

AGENDA

May 6, 2024

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of April 3, 2024

Cases

CASE NO. 2024-105

Jim Demetrion, the property owner of 7411 Willowbrook Lane, is seeking two variances from Zoning Code Section 154.12 and one variance from Amberley Code 154.51. The variances, if approved, would allow for the construction of a 1,176 square foot detached garage with an overall height of 23.4 feet. The garage doors will face Willowbrook Lane. The Village Code permits a detached garage area to have a floor area of 800 square feet and measure 16 feet tall without the primary access garage doors facing the street.

CASE NO. 2024-65

Daniel and Ariel Weiss, the homeowners at 3160 North Farmcrest Drive, are requesting two variances to Village Code Section 154.12 (A)(7) to allow the primary access doors of the shed to face the street and Village Code Section 154.12 (A) (2) for the shed to be installed 4.5' from the east property lot line.

CASE NO. 2024-91

Theodore and Jennifer Scherpenberg, the homeowners at 6800 Ridge Road, are requesting a variance to Village Code Section 154.14 (A) to permit a 7' tall black mesh fence to be constructed along the north rear property lot line.

CASE NO. 2024-92

Jason and Lauren Boldt, the homeowners at 3301 Fairhaven Lane, are requesting a variance to Village Code Section 154.14 (A)(2) to permit an 800 square foot garden surrounded by a nylon mesh fence, 6' in height, supported by a wooden frame. The requested garden location would be in the rear yard 20' from the west property lot line.

CASE NO. 2024-100

Michael and Michele Schuster, the homeowners at 6825 Glen Acres Drive, are requesting a variance to Village Code Section 154.14 (A) to permit a 4' tall split rail wood fence to be constructed along the north side and front property lot line.

CASE NO. 2024-101

Victor Louis and Ashley Ruff, the homeowners at 7026 Beech Hollow Drive, are requesting a variance to Village Code Section 154.14 (A) to permit a 6' tall wooden privacy fence in the side yard facing the street and a 6' tall black coated chain link fence in the side and rear yard. The fencing will surround a 30' x 60' artificial turf play area.

New Business

Adjournment

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

Chairperson Richard Bardach called to order a public hearing of the Amberley Village Board of Zoning Appeals/Planning Commission at the Amberley Village Municipal Building in Council Chambers on Wednesday, April 3, 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 March 3, 2024, meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2024-72

Mr. Fritsch introduced Case No. 2024-72, in which 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 Kollel that will include a Conditional Use Permit (CUP) and front yard parking lot setback 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 property. He said the property was zoned Residence B and would require a variance to allow for the Kollel.

Chairperson Bardach stated the meeting would include a public hearing, and said all in Chambers wishing to speak would have the opportunity. He said as a matter of procedure, all testimony would be heard, and the Board would deliberate once public comment was finished. He said the public hearing would begin with the applicant.

Ms. Sophie Holley of 1 E. 4th Street said she was with KMK Law and represented 6701 Elbrook LLC, which was the current owner of the property. She said her clients wished to request a Conditional Use Permit (CUP) and setback variance for parking close to the front of the proposed building both to allow for handicap parking and to preserve the current athletic field. She said Ohio law allows that residential properties can be used for community use, and introduced those in attendance who also represented the 6701 Elbrook LLC. Included in Ms. Holley's introductions were Rabbi Dovid Spetner, who serves as President of the Community Kollel; Mr. Robert Painter of RVP Engineering, which engineered the project; Mr. Bret Caller, Principal of Viking Partners, the developer of the project; and Mickey Fishman, Principal of the Atara Girls High School, which owns the property and operates the school at the address next door.

Ms. Holley presented a Powerpoint presentation which outlined considerations under which the law allows for a Conditional Use Permit. She said a CUP could be granted if its construction and operation are not detrimental to the peaceful occupancy of nearby homes, that the public building will not have negative impact on area property values, and the design will not have an adverse impact on the quality of the neighborhood. She said it was her purpose to prove that these criteria were met.

Ms. Holley showed an aerial view of the property, and pointed out the intention was to keep the current ballfield in the plans.

Mr. Lauer asked how the building aligned with the adjacent school in relation to the street line. Mr. Cappozzo stated it looked like it sat closer to the street.

As the project engineer, Mr. Painter said the proposed building would sit closer to the road, but was still over the required 100 foot setback from the right of way. He said the school was further away.

Rabbi Dovid Spetner of the Community Kollel said his organization served as an educational institution. He said the Kollel attracts young families, and that the Cincinnati Hebrew Day School had tripled since the installation of the Kollel.

Ms. Holley pointed out that the Kollel was comprised of mostly staff during the daytime, to which Rabbi Spetner added that most of them walked as their primary means of transportation to the Kollel.

Ms. Holley said the JCC has a similar parking variance, which she would request for the Kollel due to the unique factors of the property. She respectfully asked approval to be able to respond after public questions and comments had been considered.

Mr. Bardach opened the public hearing at 7:07 p.m.

PUBLIC HEARING

Gayle Neiswonger of 6624 Meadowridge Lane stated that the proposed building was not actually public, but rather, only for a certain sector. She said the original plans for the community were to benefit the public, which included a public school and green space. She said the low-lying meadow area at 6701 Elbrook served as home to various wildlife, and expressed concerns with paving causing flooding due to already-overloaded sewers. She said the structure would impact access to Elbrook from Meadowridge, and felt that the 109 parking spaces requested in the plan was not compatible with a residential area. Ms. Neiswonger said the Kollel would not generate revenue, and therefore the Village should protect the greenspace out of respect for the indigenous peoples who settled the region.

Ms. Ester Pollick of 6761 Elbrook Avenue said she and her family were excited about the new project, and eager for the contributions it would bring to the community.

Mr. Wayne Signer of 2485 Twigwood Lane stated he had been a resident of the Village for 57 years, and that he had two family businesses in Amberley Village as well. Mr. Signer said he no objections to the relocation of the Kollel, but expressed concern with water run-off from the construction of the building. He requested assurance that water retention and flow is directed to

the sewer, however, he also stated the sewers had difficulty holding water now due to their age. He said his company owned four buildings which would be impacted by the project, and asked if the engineering plan reflected plans to address the issue, as no retention area seems to be shown.

Mr. Bardach assured Mr. Signer the issue would be addressed, and Mr. Lauer reminded all in Chambers that the project would need approval from Hamilton County, which oversees stormwater management plans.

Mr. Fritsch reinforced the fact that Mr. Signer had been in touch with the Village for quite awhile regarding the stormwater issues near his businesses.

Mr. Haines stated he had been in engineering since he earned his degree in 1993, and would take waterflow into account in planning.

Mr. Lauer asked if the Kolliel was planning to purchase only the development area or they would also be purchasing the green space.

Mr. Caller said the Kolliel planned to leave one of three acres green for use as a field for the school, and only using the front two acres. He said he was currently in discussions with the properties nearest to the lot to address runoff.

Mr. Painter said a large enough area would be required to work out the runoff issues, but discussion were premature until permission has been granted to proceed with the project.

Ms. Holley said her client was completely accepting of the stormwater planning requirement.

Mr. Cappozzo said the parking lot of 109 spots seems huge for a 5,000 square foot structure.

Rabbi Spetner stated that was probably more spots than needed. He admitted to have perhaps overcompensated based on the current lack of parking.

Mr. Lauer asked what was the maximum occupancy of 5,000 square feet, to which Ms. Holley said she did not have the numbers, but assured Mr. Lauer that the parking fit the requirement.

Mr. Fritsch said 70 spaces would be adequate to meet Village Code.

Rabbi Spetner said he felt that was a realistic number, as there are rarely more than 50 people in the building.

Mr. Mickey Fishman of 6752 Farmacres Drive stated he worked for the school which owns the property being sold to the Kolliel. He shared a personal anecdote about his in-laws not having access to a Kolliel in youth, and emphasized the significant impact of the Kolliel to both young people and older people like his in-laws.

Mr. Fishman said the school was very considerate in its sale of the property, as well as in the preservation of its green space. He said the school is very committed to both vehicle and pedestrian safety, and is committed to the best possible outcome for any stormwater issues.

Mr. Lauer said he appreciated the comments, and asked if there had been any discussion of combining the school and Kolliel into a campus setting. He said grading of the property might allow for such a combination.

Mr. Fishman said that while both organizations preferred to have their distance, they would be willing to consider it.

Mr. Lauer said his concerns with the current grading plan are that the significant drop-off would create a soggy greenspace.

Mr. Cappozzo added that the parking needs seem to be compatible from a timing standpoint, which school in session during the day and the Kolliel experiencing more traffic at night. He said the inclusion of two parking lots would serve to compound the water problem.

Mr. Caller said he thought about matching up the entrances to both properties, but considered both traffic and grading. He said he would design the project to avoid a wet sloppy field.

Mr. Painter suggested water could be collected in the southwest corner of the property away from the field.

Mr. Lauer asked if he was correct in believing the slope would be filled, to which Mr. Painter said yes, but to what degree, he was not yet sure.

Mr. Lauer asked if it would be feasible to put the building on the other side, to which Mr. Painter replied no, and said he wanted the new structure on a higher ground.

Mr. Elliot Polska of 6110 Elbrook Avenue stated he understood the neighbor's concerns about greenspace. He said the Kolliel is a draw to the neighborhood, and provides a great benefit. He said the parking lot would be at its heaviest usage between 6 – 8 a.m. and 8 – 10 p.m. He also felt the new location would be more walkable. He said he liked the idea of a combined parking lot to limit exposure from the street and to minimize light pollution.

Ms. Kristin Smith of 2415 Twigwood Lane said the Kolliel was something her family had been able to take advantage of, and she was very much in favor of the plan. She said the senior programming and handicap accessibility are important to both her parents and the aging community. She said she was glad to hear water concerns were being considered, and said her family was in favor of preserving the greenspace.

Mr. Mayer Kahn of 6641 Meadowridge Lane said the Kolliel was a draw for his family in moving to Cincinnati. He said it serves both children and seniors, and is a true asset to the community.

Mr. Ariel Goodman of 6690 Elbrook Avenue said he had moved from New York to Cincinnati two years ago, largely due to the Kolliel. He said the Kolliel needs to grow to accommodate a growing community.

Mr. Zakaraiah Belky of 6750 Elbrook Avenue said his family had moved here four years ago, but that he had visited extended family living here prior to that. He said the Kolliel has made the community vibrant.

Mr. Jacob Apter of 7405 Elbrook Avenue said he came to Cincinnati to join the Kollel, and now he teaches at Cincinnati Hebrew Day School. He said as a teacher, he knows the importance of kids being able to let their energy off outside, and is a proponent of the new building. He said the new Kollel would boost relationship-building. He said his desire to give back to the community is a result of the Kollel.

Mr. Lauer asked Rabbi Stepner if the Kollel had employees. The Rabbi said there was a staff of approximately 15, including 10 staff scholars and senior administrative staff. Mr. Lauer asked if they were paid employees who received a yearly W-2. Rabbi Stepner said the payroll was approximately \$1.2 million.

Ms. Jeruzalmi asked how many employees at the Kollel are women, to which Rabbi Stepner replied there were two or three part-time and one full-time females in their employ.

Mr. Bardach asked Mr. Lahrmer if he had received any feedback regarding the project from residents. Mr. Lahrmer said there had been one letter of support.

Mr. Lauer asked if there was a lighting plan in place for both the parking lot and the building, which Mr. Painter said he would provide. Mr. Lauer said he wanted to make sure there was no unnecessary light pollution being cast on residents, and asked if there were some lower lighting options that could be installed.

Mr. Painter said it was important to balance both safety and lighting requirements, and said he would work with Village staff. He said low light can be difficult to achieve.

Mr. Lauer then asked about the lighting on the building. Mr. Painter said they would have to consider their options. Mr. Caller suggested wallpacks on the building and lighting at the back for handicapped visitors. He said they can be very strategic and intentional, and planned to hire a lighting consultant.

Mr. Cappozzo said he wished to adjust the 109 parking spaces proposed to 70 spots as a condition for the permit. Mr. Painter said he would rather not take spaces from the front of the building, and said that with the needs for grading and filling, it would make more sense to take from the South side of the lot.

Ms. Holley again took the stand and reviewed the slides outlining the parameters for Conditional Use Permits. She said they could be used for public buildings and churches, and that the Kollel fell under this category. She said the Kollel would add tremendous value to children and grandparents, and will enrich and enhance the community. She requested consideration of the evidence presented before the Board, and said her client was amendable to the submission of plans for both lighting and stormwater.

Mr. Bardach asked if there was anyone else who wished to speak. There being none, he ended the public hearing at 8:11 p.m. and opened up discussion with the Board. He said this portion of the meeting was to establish parameters for the "Conditional" portion of the Conditional Use Permit.

BOARD DISCUSSION

Mr. Fritsch said he had done an informal survey on traffic on Elbrook at various times of the day from 6:30 a.m. – 10:30 p.m. He said he observed 1,331 vehicles on Elbrook, or approximately 95 cars per hour. He did not anticipate any major impact on traffic as result of the project.

Mr. Fritsch also conducted an informal survey on a Saturday, where there were only 822 vehicles between the hours of 6:30 a.m. and 10:30 p.m., with less than one vehicle per minute.

Mr. Cappozzo said it appears there is an increase in traffic during school hours.

Mr. Lauer asked if there was anything in the Code to allow the Kolllel to be treated as a school, to which Village Solicitor Kaake responded no.

Ms. Jeruzalmi stated that the word “Kollel” means a group of people getting together. She said she had a hard time accepting the term when not all are included, as women don’t study at the Kolllel.

Mr. Lauer inquired about options for low lights, and turning lights off after a certain hour. He said the synagogue on Section Road had violated the light requirement on their CUP, and the Board had to call them back to make them comply.

Mr. Rubenstein asked how the Board could affect compliance.

Mr. Lauer said he didn’t want to require what would be impossible or unrealistic to fulfill.

Mr. Bardach said the Board would definitely want to establish restrictions on the permit at this time. Mr. Fritsch stated that a full photometric plan should be submitted, and two or three options provided to meet security, ADA requirements, etc.

Mr. Fritsch said timers could be installed to address light issues at night. Mr. Lauer said he would like to avoid light poles altogether, and would like to require lights to be off by 10 p.m. Mr. Fritsch said lights would need to be on all night in the interior, but that could be limited only to what is required by Code.

Mr. Lauer said he wished to require a landscaping plan. Mr. Bardach said they should require submission of a full landscaping plan to shield light and visibility to homes and a visual buffer to the street.

Mr. Fritsch said that CZE manages to limit light cast onto Section Road, and that landscaping should be considered. He said it was his job to follow up to ensure compliance over the long term.

Mr. Lauer said he felt maintenance of the Conditional Use Permit was key to its long-term success.

Mr. Cappozzo said he wished to see more of a buffer to the street out of consideration to the neighbors, and wondered the feasibility of moving the ballfield to the front of the lot.

Mr. Lauer said he would like to see a decrease in the size of the lot, as 70 spots would triple the current parking.

Ms. Holley said her client would be okay with 80 parking spaces.

Ms. Jeruzalmi said she wanted to be careful not to short parking too much, to which Mr. Cappozzo agreed, saying he didn't want to force on-street parking on Elbrook.

Mr. Fritsch said that CZE currently has a tremendous parking problem since they didn't plan for their own expansion and growth. He said he felt 80 spots is a good number to work with, while still thinking of the future, and this number represents more than what is required by Code. He said he planned to go back and review for exact requirements.

Mr. Cappozzo reminded the Board that the school lot would also be available for any overflow.

BOARD RECOMMENDATIONS: CONDITIONAL USE PERMIT DISCUSSION

Mr. Bardach asked if the Board was prepared to make recommendations for the Conditional Use Permit, which were as follows:

Mr. Bardach stated criteria under Section 154.25(C) should be considered in crafting recommendations, and should be adhered to by the applicant in constructing and usage of the facility. He said all uses and development standards were to be based upon the application submitted and original attachments, and that any deviation would constitute grounds for revocation of the Permit.

Mr. Bardach said approval must be acquired from all utilities, and all general conditions met according to the proposed use of the permit, as well as federal, state and local laws and regulations, including but not limited to the Ohio State Fire Code.

Mr. Bardach stated building height could not exceed 35 feet, and as the plan calls for no signage at the street, any future signage would require a variance from the Board of Zoning Appeals.

The total enclosed building footprint should not exceed the 11,322 square feet outlined in the CUP application.

Mr. Bardach said operating hours should be limited to 6:30 a.m. – 10 p.m. as outlined in the CUP application.

Mr. Bardach said it was agreed that parking spaces would be limited to 80.

Mr. Bardach said no buses, vans or vehicles should be stored overnight on the property.

Mr. Lauer said he had no problem with the variance, and while he still wondered if the building would be better situated at the back, he couldn't force that. He said he wanted to be sure there weren't parking issues for neighbors, and asked if the CUP had made provisions for the exterior façade.

Mr. Caller said the exterior façade would be brick to match the school and homes in the area.

Mr. Bardach stated a condition of the CUP that the building match the school and surrounding homes in appearance.

Mr. Bardach added that the applicant must submit a landscaping plan designed to buffer visibility from nearby homes and the street, as well as to minimize light pollution at night.

Discussion then ensued regarding whether or not the Board could review the conditions before approving, as well as procedural next steps.

Mr. Lahrmer said that in the past, the Board has made recommendations, and staff communicates to the applicant. The applicant then returns any questions to the Board. Staff will communicate with the Board of Zoning Appeals to confirm what is voted.

Ms. Holley stated she wanted to call for a vote today.

Mr. Kaake said the Board of Zoning Appeals reserves the right to review what staff puts to writing, and stated the CUP is subject to the following conditions:

The CUP is valid from the date of issuance by the Village and expires after 24 months unless all appropriate approvals and permits have been issued.

The CUP is granted only to the applicants named, and any transfer is subject to approval by the Amberley Village Board of Zoning Appeals.

Mr. Bardach asked if anyone had anything else to add.

Mr. Frisch asked if the Board had settled on 80 parking spots, and asked if there would be a parking lot setback.

Mr. Lauer said the setback would need to be done separately.

Mr. Fritsch suggested that a bond be added to the CUP.

Mr. Lauer asked for legal counsel to review the placement of stormwater retention and that there be assurance of proper maintenance.

Mr. Bardach stated the CUP is limited to the proposed use, and any variance requires prior approval from the Board of Zoning Appeals.

Mr. Bardach said the CUP should be contingent upon approval from all applicable public utilities, and that all utilities be placed underground.

Mr. Bardach stated the owner must provide the Village Engineer with, and obtain the Engineer's approval of, the following:

- Detailed site and storm water management plans
- Detailed landscaping and lighting plans
- An Elbrook Avenue crosswalk plan

Mr. Bardach said all dumpsters or trash handling areas shall be located within the same minimum setbacks as the main building, shall be screened from the view of any abutting properties on at least three sides, and at least the West, by a fence, wall or landscaping as approved by the Village.

Mr. Bardach said outdoor sales, display and storage is prohibited, as well as use of the property for bazaars, fetes, or other such outdoor activities. The property may not be used for commercial activity.

Mr. Bardach said no amplified sound would be permitted outdoors without approval of the Village Manager.

Mr. Bardach said that applicants are to design and construct improvements to the property at their cost prior to the issuance of a Certificate of Occupancy. Roadway improvements must meet standards of Amberley Village.

Mr. Bardach stated the provision of a 20' wide apron from Elbrook Avenue entering the Kollel must be included in the plans to allow emergency vehicle access, and the entrance to the property from Elbrook must align with Meadowridge Lane.

Mr. Bardach said all mechanical equipment would need to be screened, insulated and located at least 50 feet from the nearest residential structure.

Mr. Bardach said the applicant should take proper care of the property and improvements, as well as remain in compliance with Village rules and regulations.

Mr. Lauer moved to approve the Conditional Use Permit based upon the provisions outlined during the discussion. Seconded by Mr. Bardach, the motion passed unanimously.

VARIANCE REVIEW

Mr. Lauer then moved to approve the variance as submitted contingent upon approval of a landscaping plan. Seconded by Mr. Bardach, the motion passed unanimously.

NEW BUSINESS

There being no further business, the meeting was adjourned at 9:05 p.m.

Tammy Reasoner, Clerk

Richard Bardach, Chairperson



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 6, 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 Board of Zoning Appeals on Monday, May 6, 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:

Jim Demetrion, the property owner of 7411 Willowbrook Lane, is seeking two variances from Zoning Code Section 154.12 and one variance from Amberley Code 154.51. The variances, if approved, would allow for the construction of a 1,176 square foot detached garage with an overall height of 23.4 feet. The garage doors will face Willowbrook Lane. The Village Code permits a detached garage area to have a floor area of 800 square feet and measure 16 feet tall without the primary access garage doors facing the street.

If you are interested in reviewing the applications, you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org, or you may attend the Monday, May 6, 2024, Commission/Board of Zoning Appeals public meeting in person. If you have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: *Jim Demetrion, 7411 Willowbrook Lane*
Kayla and Dean Connelly, 7400 Willowbrook Lane
Merrie Stillpass, 7370 Willowbrook Lane
Kenneth and Elizabeth Kuresman, 7350 Willowbrook Lane
Matthew and Itta White, 7303 Willowbrook Lane
Lynne Heyman, 7280 Meadowbrook Drive
Charles and Mazal Rosenblatt, 2508 Oakridge Drive
Norma and Martha Miller, 7202 Aracoma Drive



7149 Ridge Road
Amberley Village, OH 45237

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amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 6, 2024

Subject:

7411 Willowbrook Lane

Variance:

Square footage and height restrictions for an accessory structure

Item: Case#2024-105

Variance Request: Jim Demetron, the property owner of 7411 Willowbrook Lane, is seeking two variances from Zoning Code Section 154.12 and one variance from Amberley Code 154.51. The variances, if approved, would allow for the construction of a 1,176 square foot detached garage with an overall height of 23.4 feet. The garage doors will face Willowbrook Lane. The Village Code permits a detached garage area to have a floor area of 800 square feet and measure 16 feet tall without the primary access garage doors facing the street.

Zoning Code Review:

§ 154.12 ACCESSORY STRUCTURES.

- (A) An accessory structure is permitted in a residential district if it meets the following restrictions:
- (1) No accessory structure shall be erected in a front yard.
 - (2) No accessory structure shall be erected in any side yard within a distance from the near side lot line less than the least width of the side yard required for the principal building.
 - (3) Accessory structures may be built in a rear yard not nearer to a rear or side lot than the side yard requirement for the principal structure.
 - (4) Except as otherwise provided in the zoning code, individual enclosed accessory structures that are not open to the sky, either wholly or partially, such as sheds, garages, garden buildings, and pool houses, shall not cover a total of more than 200 square feet of floor area. Floor area means the area of the ground floor of the structure that creates a footprint of the structure on the property. A detached garage shall not cover more than 800 square feet, or more than 50% of the floor area of the principal structure, whichever is less. A detached garage is an enclosed accessory structure used for storage, including but not limited to the parking or storage of vehicles, that is not connected to the principal structure by means of an above ground structure, material, or equipment. No combination of accessory structures, whether enclosed or open to the sky, shall have an aggregate floor area greater than 50% of the principal structure, or greater than 50% of the required rear yard, whichever is less.
 - (5) On a corner lot, no accessory building shall project beyond the front yard line on either street.
 - (6) No accessory building shall be constructed on a lot until construction of 50% or more of the principal building has been completed.
 - (7) The principal access of an accessory structure, such as primary access doors to a shed or garage, may not face a street.
 - (8) No accessory structure shall be located in a public right-of-way or utility easement.
 - (9) Accessory structures cannot be used as a dwelling, and may not be used as part of a home

business or home occupation. Accessory structures may only be used in a manner consistent with, and incidental and subordinate to, the principal use on the property.

(10) Accessory structures with roofs or walls that are not rigid or durable, such as tents, canopies, and structures covered or clad in collapsible or other similar material such as fabric, nylon, plastic, or tarps, including but not limited to temporary utility or storage structures, portable carports, and shelters, may not be maintained for more than seven consecutive days or more than a total of 30 days in a calendar year.

(11) Accessory structures shall meet all other requirements set forth in this code.

('69 Code, § 151.12) (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](#)

§154.51 HEIGHT REQUIREMENTS.

(A) *Residential structures.*

(1) Principal structures in residential areas may not exceed 35 feet in height.

(2) Accessory structures in residential areas may not exceed 16 feet in height, or up to the same height as the principal structure, whichever is less.

(B) Public, semi-public, or public service buildings, hospitals, institutions, churches, or schools, when permitted in a residential district, may be erected to a height not exceeding 60 feet, if the building is set back from each yard line at least three feet for each foot of additional building height above the height limit otherwise permitted in the district in which the building is to be located.

(C) Height limitations do not apply to spires, belfries, cupolas, water tanks, cooling towers, elevator penthouses, ventilators, chimneys, stacks, radio towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(D) For the purposes of height measurements, a basement shall not be counted unless more than three feet six inches of its height projects above grade at the front building line, in which case it shall be counted.

('69 Code, § 151.51) (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. C-732, passed 4-13-92; Am. Ord. 2018-13, passed 2-11-19) Penalty, see § [154.99](#)

Cross-reference: Height regulations, § [154.26](#)

Variance Review:

Mr. Demetron, the owner of the property located at 7411 Willowbrook Lane, which spans 1.3 acres and is zoned as residence A, is proposing the construction of a detached 3-car garage in his backyard. The planned garage would occupy 1,176 square feet, have a height of 23.4 feet, and be positioned 30 feet away from the northern property line, with its primary entrance facing east towards the street.

The Village Code 154.12 (A)(4) states that no detached garage can exceed 800 square feet in size, while Code 154.12 (A)(7) specifies that the main access doors cannot face the street. Additionally, the requested variance under Village Code 154.51 (A)(2) concerns the garage's height, which is limited to 16 feet.

In his communication to the Board, Mr. Demetron explains that the proposed garage is necessary to accommodate large sport utility vehicles and household items that cannot fit in the existing attached garage designed for smaller vehicles. He also mentions a heating and air conditioning issue in the home, for which ductwork was installed in the current garage, further reducing available storage space.

Mr. Demetron emphasizes that the garage's design will complement the house in terms of appearance, materials, and overall ambiance.

Village Code Section 154.12 permits a detached garage to have a floor area of 800 square feet and does not allow garage doors to face the street. Please note that this section was created with the intention of allowing detached garages, and giving the ZBA/Planning Commission the authority to review site plans and impose conditions on any structures greater than 800 square feet or 16 feet tall.

Therefore, Mr. Demetrian is requesting variances from the Village Zoning Code.

Project Recommendations: This project should be considered on its merits.

7411 Willowbrook Ln Cincinnati, OH 45237

Project Description:

Removing current Shedd and adding 3 door garage in its place.

This will be a TRADITIONAL STYLE THREE CAR 28 FT. X 42 FT. GARAGE WITH REAR SHED DORMER AND FRONT GABLE END DORMERS. THE FIRST FLOOR IS 1,176 SF TOTAL WITH A STAIR TO THE SECOND FLOOR (APPROX. 950 SF). THE GARAGE HAS THREE 9 FT WIDE X 8 FT TALL O.H. DOORS. THIS GARAGE IS DESIGNED WITH A CONCRETE FOUNDATION AND SLAB FLOOR, 2 X 6 WALLS, 2 X 10 SECOND FLOOR JOIST SUPPORTED WITH A BUILT-UP WOOD BEAM OR A STEEL BEAM (PLANS INCLUDE INFORMATION TO BUILD EITHER WAY) AND 2 X 10 ROOF RAFTERS @ 10/12 PITCH. THE HEIGHT FROM THE FLOOR TO THE TOP OF RIDGE IS 23'-4".

- VARIANCE 1 - DOORS FACING WILLOWBROOK LN.
- VARIANCE 2 - SIZE VARIANCE 28 FT X 42 FT = 1,176 ^{ft²} SQUARE FEET
- VARIANCE 3 - HEIGHT TO TOP ROOF RIDGE = 23'-4"



To Amberley Village Zoning Board,

Thank you for taking the time to evaluate my application for adding a 3 Door detached garage to my property.

Since the acquisition of my house, the current 2 door garage size and its condition, were not adequate to garage our cars. Also, since our current shed size is not sufficient for storage, we utilized the garage as our storage.

The situation was acceptable when my wife and I were living alone. With my wife's departure, my daughter, her husband, and my granddaughter are now living with me to care for me. The need for a decent garage and adequate storage facility, became dire. In addition, the bedroom above the existing garage had difficulty receiving sufficient heat/cooling flow, and it was necessary to add a new ducting system directly from the 2nd Furnace located in the garage area. This modification, while it's necessary, voided the declaration of this space as a garage, as per the code.

Due to above stated facts, the need for a 3 Door garage is deemed necessary. However, due to the house size limitation, this 3 Door garage must be detached with ample space to garage current standard SUVs. The average 3 Door garage size width is between 32 to 38 feet and depth between 24 to 30 feet. This will bring the average size **needed in access of 800 square feet.**

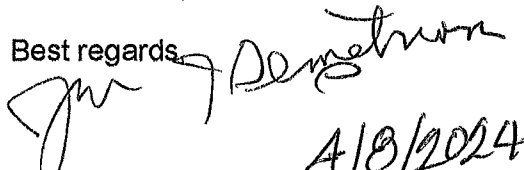
(Size Variance)

With the removal of the existing shed, we will need additional outside space for storage. Which justifies the need for 2nd floor space above the garage for storage purposes. However, and for curb appeal, we have decided to replicate our front house existing Gable Dormers design, to the front of this proposed garage design (see photos). Due to the above, the height requirement **was in access of the 16 feet required. (Height Variance)**

The proposed garage will be facing the Willowbrook Ln Street mainly due to lot space available for the plan. For the purposes of **fit and function**, building the garage facing Willowbrook Ln is the only choice available. **(Facing Street Variance)**

Thank you again for your understanding and hope to obtain your unconditional approval.

Best regards,


A/8/2024

Jim J. Demetrian



7411 Willowbrook Lane



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 6, 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 Board of Zoning Appeals on Monday, May 6, 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:

Daniel and Ariel Weiss, the homeowners at 3160 North Farmcrest Drive, are requesting variances to Zoning Code Sections 154.12 (A) (2) and (7). The variances would allow for the construction of a 140 square foot accessory structure located 4.5 feet from the east lot line with the primary access doors facing the street.

If you are interested in reviewing the applications, you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org, or you may attend the Monday, May 6, 2024, Commission/Board of Zoning Appeals public meeting in person. If you have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: *Daniel and Ariel Weiss, 3160 N. Farmcrest Drive*
Gayle and Rahamim Churi, 3165 N. Farmcrest Drive
Curtis and Rebecca Roedersheimer, 3166 N. Farmcrest Drive
Kevin and Elizabeth Glass, 3151 N. Farmcrest Drive
James and April Flessa, 3146 N. Farmcrest Drive



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 6, 2024

Subject:

3160 North Farmcrest Drive

Variance:

Shed doors facing the street and proximity of an accessory structure to the property line

Item: Case#2024-65

Variance Request: Daniel and Ariel Weiss, the homeowners at 3160 North Farmcrest Drive, are requesting two variances to Village Code Section 154.12 (A)(7) to allow the primary access doors of the shed to face the street and Village Code Section 154.12 (A) (2) for the shed to be installed 4.5' from the east property lot line.

Zoning Code Review:

§ 154.12 ACCESSORY STRUCTURES.

- (A) An accessory structure is permitted in a residential district if it meets the following restrictions:
- (1) No accessory structure shall be erected in a front yard.
 - (2) No accessory structure shall be erected in any side yard within a distance from the near side lot line less than the least width of the side yard required for the principal building.
 - (3) Accessory structures may be built in a rear yard not nearer to a rear or side lot than the side yard requirement for the principal structure.
 - (4) Except as otherwise provided in the zoning code, individual enclosed accessory structures that are not open to the sky, either wholly or partially, such as sheds, garages, garden buildings, and pool houses, shall not cover a total of more than 200 square feet of floor area. Floor area means the area of the ground floor of the structure that creates a footprint of the structure on the property. A detached garage shall not cover more than 800 square feet, or more than 50% of the floor area of the principal structure, whichever is less. A detached garage is an enclosed accessory structure used for storage, including but not limited to the parking or storage of vehicles, that is not connected to the principal structure by means of an above ground structure, material, or equipment. No combination of accessory structures, whether enclosed or open to the sky, shall have an aggregate floor area greater than 50% of the principal structure, or greater than 50% of the required rear yard, whichever is less.
 - (5) On a corner lot, no accessory building shall project beyond the front yard line on either street.
 - (6) No accessory building shall be constructed on a lot until construction of 50% or more of the principal building has been completed.
 - (7) The principal access of an accessory structure, such as primary access doors to a shed or garage, may not face a street.
 - (8) No accessory structure shall be located in a public right-of-way or utility easement.

(9) Accessory structures cannot be used as a dwelling, and may not be used as part of a home business or home occupation. Accessory structures may only be used in a manner consistent with, and incidental and subordinate to, the principal use on the property.

(10) Accessory structures with roofs or walls that are not rigid or durable, such as tents, canopies, and structures covered or clad in collapsible or other similar material such as fabric, nylon, plastic, or tarps, including but not limited to temporary utility or storage structures, portable carports, and shelters, may not be maintained for more than seven consecutive days or more than a total of 30 days in a calendar year.

(11) Accessory structures shall meet all other requirements set forth in this code.

('69 Code, § 151.12) (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](#)

Variance Review: Daniel and Ariel Weiss, the homeowners at 3160 North Farmcrest Drive, are requesting two variances to the Village Code to allow the primary access doors of the shed to face the street and for the shed to be installed 4.5 feet from the east property lot line.

Mr. and Mrs. Weiss's property is zoned Residence A. Village Code Section 154.12 (A) (2) states no accessory structure should be within 20' of the side yard lot line and Village Code Section 154.12 (A) (7) states that the primary access doors shall not face the street.

The proposed shed would be 10'x14' and constructed of wood with an asphalt shingle roof. The letter to the Board states that the shed is needed for additional storage of garage items, as well as to allow their children to easily access the shed for stored items. The homeowners' garage will then be available for the property owners' vehicles to park inside.

Therefore, variances are required for the shed to be constructed as submitted.

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



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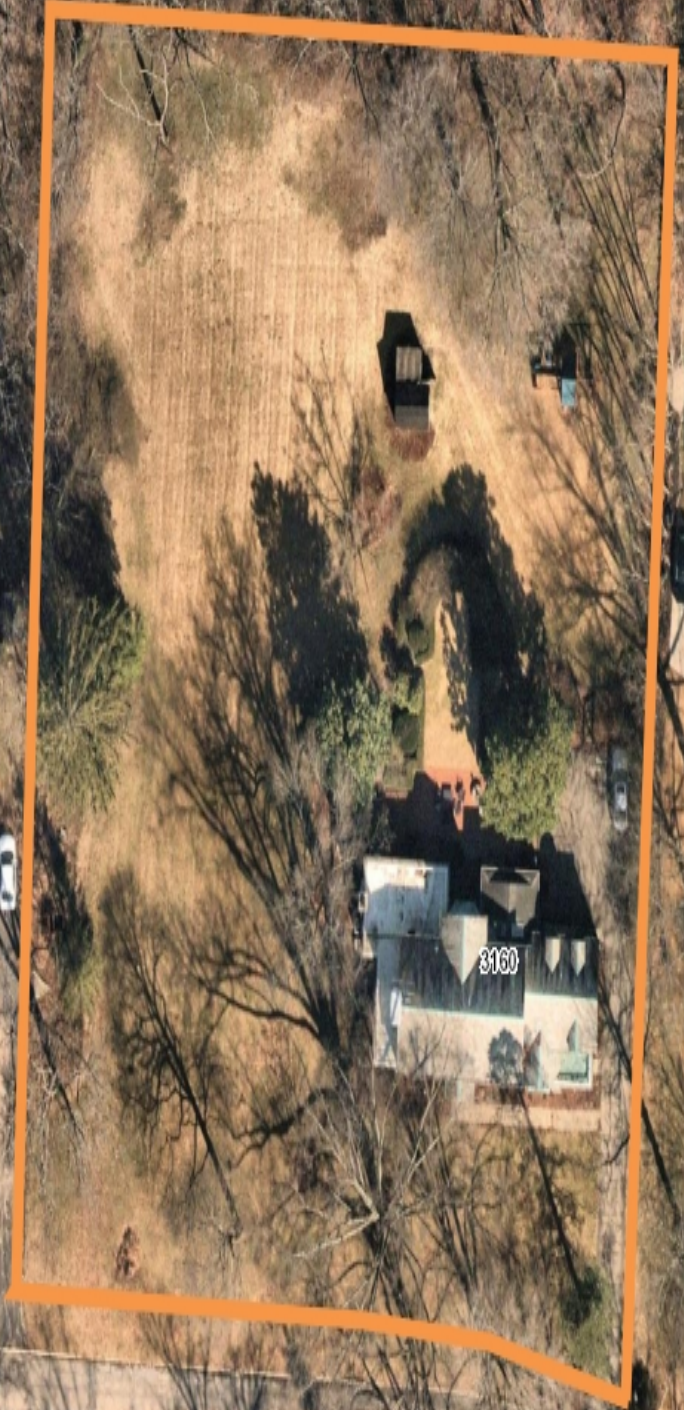
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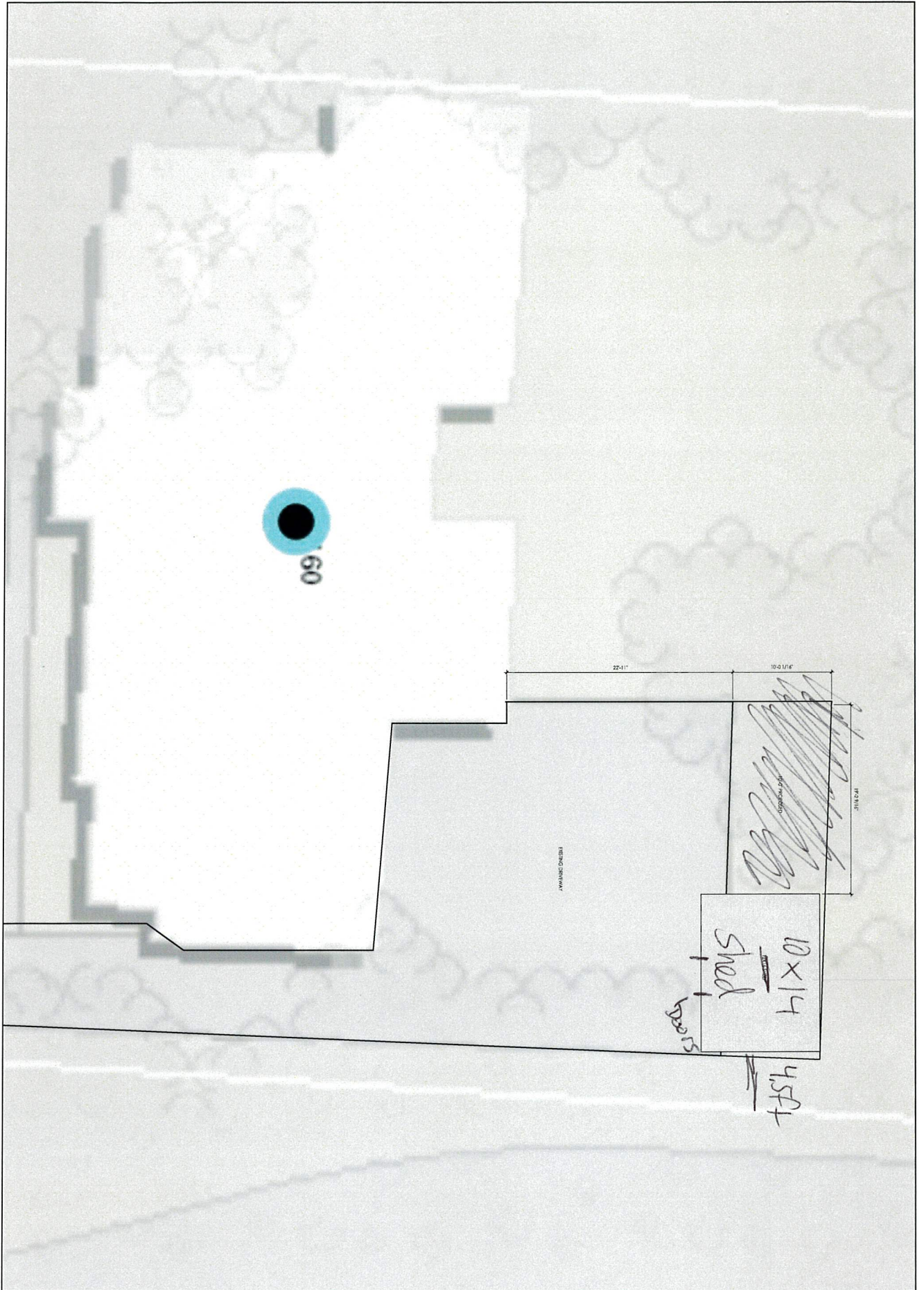
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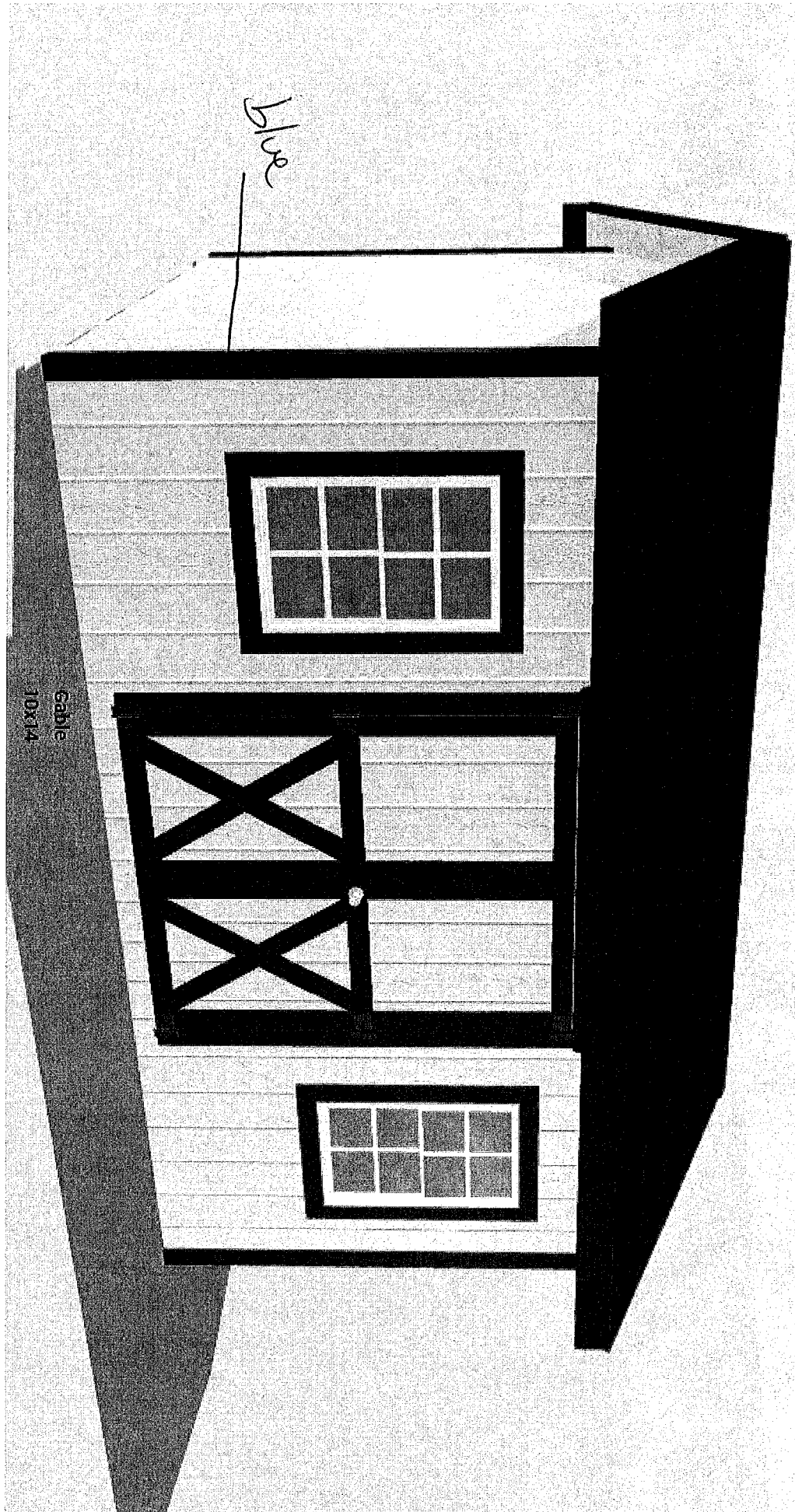
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blue

Gable
10x14



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 6, 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 Board of Zoning Appeals on Monday, May 6, 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:

Theodore and Jennifer Scherpenberg, the homeowners at 6800 Ridge Road, are requesting a variance to Village Code Section 154.14 (A) to permit a 7 foot tall black mesh fence to be constructed along the north rear property lot line.

If you are interested in reviewing the applications, you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org, or you may attend the Monday, May 6, 2024, Commission/Board of Zoning Appeals public meeting in person. If you have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: *Theodore and Jennifer Scherpenberg, 6800 Ridge Road*
Geraldine Bourne, 6775 Hudson Parkway
Todd and Lea Immell, 6768 Hudson Parkway
Thomas Bodner, 6770 Hudson Parkway
Robert and Donna Hermann, 6750 Fair Acres Lane
Diane Levine, 6770 Fair Acres Lane
Wendy and James Papp, 6795 Ridge Road



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 6, 2024

Subject:

6800 Ridge Road

Variance:

Fence height

Item: Case#2024-91

Variance Request: Theodore and Jennifer Scherpenberg, the homeowners at 6800 Ridge Road, are requesting a variance to Village Code Section 154.14 (A) to permit a 7' tall black mesh fence to be constructed along the north rear property lot line.

Zoning Code Review:

§ 154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, fences and walls not exceeding four and a half feet in height may be permitted in any required side or rear yard, provided that no fence or wall shall be permitted in any part of a front yard. Hedges along or directly adjacent to a public right of way may be permitted, provided that they are not over two-and-a-half feet in height. Hedges not along or adjacent to a public right-of-way may be permitted and are not subject to the two-and-a-half foot height restriction. All hedges shall be trimmed and maintained to present a neat and orderly appearance consistent with village standards.

Variance Review: Theodore and Jennifer Scherpenberg, the homeowners at 6800 Ridge Road, are requesting a variance to the Village Code to allow a 7-foot tall black mesh fence to be installed along the north property lot line in the rear yard.

Mr. and Mrs. Scherpenberg's property is zoned Residence A. Village Code Section 154.14 (A) states no fence height shall exceed 54".

The proposed 7' tall critter fence will be constructed from plastic and black in color. The letter to the Board states that the fence is needed to deter wildlife from entering their property from French Park. The fence will also be used to keep their children's outdoor toys in the yard. The resident stated that when the children are outside and playing, balls roll in that direction and fall off the severe drop-off into the creek. The fence will help prevent this situation and allow a safer backyard for them to play in.

Therefore, the variance is required for the fence to be constructed as submitted.

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



Ridge Rd

Ridge Rd

6800

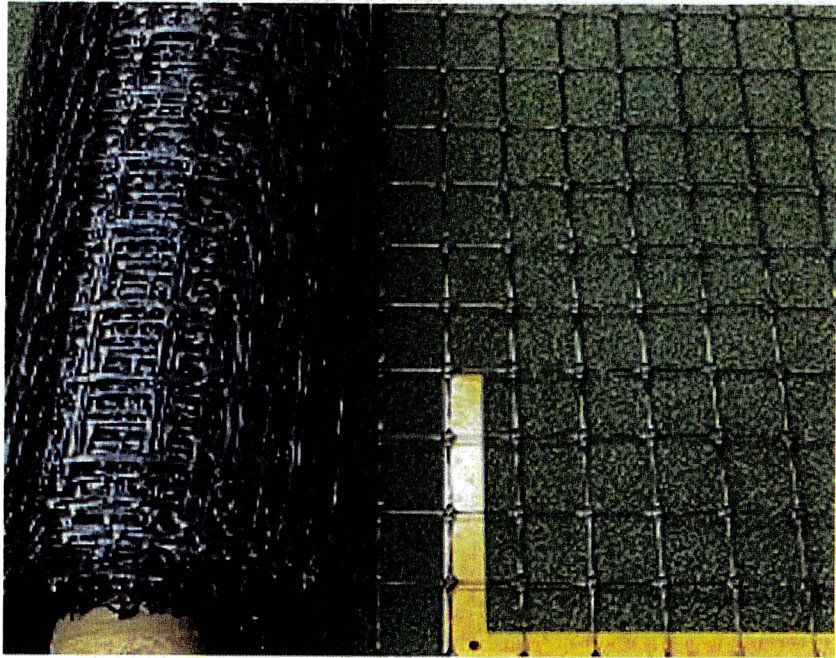
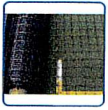
Hudson Pkwy

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Hudson Pkwy

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Images & Videos



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7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 6, 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 Board of Zoning Appeals on Monday, May 6, 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:

Jason and Lauren Boldt, the homeowners at 3301 Fairhaven Lane, are requesting a variance to Village Code Section 154.14 (A)(2) to permit an 800 square foot garden surrounded by a nylon coated fence, 6 feet in height, supported by a wooden frame. The requested garden location would be in the rear yard 20 feet from the west property lot line.

If you are interested in reviewing the applications, you may do so by email request to the Village Clerk at tpreisoner@amberleyvillage.org, or you may attend the Monday, May 6, 2024, Commission/Board of Zoning Appeals public meeting in person. If you have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: *Jason and Lauren Boldt, 3301 Fairhaven Lane*
Anthony and Margaret Martino, 3321 Fairhaven Lane
Cleaster Mims, 7915 Springvalley Drive
David and Elizabeth Loper, 7920 Willowridge Lane
Ralph and Mary Slawson, 3265 Fairhaven Lane
Margaret and Denise Hall, 3320 Fairhaven Lane
Sandra and Thomas Deters, 3300 Fairhaven Lane
Nicholas and Amanda Thalhammer, 3260 Fairhaven Lane



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 6, 2024

Subject:

3301 Fairhaven Lane

Variance:

Size of garden and height of garden fence

Item: Case#2024-92

Variance Request: Jason and Lauren Boldt, the homeowners at 3301 Fairhaven Lane, are requesting a variance to Village Code Section 154.14 (A)(2) to permit an 800 square foot garden surrounded by a nylon mesh fence, 6' in height, supported by a wooden frame. The requested garden location would be in the rear yard 20' from the west property lot line.

Zoning Code Review:

§ 154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, fences and walls not exceeding four and a half feet in height may be permitted in any required side or rear yard, provided that no fence or wall shall be permitted in any part of a front yard. Hedges along or directly adjacent to a public right of way may be permitted, provided that they are not over two-and-a-half feet in height. Hedges not along or adjacent to a public right-of-way may be permitted and are not subject to the two-and-a-half foot height restriction. All hedges shall be trimmed and maintained to present a neat and orderly appearance consistent with village standards.

(1) Residential fences constructed in Amberley Village may not be constructed with the following material: barbed wire, farm, chain link, razor wire, or non-vinyl coated chain link. Fences constructed with a finished side must have the finished side facing adjacent properties. All fences must be properly aligned so as to make a straight line.

(2) Vegetable and fruit garden fences are permitted in order to protect vegetation from wildlife. The fence may not exceed six feet in height and must be constructed of see-through fencing material green or black in color. The enclosed space may not exceed more than 400 square feet and be used strictly for agricultural purposes.

Variance Review:

Jason and Lauren Boldt, the homeowners at 3301 Fairhaven Lane, are requesting a variance to Village Code Section 154.14 (A)(2) to permit an 800 square-foot garden surrounded by a nylon-coated fence, 6 feet in height, supported by a wooden frame. The requested garden location would be in the rear yard, 20 feet from the west property lot line.

Mr. and Mrs. Boldt's property is zoned Residence A. Village Code Section 154.14 (A)(2) states no fenced-in garden area may exceed 400 square feet.

The proposed 6' tall critter fence will be constructed from plastic and black in color with wooden posts. The letter to the Board states that the Boldt family's desire is to grow as much food of their own as possible to support their family's personal health. The 800 square-foot garden space must be enclosed to protect the fruit and leafy vegetation from Amberley's abundant wildlife.

Therefore, the variance is required for the enclosed garden to be constructed as submitted.

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

Date: March 29, 2024

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

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

RE: Zoning Project Approval Zoning Approval Zoning
Variance
 Property Zoning Change
 Other

Dear Mr. Lahrmer:

I hereby request approval for:

Installing approximately 120' of enclosed garden space with a 6' wooden frame and nylon screen material on the inside side panels. Please see the attached plat with where the garden will be installed inside the property lines and a rendering of the enclosed garden design.

The proposed project is at the following address:

3301 Fairhaven Lane

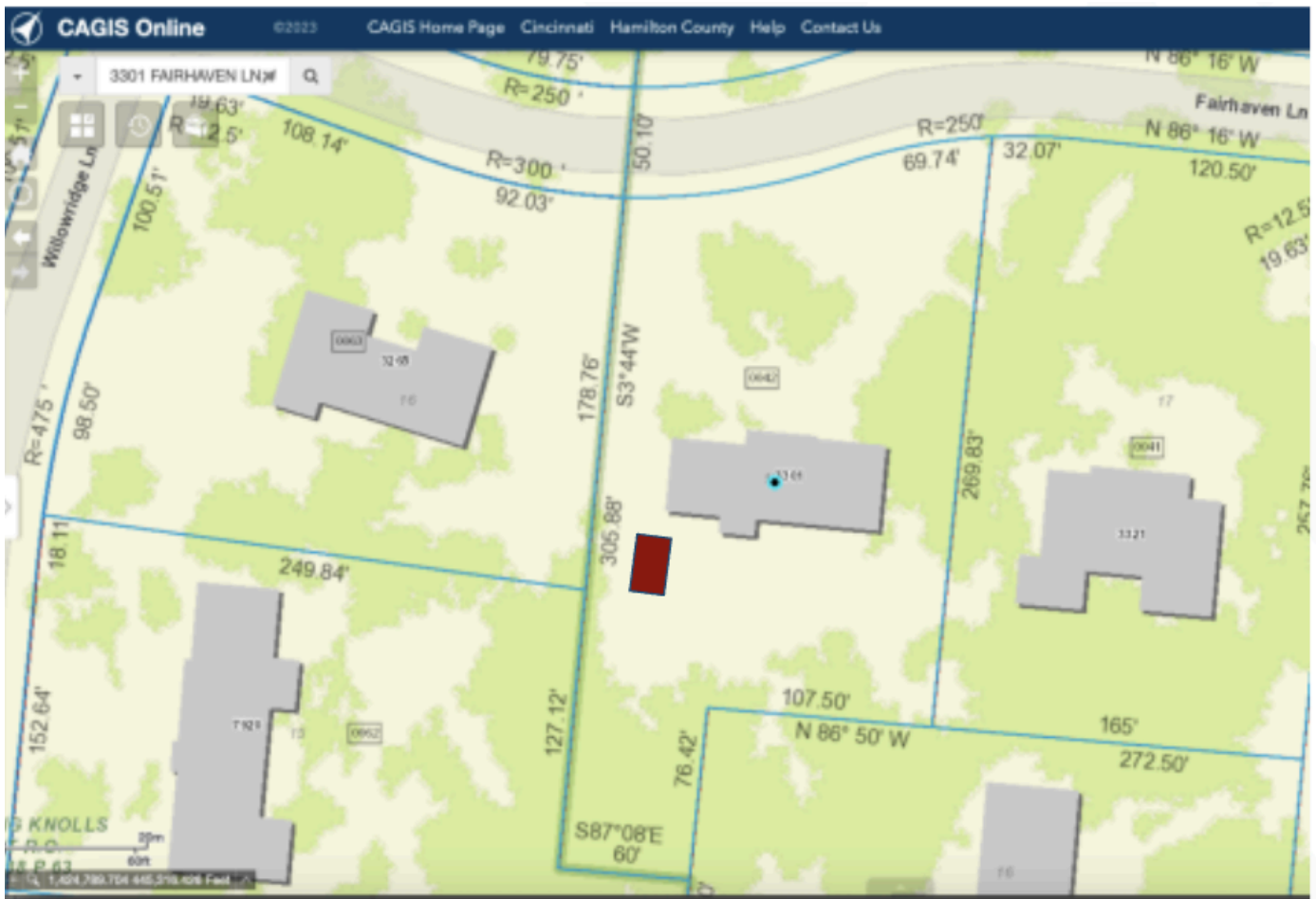
I certify the attached plat and measurements are accurate.

Sincerely,

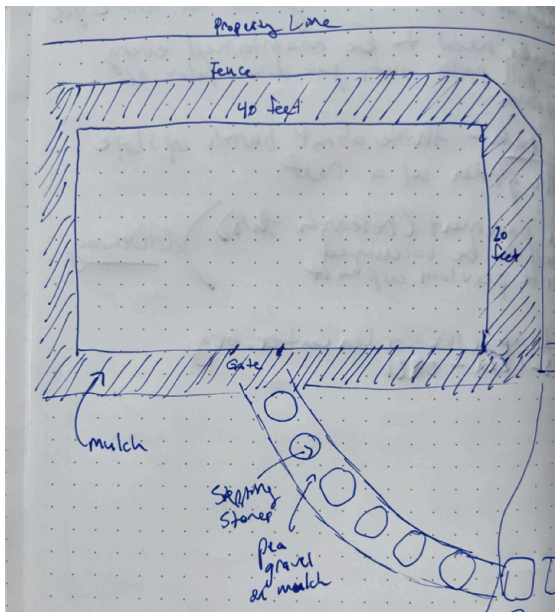
_____ Jason Boldt _____ Homeowner's Printed Name

_____ jasonkboldt@gmail.com _____ Homeowner's Email Address

_____ 312-982-4651 _____ Homeowner's Phone Number



Enclosed garden bed is 40' x 20' and is depicted in red above within our property lines.





7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 6, 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 Board of Zoning Appeals on Monday, May 6, 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:

Michael and Michele Schuster, the homeowners at 6825 Glen Acres Drive, are requesting a variance to Village Code Section 154.14 (A) to permit a 4 foot tall split rail wood fence to be constructed along the north side and front property lot line.

If you are interested in reviewing the applications, you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org, or you may attend the Monday, May 6, 2024, Commission/Board of Zoning Appeals public meeting in person. If you have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: *Michael and Michele Schuster, 6825 Glen Acres Drive*
Andrew and Ann Marie Young, 6782 East Farm Acres Drive
Kneseth Israel Congregation, 2455 Section Road
Tai-Fu and Manlin Yu Tuan, 6802 East Farm Acres Drive
Ethan and Caitlyn Zinn, 6787 Glen Acres Drive
Marlene Mayers, 6804 Glen Acres Drive
Faigie Rosedale, 6835 Glen Acres Drive



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 6, 2024

Subject:

6825 Glen Acres Drive

Variance:

Fence in the front yard

Item: Case#2024-100

Variance Request: Michael and Michele Schuster, the homeowners at 6825 Glen Acres Drive, are requesting a variance to Village Code Section 154.14 (A) to permit a 4' tall split rail wood fence to be constructed along the north side and front property lot line.

Zoning Code Review: § 154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, fences and walls not exceeding four and a half feet in height may be permitted in any required side or rear yard, provided that no fence or wall shall be permitted in any part of a front yard. Hedges along or directly adjacent to a public right of way may be permitted, provided that they are not over two-and-a-half feet in height. Hedges not along or adjacent to a public right-of-way may be permitted and are not subject to the two-and-a-half foot height restriction. All hedges shall be trimmed and maintained to present a neat and orderly appearance consistent with village standards.

Variance Review: Michael and Michele Schuster, the homeowners at 6825 Glen Acres Drive, are requesting a variance to Village Code Section 154.14 (A) to permit a 4-foot tall split rail fence to be constructed along the north side and front property lot line. The fence will span approximately 215 feet along the property line.

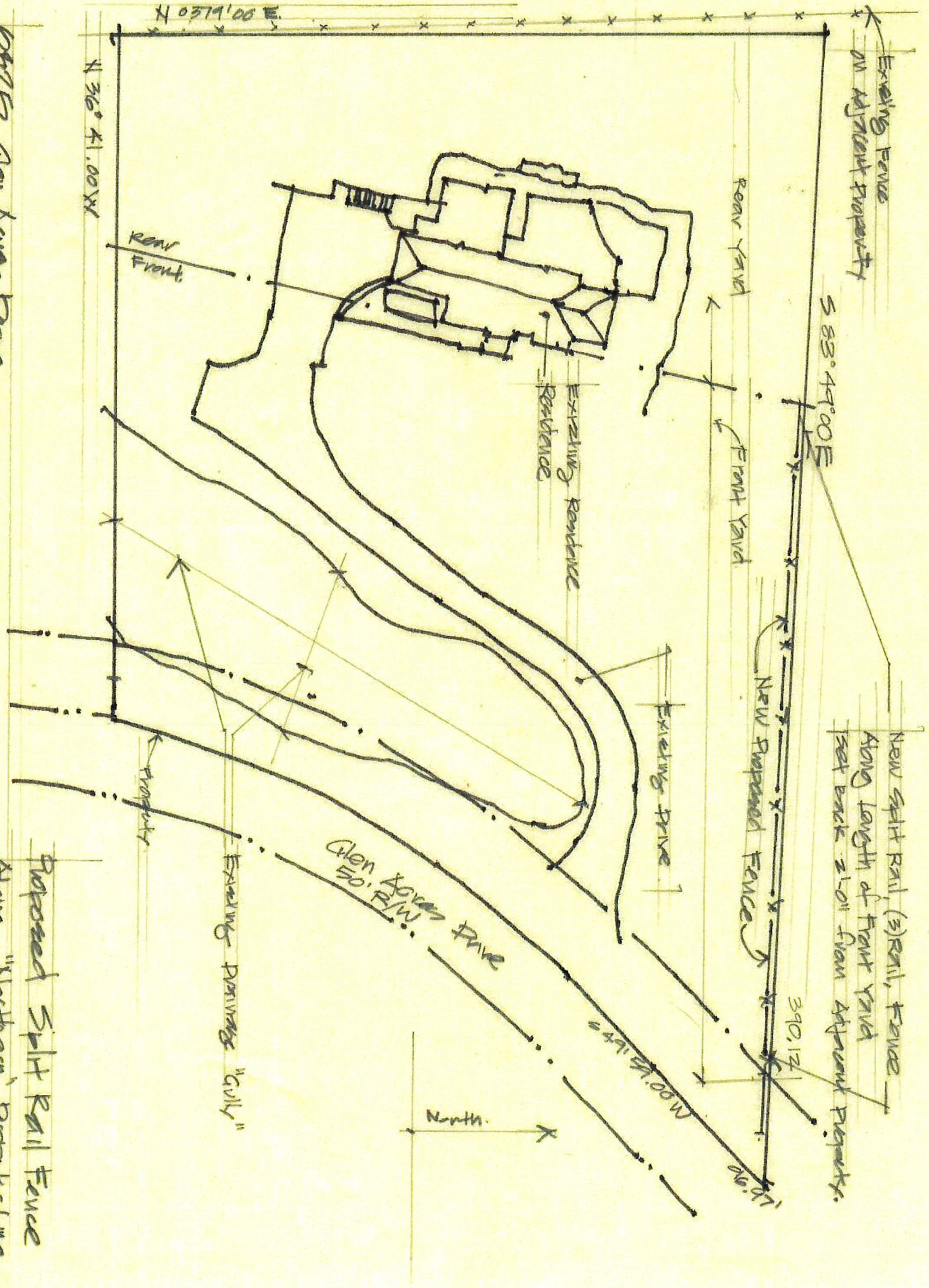
Mr. and Mrs. Schuster's property is zoned Residence A. Village Code Section 154.14 (A) states no fence shall be permitted in any part of the front yard.

The proposed 4-foot tall split rail fence will be constructed from wood. The letter to the Board states that the fence is needed to maintain the landscape along the property line and to prevent further encroachment from Mr. Isaac Rosedale's contractors on their property. The fence will help prevent encroachment and be a visible property line marker.

Therefore, variances are required for the fence to be constructed as submitted.

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

DB25 Glen Acres Drive.
 Michael and Michele Schuster



Petition for Zoning Variance
6825 Glen Acres Drive
Mike and Michele Schuster

Proposed allowance to install a split rail fence

We have been residents of the Glen Acres property since 2003. When we purchased the property, we immediately constructed a large addition to the rear of our home and extended our second floor over an existing porch. In addition, we added and enhance landscape and landscape features around our entire yard. We have spent a significant amount of money over the years to continue to create carefully planted and maintained natural environments around our entire yard.

~~Since we bought the property, we have been aware that our "northern property line" is very close to our neighbor's driveway. Up until recently, we have not had issues with having a more natural landscape along our northern edge. At the west edge of our northern property line, our property is a natural slope, with natural vegetation.~~

As you are aware, our neighbors along that property line are constructing a very large contemporary house. In order to construct the house they elected to undertake significant site altering construction that entail a great deal of excavation and preparation so that they build very tall retaining walls all around the base of the house. As they were doing the site preparation, their excavators entered over **25-30 feet onto our property** and destroyed many medium caliper trees, natural vegetation, and cut into our hillside. **(Amberley is aware).**

We started discussions with them to make them aware of the issue and we were told to deal with their contractor and landscape architect. **It has been contentious.** They altered the slope, but claim they would regrade it back to original. That became impossible due the extent of their original cutting of the hillside. **We are still concerned about the long term result.**

To get them to replant turned into a process where we were told many times that we should be happy with what they were going to do. We finally grudgingly agreed to a planting scheme. **They "agreed" to plant** some new (much smaller than the 20-30 foot trees they destroyed), and some ground cover, even though the replacement landscape is not even close to what they destroyed.

- **This was a letter sent to us regarding the landscape:**

Dear Mr. Schuster,

On behalf of Isaac Rosedale and Vita Modern Homes, please accept our sincere apology for this regrettable and unforeseeable situation.

In response to your requests of Mr. Rosedale for remediation of the disturbed section along your joint property line, we have engaged a civil engineering firm, Civil Solutions Associates, Inc., to evaluate the disturbance and provide professional observations and recommendations in a written report on how to best remediate this site – see attached. We have also obtained cost estimates to complete the proposed work from our landscape contractor, Werbrich's landscaping, based on your landscaper's planting plan. We have compared these estimates with the one you have submitted and will work with the most cost effective submission to do the same scope of work, at our expense.

Attached please find all three documents for your review – the Civil Solutions Site Report and two Werbrich's estimates, one of which has already been completed. Based on these findings and estimates of probable cost, and in good faith and good will, we will finish the work that we have already started, including the completed soil amendments, soil stabilization and the proposed planting installation per your landscaper's plan, as requested. **We will further maintain the new plantings by watering until the plants have stabilized, as we want this area to be a backdrop of natural beauty for both of our properties.**

We will also adjust the layout of our proposed driveway design and potential retaining wall, if needed, to be no closer than 5'-0" off of the property line, as recommended by the Report.

We hope that these efforts will bring closure to an unfortunate situation and demonstrate our best intentions to repair any damage we may have caused. Please let me know that these proposals are acceptable and if you have any questions.

Thank you.

Jerry Smith, FASLA

EDAC, LEED AP, SITES AP

- **You will note that they said they would water the plantings. However once we reminded the landscaper of this, the following was his response back to us.**

*Thank you, Michele. Realistically, this is not a feasible option for us to maintain your plants on your property when we do not have water to do so, much less the staff to pull off of our project to water your plants. I did not realize the situation and I misspoke. **You have a gardener, you have water and this is your property. I hope we have done our due diligence to make amends among neighbors and promote good will.***

Please enjoy all of the trees, groundcover and enhanced soil amenities that we've added to your property. And please forgive my misunderstanding of this water situation.

Thank you.

Jerry

Jerry Smith, FASLA

We responded back and ultimately they agreed to water "our new planting" using our water. They watered once or twice, then stopped. We will monitor the plantings this spring and see if they survive.

Once they construct the driveway, we will note that they comply with the 5' distance they stated.

In addition to the hillside issue, their contractors used our property towards the front towards the street to place construction equipment and materials without our consent. Once alerted to this, they move everything, but the damage to the property that happened due to these things on our property has not yet been remediated.

In addition to all of this, in the beginning of the project, their contractors parked in our grass area by the street and damaged the area. That has been fixed, but we continue to have to place no parking signs and indicators that remind them not to park there. This is not what we want to see along our property front, but if we don't, more damage will occur.

In addition to all of this, many times during the construction, they leave dirt and debris on the street. This on occasions has become dangerous for walkers due to mud and gravel.

Based on all of this, it has become very clear, that our neighbors do not feel a sense of obligation to either communicate with us directly, to respect our yard, or take responsibility for damage they made happen.

For these reasons, we would like to request that you allow us to construct a split rail fence along our northern property front yard.

- There is also one more thing that concerns us and should concern Amberley. In the action of creating these very tall retaining walls, some of which abut Amberley's drainage swales, some work has failed and some of the remediation has fallen into the swale. You might want to monitor this issue.



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 6, 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 Board of Zoning Appeals on Monday, May 6, 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:

Victor Louis and Ashley Ruff, the homeowners at 7026 Beech Hollow Drive, are requesting a variance to Village Code Section 154.14 (A) to permit a 6' tall wooden privacy fence in the side yard facing the street and a 6' tall black coated chain link fence in the side and rear yard. The fencing will surround a 30' x 60' artificial turf play area.

If you are interested in reviewing the applications, you may do so by email request to the Village Clerk at tpreisoner@amberleyvillage.org, or you may attend the Monday, May 6, 2024, Commission/Board of Zoning Appeals public meeting in person. If you have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: *Victor Louis and Ashley Ruff, 7026 Beech Hollow Drive*
Rollman Investments, 6071 Golf Club Lane, Hamilton, Ohio 45011
Christopher and Elizabeth England, 7030 Beech Hollow Drive
Myrna Overstreet, 7028 Beech Hollow Drive
John and Eileen Piening, 3617 Lansdowne Avenue
Derek and Molly Zipkin, 7024 Beech Hollow Drive
Prem and Suksham Dhamija, 7025 Beech Hollow Drive
James and Virginia Joo, 7027 Beech Hollow Drive



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

May 6, 2024

Subject:

7026 Beech Hollow Drive

Variance:

Fence height

Item: Case#2024-101

Variance Request: Victor Louis and Ashley Ruff, the homeowners at 7026 Beech Hollow Drive, are requesting a variance to Village Code Section 154.14 (A) to permit a 6' tall wooden privacy fence in the side yard facing the street and a 6' tall black coated chain link fence in the side and rear yard. The fencing will surround a 30' x 60' artificial turf play area.

Zoning Code Review: § 154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, fences and walls not exceeding four and a half feet in height may be permitted in any required side or rear yard, provided that no fence or wall shall be permitted in any part of a front yard. Hedges along or directly adjacent to a public right of way may be permitted, provided that they are not over two-and-a-half feet in height. Hedges not along or adjacent to a public right-of-way may be permitted and are not subject to the two-and-a-half foot height restriction. All hedges shall be trimmed and maintained to present a neat and orderly appearance consistent with village standards.

Variance Review:

Victor Louis and Ashley Ruff, the homeowners residing at 7026 Beech Hollow Drive, are seeking a variance from Village Code Section 154.14 (A) to allow for the installation of a 6-foot tall wooden privacy fence in the side yard facing the street and a 6-foot tall black-coated chain link fence in the side and rear yard. These fences will enclose a 30' x 60' artificial turf play area.

The property of Mr. Louis and Ms. Ruff falls under Residence A zoning. Village Code Section 154.14 (A) specifies that no fence height should exceed 54".

The existing 6-foot tall wooden privacy fence has been installed without prior approval, and the proposed 6-foot tall black-coated chain link fence will be installed in the side and rear yard. The wooden privacy fence spans 30 feet, while the black chain link fence will be 150 feet long. The communication to the Board highlights that these fences are necessary to contain sports equipment within the artificial turf area during playtime. The primary intended use of the courts will be for a children's play area and for pickleball.

If the variances are granted, Rollman Reserve HOA approval will be required before construction commences.

Therefore, variances are being sought for the fence and artificial play area to be constructed according to the submitted plans.

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







10'

60'

30'

60'



OPERATING RULES OF THE AMBERLEY VILLAGE

PLANNING COMMISSION AND ZONING BOARD OF APPEALS

ADOPTED FEBRUARY 15, 1980

REVISED JANUARY 23, 2023

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

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

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

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

Date: 3/11/24

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

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

RE: Zoning Project Approval

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

Dear Mr. Lahrmer:

I hereby request approval for:

6ft tall fence around a play area/pickleball court. The fence will be constructed of cedar wood on the side facing the driver way with a black cyclone fence around the other three sides. The fence length will be 40ft on the side facing the driveway the other three sides will be 60ftx30ft

The play surface will be artificial turf cut to putting green length.

The proposed project is at the following address:

7026 beech hollow dr Cincinnati, OH 45236

I certify the attached plat and measurements are accurate.

Sincerely,

Victor Louis
Homeowner's Printed Name


Homeowner's Signature

vlouis1986@gmail.com
Homeowner's Email Address

513-502-4996
Homeowner's Phone Number

Contractor's Name

Contractor's Address

Contractor's Phone Number

