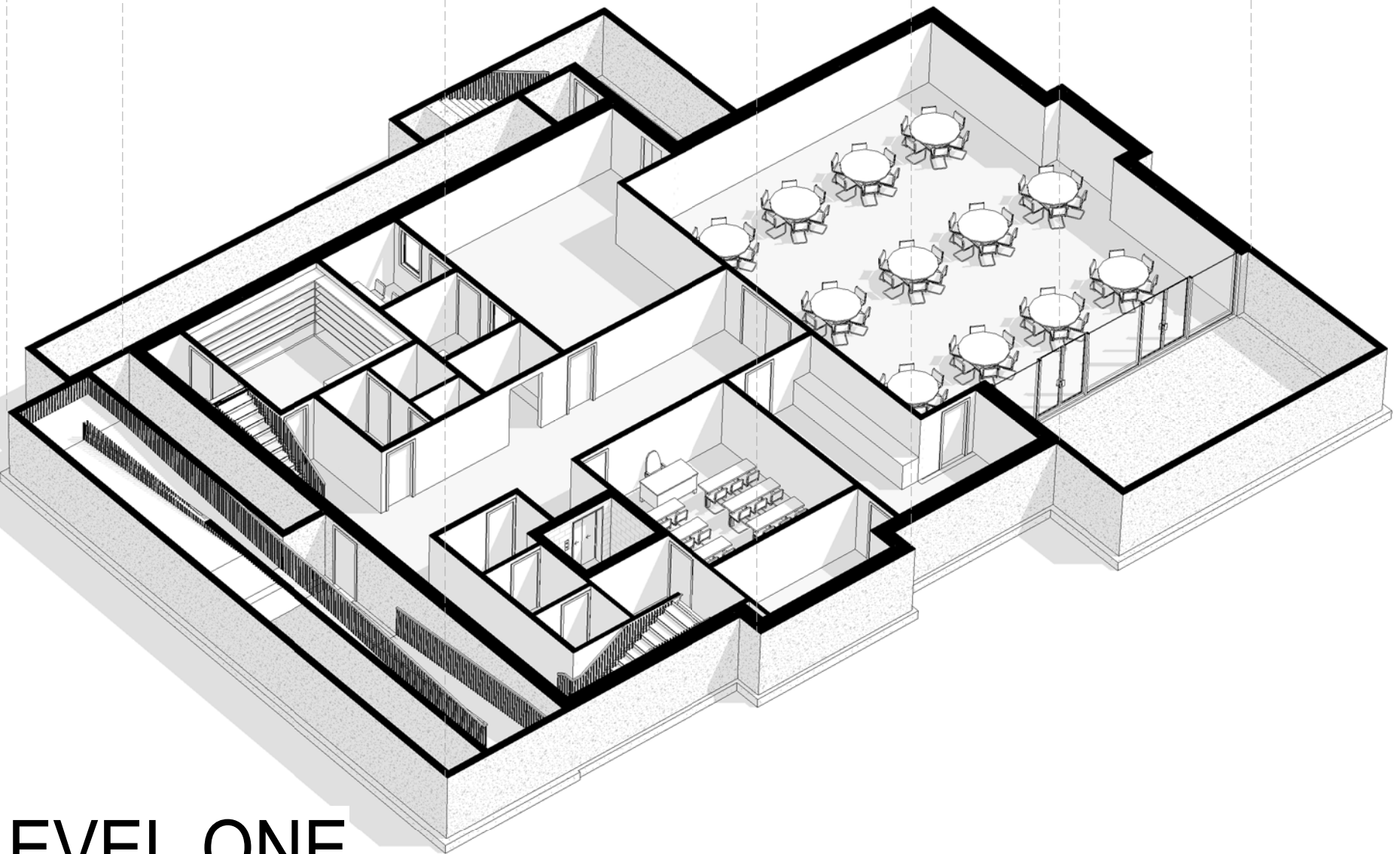
PROPOSED NEW CONSTRUCTION FOR:  
**CINCINNATI KOLLEL**

**B+F DESIGN**  
STUDIO & ARCHITECTURAL SERVICES  
317 MONMOUTH AVENUE, SUITE 207  
LAKEWOOD, NEW JERSEY 08701  
P: 732-961-1202 E: INFO@BFDESIGNNJ.COM

# LEVEL TWO



# LEVEL ONE



DRAWING NO. B-6	3D FLOOR PLANS
	JOB #: 23CN9436
	DWN: SS/SP
	DATE : 02/27/2023

PROPOSED NEW CONSTRUCTION FOR:  
**CINCINNATI KOLLEL**



**B+F DESIGN**  
STUDIO & ARCHITECTURAL SERVICES  
317 MONMOUTH AVENUE, SUITE 207  
LAKEWOOD, NEW JERSEY 08701  
P: 732-961-1202 E: INFO@BFDESIGNNJ.COM

**Sophia R. Holley**  
D: 513.579.6592  
sholley@kmlaw.com

March 14, 2024

**VIA HAND DELIVERY & EMAIL**

Mr. Chris Fritsch  
Village Zoning Administrator  
Amberley Village  
7149 Ridge Road  
Amberley Village, Ohio 45237

Re: Zoning Relief Application: 6701 Elbrook Avenue

Dear Mr. Fritsch:

Thank you for your help with the application of the Cincinnati Community Kolllel (the “Kolllel”) and 6701 Elbrook LLC, the owner of the property subject to the application (the “Owner”) (the Kolllel and the Owner collectively, the “Applicant”). This letter supplements the application (the “Application”) submitted by the Applicant on March 11, 2024, and addresses the topics of our discussion on March 12, 2024. I have enclosed as **Exhibit A** my March 13, 2024 correspondence outlining the additional information this letter addresses.

Also enclosed as **Exhibit B** are a Preliminary Location Plan as well as a Preliminary Grading Plan. Accompanying this letter are the previously requested number of large print-out copies of the Preliminary Location Plan and Preliminary Grading Plan. Through these plans and this letter, the Applicant supplements the Application structurally as follows:

1. The Preliminary Grading Plan indicates that the height of the building is 21’~4”;
2. The Preliminary Grading Plan identifies where the light poles will be located;
3. The Preliminary Location Plan denotes that there will be zero candle foot spillage on the adjacent residential properties from the proposed light poles;
4. The Preliminary Location Plan extends the drive entrance to Elbrook Avenue, and verifies that the curb width meets the 20 ft. minimum;
5. The Preliminary Location Plan shows the pedestrian striping across Elbrook Avenue connecting to the sidewalk system;
6. The Preliminary Location Plan verifies that all utilities will be underground;
7. The Preliminary Location Plan identifies a proposed “Intersection Ahead” sign, which we are open to modifying at the Village’s suggestion;
8. The Preliminary Location Plan establishes the 50 ft. side-yard setback compliance of the structure; and
9. The Preliminary Location Plan identifies the location of the proposed fire hydrant and connection across Elbrook Avenue.

**Keating Muething & Klekamp PLL**

Attorneys at Law

One East Fourth Street | Suite 1400 | Cincinnati, Ohio 45202

P: 513.579.6400 | F: 513.579.6457 | kmlaw.com

In addition to these structural/dimensional updates to the plans, the Applicant further provides the following supplemental information to assist the Board in reviewing this Application:

1. The Applicant shall not violate §§ 154.16 or 154.17 of the Zoning Code, and will not store major recreational vehicles on the property, or any vehicles deemed nuisances;
2. The hours of operation shall be 6:30 a.m. to 10:00 p.m.;
3. The Kollel shall not be used for any commercial activity prohibited by the Code at § 154.24(C)(6); and
4. All signage at the Property shall be lawful regarding the Amberley Village Zoning Code, and shall be submitted to the Amberley Village Zoning Department at a later date.

As noted in my correspondence dated March 13, 2024, the Applicant shall coordinate with the Hamilton County Building Department, who shall involve the Amberley Engineer, in connection with Hamilton County Building Permits. This will necessarily entail approval of a detailed stormwater plan, as well as approval from MSD and Cincinnati Water Works.

Thank you very much for your consideration of these materials. Please confirm that this matter will be heard by the Board of Zoning Appeals/Planning Commission on April 1, 2024 at your earliest convenience. We look forward to presenting this matter to Amberley and the opportunity to join the Amberley community.

Sincerely,

KEATING MUETHING & KLEKAMP PLL

By:   
Sophia R. Holley

# Exhibit A

## Holley, Sophia R.

---

**From:** Holley, Sophia R.  
**Sent:** Wednesday, March 13, 2024 4:36 PM  
**To:** 'Fritsch, Chris'  
**Subject:** Re: Zoning Approval - 6701 Elbrook Avenue  
**Attachments:** Approval of plans and provisions for stormwater plan - Kolllel.pdf

Hi Chris,

Thank you for your call yesterday, and the feedback regarding the application submitted by the Cincinnati Community Kolllel and 6701 Elbrook, LLC (collectively, the "Applicant").

I've taken Amberley's comments back to my client, and conferred with our professional engineer as well as Michael Stehlin, Chief Building Official with Hamilton County, to identify best next steps. As requested, we will be submitting additional materials, including the following, by close of business tomorrow:

1. We will update our elevation sheets to include the height of the building;
2. We will update our lighting plan to indicate where light poles will be located, and to include a narrative indicating that there will be zero foot candle spillage on adjacent residential properties;
3. We will extend our entrance to Elbrook Ave., and have our site plan verify that the width of the curb meets the 20 ft. minimum;
4. We will update our site plan to show pedestrian striping across Elbrook Ave., and how we will connect to the sidewalk system across Elbrook Ave.;
5. We will confirm that all utilities will be underground;
6. We are open to a sign near our drive entrance denoting "Entrance Ahead" (**Please provide additional details on what Amberley is looking for here, as my notes can use supplementation**);
7. We will verify that our parking will not violate § 154.16 or 154.17 of the Zoning Code, and we will not store major recreational vehicles on the property, or any vehicles deemed nuisances;
8. Our hours of operation will be 6:30 a.m. – 10:00 p.m.;
9. We will not use the structure for any commercial activity, as prohibited by the Code at 154.24(C)(6) ("Any use authorized by the Board of Zoning Appeals as a conditional use shall not be used for any bazaar, fete or any other such outdoor activity and provided further that said land and building shall not be used for any commercial activity unless sponsored or directed by the regular and primary occupant of said building. As used herein, **COMMERCIAL** shall mean having financial profit as its primary aim but shall not include the renting of facilities for religious occasions, to charitable or civic organizations for meetings or to individuals or groups for weddings, anniversaries and other similar celebrations.");
10. With respect to signage, the Applicant will verify that all signage at the property shall be lawful regarding the Amberley Village Zoning Code;
11. We will update our site plans to indicate that all utilities will be underground; and
12. We will update our site plan to move the structure to 50 ft. within the side-yard setback area.

There are three additional items that Amberley identified. After reviewing the Code section you forwarded to me (attached for reference), and after speaking with the Chief Building Official with Hamilton County, these items appear relevant to the Building Permit Process, not our pending zoning application. These items include the following:

- A request for a letter from MSD and Cincinnati Water Works showing conditional availability of water and sewer;
- A detailed stormwater plan; and

- Identification of hydrant location, and confirmation from Cincinnati Water Works that adequate water tap is available.

These items will be approved in connection with the Hamilton County Building Department upon the successful zoning approval from the BZA/Planning Commission. After our application for building permit is submitted to Hamilton County, Hamilton County will route our request to MSD, Cincinnati Water Works, the Hamilton County Engineer, and stormwater officials who will ensure that these items are addressed. These items are not part of the review process for what we are seeking from BZA/Planning Commission. Based upon my discussion with the Hamilton County Chief Building Official, the Amberley Engineer will also be involved in these discussions.

As stated in our application, the Cincinnati Community Kollel seeks to be a senior hub for the Jewish community throughout Cincinnati, and also seeks to support individuals with mobility issues and disabilities. We are eager to present our application, and believe that our use meets the spirit and intent of the zoning code. **Please confirm that our application will be heard by the Board of Zoning Appeals/Planning Commission on April 1, 2024.**

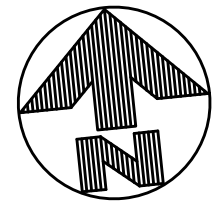
Based upon my review of the Code and our application materials, I understand that the Cincinnati Community Kollel has presented a complete zoning application for this conditional use and variance, and I respectfully request that Amberley permit us to present on April 1, 2024. We are entering prime building season and we would like the opportunity to move forward with our application.

Feel free to call my cell to discuss (513-835-6133), and thank you very much for all your help.

Best regards,  
Sophia

# Exhibit B





SHEPHERD REAL ESTATE LLC  
 PARCEL 052600300166  
 BOOK 526 PAGE 30

VILLAGE OF GOLF MANOR OHIO  
 PARCEL 052800040393  
 BOOK 528 PAGE 4



CINCINNATI HEBREW DAY  
 SCHOOL THE  
 PARCEL 052800040258  
 BOOK 528 PAGE 4

6527 ELBROOK LLC  
 PARCEL 052800040297  
 BOOK 528 PAGE 4



REVISIONS

NO.	DATE	DESCRIPTION

PRELIMINARY GRADING PLAN  
 CINCINNATI KOLLEL  
 6701 ELBROOK AVE  
 CINCINNATI, OHIO

SCALE: 1"=20'  
 DATE: MARCH 5, 2024  
 DRAWN: SAD  
 DESIGNED: SAD  
 CHECKED: RVP  
 XREF:  
 JOB NO.: 23105

CINCINNATI KOLLEL  
 Page

## **§ 154.57 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT.**

(A) It shall be unlawful for the Building Commissioner to approve any plans or to issue a building permit for excavation of construction, or for the moving, alteration or repair of any structure, until he has inspected such plans in detail and found them to be in conformity with provisions of this Zoning Code. To this end, the Building Commissioner shall require that all building permit applications for a new structure or major alteration be accompanied by plans drawn to scale and submitted in duplicate, and that they show:

- (1) Accurate shape, location, and dimensions of the lot to be built upon;
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any structure already on the lot;
- (3) The existing and intended use of all such buildings or other structures;
- (4) Such other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of the Zoning Code are being observed.

(B) All dimensions on submitted plans relating to the location and size of the lot to be built upon, and of any structures already on the lot, shall be based on an actual survey if the building permit sought is for a principal structure, and when deemed necessary by the Building Commissioner if for an accessory structure. The lot and the location of the proposed structure thereon shall be staked out on the ground before excavation or construction is started.

(C) One copy of such plans shall be retained by the Building Commissioner, and one copy returned to the applicant when such plans shall have been approved by him, together with such permit as may be granted.

(D) If the proposed excavation, construction, alteration, or repair, as set forth in the application for a building permit, conforms with the provisions of this Zoning Code and applicable building code, the Building Commissioner shall issue a building permit for such work. If a building permit is refused, the Building Commissioner shall state such refusal in writing, with the cause.

('69 Code, § 151.57) (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](#)

## **§ 154.58 CERTIFICATE OF OCCUPANCY REQUIRED.**

It shall be unlawful for an owner to use or permit the use of any land or any structure, or part thereof, hereafter created, erected, converted, enlarged, or changed, wholly or partly, in its use or construction, until the Building Commissioner shall have issued a certificate of occupancy. Such certificate shall show that such structure or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this Zoning Code.

('69 Code, § 151.58) (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](#)

**§ 154.59 ISSUANCE OF CERTIFICATE OF OCCUPANCY; INSPECTION BY BUILDING COMMISSIONER.**

It shall be the duty of the Building Commissioner, when notified by the builder, owner, or agent that a building is completed, to make a final inspection and to issue a certificate of occupancy, provided he is satisfied that the structure or premises, and the proposed use thereof, conform to all the requirements of this Zoning Code and the applicable building code; or, if such certificate is refused, to state refusal in writing with the cause.

(A) The Building Commissioner, at his discretion, may issue a temporary certificate of occupancy for a part of a building, pending its completion.

(B) On written request of the owner or tenant, the Building Commissioner shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this Zoning Code, certifying, after inspection, the kind and extent of use made of the building or premises, and whether such use conforms to provisions of this Zoning Code.

('69 Code, § 151.59) (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](#)

**§ 154.661 CONDITIONAL USE PERMITS.**

(A) The Board of Zoning Appeals shall have the power to hear applications for conditional use permits in accordance with the provisions of this Zoning Code, §§ [154.25\(C\)](#) and [154.30](#), and to authorize or refuse to authorize a conditional use permit or to issue a conditional use permit upon conditions which, in the judgement of the Board of Zoning Appeals, are necessary to protect the public health, safety, and general welfare and to carry out the policies contained in this code.

(B) A conditional use permit shall not be granted if the proposed conditional use will interfere with quiet enjoyment of proximate residential uses because of the generation of noise, traffic that is incompatible with the neighborhood in which the conditional use is proposed, or light from the conditional use that will spill onto nearby residential uses.

(Am. Ord. C-666, passed 10-10-89; Am. Ord. C-692, passed 10-9-90)

**§ 154.662 SITE PLAN REVIEW.**

The Board of Zoning Appeals shall have the power to hear applications for Site Plan Review in accordance with following provisions.

(A) *Applicability.* This section shall apply to new property development and any expansion of existing structures, except for parking lots of five spaces or smaller. Furthermore, no building shall be erected or structurally altered, except in accordance with the regulations of this section and an approved site plan. No building permit shall be issued prior to the approval of a site plan. This section only applies to property subject to the North Site zoning designation set forth in §§ [154.75](#) et seq.

(B) *Contents of site plan.* Before a permit is issued for construction, six copies of the site plan at a scale no smaller than one inch to 50 feet shall be filed with the Building Commissioner setting forth, identifying and locating the following.

- (1) The total area in the development.
- (2) The existing zoning of the property in question and/or all adjacent properties.
- (3) The names, addresses and contact information of all property owners within 200 feet.
- (4) All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
- (5) Existing topography with a maximum of two foot contour intervals.
- (6) The proposed finished grade of the development shown by contours not less than one foot.
- (7) The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
- (8) Location and dimension of all curb cuts, driving lanes, off street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
- (9) All sidewalks and other open areas.
- (10) All existing wooded/vegetated areas and riparian corridors.
- (11) Location of all walls, fences, and buffer yards.
- (12) Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
- (13) Location of all existing proposed streets, highways and alleys.
- (14) All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades and verification of availability from GCWW and MSD.
- (15) All existing and proposed storm water facilities as required in § [156.03](#).
- (16) All existing and proposed gas, electric, telephone, catv facilities, both public and private to be incorporated into the development.
- (17) The schedule of phasing of the project.
- (18) A Soil Erosion and Sediment Control Plan as required in [Chapter 153](#).
- (19) A lighting plan including photometric information and proposed style and height of light fixtures.
- (20) A landscape plan.

traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.

(14) Drive through establishments should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations or vehicular traffic on adjacent public streets.

(D) *Action by the Board of Zoning Appeals for site plan review.*

(1) Upon submission of the complete application for site plan review to the Building Commissioner, the application shall be transmitted to the Board of Zoning Appeals, where the Board shall review the site plan pursuant to § [154.662\(C\)](#), Site Plan Review Guidelines. For applications for site plan review where no variances are requested from the standards of the Zoning Code, no public hearing shall be required in conjunction with the review, the approval, approval with modifications or disapproval of the site plan. Notice of the public meeting shall be given to the applicant, the Building Commissioner, owners of adjoining properties, and owners of all properties that are within 50 feet of any new improvement or structure, at least 14 days prior to the meeting. In the event the lot involved in the application borders a neighboring governmental jurisdiction, notice of the public meeting shall also be provided to the Safety Service Director of the neighboring jurisdiction. The Board may approve, disapprove, or approve with modifications the site plan as submitted. Any approval will be subject to further review by village staff for general permitting purposes.

(2) For applications where variances to the standards of the Zoning Code are requested, a public hearing shall be scheduled by the Board of Zoning Appeals. Notice of the public hearing shall be given in the same manner as set forth in division (D)(1) above. In addition to the guidelines contained in § [154.662\(C\)](#), the Board shall also consider the standards for variance approval contained in § [154.67](#). Following the public hearing, the Board may approve, disapprove, or approve with modifications the site plan and requested variances as submitted.

(3) The Board of Zoning Appeals shall act upon all site plans within 35 days after the receipt of the complete application from the Building Commissioner. Within the 35-day period, a majority of the members of the Board present at a meeting thereof may vote to extend the period for a period of time not to exceed an additional 90 days.

(E) *Appeal of Board of Zoning appeals decision for site plan review.* An appeal can be made to the Village Council regarding a decision by the Board of Zoning Appeals regarding approval of a site plan review. An applicant, or other aggrieved party, may appeal to the Village Council to evaluate the decision of the Board as related to a site plan review application. The Village Council may uphold the decision of the Board, overturn the decision of the Board, or modify the decision of the Board. An affirmative vote of three-fourths of the Village Council is required to overturn or modify the recommendation of the Board of Zoning Appeals.

(Ord. 2012-05, passed 8-13-12; Am. Ord. 2013-06, passed 4-8-13)

## **§ 154.67 VARIANCES.**

(A) The Board of Appeals shall have the power to authorize on appeal in specific cases any variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to special conditions of the appellant's lots or to existing uses or structures on adjoining lots, a literal enforcement of the provisions of this Zoning Code will result in undue hardship in the case of a use variance, or will result in practical difficulty in the case of an area variance, so as to relieve such hardship or practical difficulty, and so that the intent of this Zoning Code shall be observed, and substantial justice done. In authorizing a variance the Board may attach thereto such conditions or requirements governing the location, character, or other features of the proposed structure or use, and its maintenance, occupancy, and operation as the Board may deem necessary in furtherance of the purposes of this Zoning Code.

('69 Code, § 151.67) (Ord. C-285, passed 7-8-68; Am. Ord. C-691, passed 9-10-90; Am. Ord. C-692, passed 10-9-90)

(B) The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to: whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; whether the variance is substantial; whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; whether the variance would adversely affect the delivery of governmental services, that is water, sewer, garbage; whether the property owner purchased the property with knowledge of the zoning restriction; whether the property owner's predicament feasibly can be obviated through some method other than a variance; or whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

(Ord. C-557, passed 2-13-84; Am. Ord. C-666, passed 10-10-89; Am. Ord. C-691, passed 9-10-90; Am. Ord. C-692, passed 10-9-90)

(C) Notwithstanding the requirement contained in division (A) above that undue hardship or practical difficulty must be demonstrated before a variance may be granted, the Board may waive the undue hardship or practical difficulty requirement for a variance from the prescribed set back from a lot line or lines when the requested variance is to extend or add to an existing nonconforming structure which encroaches on a required set back from a lot line, so long as the extension or addition will not encroach more than the set back of the existing structure. If the request is to add an additional structure or structures, such addition may not encroach more on required set backs from lot lines than any existing structure. All other considerations and conditions outlined in division (A) above continue to apply.

(Ord. C-557, passed 2-13-84)

(3) The sign shall be setback a minimum of five feet from all public rights-of way and private access easements.

(4) The supporting structure of a pylon sign shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.

(5) Freestanding signs shall be a minimum of 20 feet from a lot line of any residentially zoned or used property.

(6) Signs shall have a message area of not more than 50 square feet for single tenant facilities or 150 square feet for multi-tenant facilities.

(Ord. 2012-05, passed 8-13-12)

### **§ 154.83 SITE PLAN REVIEW REQUIREMENT.**

Site plan review by the Board of Zoning Appeals is required for all new structures and expansions of existing uses located in the North Site NS District. This review shall be conducted in accordance with the standards and procedures outlined in § [154.662](#).

(Ord. 2012-05, passed 8-13-12)

## **GENERAL PROVISIONS – Stormwater**

### **§ 156.01 APPLICATION.**

(A) All residential subdivisions and industrial land developments shall be provided with a storm water management system which is adequate to serve the area, meet the requirement of design, blend with natural site features, and any other criteria of the village.

(B) Subdivision and land development improvements shall be designed such that after the development is completed, the quantity and rate of water leaving the site at points of hydraulic analysis is no more than if the site had remained in its undeveloped natural state.

(C) If necessary, storage facilities shall be included to assure that this requirement is met.

(D) The developer shall meet submission requirements as hereinafter specified. However, the village may require information more detailed than specified when a better understanding of a situation is needed.

(E) Storm water management systems will be designed for the ultimate use of the land.

(F) The village may require a higher degree of design than specified in these criteria if the resulting drainage systems appear to jeopardize areas of high value or where the design results do not appear adequate to provide safety and protect the health of the residents.

(G) Where a storm sewer, culvert, open channel, catch basin, inlet, manhole, or other drainage structure lies outside the public right-of-way, easements of sufficient size as determined by the Village Engineer shall be provided to assure easy access and maintenance.

(H) Sub-surface drainage such as underdrains may be required at the discretion of the Village Engineer.

(I) Nothing in this chapter shall overturn provisions of [Chapter 152](#), Flood Damage Prevention. If conflicts occur, [Chapter 152](#) shall govern.

(Ord. C-604, passed 9-8-86)

#### **§ 156.02 DRAINAGE SYSTEMS.**

(A) The development of a comprehensive storm water management system requires providing two separate and distinct drainage systems—the minor system and the major system.

(B) The minor drainage system is for collecting and transporting run-off from frequently occurring storms. It includes open channels, street curbs and gutters, and underground storm sewers, manholes, catch basins, culverts, and the like. This system's purpose is to lessen or eliminate inconveniences and safety and health hazards associated with frequent storms. Except where otherwise indicated, the criteria included in these regulations are directed to the design of the minor drainage system.

(C) The major drainage system is to insure that storm water run-off which exceeds the capacity of the minor drainage system has a route to follow that will not cause substantial damage. It must be recognized that the major drainage system exists even when it is not planned and whether or not physical facilities are intelligently located in respect to it.

(Ord. C-604, passed 9-8-86)

#### **§ 156.03 SUBMISSION REQUIREMENTS.**

Plans, profiles, and supporting documentation to verify conformance with these criteria shall be submitted along with the usual plan submissions required in Chapter 155, Subdivision Rules and Regulations, and shall be referred to as the Storm Water Management Control Plan. This plan shall include:

(A) *Preliminary plans.* In addition to the requirements of [Chapter 155](#), Subdivision Rules and Regulations, a plan showing the total area contributing run-off to the subdivision or land development being considered (project area) shall be submitted with

the preliminary plan. This plan shall contain, but is not limited to, the following information:

(1) A contour plan showing the outline of all areas outside the project area that contributes run-off to it.

(2) Estimated run-off (Q) before and after development for terminal points along natural streams, proposed open channels, and other strategic points such as existing storm sewers or culverts.

(3) Location of proposed detention/ retention areas.

(4) Any other information required by the village to clarify intent.

(B) *Improvement plans.* In addition to the requirements of [Chapter 155](#), Subdivision Rules and Regulations, the improvement plan for the project area shall contain, but is not limited to, the following information:

(1) Diameter, length, slope, concrete pipe, and class (if other than Class II), of all storm sewers, culverts, and sub-surface drainage.

(2) Invert elevations on profiles of all pipes at terminal points such as manholes, inlets, catch basins, and headwalls.

(3) Top of grate elevations of manholes and grate flow lines of catch basins and inlets located outside the public right-of-way. This information shall be submitted for structures within the right-of-way when required by the Village Engineer.

(4) Type of catch basin, inlet, and manhole.

(5) Headwall type.

(6) Cross-sections of proposed open channels showing width of bottom, depth of water, erosion control measures and limits, and side slopes at each point of design along with a profile indicating the longitudinal slope and bottom elevations at the terminal points and points of design.

(7) High and low points, on the plan, indicating the direction of run-off flow on the roadway.

(8) Structural details and design data for detention/ retention facilities.

(9) Details of construction for all structures not included in the standard construction drawings of the Subdivision Rules and Regulations, these criteria, or other referenced standards.

(10) Easements.

(11) Other requirements of [Chapter 153](#), Soil Erosion and Sediment Control.

(12) Any other information required by the village to clarify intent or design features.

(C) *Drainage and grading plans.* In addition to the improvement plan, a drainage and grading plan shall be submitted. This plan may be superimposed on the required improvement plan, or similar plan at a scale of 1 inch equaling 100 feet or larger, showing at least the following additional information:

(1) Contours indicating the existing and final grading at vertical increments of no more than two feet.

(2) Discharge (Q), co-efficient of run-off (c), and drainage area (A) along with the outline of the drainage area for each inlet, catch basin, culvert and open channel point of design, and at other locations designated by the Village Engineer. Drainage areas that lie partially outside the limits of the drainage and grading plan may be delineated on any contour map acceptable to the Village Engineer.

(3) Discharge (Q), before and after development at strategic points within and at the extremities of the project area.

(4) Delineation of the boundaries and contour elevation along with the route of the major drainage system through downstream areas to an adequate outlet although the outlet may be outside the project area.

(5) Delineation of the horizontal limits of ponding areas for storms with frequencies of 25 years and 100 years at low points (sags) in the street profile and low points outside the street right-of-way including, but not limited to, culvert headwater, natural stream water surfaces, and sump type inlets.

(6) High and low water horizontal limits and contour elevation of detention/retention/ sedimentation facilities along with water surface and control weir elevations, outlet structures, and the like.

(7) All requirements of Chapter 153, Soil Erosion and Sediment Control.

(8) Any other information required by the village to clarify intent, specified requirements, or design features.

(D) *Supporting data.* All data and design information used for the design of drainage facilities and for determining downstream flood information shall be submitted with the drainage and grading plan. To facilitate review and avoid confusion, legends, descriptions, structure numbering, and the like used on design forms or other calculations shall be identical to those used on the improvement plans and the drainage and grading plan. This data shall include, but is not limited to:

(1) Weighted run-off coefficient calculations for each contributing area.

(2) Pavement drainage computations.

(3) Storm sewer computations.

(4) Culvert design computations.

(5) Open channel computations.

(6) Detention/retention facilities computations.

(7) Any other information required by the Village Engineer to clarify intent or design features.

(Ord. C-604, passed 9-8-86)

### **§ 156.04 STORM WATER RUN-OFF ANALYSIS.**

Determining the peak rate of storm water run-off reaching the point of consideration is fundamental to the design of the storm water management system. Careful selection of variables is prerequisite to adequate design.

(A) *Rational method.* The rational method shall be used to determine peak rate of run-off from areas not larger than 50 acres. The basic formula for the rational method is  $Q = ciA$  where:

- (1)  $Q$  = Peak rate of run-off in cubic feet per second (cfs).
- (2)  $c$  = Run-off coefficient representing the characteristics of the drainage area.
- (3)  $i$  = Average intensity of rainfall in inches per hour for a duration equal to the time of concentration ( $t_c$ ) for a selected rainfall frequency.
- (4)  $A$  = Area drained in acres.

(B) *Run-off coefficient.* The following table presents values for use with the rational method. A weighted run-off coefficient must be individually computed for each drainage area contributing to a catch basin, an inlet, a culvert, an open channel, or any other drainage facility. The Village Engineer may permit a general weighted run-off coefficient to be used within a subdivision, land development, or for portions of the area. The calculations will be part of the drainage and grading plan submission.

<b><i>Character of Surface</i></b>	<b><i>Run-off Coefficient</i></b>
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Pavements, roofs, and	
-----------------------	--

other hard surfaces	0.90
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Lawns, yards, and other	
-------------------------	--

unpaved areas, except	
-----------------------	--

wooded areas	
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Flat - less than 4:1 slope	0.40
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Steep - 4:1 slope or greater	0.70
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Natural dense wooded areas	0.1 to 0.40
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(1) The use of the above run-off coefficients for natural dense wooded areas is restricted to areas 50 feet or more away from a building which will remain undisturbed and in their natural state; and where engineering data verifying the coefficient has been presented to and approved by the Village Engineer.

(2) Time of concentration. The time of concentration in minutes is the estimated time for storm run-off from the most remote part of the drainage area to reach the point being analyzed. Time for flow in open channels, gutters, pipes, and the like will be estimated using appropriate hydraulic methods. The total time of concentration in minutes is the summation of overland flow, open channels, gutters, pipe flow, and the like. The time of concentration to any drainage facility or point of design is the greater of the summation as defined above or the minimum time of ten minutes.

(3) Intensity of rainfall. The intensity of rainfall will be obtained from the most recent edition of the Hamilton County Storm Drainage Standards, Plate II. The frequency of storm to use is specified in the section of these criteria covering the type of facility being designed.

(Ord. C-604, passed 9-8-86)

### **§ 156.05 LARGE AREAS.**

For drainage areas larger than 50 acres, methods other than the Rational Method may be required to estimate the amount of run-off. Methods specified for detention/retention basins are acceptable. The Village Engineer must approve the method used in each case.

(Ord. C-604, passed 9-8-86)

### **§ 156.06 CATCH BASINS, INLETS, MANHOLES, AND STORM SEWERS.**

This section deals with underground storm sewer systems and appurtenances.

(A) *Catch basins, inlets, and manholes.* It will be the responsibility of the designer to locate catch basins or inlets in the street or in other locations using accepted empirical techniques, and falling within the criteria below.

(1) *Storm frequencies.* Surface run-off for each catch basin or inlet on a continuous grade in the street will be determined using a storm frequency of five years.

(2) *Catch basin or inlet interception requirements.* Each catch basin or inlet on a continuous grade in the storm water system should intercept no less than 80% of the gutter flow reaching it, except at intersections and low points where 100% of the flow must be intercepted.

(3) *Size and spacing.* The size and spacing of pavement catch basins or inlets with grates on continuous grades will be selected assuming the grate alone will intercept water from the gutter. Where feasible catch basins and inlets should be constructed upstream of crosswalks and at intersections. At any design point requiring more than two catch basins or inlets side by side, no more than two will be permitted. Others must be placed upstream at least 100 feet, at a point halfway between the high point and the subject dual catch basins or inlets, or at some other logical point approved by the Village Engineer.

(4) *Manholes.* Manholes shall be located at each horizontal change of direction, vertical change of grade, and generally no more than 400 feet apart.

(5) *Street sags and other low points.* Low point catch basins or inlets will be designed to accept the flow reaching them through the curb opening only. The depth of water cannot exceed the top of the curb opening of the catch basin or inlet for a storm with a frequency of 25 years. A backup system may be required at each low point in the street profile to accept overflow from the low point catch basin and to function independently of it to the main sewer or to eventual outlet.

(B) *Storm sewer design.*

(1) *Storm frequencies.* Surface run-off for design of the storm sewer shall be determined by using the following storm frequencies: pipe size and slope - ten years.

(2) *Pipe capacities.* Storm sewers shall be designed to carry peak flows as calculated by the method specified in § [156.04](#). Size of pipes shall be determined by Manning's Formula. Appropriate charts such as those found in "Design Charts for Open Channel Flow Hydraulic Design Series No. 3," published by the U.S. Department of Transportation, Federal Highway Administration may be used.

(3) *Roughness coefficient.* The roughness coefficient (n) used in Manning's Formula shall be:

(a)  $n = 0.013$  for concrete pipe 30 inches in diameter or larger.

(b)  $n = 0.015$  for concrete pipe less than 30 inches in diameter.

(4) *Pipe size.* The minimum diameter for storm sewer pipe shall be 12 inches. In no case shall the diameter of a storm sewer pipe leaving a structure such as a manhole be less than the largest pipe entering it.

(5) *Minimum cover.* Unless specifically requested and approved by the Village Engineer, the minimum cover for any storm sewer will be one foot measured from the bottom of the roadway base material to the top of pipe. Outside the paved roadway the minimum cover shall be three feet unless prohibited by topography or other restrictions impractical to change.

(6) *Maximum and minimum velocities.* Velocities in storm sewer pipes shall not be less than 2.5 feet per second nor more than 12 feet per second. Higher velocity than that allowed will be considered in rare cases where it can be shown that staying within the maximum would cause an unreasonable burden. In such situations, special provisions shall be made to protect the sewer pipe against erosion and displacement by shock or for checking the flow velocity.

(7) *Free outlets.* Where a storm sewer outlets to an open channel, erosion control will be determined by the same method as specified in these criteria for culvert outlets.

(Ord. C-604, passed 9-8-86)

## **§ 156.07 CULVERTS.**

Culverts are used to convey storm water in an open channel, natural or man-made, through an embankment such as a roadway.

(A) *Design.*

(1) *Storm frequencies.* Surface run-off used for selecting the culvert shall be determined by using the following storm frequencies:

- (a) Design for 25 years.
- (b) Check for 50 years to meet maximum allowable headwater elevations.
- (c) Determine for 100 years to check building impacts.

(d) Driveway pipes are the responsibility of the property owner and should be sized for a storm of at least ten years frequency. Each driveway pipe need not be formally designed except when the headwater approaches the maximum allowable.

(B) *Data design and submission.* Culverts will be designed by the methods, nomographs, and the like found in "Hydraulic Charts for the Selection of Highway Culverts - Highway Engineering Circular No. 5, 1965" and "Capacity Charts for the Hydraulic Design of Highway Culverts - Highway Engineering Circular No. 10, 1965", published by the U.S. Department of Transportation, Federal Highway Administration.

(C) *Type of culvert flow.* All culverts will be reviewed for both inlet control and outlet control. The assumption resulting in the higher headwater elevation will govern.

(D) *Headwalls.* All culverts except driveway pipes will be constructed with headwalls according to the requirements of these criteria.

(E) *Allowable headwater elevations.* Maximum headwater or any water surface:

(1) For a 100-year storm, shall be two feet below the lowest opening in any building affected by the storm;

(2) For a 50-year storm, shall be one foot below the top of bank or embankment on the upstream end of the culvert;

(3) For a driveway pipe, shall be no higher than the roadway shoulder at the ditch or the driveway sag, whichever is lower.

(4) Depressed culvert inlets (dropped channels) may be used except for driveway pipes.

(F) *Minimum cover.* The minimum cover for culverts except driveway pipes shall be two feet from bottom of roadway base material to the top of pipe. Driveway pipes will be constructed according to applicable standard drawings.

(G) *Erosion control.* Outlet velocity will determine the erosion control needed at the culvert outlet. Height of protection along the slope shall be the outlet depth of water in the culvert for a 25-year storm plus two feet. Specially designed energy dissipators may be used with the approval of the Village Engineer.

(Ord. C-604, passed 9-8-86)

**§ 156.08 OPEN CHANNELS.**

This section deals with the design and construction of open channels. While the continued use of natural channels in open space is encouraged, those natural and man-made channels through inhabited areas are to be restricted according to the criteria in this section.

(A) *Proposed channels.* Open channels through areas not presently containing a natural stream, depression, or diversion ditch will be permitted only for the collection of surface run-off from small areas.

(B) *Channel locations.* Man-made channels should be constructed on or behind the rear property lines of lots and will be routed to permanent surface or subsurface outfalls.

(C) *Collection points.* At any point where channel design flow exceeds the maximum allowable depth, velocity, and the like, the storm water must be collected in an approved catch basin, inlet, or culvert and directed through an underground storm sewer system.

(D) *Private drainage.* All open channels shall be placed in private drainage easements. Maintenance shall be the requirement of the property owner.

(Ord. C-604, passed 9-8-86)

#### **§ 156.09 NATURAL CHANNELS.**

(A) *Evaluation.* All natural channels permitted to remain undisturbed will be reviewed for depth, width, velocity, and the like for a 100-year storm using hydraulic techniques acceptable to the village. These channels must be located such that the maximum water surface elevations due to the 100-year storm including backwater from culverts or other restrictions shall be two feet below the lowest opening in any building.

(B) *Alignment.* The horizontal or vertical alignment of a natural channel may not be indiscriminately changed and continued as an open channel simply to provide more useable land. A channel changed for any purpose must become part of the underground storm sewer system except as outlined below.

(C) *Channel upgrading.* At the village's discretion, natural channels contiguous to or running through an area being considered for development, but not to be disturbed by the development, shall be studied by the village to determine the need for upgrading, rehabilitation, or maintenance. If required, the developer shall provide such design information as needed along with a plan showing in detail the work to be done. This work may consist of tree, debris, and obstruction removal, bottom and slope erosion control, slope establishment with rock or other protection, recut of slopes to more stable angle and the like. Each area will be considered on its own merits. The developer shall make any improvements deemed necessary by the village.

(D) *Private drainage easements.* Size of required private easements will be based on the water surface spread for the 100-year storm. Each natural channel shall be individually studied and easements required which will be in the best interests of the village and the property owner.

(Ord. C-604, passed 9-8-86)

#### **§ 156.10 MAN-MADE CHANNELS.**

(A) *Type of channels.* Man-made channels located on the rear lot lines shall be either:

(1) Swales with side slopes no steeper than 8:1 with the bottom rounded four feet on each side of the channel centerline of V-type bottom.

(2) Flat bottom channel with side slopes no steeper than 4:1.

(3) Swales in lieu of flat bottom channels are desirable where feasible.

(B) *Channel capacity.* Channels will be designed for the selected storm frequency to carry peak flows as calculated by the method specified in § 156.04.

(C) *Submission of data.* Data and design calculations will be submitted to the Village Engineer.

(D) *Points of design.* Open channels will be designed by considering each point along the channel where a concentrated flow enters the channel, at each change of longitudinal grade, and at various points as necessary throughout its length. The entire reach under consideration shall be designed for the discharge at the lower end of the reach.

(E) *Storm frequency and velocities.* Velocity in the channel shall be no less than 2.5 fps nor more than 5.0 fps based on a storm of 25-year frequency.

(F) *Roughness coefficient.* Manning's n will be 0.04 for sod.

(G) *All channels shall be constructed with sod.* If the soil is not capable of supporting vegetation, appropriate action must be taken to bring the soil to a condition which will support the growth of sod. In areas where sod growth is not assured, such as continuous running streams, other means of controlling erosion acceptable to the Village Engineer and the Hamilton County Soil and Water Conservation District may be utilized.

(H) *Easements.* Private drainage easements will be granted for every designed man-made open channel.

(I) *Typical section.* A typical section of all proposed man-made open channels shall be shown on the improvement plan and shall contain at least the following information:

(1) Side slopes.

(2) Flat bottom width, if applicable.

(3) Depth of water at design storm.

(4) Width of sod lining.

(J) *Design.* Channels shall be so designed that the water surface for the 100-year storm is two feet below the lowest opening of building subject to flooding by the channel unless approved by the village.

(Ord. C-604, passed 9-8-86)

## § 156.11 DETENTION/RETENTION BASINS.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DETENTION BASINS.** Dry surface storage areas created by constructing an excavated or embankment basin.

**DETENTION/RETENTION OF STORM WATER.** Storage of excess run-off on the site of a development and gradual release of the storm run-off at an acceptable rate.

**RETENTION BASINS.** Permanent ponds where additional storage capacity is provided above the normal water level.

(B) *Objective.* The objective of a detention/ retention facility is to regulate the run-off from a rainfall and to control discharges to downstream areas in order to reduce the impact on downstream drainage systems.

(C) *Requirement.* Detention/retention of storm water will be required for each subdivision or land development unless specifically exempted.

(D) *Exemptions to detention/retention requirements.* The developer may apply to the village for exemption from construction of detention facilities. Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.

(E) *Design.*

(1) Run-off and volume calculation methods. The methods outlined in "Ohio Supplement to Urban Hydrology for Small Watersheds: Technical Release No. 55 Engineering Division, Soil Conservation Service, (SCS), U.S. Department of Agriculture," will be used to determine run-off.

(2) Dams in excess of ten feet are subject to Ohio Department of Natural Resources (ODNR) review.

(3) In some instances, as determined by the Village Engineer, a hydrograph method may be necessary to predict the length of time of high discharge from a detention/retention basin. This determination will be made at the preliminary plan stage. It is the developer's responsibility to obtain this determination prior to beginning design procedures.

(4) Allowable run-off. The volume and peak rate of run-off from an area after full development shall not exceed the volume and peak rate of run-off from the same area before development for all 24-hour storms with frequencies of 5, 10, 25, 50, and 100 years.

(5) For those areas where a study of the downstream area indicates the extended time of high discharge or velocity due to restricted release rate and storage may cause flooding or excessive erosion, the Village Engineer in cooperation with the Hamilton County Soil and Water Conservation District may require additional controls.

(6) Basin construction.

(a) The side slopes of a detention/ retention basin shall not exceed 4:1 and shall be seeded or sodded.

(b) The bottom of the basin shall be seeded or sodded and sloped to the outlet flow control device. A method of carrying low flow through the basin shall be provided and include appropriate erosion control.

(c) The maximum water depth for detention basins shall be six feet, unless otherwise approved by the village.

(d) The top of the embankment shall have a minimum width of eight feet.

(e) Outlet flow control devices may be either single-stage or multi-stage, with provision for emergency overflow.

(f) Other requirements may be imposed for specific cases.

(g) The basin shall be provided with vehicular access for service vehicles.

(h) Public easements shall be granted for each basin and access road, on all single-family developments.

(i) Operation and maintenance of basins in commercial and industrial zones shall be the responsibility of the property owner. Private drainage easements will be provided specifying long-term maintenance responsibilities.

(F) *Submission requirements.* Plans and supporting data to verify storage volumes, release rates, and the like shall be submitted. The submission shall include, but is not limited to, the following:

(1) A plan, which may be the Improvement Plan, Drainage and Grading Plan, or similar plan at a scale of one inch equaling 100 feet or larger, shall be submitted and contain at least the following information:

(a) The outline and designation of the drainage area.

(b) All existing and proposed drainage facilities.

(c) Existing and proposed contours (two foot minimum interval).

(d) Existing structures.

(e) Downstream restrictions (may be on a separate plan).

(f) The detention/retention basin with outlet structures, including emergency overflow features.

(g) Pertinent elevations such as water surface, flowline of flow control devices, and the like.

(h) Any other information required by the village to clarify intent or design features.

(2) All calculations and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.

(Ord. C-604, passed 9-8-86)

### **§ 156.12 MAJOR DRAINAGE SYSTEM.**

(A) *Planning.* Planning for the major drainage system is to insure that storm water run-off which exceeds the capacity of the minor drainage system has a route to follow that will not cause substantial damage. This system exists whether or not it is planned.

(B) *Criteria.*

(1) *Storm frequencies.* Surface run-off for the major drainage system shall be determined using a storm with a frequency of 100 years.

(2) *Building restriction.* No building opening will be located at an elevation lower than two feet above the water surface elevation at the 100-year storm unless approved by the village.

(C) *Points of consideration.* All open channels, street cross sections, low points, culverts, entrances, and the like will be considered as possible flood areas due to the 100-year storm and will be included as part of the major drainage system investigation.

(D) *Submittals.* All calculations will be submitted with the drainage plan. The boundaries, contours, and extremes of the major drainage system will be delineated on the drainage plan. The designer will point out the problem and proposed solutions to avoid damage due to the 100-year storm.

(Ord. C-604, passed 9-8-86)

### **§ 156.13 STANDARDS, SPECIFICATIONS, FORMS, AND CHARTS.**

(A) Generally, the construction methods, standard drawings, and specifications contained in [Chapter 155](#), Subdivision Rules and Regulations, shall apply.

(B) The latest editions of "Construction and Material Specifications" and "Standard Construction Drawings," both published by the Ohio Department of Transportation (ODOT), will apply to all work not specifically covered by [Chapter 155](#), Subdivision Rules and Regulations.

(1) *Pipe.* All pipe shall be ODOT 706.02 or 706.04 of a strength determined as adequate for the location.

(2) *Manholes.* Unless previously approved by the village, storm sewer manholes No. 1, No. 2, or No. 3 will be used as shown in ODOT standard construction drawings.

(3) *Catch basins and inlets.* Any catch basin or inlet found in the ODOT standard construction drawings or other approved standards may be used for its intended purpose. In individual cases special inlets or catch basins may be approved by the Village Engineer prior to their inclusion in the plans.

(4) *Headwalls*. All headwalls for culverts, storm sewer outlets, and driveway pipe shall be full wingwall Headwall type, Hamilton County or ODOT standard.

(Ord. C-604, passed 9-8-86)

## **ADMINISTRATION**

### **§ 156.25 APPLICATION FOR PERMIT.**

(A) A minimum of three complete sets of the Storm Water Management Control Plan shall be submitted to the Planning Commission at least 15 working days prior to the next regularly scheduled meeting.

(B) No applications for permits to improve undedicated streets or building permits shall be issued until a Storm Water Management Control Plan, together with other submissions required by the village, are approved by the village.

(Ord. C-604, passed 9-8-86)

#### ***Cross-reference:***

*Storm Water Management Control Plan, see § [156.03](#)*

*Application for permit to improve undedicated streets, see [Ch. 155, Appendix](#)*

### **§ 156.26 PLAN REVIEW AND APPROVAL PROCEDURES.**

(A) Upon receipt of the recommendations of the Village Engineer and the Hamilton County Soil Conservation Service and after consideration thereof, the Planning Commission shall act upon the request. Approval of the Storm Water Management Control Plan by the Planning Commission shall constitute a permit.

(B) Minor revisions to plans originally approved by the Planning Commission may be approved by the Village Engineer who may consult the Hamilton County Soil Conservation Service in his review. The Village Engineer shall determine if a revision is a major or minor revision. All major revisions shall be subject to approval by the Planning Commission with recommendations from the Village Engineer and the Hamilton County Soil Conservation Service.

(Ord. C-604, passed 9-8-86)

### **§ 156.27 INSPECTIONS.**

(A) *Required inspections*. Inspection by the Village Engineer or Hamilton County Soil Conservation Service, as hereinafter required, shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with the Storm Water Management Control Plan. Where it is found by inspection that conditions are not substantially as stated or shown in the Plan, the Engineer may recommend to the Village Manager the stoppage of work until approval is obtained for a revised plan conforming to the existing conditions. Plans for the work, bearing the stamp of approval of the Village Engineer, shall be maintained at the site during progress of the grading. In order to obtain inspections in accordance with the following schedule, the permittee

shall notify the Village Engineer at least two full working days before the inspection is to be made:

- (1) *Rough grading.* When all rough grading has been completed.
- (2) *Final inspection.* When all work, including installation of all drainage and other structures and required planting, has been completed.
- (3) *Intermediate inspection.* Additional intermediate inspections as deemed necessary by the Engineer.

(B) *Special precautions to be added to each plan as a general note.*

(1) If at any stage of the work, the Village Engineer determines by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to imperil any property, public way, water course or drainage structure, the Village Engineer may require, as a condition to allowing the work to continue, that such reasonable safety precautions be taken as he considers advisable to avoid the likelihood of such peril. Special precautions may include, but shall not be limited to, specifying a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, cribbing, installation of planting materials for erosion control, and reports of a registered engineering geologist whose recommendations may be made requirements for future work.

(2) Where it appears that storm damage may result because the grading is not complete, work may be stopped and the permittee required to install temporary planting to control erosion, install temporary structures, or take such other measures as may be required to protect adjoining property or the public safety. On large operations or where unusual site conditions prevail, the Village Engineer or Hamilton County Soil Service may specify the time of starting grading and the time of completion or may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

(Ord. C-604, passed 9-8-86)

#### **§ 156.28 BONDS.**

(A) In order to insure that emergency measures could be taken by the village if the storm water management control measures were not implemented according to the agreed upon plan and schedule, a performance bond in the amount agreed upon by the Village Engineer to be sufficient to cover the cost of the storm water management measures shall be required to be filed with the village prior to commencing any construction or grading on the site. The performance bond shall authorize immediate payment to the village upon certification by the Village Manager with the concurrence of the Planning Commission, that necessary emergency work must be done immediately to insure proper storm water management as a result of the landowner/developer's failure to complete or adhere to the approved Storm Water Management Control Plan. The bond shall remain in effect until such time that the Planning Commission has granted final Storm Water Management Control Plan project approval as called for in

§ 156.31. At that time any unused balance of the bond shall be returned to the developer.

(B) A guarantee bond for the Storm Water Management Control Plan project shall be included and shall be a part of the guarantee bond for all public improvements in the subdivision as directed by § 155.18.

(Ord. C-604, passed 9-8-86)

### § 156.29 REVOCATION OF STORM WATER MANAGEMENT SEDIMENT CONTROL PLAN PERMIT.

(A) *Authority.* In the event any person holding a permit pursuant to this chapter violates the terms of the permit, or conducts or carries on the site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the subject property of the permittee, or conducts or carries on the site development so that it is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Planning Commission shall revoke or suspend the permit.

(B) *Procedure for revoking permit.* No permit shall be permanently revoked or suspended until a hearing is held by the Planning Commission. Written notice of the hearing shall be served upon the permittee, either personally or by registered mail, and shall state:

(1) The grounds for complaint or reasons for the revocation or suspension.

(2) The time when, and the place where the hearing is to be held. The notice shall be served by registered mail or personal service on the permittee at least five days prior to date set for the hearing. At the hearing, the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of the hearing, the Commission shall determine whether or not the permit shall be suspended or revoked.

(3) The penalty for revocation of the permit shall be forfeiture of the performance bond to the village. This does not preclude a lawsuit for damages being filed against the developer by the village.

(Ord. C-604, passed 9-8-86)

### § 156.30 VARIANCES.

The Planning Commission may authorize variances to any of the requirements and regulations set forth in this chapter.

(A) *Application for variance.* Application for any variance shall be made by a verified petition of applicant stating fully the ground of the application and the facts relied upon by the petitioner. The application shall be filed as an attachment to the developer's Storm Water Management Control Plan. In order for the petition to be considered by the Planning Commission it shall be necessary that all of the following facts are applicable:

(1) That the land is of such shape or size, is affected by such physical conditions, or is subject to such title limitations of record that it is impossible or impractical for the subdivider to comply with all of the regulations of this chapter.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(B) *Referral of proposed variance.* Each proposed variance shall be referred to the Village Engineer and the Hamilton County Soil Conservation Service for their recommendations to the Planning Commission prior to the Planning Commission hearing.

(Ord. C-604, passed 9-8-86)

### **§ 156.31 FINAL STORM WATER MANAGEMENT CONTROL PLAN PROJECT APPROVAL.**

After completion of the project, the Planning Commission shall meet for the purpose of reviewing the compliance with the approved Storm Water Management Control Plan. The approval of the construction by the Village Engineer shall be required prior to this final review. Following this review, the Planning Commission will formally approve or disapprove project completion.

(Ord. C-604, passed 9-8-86)

### **§ 97.04 CONSTRUCTION BOND REQUIREMENTS.**

(A) Before a permit is granted, either the owner of the project or the contractor performing the work on such project shall post sufficient bond in an amount satisfactory to the Village Manager to assure completion of construction, that the terms and conditions of this chapter shall be met, and that the right-of-way, public way and damaged property shall be properly restored in accordance with § [97.03](#)(G) and (H), in the form of a surety or maintenance bond, escrow account, irrevocable letter of credit, or cash deposit.

(B) Maintenance of the work or other activity performed in the rights-of-way, performed under a construction permit issued in accordance with this chapter, shall remain the responsibility of the permit holder for a period of one year from the date of final inspection by the village, except that period shall be two years for permits issued for pavement cuts or boring holes through or under the pavement. A sufficient bond, in an amount to be determined by the Village Manager, shall be posted during these periods.

(C) Notwithstanding the foregoing bond requirements, upon application the Village Council, in its sole discretion, may waive said bond requirements if satisfied that the applicant is sufficiently self-insured and maintains a satisfactory credit rating.

(Ord. 2007-03, passed 4-9-07)

#### **§ 97.05 CONSTRUCTION PERMIT FEE. Chapter 97 Streets and Sidewalks**

(A) *Fee.* After completion of the project, work or other activity pursuant to a construction permit, the village will invoice the permit holder for all the actual costs incurred by the village in the review, management, oversight and inspection that are related to the application for, granting of, and work performed under, the construction permit and which meet the tests prescribed for public way fees by The Public Utilities Commission of Ohio.

(B) *Exemption from fee.* The following shall not be subject to the fee provided in division (A) above:

(1) The village.

(2) Cable operators who are providing only cable service and are operating pursuant to a valid franchise agreement with the village is pre-empted from assessing such fees by the Federal Communications Commission.

(C) Nothing herein prevents an entity that is a public utility pursuant to R.C. § 2905.02 from obtaining cost recovery for any facility relocation required as a part of its occupancy of the right-of-way pursuant to R.C. § 4939.07.

(Ord. 2007-03, passed 4-9-07)

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6701

Kollel

Parking Lot

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