

AGENDA

July 12, 2018

PLANNING COMMISSION/BOARD OF ZONING APPEALS

5:30 PM

Roll Call

Minutes

Meeting of May 7, 2018

Cases

CASE NO. 2018-2026

James and Ava Frank, property owners of 3530 Section Road are requesting a variance to Village Code Section 154.14 (A). The variance would allow for the installation of 80' of 6' high privacy fence in the rear and front yard.

CASE NO. 2018-2027

Jim Kelly and Rick Kay, property owners of 8389 Arborcrest Drive are seeking a variance from Zoning Code Section 154,14 (A). The variance would allow for the installation of a four and a half foot high privacy screen in the front yard.

New Business

Adjournment

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING
MONDAY, MAY 7, 2018

Chairperson Richard Bardach called to order a regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held at the Amberley Village Municipal Building on Monday, May 7, 2018 at 7:00 P.M.

Roll was called: PRESENT: Richard Bardach, Chairperson
 Rick Lauer
 Susan Rissover
 Scott Rubenstein
 Scott Wolf

 ALSO PRESENT: Kevin Frank, Esq., Solicitor
 Scot Lahrmer, Village Manager
 Nicole Browder, Clerk
 Wes Brown, Zoning & Project Administrator

Chair Bardach welcomed everyone to the meeting and led them through the pledge of allegiance.

Chair Bardach asked if there were any additional corrections to the minutes of the April 17, 2018 meeting minutes. There being none, the minutes were accepted as submitted.

Case No. 2025

Chair Bardach introduced the application from Dianne Dunkelman of 7351 Ridge Road for a variance from Village Code Section 154.14 (A). The variance would allow for a fence that would range from 7' to 9' in height in the side and rear yards of the residence.

Wes Brown, Zoning & Project Administrator for the Village, provided the staff report for the application. He informed the Board that the variance would allow for a fence that would range from 7' to 9' in height in the side and rear yards of her residence.

He stated that the letter to the Board notes that in addition to all of the security measures they have put in place, the proposed replacement fence is an extra layer of deterrent that is an added safety measure for both her and the Amberley community.

The letter also cites other reasons for the proposed fencing including the size and shape of the 3-acre lot and securing the cottage that is located in the rear of the property. The house and cottage have been broken into and kids have jumped the existing fence to see or play on the sculptures in the rear yard, which also causes a hazard due to the swimming pool.

The proposed fencing across the front (side yard) is proposed to be made of wood with stone at the base of each post and vary in height from 7' to 9'. The elements of the fence proposed to the south side of the house are designed to fit the architectural features of the house. The proposed fence across the front replaces a previous picket fence with less architectural features. The fencing around the perimeter of the rear yard on the other three sides is a combination of Kentucky board and 7' deer fencing with metal post and mesh fabric and has already been installed.

Mr. Brown informed the Board that Zoning Code Section 154.14, states that notwithstanding other provisions of this zoning code, fences, walls, and hedges not exceeding four and a half feet in height may be permitted in any required side or rear yard. Therefore, a variance is required for the fence to be built as proposed in the front and as constructed around the perimeter.

Chair Bardach invited the applicant to speak to the Board.

Ms. Dunkelman presented a rendering to the Board of what the proposed fence will look like in color. She also shared additional photos of the existing fencing. She described that the posts are painted green so they do not show, and referred to two supportive neighbor emails that have been submitted to the Village. She also shared photos of sculptures on the property, and the detail of the stonework.

Chair Bardach asked for clarity on the fence height. Ms. Dunkelman stated that the fence was four and half feet around the yard and was originally installed for the security of the pool, as required.

Mr. Brown referred to photos of the property and fence, noting that the fence is three rail Kentucky board fencing with additional poles and mesh above it rising up to seven feet in height. He clarified that there is no variance for the fence installation as constructed.

Mr. Rubenstein presented that there may be two items for the Board to consider; one being the perimeter fence and the other being the front fence. He noted they could be handled separately.

Mr. Brown stated that one variance would be to consider all fencing over 4.5 feet. He clarified that the rock walls and poles there were below 4.5 feet and have already been approved.

Mr. Rubenstein shared that he visited the property and it is difficult to see from anywhere. He stated the applicant allowed him to walk the property to view it. He noted that it was an important point as to whether people can see it and what it looks like. He stated the perimeter fence is the same all the way around, and he could not see it on the north side of the property and the neighbors are in favor of it. He stated that it should be factored into consideration that the property has unique circumstances and it is difficult to see the property.

Ms. Rissover commented that there is an adjacent property owner opposed, and referenced a letter from Mr. Ruthmeyer at 7420 East Aracoma.

Mr. Brown shared that another neighbor, Elinor Ziv, visited the administration office to view the plans and stated she had no issue with it.

Chair Bardach asked Jim and Ada Frank, who were the only people present in the audience, if they would like to comment on the application and they did not have any comments.

Mr. Rubenstein expressed his satisfaction with the proposed fence to be built consistent with the existing architecture of the home.

Mr. Wolf stated that it is difficult to consider the wood fence with the extension due to similar requests being denied in the past by the Board.

Ms. Rissover asked if there was a practical hardship for this property as opposed to other properties should the variance be granted.

Mr. Rubenstein noted that there were safety concerns cited by the applicant, and that there is a history of security issues.

Ms. Rissover expressed her concern for setting a precedent in regards to the fence height.

Ms. Dunkleman shared that she felt the property was different because of its shape which is narrow and long and difficult to see what is occurring on the back of the property. She noted the issue of kids coming over the fence and gaining unauthorized access to the pool and cottage. She stated she felt the higher mesh installation prevents such access.

Ms. Rissover disagreed that the shape and size of the lot made the property different from others in the Village. She stated that the use of security alarms are what residents install rather than higher fencing.

Mr. Rubenstein stated that he is in support of the proposal because of the specific factors for this property including that it cannot be seen, and the Police Chief having confirmed security issues on the property.

Mr. Rubenstein moved to approve the proposal as submitted. Seconded by Mr. Lauer and the motion failed by a vote of 3-2.

Mr. Lauer commented that prior fence requests that have been denied have not been this style of fence incorporated with the property as this one is; however, a number of people have asked for the deer fencing.

Ms. Rissover asked about Mr. Ruthmeyer's concern for the "prison" fencing that he notes in his letter to the Board. Ms. Dunkelman stated that the initial installation being referred to was promptly removed because it was not fitting, and is not being requested for approval.

Mr. Frank clarified that the first motion failed and the Board could separate the project into two variances for consideration.

Mr. Lauer moved to approve the part of the fence that faces Ridge Road with the stone columns and posts. Seconded by Mr. Rubenstein and the motion carried 4-1.

Mr. Lauer moved to approve the remainder of the perimeter fencing. Seconded by Mr. Rubenstein and the motion failed 3-2.

Ms. Rissover informed the applicant that a more comprehensive plan could be re-submitted, however, she was not in favor of any higher heights for the fencing over the standard 4.5 feet.

There was discussion on prior fence requests for higher heights being denied and their related property and site characteristics. Mr. Frank clarified to the applicant that the north, south, and west fencing was denied and that she could return with a new proposal to the Board for consideration if she so chose.

Proposed Property Maintenance & Zoning Code

Mr. Lahrmer presented to the Board in its meeting materials a document that staff generated for discussion regarding proposed changes to various code sections related to property maintenance and the zoning code. He stated that the Law Committee recently met and received a copy of the proposal, however, no decisions were made and at some point the Law Committee will reconvene

to discuss. Mr. Lahrmer stated that the Board is invited to also comment and discuss the items, and add any other items for consideration.

There was discussion among the Board regarding several items. Mr. Wolf stated that he would be in favor of the Village charging a fee for application of economic development as it occurs going forward, but not charging residents.

Mr. Wolf asked how the fence height would be changed. Mr. Lahrmer stated that the proposal would be related to fencing for chicken coops and garden fencing, and to set parameters for those projects so that the Board does not need to consider those.

After additional discussion, Mr. Lauer commented that allowing staff to approve items could present issues. Mr. Wolf noted that it could remove the opportunity for others to object, and there would be no record.

Ms. Rissover expressed her concern regarding property maintenance and shared that it is a real issue. She urged that swing sets, temporary structures and overall maintenance be addressed.

Mr. Wolf noted that he liked the idea of granting one zoning matter at a time to ensure projects are completed before additional projects are granted.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: July 12, 2018 at 5:30 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road

FROM: Scot Lahrmer, Village Manager

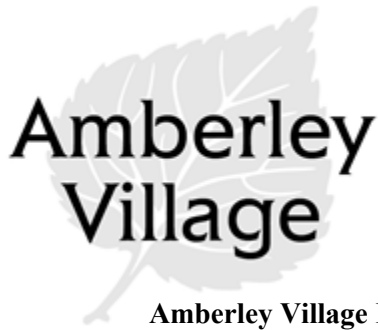
Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals Thursday, July 12, 2018 at 5:30 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The public meeting will be held to review the following item:

James and Ava Frank, property owners of 3530 Section Road are requesting a variance to Village Code Section 154.14 (A). The variance would allow for the installation of 80' of 6' high privacy fence in the rear and front yard.

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 July 12, 2018 Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: James & Ava Frank, 3530 Section Road
Alan & Marlyn Weinstein, 3580 Section Road
Lukas Ruecker, 6890 Knoll Road
Richard & Sara Jane King, 7000 Knoll Road
Christopher Baseley & Ann Marie Engelhardt, 3555 Verger Lane
Members of the Board of Zoning Appeals
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin Frank, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer

POSTED 06/29/2018



7149 Ridge Road
Amberley Village, OH 45237

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

amberlevillage.org

Amberley Village Board of Zoning Appeals Staff Report

July 12, 2018

Subject:

3530 Section Road

Variance:

6' privacy fence

Item: Case#2018-2026

Variance Request: James and Ava Frank, property owners of 3530 Section Road are requesting a variance to Village Code Section 154.14 (A). The variance would allow for the installation of 80' of 6' high privacy fence in the rear and front yard.

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

Variance Review: Mr. and Mrs. Frank purchased their home approximately four and a half years ago with the understanding that they owned most of the wooded area in the rear and side yards. After the property owners of 6980 Knoll Road surveyed their property, it was discovered that the neighbor's property extends to approximately 10' from Mr. and Mrs. Frank's patio. The property line location and incorrect Auditor's information was confirmed by a second survey.

In March this year, Mr. and Mrs. Frank were granted a variance by the Board for the installation of 44' of 6' high privacy fence (completed in April) to block the view of their patio and family room from the property located at 6980 Knoll. The elevation of this property is higher and looks down onto the back of the house at 3530 Section Road.

Since then and as explained in their letter to the Board, the contractor working for the property owners of 6980 Knoll Road cleared trees and bushes from Mr. and Mrs. Frank's property. Approximately 70' to 80' of honeysuckle bushes were removed from their property. As a result of the bushes being removed and not being able to come to an agreement with their neighbors on a plan to replace the bushes, Mr. and Mrs. Frank are requesting a variance to extend the existing 6' high privacy fence.

The plan, as submitted, proposes to extend the existing fence 80' to the southwest along the rear property and beyond the front of the house approximately 33' into the front yard.

Mr. and Mrs. Frank explained that the proposed privacy fence is intended to provide some of the privacy they once enjoyed and to block their view of the neighbor's property.

A variance from Zoning Code 154.14 (A) is required for the fence to be installed as proposed.

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

Date: May 27, 2018

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

RE: Zoning Approval

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

Construction of a 6 foot high Good Neighbor Privacy Fence by Mills Fence
Company. The fence will extend the existing privacy fence and run approximately
72 feet along the property line between our home (3530 Section Road) and the
home located at 6980 Knoll Road. The fence has become necessary because of the
destruction of plants on our property by the contractor of the property owner at
6980 Knoll Road. A more detailed explanation of the justification for this request is
contained in the attached letter.

The structure is proposed at the following address:

3530 Section Road

I certify the attached plat and measurements are accurate.

Mills Fence Company
Contractor's Name

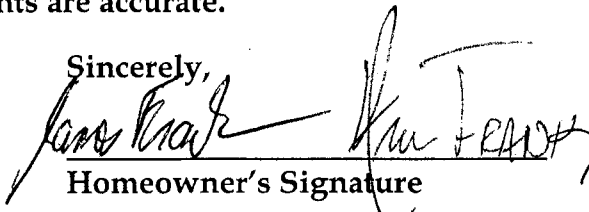
6315 Wiehe Rd, Cincinnati, OH 45237

Contractor's Address

513-631-0333

Telephone Number

Sincerely,


Homeowner's Signature

Ava and James Frank

Homeowner's Printed Name

0

513-312-7334

Telephone Number (daytime)

Dear Mr. Lahrmer and Mr. Brown,

This letter is intended to supplement the materials submitted requesting permission to extend the 6 foot high privacy fence on our property. Below we outline in additional detail why there is a need to construct the proposed fence.

On March 5, 2018 the Amberley Village Board of Zoning Appeals granted us a variance to construct a 44 foot long Good Neighbor Privacy Fence. This fence was necessary because our neighbors advised us of their intent to remove the honeysuckle and other plants that surrounded our property. This fence was subsequently installed by the Mills Fence Co. in accordance with the zoning decision.

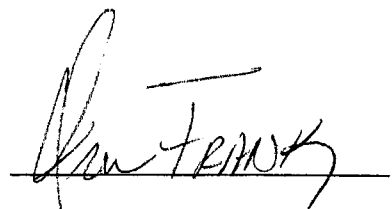
At the time of our earlier request, our plans were to install the fence and 47 Spring Grove Arborvitae to construct a border and/or privacy around our home. The fence and trees were necessary to supplement the honeysuckle bushes that would remain on our property behind our bedroom, dog yard and glass room on the rear and side of the house. By the end of the first week in April the fence was constructed and the 47 trees were planted.

On September 23, 2017 we met with Lukas Ruecker and Safina Uberoi at their request. They stated their plans to remove honeysuckle from their property. We very clearly stated that we liked and intended to keep the honeysuckle on our property for privacy purposes. On May 1 their contractor crossed onto our property without our permission and cut honeysuckle bushes along approximately 70 to 80 linear feet of our property line. The depth of the area cut by our neighbor's contractor varies along this border. Since May 1 we have attempted to resolve this matter in a neighborly fashion. Unfortunately, after agreeing to plans provided by our landscaper, they now refuse to satisfactorily remedy the situation they created.

As a result of their intentional and irresponsible behavior, we are now forced to again request a building permit to extend the 6 foot high Good Neighbor Privacy Fence. This fence will shield a portion of our property and help us regain some of the privacy taken from us by our neighbors cutting of our plants. We hope to act as quickly as possible to remedy this problem.

We welcome all members of the Board to visit our property to see first-hand what we are asking for and why. Thank you for considering our request.

Sincerely,



Ava Frank



James Frank

CAGIS drawing



© 2017 Pictometry

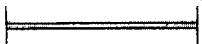
CAGIS PROPERTY LINE WHICH
12/03/2017 IS NOT CORRECT

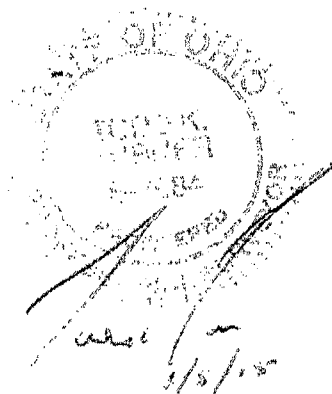
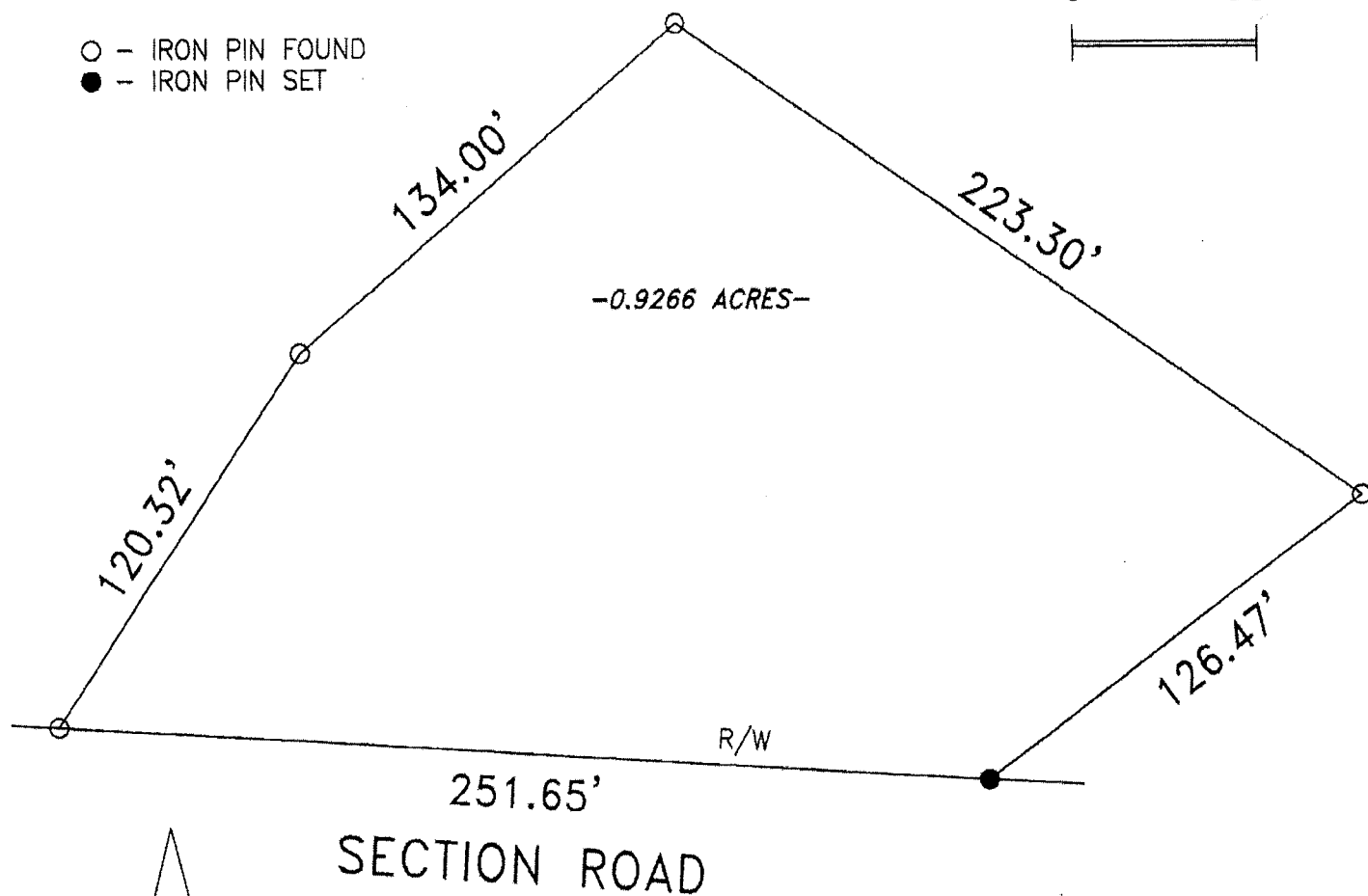
●●●●● PROPOSED FENCE

ACTUAL PROPERTY LINE
PER SURVEY OF TRI-STATE
LOCATION SERVICES

LEGEND:

- - IRON PIN FOUND
- - IRON PIN SET

0 50




SURVEY FOR:

JAMES & AVA FRANK
 3530 SECTION ROAD
 CINCINNATI, OHIO 45237

RECORDING INFORMATION:

O.R. 12409, PG. 73

PARCEL NUMBER:

526-0100-0112

TRI-STATE LOCATION SERVICES

4839 OLD TOWER COURT

FAIRFIELD, OHIO 45014

(P) 513-829-7722

(F) 513-829-7770

www.tristatelocationservices.com

SCALE: 1"=50'

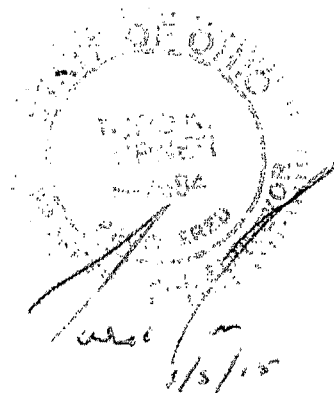
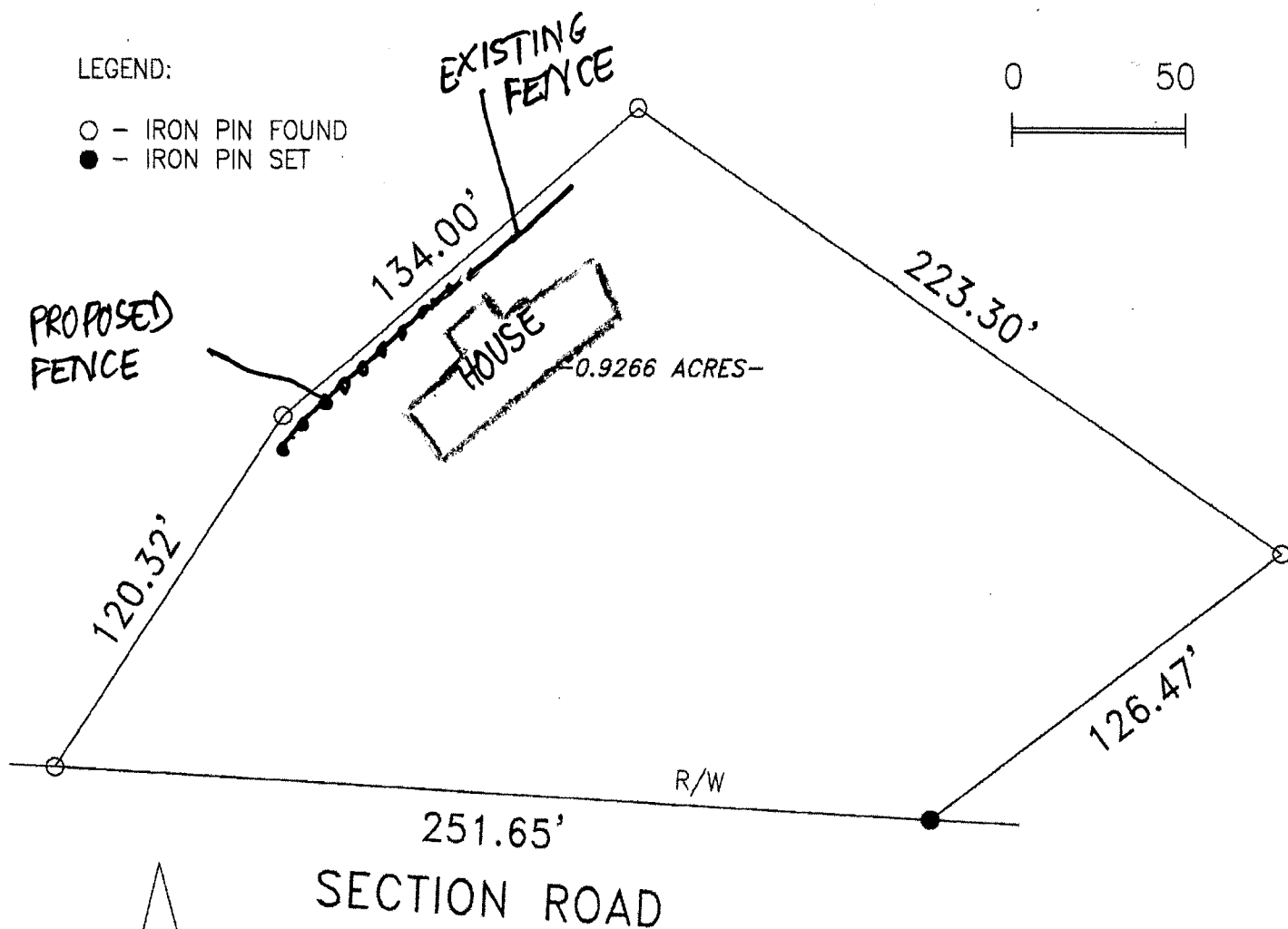
DATE: 12/22/15

JOB #97078

LEGEND:

- - IRON PIN FOUND
- - IRON PIN SET

0 50
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SURVEY FOR:

JAMES & AVA FRANK
3530 SECTION ROAD
CINCINNATI, OHIO 45237

RECORDING INFORMATION:

O.R. 12409, PG. 73

PARCEL NUMBER:

526-0100-0112

TRI-STATE LOCATION SERVICES

4839 OLD TOWER COURT
FAIRFIELD, OHIO 45014

(P) 513-829-7722

(F) 513-829-7770

www.tristatelocationservices.com

SCALE: 1"=50'

DATE: 12/22/15

JOB #97078



6315 Wiehe Road
Cincinnati, Ohio 45237
Phone: 513-631-0333
Fax: 513-631-2703

13200 Walton Verona Road
Walton, Kentucky 41094
Phone: 859-485-6656
Fax: 859-485-6659

www.millsfence.com

Your Mills Fence Co. Estimator Contact Information:

Name: Ces Navera
Cell: (937) 304-2703
Email: ces@millsfence.com

Proposal Submitted To: Jim Frank	Date: 5/22/2018	Job Name: Wood Privacy Fence - 6' High
Street: 3530 Section Road	Email: james.frank@uc.edu	Job Location:
City, State, Zip Code: Amberley, OH 45237	Contact Number(s): Home: Cell: 513-312-7334	Job Phone:

We hereby submit the specifications and estimates for:

Mills Fence proposes to furnish & install ~ 80 LF of "Good Neighbor" Wood Privacy Fence to tie in with existing wood fence (at back side of house). Specifications: 6' high, solid board wood privacy fence, Cedar trim & boards with 6"x6" treated pine posts and Newport Classic post caps. All posts to be set in concrete. Note: customer to clear fence line as needed. Total Investment: \$4,500

Note: One (1) year labor warranty from Mills Fence.

OUPS: Rear Side ***** Point/Off Road: ~ 250 LF ***** Dist/Cross St: Elbrook Avenue

We propose hereby to furnish material and labor- complete in accordance with above specifications, for the sum of: \$4,500

50% deposit required upon acceptance of proposal for all residential installations

Terms and Conditions of Sale

Terms of payment are noted on Mills Fence's invoice. Interest will be charged at 1-1/2% per month (18% per year) on all past due accounts. With respect to commercial customers only, all costs of enforcement of these terms and conditions of sale and collection of any balance due, including, but not limited to, reasonable attorney's fees incurred by Mills Fence, shall be paid by customer. Mills Fence reserves the right to cancel this order, delay delivery, repossess materials or demand immediate full or partial payment in advance of delivery if customer's credit standing, or ability or willingness to pay, is called into question by an event or circumstance, including, but not limited to customer's default of any obligation owed to Mills Fence. 50% deposit required upon proposal acceptance for all residential installations. Deposit only refundable within 72 hours of transferring funds to Mills Fence. Installation dates and times are approximate, are not guaranteed and are subject to change.

Mills Fence will arrange to have public underground utilities marked prior to installation. Mills Fence assumes no responsibility for any unmarked public or private underground obstructions such as underground utilities, sprinkling systems, pipes, cables, drain tiles, tree roots, vegetation, or property lines. Customer understands that the fence line must be clear of all obstructions and that s/he will stake or mark the fence line. All customers are required to obtain their own permit, by contacting their local municipality.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Mills Fence will repair or replace at our option any of our work that may prove to be defective in its workmanship or materials within a period of one year from the date of installation. As a condition precedent to this warranty, Customer grants Mills Fence the right to place a sign on the fence that is no more than 12" wide and no more than 6" high in a location solely determined by Mills Fence. MILLS FENCE HEREBY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AS TO THE QUALITY OF MATERIAL (i.e., WOOD PRODUCTS) SOLD BY MILLS FENCE. ALL WARRANTIES, IF ANY, BY A MANUFACTURER OR SUPPLIER OTHER THAN MILLS FENCE ARE THEIRS, NOT MILLS FENCE'S, AND ONLY SUCH MANUFACTURER OR SUPPLIER SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES.

Gates should be kept in a locked position when not in use. All agreements contingent upon strikes, accidents, or delays that are beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers' Compensation insurance.

The laws of the State of Ohio shall apply in the construction of these terms of the contract or any dispute arising hereunder without giving effect to such jurisdiction's conflict of laws principles. Customer submits to jurisdiction in the courts of Hamilton County, Ohio.

In the event any one or more of the provisions contained herein should be invalid, illegal, or unenforceable in any respect, the remaining provisions contained herein shall not be affected or impaired in any manner.

Authorized Signature

Ces Navera

Mills Fence Company, Inc. Authorized Representative
Note: This proposal may be withdrawn if not accepted within 30 days

Acceptance of Proposal: The above prices, specifications, terms and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature: _____

Customer Name & Address: Jim Paine, 4530 Seaton Road, Ambury, OH 44237

Customer Signature: *Jim Paine*

Date: 5/22/18

80 LF

House

Seaton Road

This Diagram is a guide ONLY of the Layout and footage of the proposed fence work.
You will still need to be present at the start of the project to confirm the layout with the installer.
If this diagram is an accurate representation of your needs please sign above. Thank you.



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

BOARD OF ZONING APPEALS
MEETING NOTICE

WHEN: July 12, 2018 at 5:30 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road

FROM: Scot Lahrmer, Village Manager

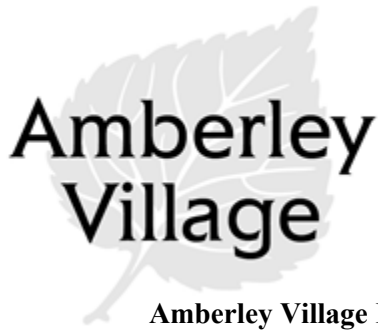
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Jim Kelly and Rick Kay, property owners of 8389 Arborcrest Drive are seeking a variance from Zoning Code Section 154.14 (A). The variance would allow for the installation of a four and a half foot high privacy screen in the front yard.

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 July 12, 2018 Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: Jim Kelly & Rick Kay, 8389 Arborcrest Drive
Nancy Samuels, 8421 Arborcrest Drive
Timothy & Kelly Brown, 8420 Arborcrest Drive
Anna Bien, 8390 Crestdale Road
Gene & Elise Mesh, 2606 Burnet Avenue
Richard Hurwitz, 8367 Arborcrest Drive
Joan McKibben, 8388 Arborcrest Drive
David & Dawn Stang, 8366 Arborcrest Drive
Members of the Board of Zoning Appeals
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin Frank, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer

POSTED 06/29/2018



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Board of Zoning Appeals Staff Report

July 12, 2018

Subject:

8389 Arborcrest Drive

Variance:

Front yard fence

Item: Case#2018-2027

Variance Request: Jim Kelly and Rick Kay, property owners of 8389 Arborcrest Drive are seeking a variance from Zoning Code Section 154.14 (A). The variance would allow for the installation of a four and a half foot high privacy screen in the front yard.

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

Variance Review: Mr. Kelly and Mr. Kay's property is located on the southwest corner of Arborcrest Drive and Sorrento Drive and per the Village Zoning Code, the property has two front yards.

Citing the need to address deterioration of the current hardscape of their property and stormwater run-off from the home's roof, Mr. Kelly and Mr. Kay have submitted plans to make improvements to the Arborcrest and Sorrento frontages and to the rear elevations of their home.

The plans are to construct an open roof pergola over the home's entrance on the Arborcrest frontage, a 54" high privacy screen incorporated into a new roof scupper, column and storm drain (water feature) on the Sorrento Drive frontage, and a new terrace and pergola in the rear yard. The final stage of the project will be to install new underground storm drains, pour a new concrete driveway and remove the existing front yard fence (variance granted September 5, 2006).

The two pergolas and terrace meet the requirements in the Village Zoning Code and do not require action from the Board. However, the 54" high privacy screen and water feature planned for the Sorrento frontage does require a variance.

The privacy screen is proposed to be constructed of horizontal slatted natural cedar boards intended to age naturally to a gray color to coordinate with the new dark gray color of the home. The plans show the screen integrated into the column supporting the weight of the new roof scupper and water chains, which will tie the roof drain into the underground storm drains. The location of the screen will be approximately 10' from the roof line and 42' from the right of way line for Sorrento Drive. The applicant has expressed that the location of the screen was chosen in part by the location of the rear yard terrace and pergola, which are located near the northwest corner of the house to avoid existing mature trees and

changing topography in the rear yard which slopes downward.

The new roof scupper and water feature are designed to replace the single downspout and direct the storm water from the roof away from the foundation of the house. Thus preventing any further deterioration of the foundation and hardscape.

The purpose of the screen is to provide privacy in the rear yard from the passing cars and pedestrians on Sorrento Drive and to support the roof scupper and water chains.

Due to the privacy screen and water feature being located in the front yard a variance is required.

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

6/8/2018

Scot Lahrmer / Village Manager
Amberley Village Board of Zoning Approval
7149 Ridge Road
Cincinnati, Ohio 45237

From: Jim Kelly

Re: July 2nd Board of Zoning Appeals Meeting Agenda Topic
Jim Kelly & Rick Kay Residence / Zoning Variance Request

I am representing both Rick Kay and myself in our request for Village Board of Appeals variance approval for intended exterior hardscape improvements to our home at 8389 Arborcrest Drive, understanding that our corner lot is zoned as a (2) two front yard parcel with certain restrictions.

With minor exceptions the current hardscape at Arborcrest, Sorrento and Rear Elevations are original to the 1953 structure and are in varying degrees of deterioration requiring attention. We have consulted with Chris Magee (registered Cincinnati architect) in the development of a renovation master plan to improve curb appeal that will be not only sensitive to the mid-century style of our home but also to the aesthetics and scale of the neighborhood.

The following outlines the scope of work reflected in our proposal, of which we believe the Sorrento Elevation scope will require a zoning variance:

Arborcrest Elevation / Entrance Pergola

At the Arborcrest Elevation (front yard) we are proposing an entrance pergola architectural feature.

- Structure will project forward 10' from existing roof line and will follow the roof pitch of the rear butterfly roof line as to appear original to structure.
- Pergola open roof design will enhance its appearance as an architectural feature and will not be a covered structure.
- Construction will be wood thoughtfully detailed and will be painted a dark gray color to coordinate with house paint color which will be painted similarly.

Our understanding is that the Pergola 62' front yard setback from the Arborcrest property line, and its open structure design qualifying it as an architectural feature will not require a variance.

Sorrento Elevation / Architectural Screen

Over the years that Rick and I have owned our home we have experienced hardships at the Sorrento elevation due to the restrictions of our corner lot (2) two front yard zoning designation.

- The restriction from installing a privacy screen beyond our roofline to shield exposure from Sorrento walkers and vehicle traffic has created a lack of privacy and security concerns prevented us from comfortably using the rear terrace.
- Due to the low pitch of our butterfly membrane roof, storm water runoff management has always been challenging. Current means are single downspouts at either end of the roof which are incapable of managing storm water during down-pours resulting in what would be best described as a waterfall that is creating foundation and hardscape deterioration.

We request variance approval for constructing a 4 ½' tall privacy screen projecting forward 10' from the roof line to be constructed of horizontal slatted natural cedar intended to age naturally to a gray color to coordinate with the new painted dark gray color of the home. Added purpose for the screen would be to integrate a column supporting the weight of a new roof scupper trough, toward water chains tying into the in-ground storm drain for improved storm water management.

In addition a new concrete driveway will be poured and new in-ground storm drains tying into existing curb storm sewer line will be installed, and a deteriorating wood picket fence for which we received a variance 12 years ago to construct will be removed.

Rear Elevation / Pergola

At rear (side yard) we are proposing a new terrace and pergola (an accessory structure). Due to a considerable grade and tree canopy drop-off, sun and heat control is challenging which this pergola will correct.

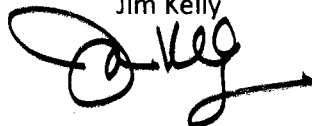
- At Sorrento elevation pergola will remain in-line with existing roof line and pitch will be designed to appear original to structure.
- Pergola open roof design will enhance its appearance as an architectural feature and will not be a covered structure.
- Pergola will incorporate a thoughtfully detailed horizontal slatted natural cedar screen intended to age naturally to a gray color to coordinate with the painted gray color of the home. Screen height and length will be minimized to maintain sightlines from Sorrento and surroundings.

Our understanding is that pergola alignment with roof line, and its open structure design qualifying it as an architectural feature will not require a variance.

In closing we request your approval for our constructing the combined Sorrento privacy screen and Rear Elevation Pergola in response to our privacy, security and storm water management hardships which cannot be improved merely with landscaping.

Rick and I thank you for your consideration.

Respectfully,

Jim Kelly


Rick Kay


KELLY / KAY

RESIDENCE

CHRIS
MAGEE
ARCHITECT

C COPYRIGHT 2018

ARCHITECT:
Chris Magee
435 W Galbraith Rd
Wyoming, OH 45215

OWNER:
Jim Kelly
Rick Kay
8389 Arborcrest Dr
Cincinnati, OH 45236

BUILDER:

Proposed Addition and Renovation to:
Kelly / Kay Residence
8389 Arborcrest Drive
Cincinnati, OH 45236

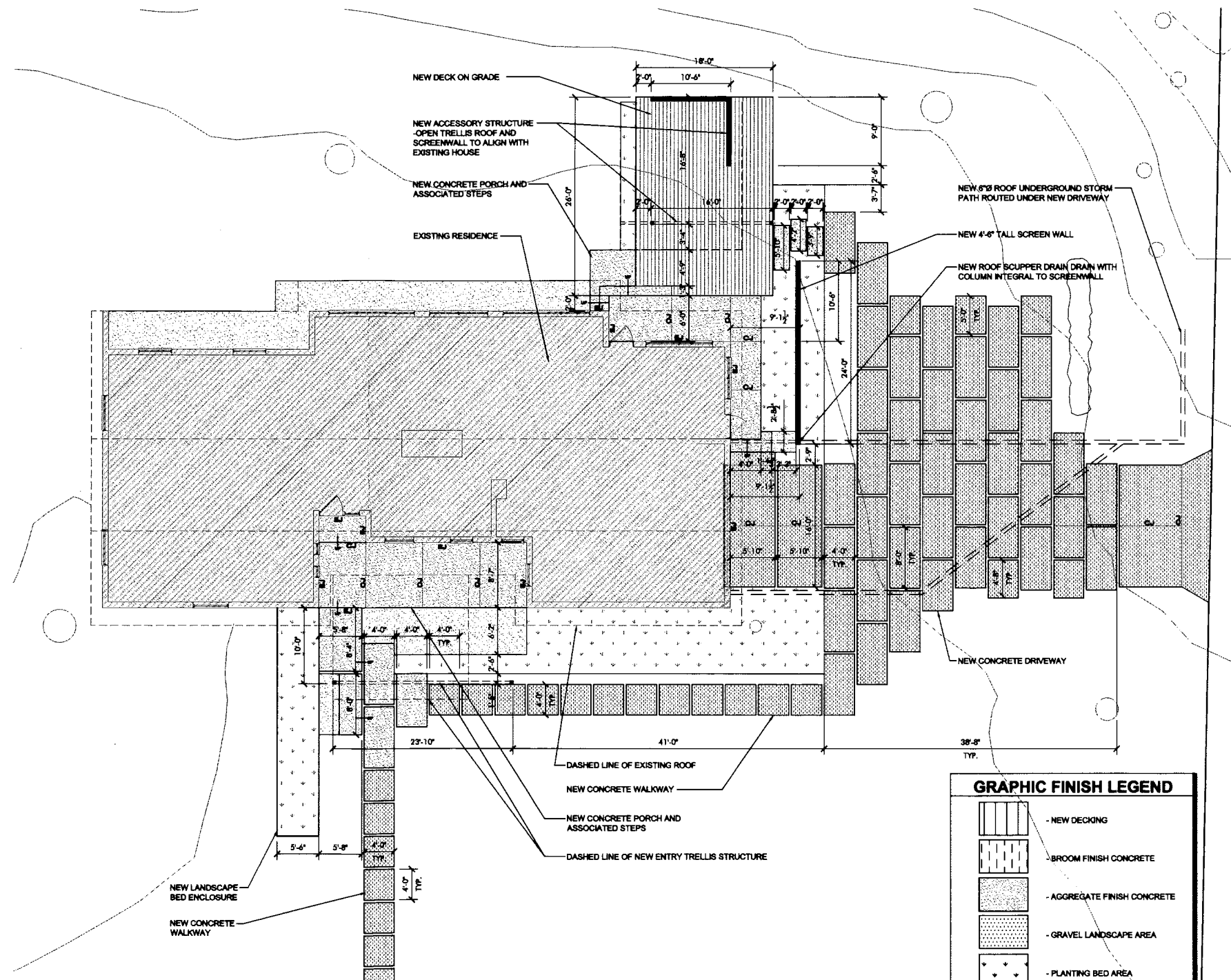
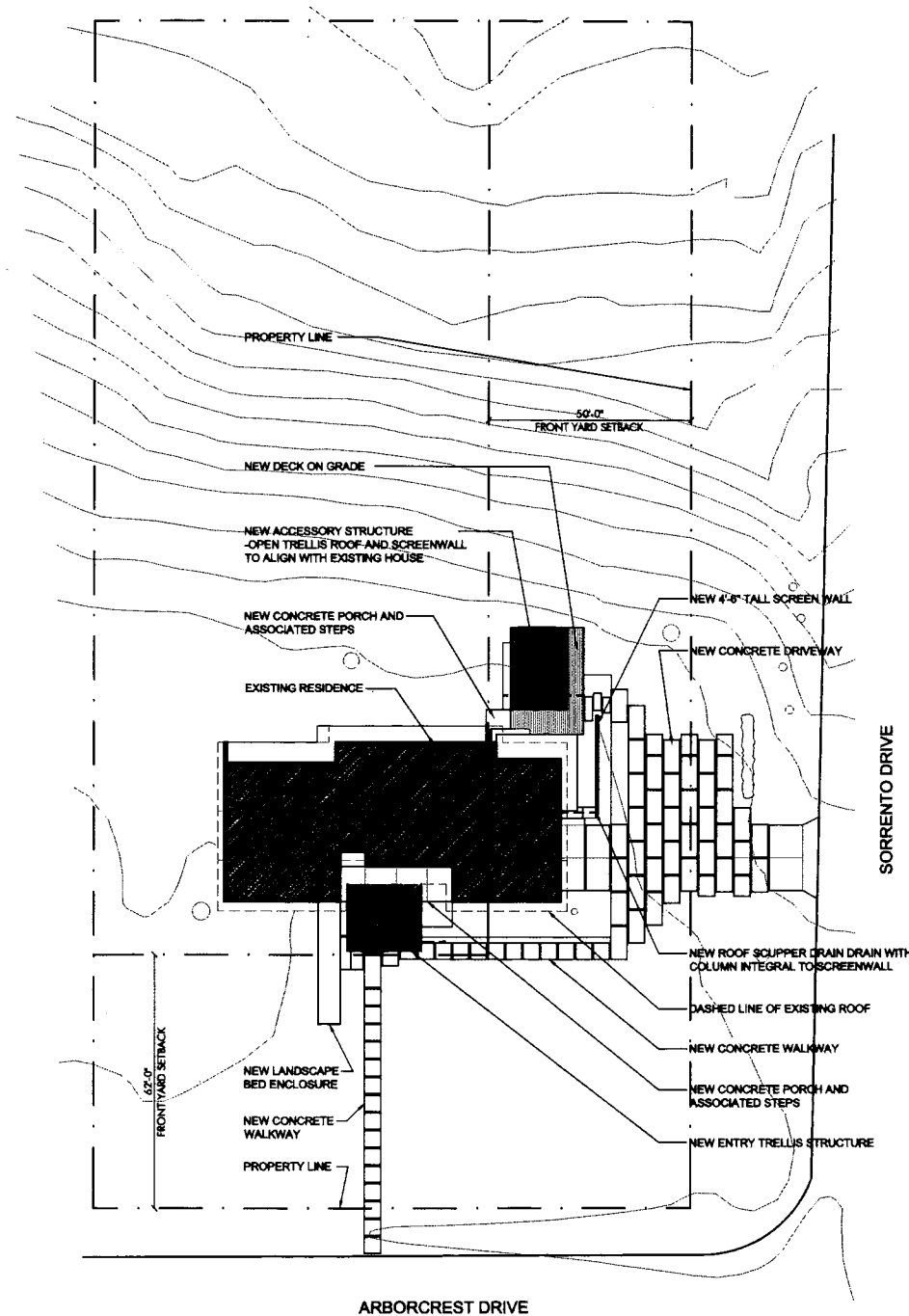
Zoning: 0601/18

ARCHITECTURAL SEAL

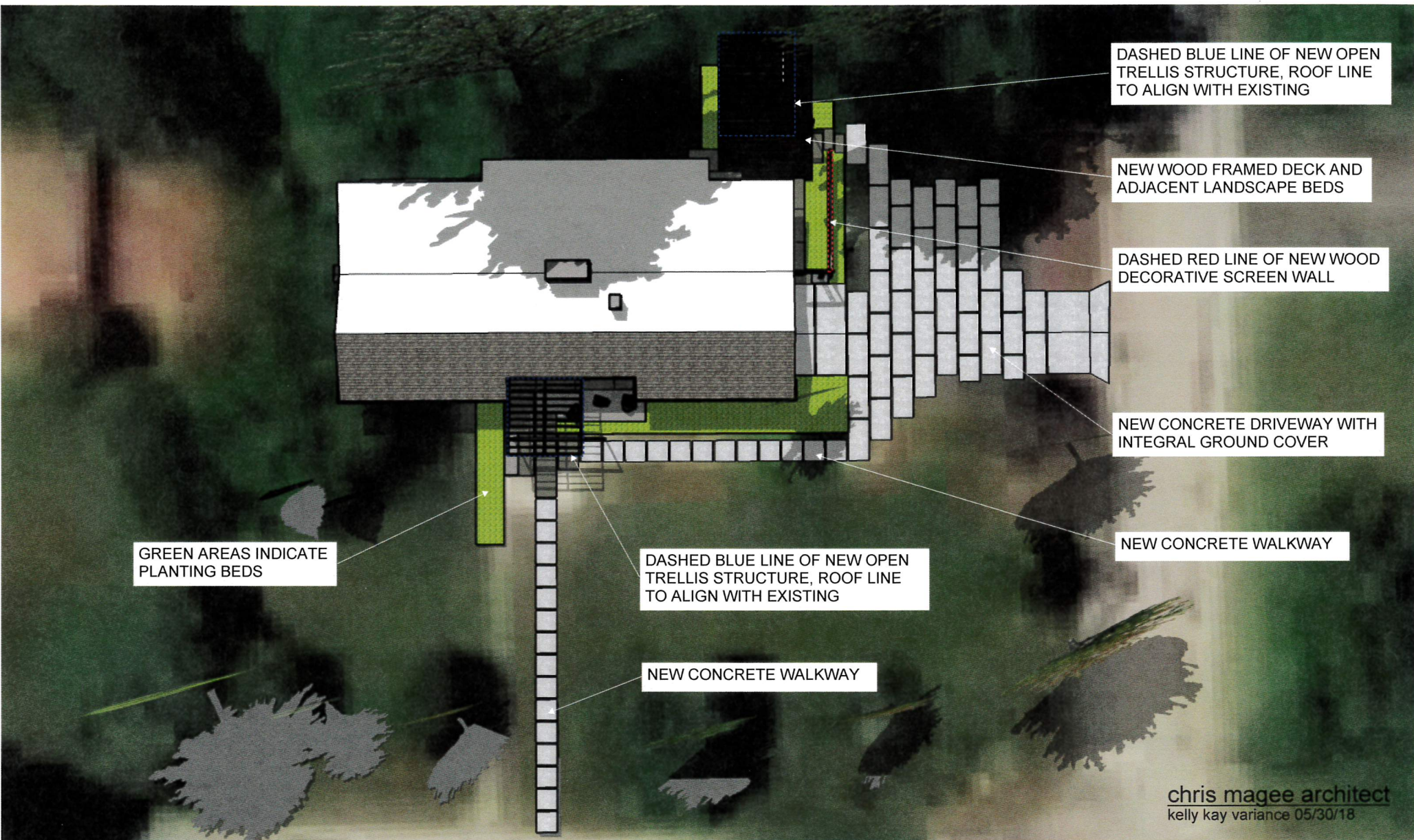
CHRISTOPHER M. MAGEE, LICENSE #1315628
EXPIRATION DATE: 12/31/2019

SITE PLAN,
OVERALL MASTERPLAN

A1



GRAPHIC FINISH LEGEND	
	- NEW DECKING
	- BROOM FINISH CONCRETE
	- AGGREGATE FINISH CONCRETE
	- GRAVEL LANDSCAPE AREA
	- PLANTING BED AREA
	- EXISTING HOUSE
	- NEW WALL/COLUMN
EJ	- CONCRETE EXPANSION JOINT
CJ	- CONCRETE CONTROL JOINT





NEW OPEN TRELLIS STRUCTURE,
ROOF LINE TO MIRROR EXISTING

NEW AGGREGATE CONCRETE
PORCH AND STEPS

NEW CONCRETE WALKWAY

GREEN AREAS INDICATE PLANTING BEDS

NEW OPEN TRELLIS STRUCTURE
WITH SCREEN WALL, ROOF AND
WALL ALIGN WITH EXISTING

NEW WOOD FRAMED DECK AND
ADJACENT LANDSCAPE BEDS

NEW AGGREGATE
CONCRETE ELEVATED PATIO

EXTENDED ROOF
SCUPPER TO NEW
DRAIN CHAIN FEATURE

NEW DECORATIVE
WOOD SCREEN WALL

NEW CONCRETE DRIVEWAY WITH
INTEGRAL GROUND COVER

chris magee architect
kelly kay variance 05/30/18



NEW OPEN TRELLIS STRUCTURE,
ROOF LINE TO MIRROR EXISTING

NEW AGGREGATE CONCRETE
PORCH AND STEPS

NEW CONTEMPORARY
GARAGE DOOR

NEW OPEN TRELLIS STRUCTURE
WITH SCREEN WALL, ROOF AND
WALL ALIGN WITH EXISTING

EXTENDED ROOF
SCUPPER TO NEW
DRAIN CHAIN FEATURE

NEW DECORATIVE
WOOD SCREEN WALL

NEW CONCRETE DRIVEWAY WITH
INTEGRAL GROUND COVER

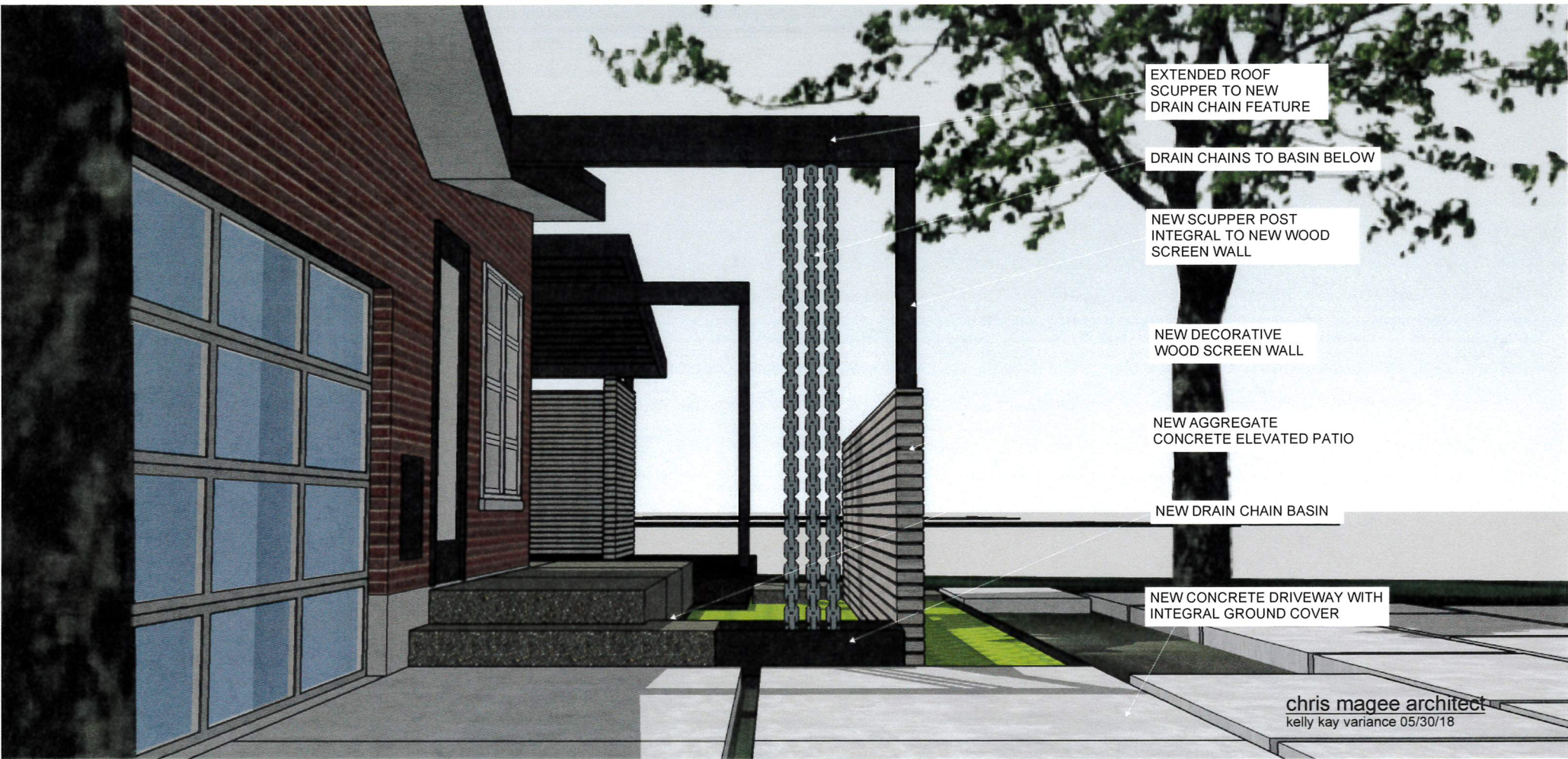
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kelly kay variance 05/30/18











EXTENDED ROOF
SCUPPER TO NEW
DRAIN CHAIN FEATURE

DRAIN CHAINS TO BASIN BELOW

NEW SCUPPER POST
INTEGRAL TO NEW WOOD
SCREEN WALL

NEW DECORATIVE
WOOD SCREEN WALL

NEW AGGREGATE
CONCRETE ELEVATED PATIO

NEW DRAIN CHAIN BASIN

NEW CONCRETE DRIVEWAY WITH
INTEGRAL GROUND COVER

chris magee architect
kelly kay variance 05/30/18

NEW DECORATIVE
WOOD SCREEN WALL

NEW OPEN TRELLIS STRUCTURE,
ROOF AND WALL ALIGN WITH EXISTING

ENCLOSED LANDSCAPE BEDS

NEW WOOD FRAMED DECK

NEW PARTIAL HEIGHT SCREEN WALL TO MATCH
OTHER DECORATIVE WOOD SCREEN WALL

chris magee architect
daily landscape 05/30/18



NEW OPEN TRELLIS STRUCTURE,
ROOF AND WALL ALIGN WITH EXISTING

NEW DECORATIVE
WOOD SCREEN WALL

NEW WOOD FRAMED DECK

NEW PARTIAL HEIGHT SCREEN WALL TO MATCH
OTHER DECORATIVE WOOD SCREEN WALL

ENCLOSED LANDSCAPE BEDS

NEW ELEVATED AGGREGATE
CONCRETE PORCH AND STEPS

chris magee architect
very key vananou 05/20/16

chris magee architect
kelly kay variance 05/30/18

