

AGENDA

March 11, 2025

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of November 4, 2024

Cases

CASE NO. 2025-28

Christopher and Hannah Kunkel, property owners of 3195 Patrisal Court, are seeking a variance to Zoning Code Section 154.14. The variance, if approved, would allow the installation of a fence to enclose a portion of the front yard on the property.

New Business

Adjournment

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

Acting Chairperson Rick Lauer called to order the meeting of the Amberley Village Board of Zoning Appeals/Planning Commission at the Amberley Village Municipal Building in Council Chambers on Monday, November 4, 2024, at 7:00 p.m.

As Chairperson Bardach was absent from the meeting, Boardmember Rick Lauer served as chair and welcomed everyone to the meeting. He led those in attendance in the Pledge of Allegiance.

Roll call was taken as follows:

PRESENT:

Scott Rubenstein
Nimet Jeruzalmi
Craig Cappozzo
Rick Lauer

ALSO PRESENT:

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

Acting Chairperson Lauer asked if there were any corrections to the minutes of the October 7, 2024 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2024-248

Mr. Fritsch introduced Case #2024-248, in which John and Jessica Pascoe, the homeowners at 3195 North Farmcrest Drive, requested a variance to Zoning Code Section 158.15. If approved, the variance would allow for the installation of roof-mounted solar panels on the front plane of their home.

Mr. Pascoe said he agreed with Mr. Fritsch's assessment of the project.

Mr. Lauer asked if the solar panels were to cover the entire roof, to which Mr. Pascoe replied they would cover the majority of it. Mr. Fritsch explained that planes A and C on the drawings comprise the front of the house, which was identified as the areas most able to maximize the sun.

Mr. Lauer said the Board had a tendency to pass solar panel variance requests based on improved technology and a decrease in intrusion on front panels where they were more efficient.

Mr. Rubenstein moved to approve the variance as presented, which was seconded by Mr. Lauer and passed unanimously.

CASE NO. 2024-249

Mr. Fritsch introduced Case #2024-249, in which Hillel Gray, the property owner of 6881 Elbrook Avenue, requested a variance to Zoning Code Section 154.12 (A) (1). The request for the variance would allow for an accessory structure (Little Library) to be installed in the front yard.

Mr. Lauer asked if the proposed accessory structure would be similar to Little Libraries seen in Amberley Village and other communities, to which Mr. Gray said yes.

Mr. Lauer said his only concern with these structures involved blocking sightlines at the corner, to which Mr. Gray replied there was no problem in this case.

Mr. Rubenstein said the previously approved Little Library had included graphics of the design and a description. Mr. Gray showed a photo from his phone of a structure like the one he wished to install. Mr. Rubenstein asked about what materials he planned to use, and Mr. Lauer asked if there were any plans. Mr. Hillel said he planned to build the structure with wood and composite material.

Mr. Lauer moved to approve the variance on the condition Mr. Hillel agreed to adhere to his description of the structure and committed to maintaining it. Mr. Hillel agreed, and the motion was seconded by Mr. Rubenstein and passed unanimously.

CASE NO. 2024-249

Mr. Fritsch introduced Case #2024-216, in which J.P. Burleigh, the representative for Integrity Green Landscaping, submitted plans for a 9,600 square foot warehouse and a 4,480 square foot warehouse with office space to be built on 5.1 acres. The 5.1 acre lot is located across the street from the Amberley Village Maintenance Facility located at 8605 Ridge Road. Amberley Village Code Section 154.83 requires a site plan review for all new structures by the Board of Zoning Appeals and a public hearing when variances are requested.

The site plan requires four variances to the Village Zoning Code:

- 1) A variance is required from Village Code Section 154.14 (A) to allow for the 6' high black aluminum fence surrounding the outdoor west plant and material staging area and along the north property line.
- 2) A variance is required from Village Code Section 154.81 (C) and (D) to allow the metal façade area to be greater than 75% for the 9,600 square foot warehouse and the 4,480 square foot warehouse.
- 3) A variance is required from Village Code Section 154.79 (E) to allow outdoor storage.
- 4) A variance is required from Village Code Section 154.80 (B) to allow the current northern property vegetation to remain as the required landscape buffer.

Mr. Burleigh said his client, Integrity Green Landscaping, was working on a contract to purchase land at the North Site. Having worked closely with them and with Amberley Village to ensure compliance with the Village Zoning Code, he said they had narrowed down the discrepancies to four small matters.

Mr. Joe Middleton introduced himself as the head of the expansion effort, and stated that the property would not be developable without the relief requested. He said they had conducted a practical difficulties test and hoped to establish undue hardship to allow for the variances requested, particularly storage of equipment outdoors.

Mr. Tom Middleton provided a history of Integrity Green as a high-end residential landscaper, with an emphasis on property maintenance and commercial construction installations. He said their growth was largely word of mouth, and they currently employed 23 full-time staff and a couple of seasonal workers. He said he anticipated a 40% growth for next year and an additional

20% growth the following year. Mr. Middleton further stated Integrity was attracted to Amberley Village for its central location, and planned to invest \$1.5 million in the facility at the North Site.

Mr. Lauer asked if existing vegetation in the northwest corner of the property would be removed. Joe Middleton replied that the plan was to leave it for its current cover. In addition, he was unsure about the impact of the powerline. Mr. Lauer asked if the existing growth was honeysuckle, to which Joe Middleton replied that it was, and that it was both thick and high. Mr. Lauer expressed concerns that it would look scrubby, and invited neighbors to the north to share their feedback. He said he supports saving trees, but not scrub.

Mr. Cappozzo asked about what would be stored inside. Joe Middleton replied that materials such as stone, mulch, plants and shrubs would be stored outside. He said Integrity was committed to a neat, clean and presentable area, as this is reflective of the image they wish to project. He said indoor storage of these items would be a hardship, as well as a fire hazard, and that outdoor storage was typical of the industry.

Mr. Dave Powell of 705 Maple Drive approached the Board, and stated he was a member of the Reading City Council, Ward I. He asked if they had done due diligence, and wanted to know the width of the easement on the property. Mr. Powell also asked if Duke would clearcut the easement. Mr. Lauer acknowledged his concern regarding a buffer between the properties.

Mr. Powell voiced additional concern regarding the 122-vehicle parking lot proposed in the plan. He said the intersection at Ridge and Ronald Reagan was already above capacity, and he was concerned about traffic clogs. Additionally, he expressed concerns with proposed lighting both in and on the building. He requested assurance that the lighting would not be intrusive, as he already experiences light pollution from the Veterinary Clinic, and has been in contact with Mr. Fritsch regarding resolution.

Mr. Powell said he anticipated additional noise, as well, from loaders backing up, and stated he only experiences occasional noise from the Village Maintenance site, primarily during the winter. He said he supports business growth, but needs to answer to Reading residents and to preserve his interests.

Mr. Lauer asked about hours of operation, to which Joe Middleton said Integrity operates from 7 a.m. to 5 p.m. on weekdays, and rarely open on weekends.

Mr. Lauer wanted to know why Integrity needed 122 parking spaces. Joe Middleton said there were 13 company vehicles plus staff, and that they hoped to grow. Mr. Burleigh added there was no intention of adding outdoor sales.

Mr. Lauer told Mr. Powell that the state is responsible for traffic, and asked Mr. Middleton what type of vehicles were utilized by Integrity Landscaping. Joe Middleton replied that they used dump trucks.

Mr. Lauer asked about lighting, and Joe Middleton promised to measure and fully comply with requirements, adding that lights will be on timers, and valances and shades would be utilized to shield homes from light. Mr. Lauer confirmed that lights on the building will not face north, and noted one on the building facing due west. Mr. Middleton assured him that was the case.

Mr. Lauer said he had additional concerns regarding landscaping and clearance of the power line. He said he wanted to improve the look of the current brush on the property, but this may not be the best result for the neighbors to the north. He said he was thrilled to have Integrity in the neighborhood.

Mr. Rubenstein expressed remaining concerns regarding vegetation along the easement. Mr. Burleigh said the expense of redesigning the landscape would present a hardship, but that if the Board deemed it necessary, Integrity would comply as their primary interest was approval of the site plan.

Mr. Lauer moved to approve the first three of the four variances, which was seconded by Mr. Rubenstein and passed unanimously. Mr. Burleigh asked for clarification regarding approval of the site plan, which was confirmed by Village Solicitor Andy Kaake.

CASE NO. 2024-250

Mr. Fritsch introduced Case #2024-250, in which Mr. Michy Fishman, the representative for the Cincinnati Hebrew Day School/Atara High School, requested a variance from Village Code Section 154.14 (A). The variance would allow for the installation of a 8' high decorative fence surrounding the front yard and a 10' fence surrounding the playground in the rear of the building at 6701 Elbrook Avenue.

Mr. J.P. Burleigh introduced himself as the attorney of record for Cincinnati Hebrew Day School and Atara Girls School, and described the need for the fence to secure the property. He said there had been a surge in antisemitism, and there are chronic trespassing issues at the school. He said the schools have taken other security measures, but felt the 4.5' fence restriction in the Village made it too easy to climb over. He also argued that the wrought iron fence proposed for the front of the property would improve the overall streetscape.

Mr. Burleigh asked the Board to consider the Federal Religious Land Use Act, and provided copies of the Religious Land Use and Institutionalized Persons Act (RLUIPA) to the Board of Zoning Appeals members. He said there were several examples of similar variances in the Village where applicants had cited their rights under RLUIPA, and said he had several letters from concerned residents.

Michy Fishman of 6752 E. Farmacres Drive said that as president of Cincinnati Hebrew Day School, he has seen an increase in trespassers during school hours.

Rabbi Tuvya Peromsik of 7305 Laureloak Drive provided a history and mission of the Day School, and established its importance to Jewish life and the community it serves. He assured the Board that intensive study had been done to identify a resolution to the security issues, and emphasized the responsibility of school officials to keep other people's children safe. He said that being Jewish makes them a target, and they wish to be proactive about security for their students. He said they had also installed a third camera system and added an intercom, but they are constantly rehashing their safety protocols as they can afford no margin of error.

Rabbi Peromsik cited two types of recent trespassing. One involved basketball players attracted to the property by a recently-installed court. The second involved social media videographers on school grounds during the school day.

Mr. Lauer said his concern was that if the variances were granted, everyone would want them. He referenced the property next door which was recently sold by the school, and asked if they would also want a 10 foot fence.

Mr. Joshua Pransky of 2177 Bluegrass Lane said he bought his property in 2020 because of the family lifestyle afforded him in Amberley Village. He said that now there are skateboarders on the school grounds at night smashing things just behind his house.

Mr. Rubenstein asked if the activity was contained to the school grounds, and Mr. Pransky said no.

Mr. Cappozzo asked if there were No Trespassing signs, and Mr. Pransky said yes. He said he would prefer to look at a fence than watch the destruction of property he sees when kids try to adjust the equipment. He said he had five children, and on the East Coast where he is from, there are fences around all schools out of fear for the safety of their children.

Ms. Elsa Fishman of 6752 E. Farmacres Drive said she was a senior at Atara, and had concerns for her safety. She said a fence would provide security that would make her feel safer.

Mr. Cappozzo said in his general experience that calling the police, in conjunction with No Trespassing signs, is enough to fix the problem. Mr. Fritsch noted that the Amberley Village Police Department had been called multiple times for minor incidents on the property.

Mr. Rubenstein asked if the plan included locked gates. Mr. Burleigh said there were no set plans, and Mr. Fishman said they would work directly with the Amberley Village Police Department to design them. He said there was no plan yet because they planned to apply for state and federal funding for the fence. He said he was very cognizant of the aesthetics, and wanted an attractive, decorative fence.

Mr. Lauer asked Mr. Fritsch if the school could enclose the basketball court with 4.5 foot fencing as a means to determine what options were available under Village Code.

Mr. Fishman said he hadn't gotten plans yet because he wanted permission first. Mr. Rubenstein said that won't work because the Board doesn't know what it is approving. Mr. Burleigh said it was common practice to offer approval contingent upon plans.

Mr. Rubenstein asked if there had been any change in circumstances since the school last requested a fencing variance. Mr. Burleigh said the recorded incidents and recent history of trespassing were different than in 2018 when they last requested a variance.

Mr. Rubenstein said he would be willing to budge in securing the rear area. Mr. Cappozzo wanted to know how the school had determined the need for a 10 foot fence. Mr. Fishman said they wanted something robust, which they felt was 10 feet. He said they would be willing to compromise. Mr. Burleigh stated the height was necessary to deter climbing.

Ms. Jeruzalmi said that fencing creates more mystery. She said it wasn't right that we are fencing ourselves in.

Mr. Lauer clarified his profession as a zoning attorney, and said he did not see why a 10 foot fence would be required on this property, and didn't want to set a precedent that would ruin vistas in the village. He said there was no precedent even for an 8 foot fence, and cited his responsibility to preserve the Village Zoning Code. He said the plan as presented seemed cobbled together, and felt there might be alternatives.

Mr. Burleigh said the Village Code was not particularly stringent, and the Board had authority to grant the variance. He said they were empowered to consider usage. Mr. Lauer said if permission were granted based on arguments tonight, nothing would prevent all other organizations from doing the same. Mr. Burleigh said precedent was not relevant in the Amberley Village Code, and that the Federal Religious Use rules could be applied.

Mr. Rubenstein said the case reminded him of the same concerns expressed in 2018 when a fence was first requested. He said he would be more comfortable with a more detailed plan to better understand what they were being asked to consider. He said of the variances, the front yard was the harder sell, and echoed Mr. Lauer's sentiments.

Mr. Cappozzo asked how to be sure the fence was the best resolution, and said a security expert might have other recommendations.

Mr. Fishman said the school had put improvements on hold to do this, and wanted some indication that a front yard fence would be permitted. He said they had tried most everything else.

Mr. Lauer said they hadn't tried building a 4.5' fence, and moved for passage of the requested variance. Seconded by Mr. Rubenstein, the motion was denied unanimously.

Mr. Lauer told the applicants that more work was needed, but that they were free to resubmit the application. He said tabling the request was not enough, but that the Board wanted to work with them and that he hoped they could find a resolution.

NEW BUSINESS

There being no further business, the meeting was adjourned at 9:02 p.m.

Tammy Reasoner, Clerk

Rick Lauer, Acting Chairperson



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: March 11, 2025 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 **Tuesday, March 11, 2025** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The public meeting will be held to review the following item:

Christopher and Hannah Kunkel, property owners of 3195 Patrisal Court, are seeking a variance to Zoning Code Section 154.14. The variance, if approved, would allow the installation of a fence to enclose a portion of the front yard on the property.

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 **March 11, 2025** Board of Zoning Appeals public meeting. If you have any questions, please feel free to contact Scot Lahrmer at 513-531-8675.

cc: *Christopher and Hannah Kunkel, 3195 Patrisal Court*
Robert and Rita Wetterstroem, 3195 Lamarque Drive
Matthew Cooper, 3180 Lamarque Drive
Matthew and Tammy Stickle, 3200 Lamarque Drive
Joshua Sickinger, 3220 Patrisal Court
Elizabeth Kohake, 3210 Patrisal Court
Vincent and Teresa Hardin, 3200 Patrisal Court
Terrance Nurreddin, 3190 Patrisal Court
David and Jeannette Huesman, 3180 Patrisal Court
Laurie and Jarrod Cotton, 3185 Patrisal Court



7149 Ridge Road
Amberley Village, OH 45237

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

amberleyvillage.org

Amberley Village Planning Commission Staff Report

March 11, 2025

Subject:

3195 Patrisal Court

Variance:

Front Yard Fence

Item: Case#2025-28

Variance Request: Christopher and Hannah Kunkel, property owners of 3195 Patrisal Court, are seeking a variance to Zoning Code Section 154.14. The variance, if approved, would allow the installation of a fence to enclose a portion of the front yard on the property.

Zoning Code Review: Section 154.14 Fences, Walls and Hedges states; ‘Notwithstanding other provisions of the 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 the front yard shall be permitted. Hedges not over two and a half feet in height may be permitted in a front yard.’

Variance Review: Christopher and Hannah Kunkel, property owners of 3195 Patrisal Court, are seeking a variance to Zoning Code Section 154.14. The variance, if approved, would allow the installation of a fence to enclose a portion of the front yard on the property. The home is located on the south-east corner of Patrisal Court and Lamarque Drive. The property is .97 acres and is zoned Residence A.

Due to the hardship created by having three front yards, Mr. and Mrs. Kunkel are seeking the variance to enclose a portion of their front yard on Patrisal Court. The letter to the Board states they have small children and a dog. The fence would provide a safety barrier to protect the children and the dog while playing outside. The rear yard behind their home is very small and is the primary drainage area for the property's storm water. This area is not suitable or big enough for their needs.

The letter to the Board also states that a fence will be used to deter deer destruction of their yard and enhance/maintain a suitable outdoor living space to entertain family and friends. The letter additionally states the fence would deter the deer and limit their dog from running after them.

The proposed fencing would be 48" high, constructed from white vinyl, and have two gates for ingress and egress. The proposed fence location would enclose 450' of the rear yard and front yards that border the north property line.

Village Code Section 154.14 states that fences are permitted in the side or rear yard but does not permit fences in any part of the front yard. Therefore, the variance is required for the fence to extend into the Patrisal Court front yard.

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

For the consideration of the BZA Board:

We moved our family to 3195 Patrisal Court to have more space for our growing family. We have 4 children, (ages 6, 4, 2, and 10 months), and 1 family dog. As a family with very young and energetic children, we spend as much time outside as possible. Part of the attraction to our new home was the spacious yard.

Before purchasing our home, we contacted Amberley Village to ensure we could fence in both our back and side yard. Our family has always had a fenced-in space for our children and dog to enjoy being outside in while maintaining their safety. We were assured we would be able to install a fence and consequently we excitedly purchased our home.

Our lot has an irregular shape as the backyard is significantly smaller than the side yard. Our backyard also suffers from drainage issues, leaving it swampy and unusable for days following any amount of rain. Because of these reasons our children and dog spend the vast majority of time in the side yard.

We have considered trying to solve our backyard drainage problems, but the quote was incredibly expensive and may involve action on our next-door neighbors part. We have no desire to bother our neighbors as their yard is on a slight slope and not affected by this issue. Even if the drainage problem was solved, the zoned backyard is comparably tiny compared to the side yard as our lot is on a corner and the location of our house is not optimally positioned for yard usage.

To protect our children and dog, we find it necessary to fence in our side yard. We live in eye shot of both Ridge Rd. and the highway and have seen many deer around our property. Although we are responsible parents and our kids are well-behaved, they have never only known a fenced in yard and are too young to understand how roads can be dangerous. We want to protect our children from traffic and keep our dog from running after deer. This would also be in our neighbor's best interest as we live on an intersection and can avoid the risk of children or dogs running into the road.

Although the side yard area is not zoned as a backyard, the affected neighbors already have a view of our parallel neighbor's fenced backyard due to the street layout. As we plan to use a fence within the height parameters of Amberley Village code, the neighbor's view will be affected very little. We are responsible homeowners and plan to beautifully maintain the fence and landscaping. It is our strong belief that the safety component involved in installing a fence outweighs a very minor change in our neighbor's view.

As our main concern is safety for our family and our neighbors, we ask you to approve this request. We are proud to be members of the Amberley Village community and plan to raise our family here. To do so responsibly for our family and our fellow members of the community, a side fence would be in all of our best interests.

Thank you.

- Chris and Hannah Kunkel

Date: 2/3/2025

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:

an extension of our backyard fence to the side yard. We are installing a fence for the safety of our 4 young children and dog (who chases deer) as we live close to both Ridge Rd. and the highway. The back yard has drainage issues and is significantly smaller than our side yard. We would love to fence the side yard as it is where our kids and dog will spend the vast majority of their time outdoors and we need to ensure their safety.

The proposed project is at the following address:

3196 Patrisal Ct. Cincinnati, OH 45236

I certify the attached plat and measurements are accurate.

Sincerely,

Hannah Kunkel
Homeowner's Printed Name

Hannah Kunkel
Homeowner's Signature

hannahrkunkel@gmail.com
Homeowner's Email Address

513-417-4351
Homeowner's Phone Number

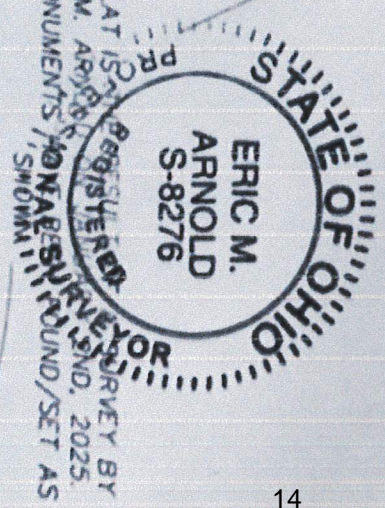
Bright Face Renovations
Contractor's Name
1425 Clermontville Laurel Rd.
New Richmond, OH 45157
Contractor's Address

513-349-8705
Contractor's Phone Number

ARNOLD SURVEYING LLC
 3017 BELLE MEADE LN.
 EDGEWOOD, KY. 41017
 513-505-4486

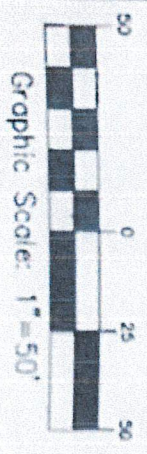
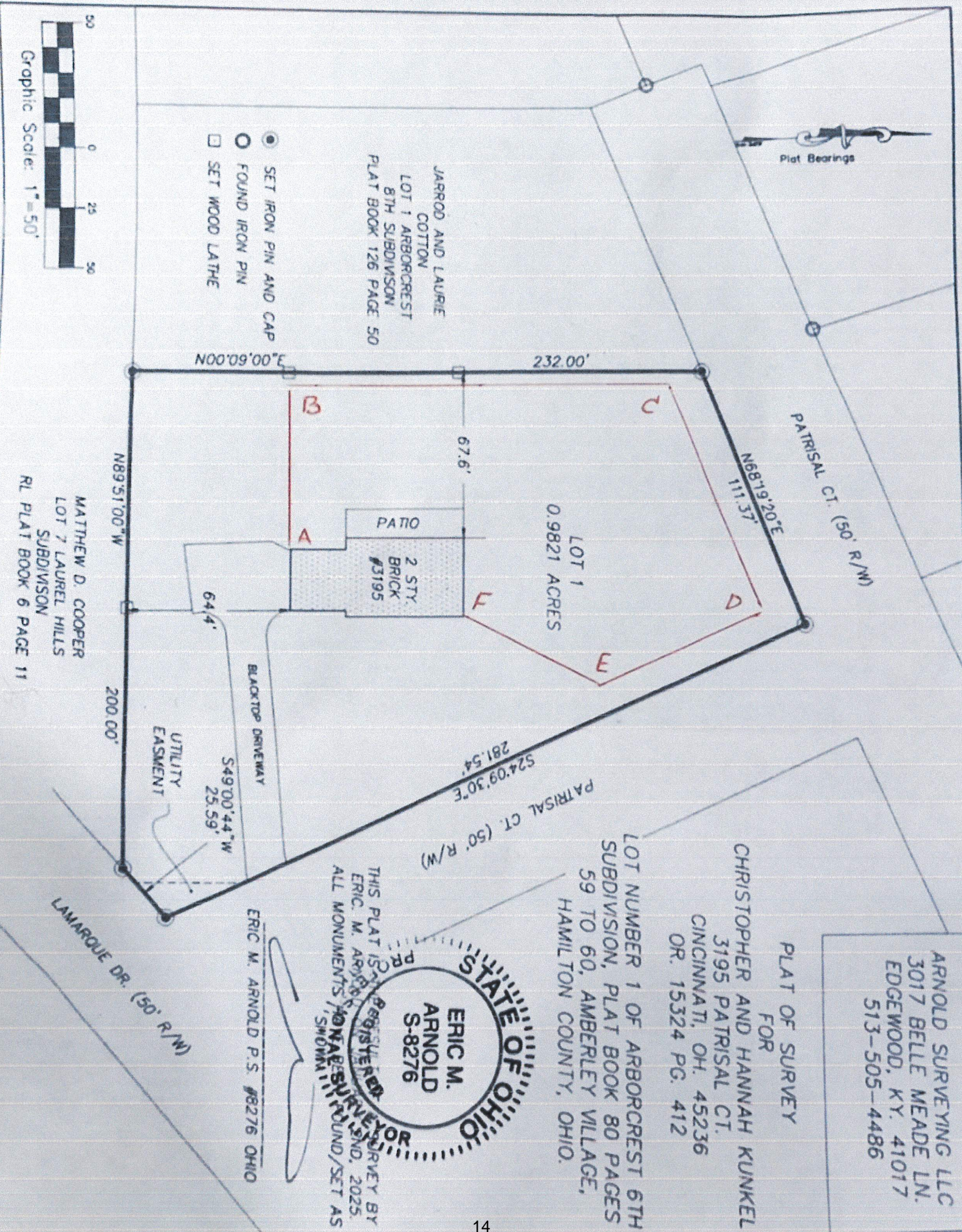
PLAT OF SURVEY
 FOR
 CHRISTOPHER AND HANNAH KUNKEL
 3195 PATRISAL CT.
 CINCINNATI, OH. 45236
 OR. 15324 PG. 412

LOT NUMBER 1 OF ARBORCREST 6TH
 SUBDIVISION, PLAT BOOK 80 PAGES
 59 TO 60, AMBERLEY VILLAGE,
 HAMILTON COUNTY, OHIO.



THIS PLAT IS REGISTERED BY
 ERIC M. ARNOLD, SURVEYOR
 ALL MONUMENTS FOUND/SET AS
 SHOWN ON THIS PLAT

ERIC M. ARNOLD P.S. #8276 OHIO



- SET IRON PIN AND CAP
- FOUND IRON PIN
- SET WOOD LATHE

JARROD AND LAURIE
 COTTON
 LOT 1 ARBORCREST
 8TH SUBDIVISION
 PLAT BOOK 126 PAGE 50

MATTHEW D. COOPER
 LOT 7 LAUREL HILLS
 SUBDIVISION
 RL PLAT BOOK 6 PAGE 11

- A. Starting Point (corner of garage)
- B. Fence travels ~~70'~~ 70' before making right turn
- C. Fence is set back 6" from neighboring property line
as it travels 170' before making right turn at point C
- D. Fence is set back 2' from right of way as it
travels 80' to point D
- E. Fence is set back 2' from right of way as it
travels 70' to point E
- F. Fence travels ^{60'} at 45° to point F (corner of house)

7:31



< Back

S.E. Cincinnati Lowe's >



Purchased 1 time

Last purchased Dec 16, 2024



WamBam Fence Traditional Classic Picket Fence
4-ft H x 7-ft W White Vinyl Picket Fence Panel
(Unassembled)

\$148.33



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