

AGENDA

May 6, 2019

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of March 4, 2019

Cases

CASE NO. 2019-1370

Jenny Mobley, with the City of Cincinnati Park Board, is requesting variances to Village Zoning Code Sections 154.12 and 154.51. The variances would allow for the annual construction of a 33' high, 137' long by 36' wide temporary structure to be built in the front yard of French Park located at 3012 Section Road.

CASE NO. 2019-1371

April Vogt, property owner of 7420 Sagamore Drive, is requesting a variance to Village Code Sections 154.14 (A). The variance would allow for a fence to be constructed in a front yard, approximately 30' from the right of way line for Gardner Avenue.

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, MARCH 4, 2019

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, March 4, 2019 at 7:00 P.M.

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

 ALSO PRESENT: Kevin McDonough, Esq., Solicitor
 Scot Lahrmer, Village Manager
 Anna Shaw, Acting 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 corrections to the minutes of the December 3, 2018 meeting minutes. There being none, the minutes were accepted as submitted.

Case No. 2019-1356

Chair Bardach introduced the application from Jay and Melissa Bernstein, property owners of 6670 Glen Acres Drive, who are requesting a variance to Village Code Section 154.16. The variance would allow for the parking and storage of a major recreational vehicle on residential property, not in an enclosed building.

Wes Brown, Zoning & Project Administrator for the Village, provided the staff report for the application. He informed the Board the variance would allow for Dr. and Mrs. Bernstein to store their recreational vehicle on their property outside of an enclosed building.

Mr. Brown read Amberley Village Code, Section 154.16. and discussed the letter received from Ira Younger, attorney for the Bernsteins. Mr. Younger's letter describes the nature of Dr. Bernstein's profession as an Emergency Room physician. Dr. Bernstein works in various hospitals around the state and chooses to stay in the recreational vehicle. Mr. Younger's letter also stated the recreational vehicle is barely detectable in winter time and is undetectable in spring and summer. Mr. Younger's letter concluded by stating he felt the recreational vehicle has no effect on home values. Mr. Brown concluded by stating Dr. Bernstein prefers the recreational vehicle is as close as possible should the need to respond to an emergency arise.

Chair Bardach invited the applicant to address the board.

Mr. Ira Younger, attorney with the firm of Ritter and Randolph, was present to represent Dr. and Mrs. Bernstein. Mr. Younger asked to ensure minutes of the meeting were being recorded and preserved. Chair Bardach confirmed the minutes would be preserved.

Mr. Younger stated the Bernstein's application was initially submitted with the intent to demonstrate an undue hardship for Dr. Bernstein and is against the public interest.

Mr. Younger further believes, based on a thorough review of Amberley Village's Code, there is a substantial legal argument based on the statutory construction of the Zoning Code, particularly as it relates to major recreational vehicles and recreational vehicles generally. Mr. Younger then referred to packets he distributed to Board Members prior to the meeting (attached hereto).

Mr. Younger directed the Board to Exhibit A and read Amberley Village Code, Section 154.16 which defines the term recreational vehicle. Mr. Younger stated Dr. Bernstein was cited for having a recreational vehicle on his property.

Mr. Younger then directed the Board to Exhibit B, Amberley Village Code 10.03. Mr. Younger then read aloud parts of the Code related to statutory construction. Mr. Younger stated he believes the term "recreational vehicle" is a technical term which is defined in the Ohio Revised Code to have specific meaning.

Mr. Younger next referred to Exhibit C from the Ohio Revised Code. Included are a number of motor vehicles listed with specific definitions on page two of Exhibit C. Mr. Younger directed the Board's attention to section Q, where he felt the term "recreational vehicle" was defined. Mr. Younger then read the definition and conditions. Mr. Younger stated he feels the conditions have to do with the use of the recreational vehicle. Mr. Younger contends his client uses the recreational vehicle for a business purpose as a place to stay when traveling for work for free instead of hotels. Dr. Bernstein's vehicle therefore is excluded from the statutory definition.

Mr. Younger referred to Exhibits D and E: Saunders v Clark County, an Ohio Supreme Court case and a Hamilton County court case referencing Saunders v Clark County respectively. Mr. Younger then read from the exhibits.

Mr. Younger contends the statutory construction expressed in the Amberley Village Code is to treat terms that have been given legislative definitions to be read in accordance. Mr. Younger stated Ohio law is clear, the Ohio Supreme Court is clear that such judicial interpretive decisions are construed in favor of the property owner. Mr. Younger stated he therefore feels his client's vehicle shouldn't be considered a recreational vehicle. Mr. Younger stated all vehicles defined in the Amberley Village Code are different from his client's vehicle.

Mrs. Rissover asked Mr. Younger what type of license the vehicle displays to which Mr. Younger replied he is unsure. Mrs. Rissover asked Mr. Younger to check how the State of Ohio has classified the license as she felt it is of merit to the appeal. Mr. Younger then asked if there is a distinction to be made between for profit or non-profit vehicle licenses. Mrs. Rissover clarified she wanted to know if the State classified the recreational vehicle as a motor home.

Mr. Wolf asked if there were other documents indicating the use of the recreational vehicle other than client testimony. Mr. Younger replied no but offered to produce documentary evidence if needed.

Mr. Lauer then asked Mr. Younger if his client treats patients in the recreational vehicle to which Mr. Younger replied no. Mr. Lauer then confirmed with Mr. Younger whether Dr. Bernstein uses the recreational vehicle to travel to hospitals outside the Cincinnati area. Mr. Lauer also confirmed with Mr. Younger patients are treated in a medical facility and Dr. Bernstein drives the recreational vehicle to the facility and sleeps in the vehicle. Mr. Younger further stated the vehicle was

purchased for this purpose. Mr. Lauer then asked if Dr. Bernstein is compensated for sleeping in the vehicle. Mr. Younger believes Dr. Bernstein is compensated but needs to verify.

Mr. Lauer went on to state he believes this is a motor home which is covered by definition in the Amberley Village ordinance. Mr. Lauer stated there is nothing about the property which creates a hardship. He continued the Bernsteins have options to build a garage in compliance with the Code or park the vehicle in a storage facility. He further stated it would set a bad precedent but the Bernsteins are able to petition Amberley Village Council to change it.

Mr. Younger then referred to Exhibit C and the definition of a motor home from the Ohio Revised Code. Mr. Lauer stated Amberley Village can create its own definitions and he appreciates Mr. Younger's argument.

Mr. Bardach asked who purchased the vehicle and whether it is used for tax purposes. Mrs. Bernstein confirmed from the audience it is utilized for tax purposes. Mr. McDonough clarified turning to people in the audience isn't testimony. Anyone wishing to give testimony must be called to the podium and identify themselves.

Mr. Wolf asked Mr. Younger if the purpose of the vehicle isn't the actual purpose. Mr. Younger stated he didn't understand the comment.

Mr. Rubenstein used the analogy of whether pulling a boat to and from work and utilizing it like Dr. Bernstein's recreational vehicle no longer made it a boat. Mr. Younger didn't understand the comparison and reiterated the vehicle was purchased for this purpose.

Mr. Wolf inquired as to how long have the Bernsteins have owned the vehicle. Mr. Younger called Mrs. Bernstein to testify.

Mrs. Rissover quickly clarified according to the State of Ohio Bureau of Motor Vehicles' website the type of license plate would be motor home, house vehicle, or recreational vehicle. Melissa Bernstein of 6670 Glen Acres Drive stated she believed it was a regular license plate to which Mrs. Rissover disagreed.

Mrs. Bernstein was asked by Mr. Wolf whether she had any documents present to show what business purposes the vehicle has been used for in the past. Mrs. Bernstein stated she did not.

Mr. Wolf asked whether the vehicle has been parked in the driveway for the length of ownership. Mrs. Bernstein stated it had been previously stored in a facility. Mrs. Bernstein felt Mr. Younger was not clear on the time constraints of Dr. Bernstein's job.

Mr. Wolf clarified if the vehicle was store here in Cincinnati. Mrs. Bernstein stated it was.

Mr. Brown then showed the Board pictures taken from the street view of 6670 Glen Acres Drive, the driveway, property line, and from the front of the Bernstein's recreational vehicle looking to the north.

Mrs. Bernstein also showed the Board pictures of the recreational vehicle while parked on her property as well as the view from across the street on Glen Acres Drive.

Mr. Younger asked if there were any other questions for Mrs. Bernstein. There being none, Chair Bardach invited other persons present to speak.

Bruce Allen of 6695 Fair Oaks Drive thanked the Board for the opportunity to speak. He spoke against the recreational vehicle's storage on the Bernstein's property. Dr. Allen is also a physician, although not an emergency room doctor, and feels he understands the general nature of the job. Dr. Allen stated most hospitals provide call rooms and doctors are not expected to get a recreational vehicle or hotel.

Dr. Allen stated he has lived in his home since 1980 and loves the community. He and his family chose Amberley Village because of its ambiance and setting. He stated it has been a shock to look out the window and see a large recreational vehicle. He continued to elaborate on his view from his study which is an uphill landscape with the Bernstein's recreational vehicle in it. He continued to say there may be enough foliage in summer to shield his view, but winter provides no coverage and his view is one of the recreational vehicle.

Dr. Allen stated he had assumed the recreational vehicle was temporary due to loading and unloading. He felt to allow it to remain would potentially change the nature of Amberley Village. He continued the variance shoots through the heart of zoning laws, which are designed to protect the community. Dr. Allen also disagrees the recreational vehicle doesn't affect property values and feels he is unable to sell his home while the recreational vehicle remains on the Bernstein's property.

Mr. Bardach referred to an email dated February 27, 2019 distributed by Mr. Lahrmer. Dr. Allen confirmed he had sent the email should he be unable to attend the meeting. Mr. Bardach entered the email in the record as follows:

My wife and I will try to make the zoning meeting concerning the variance to allow for the storage of a RV on a driveway near our house. We both feel that this is a bad idea as it will open to other storage of campers, boats and other RVs on other properties in Amberley. This would change the character of and lessen the beauty of Amberley Village. Some RVs are actually big enough to be used as supplemental housing. This would be an example of a few people ruining the ambiance of the neighborhood. We enjoy the Village and we did not choose to live next to a storage lot.

Mr. Lahrmer confirmed he received no other emails than Dr. Allen's email when asked by the Board.

Mrs. Rissover stated she received an email from Merrie Stillpass, resident at 7370 Willowbrook Lane. Mrs. Rissover read the email into the record as follows:

I saw this notice and hope that the BZA upholds the code section 154.16. This case, if approved could set a precedent whereby anyone with a camper or trailer will want be allowed to do the same. The visual appeal to the Village would be degrading and could impact property sales and values.

Don Fixler, son of Charles Fixler whose property adjoins the Bernsteins, was present to represent his father as his power of attorney. Dr. Fixler stated his father has complained several times about the recreational vehicle. He continued the recreational vehicle has been moved and seems to always reappear. As an ER physician as well he disagrees with Dr. Bernstein's argument. Dr. Fixler stated there are storage facilities available and this is a total disregard for being a good

neighbor. Dr. Fixler stated his father is selling his house but doesn't want to show the house with a recreational vehicle visible from the backyard. Dr. Fixler thanked the Board for listening.

Mrs. Bernstein clarified her husband isn't called out in the middle of the night, rather his shift may start or end during the night. She feels it is unsafe for her husband to travel at 2am.

Mrs. Rissover asked whether Dr. Bernstein sleeps in the recreational vehicle while it is parked at their home. Mrs. Bernstein answered he does not.

Mr. Lauer asked if Dr. Bernstein could stay in a hotel or an on-call room instead of the recreational vehicle. Mrs. Bernstein replied he could, but it was not his preference.

Mrs. Rissover stated Dr. Bernstein could retrieve the recreational vehicle from a storage facility as opposed to storing it at their home.

Mrs. Bernstein then asked if the Board would grant her a variance to build a structure within 6 feet of the property line. Mrs. Rissover explained a variance is granted only if the structure cannot meet setbacks. Mr. Lauer informed Mrs. Bernstein she would need to submit an application for the request to be considered.

Mr. Lauer stated the purpose of a variance is to ameliorate an issue caused specifically by the Bernstein's property, not by the individual's personal condition. Mr. Lauer stated there has been no evidence of a hardship created by the property.

Mr. Younger clarified the recreational vehicle has been parked in a parking area/driveway, similarly to how you could park an old truck. Mr. Lauer stated this is not an argument for a variance. Mr. Younger reiterated the statutory construction of the ordinance has enabled them to present the argument about the definition of the vehicle. Mr. Lauer asked how the vehicle should be classified to which Mr. Younger replied a motor vehicle. Mr. Younger then suggested Amberley Village could create a broader definition for recreational vehicles.

Mrs. Rissover asked Mr. Brown whether the sheds shown in the pictures of the Bernstein's property are permitted. Mr. Brown replied he believes they are permitted as side yard sheds.

Mr. Wolf commented he drove down Glen Acres Drive without the exact address of the recreational vehicle. He continued he didn't need the address as the vehicle was in plain sight from the street. Mr. Wolf stated there are many factors to consider when the Board allows a variance. Mr. Wolf wondered if the vehicle was purchased with knowledge of the zoning restriction and if the predicament could be alleviated without granting a variance.

Mr. Wolf stated he finds no evidence to support the argument against the definition of motor vehicle. Mr. Wolf stated the vehicle is used as a mode of transportation and he doesn't see how under the circumstances a variance can be granted.

Mr. Rubenstein stated there are two issues being presented: a legal argument based on the definition of recreation vehicle and the request for a variance.

Mr. Rubenstein then asked Mr. McDonough which issues are to be considered. Mr. McDonough believes both items are to be considered at the same time or separately as both were argued before the Board. Mr. McDonough pointed out the burden is on Mr. Younger on behalf of his

clients to establish what factors they need to meet for the Board to grant a variance. Mr. McDonough stated he has not heard it.

Mr. McDonough then reminded the Board of arguments made by Mr. Younger. Mr. McDonough stated the Amberley Village Code does not define recreational vehicle in the manner Mr. Younger described. Mr. Rubenstein thanked Mr. McDonough.

Mr. Lauer moved to approve the variance as submitted. Chair Bardach took the voice vote and the nays were unanimous. The motion to approve failed.

NEW BUSINESS

Mr. Lahrmer informed the Board Village Council recently adopted Ordinance 2018-13, Ordinance to Amend Zoning Code and Regulation of Accessory Structures. The ordinance was passed as an emergency and the moratorium was lifted.

There being no further business the meeting was adjourned.

Anna L. Shaw, Acting 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, 2019 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road

FROM: Scot Lahrmer, Village Manager

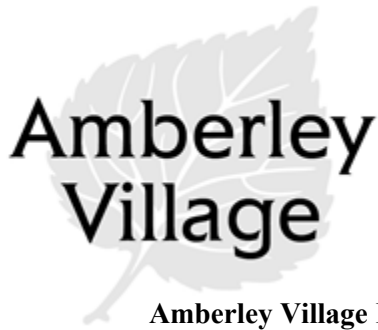
Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals **Monday, May 6, 2019** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The public meeting will be held to review the following item:

Jenny Mobley, with the City of Cincinnati Park Board, is requesting variances to Village Code Sections 154.12 and 154.51. The variances would allow for the annual construction of a 33' high, 137' long by 36' wide event structure in the front yard of French Park located at 3012 Section Road.

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 May 6, 2019 Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at 513-531-8675.

cc:

Members of the Board of Zoning Appeals
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin McDonough, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer



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, 2019

Subject:

3012 Section Road

Variance:

Annual construction of a temporary event structure in the front yard, up to 33' feet in height and 137' L X 66' W.

Item: Case#2019-1370

Variance Request: Jenny Mobley, with the City of Cincinnati Park Board, is requesting variances to Village Zoning Code Sections 154.12 and 154.51. The variances would allow for the annual construction of a 33' high, 137' long by 36' wide temporary structure to be built in the front yard of French Park located at 3012 Section Road.

Zoning Code Review: 154.12 Accessory Structures.

(A), (1) No accessory structure shall be erected in a front yard.

(A), (4) Except as otherwise provided in the Zoning Code, individual enclosed accessory structure that are not open to the sky, shall not cover a total of more than 200 square feet of floor space.

Exceptions, modification and additional rules for all districts

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

Variance Review: Jenny Mobley, with the City of Cincinnati Parks Department is requesting several variances to the Village Zoning Code. The variances are to allow for the annual construction of a 33' high, 137' long by 36' wide temporary structure to be built in the front yard of French House (French Park), located at 3012 Section Road.

The letter to the board states that the Cincinnati Parks Department has held a contract for the past 10 years with Premier Parks Events to reserve, plan and produce special events in 9 Cincinnati Parks including French Park. The letter also states that the temporary structure is a large component to hosting such events.

During a conversation between Premier Park Events and Village staff it was discussed that due to the topography of the property this is the most logical location for the structure.

Prior to the modifications to the Village accessory structure zoning code, these temporary structures were approved as a normal zoning approval. The modifications were approved by the Village Council earlier this year.

The previous version of the code did not have defined regulations on temporary structures, therefore did not restrict the square footage of a temporary structure or the length of time the structure could remain. The previous version only restricted the height to 35', did not permit them to be located in the required front yard and required the structures to meet the zoning setbacks for the district in which it was located.

The modified zoning code for accessory structures (approved in February 2019), includes temporary structures in the regulations for accessory structures. The regulations for all accessory structures (except garages) restricts the height to 16' or the height of the principal structure (in residential districts), square footage is not to exceed 200 square feet in floor space, limits the time-frame for the temporary structure to 7 consecutive days and 30 days per year and they are not permitted in the front yard.

The temporary structure located in French Park is 33' high, 137'x 36' (4,932 sq ft), located in the Section Road front yard and is proposed to remain from April to the end of October.

The following variances are required for the structure to remain as constructed:

Code Section	Variance
154.12	Allow for a 4,932 sq ft floor space (200 sq ft per code)
154.12	Allow for an accessory structure to be located in the front yard (not permitted in front yard per code)
154.12	Allow the temporary structure to remain for 7 months (7 consecutive day and 30 days per year per code)

If the above mentioned variances are granted, staff is recommending that language be added to the approval that would allow future temporary structures to be approved by the Village Manager, as long as the structure remains the same as what was approved by the Board.

This language would allow zoning approvals to be granted without applying for a new variance each year, as long as the structure is not significantly altered.

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

Date: 4/15/19

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

RE: Zoning Approval - Variance

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

Seasonal Tent placement behind the
French House located at 3012 Section Rd.
This tent will be used for a additional
space to hold ceremonies & corporate events for
Premier Park Events - Contractor of Cincinnati Parks.
The structure is proposed at the following address:

3012 Section Road Cincinnati, Ohio 45237

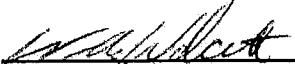
I certify the attached plat and measurements are accurate.

Sincerely,

Premier Park Events -
Contractor's Name
Cincinnati Event Rental
Eric Nussbaum

1025 Lindlaw Ave
Contractor's Address

513-521-6500
Telephone Number


Homeowner's Signature

WADE R. WALCOTT
Homeowner's Printed Name

513-357-2617
Telephone Number (daytime)



Date: April 15, 2019

To: Amberley Village Zoning

From: Jenny Mobley, Interim Division Manager, Cincinnati Parks

BOARD OF PARK

COMMISSIONERS

Brad Lindner
President

James Goetz
Vice President

Susan F. Castellini

Kevin Flynn

Linda Lee Thomas

The Cincinnati Parks Department has held a contract with Premier Park Events since 2010 for nine locations throughout our Park system. These premier park facilities include: Alms Pavilion, Ault Pavilion, French House, Gibson House, Theodore M. Berry International Friendship Park Pavilion, Krohn Conservatory, Mt. Echo Pavilion, Oak Ridge Lodge, and Maple Ridge Lodge. These facilities are an intricate part as host sites for ceremonies, corporate events and special celebrations.

Premier Park Events holds multiple events throughout the year and they are responsible for reserving, planning and producing such events to include the use of tables, chairs and tenting.

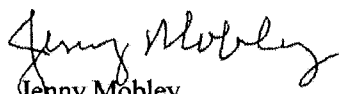
Cincinnati Parks has become aware of the new zoning policy for Amberley Village as it relates to the tent structure at French Park. This tent structure that is located at 3012 Section Road behind the French House and it is a large component to Premiere Park Events success in hosting such events. The tent structure serves as a key component to holding ceremonies, corporate events and special celebrations and provides the customers multiple options for their special occasion.

The tent structure is 137'x 66'x 33'. (Plats and tent structure drawings are attached) According to the zoning policy, anything that is higher than 16', more than 800 square feet and located in the front yard will need to be submitted for approval.

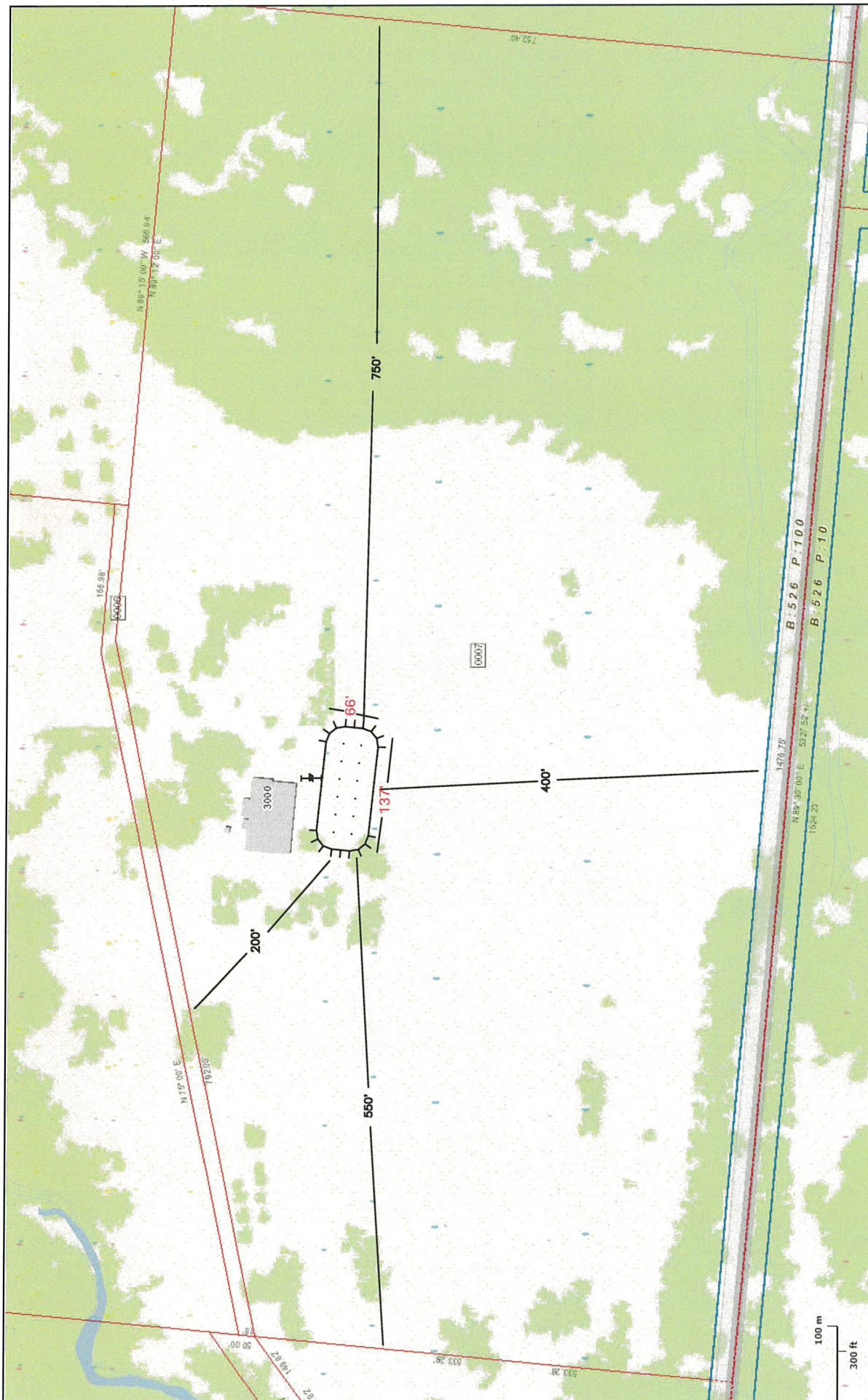
Cincinnati Parks and Premier Park Events are requesting for a height, square footage and location variance for this tent structure, so that Premier Park Events can continue to do business at this facility.

Thank you for your consideration on this matter.

Sincerely,


Jenny Mobley
Interim Division Manager
Cincinnati Parks

950 Eden Park Drive
Cincinnati, Ohio 45202
Phone (513) 352-2604
Fax (513) 352-4096
www.cincinnatiiparks.com
#cincyparks

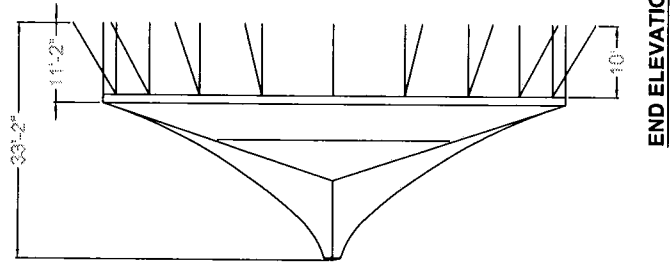
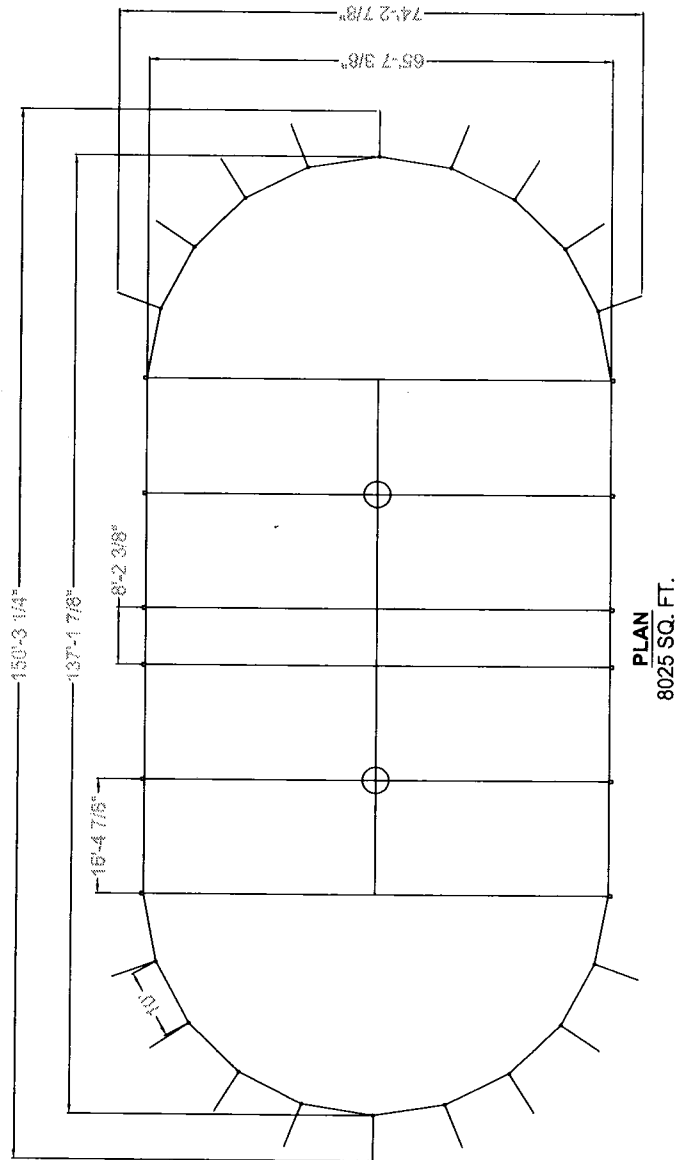
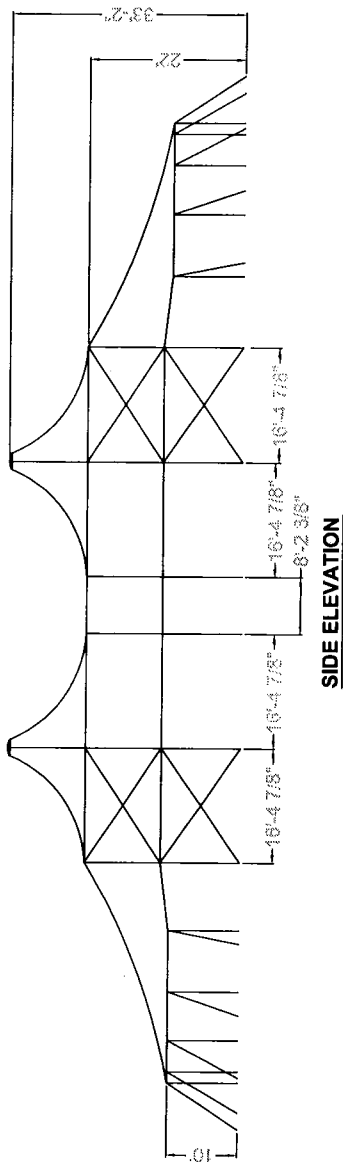


3012 Section Road
Cincinnati, Ohio 45237





66' x 137'
Maritime Tent



Fred's Tents 20m Maritime

PROPRIETARY INFORMATION
THE DATA AND DETAILS SHOWN ON THIS PAGE ARE THE
SOLE PROPERTY OF FRED'S TENTS & CANOPIES. IT MAY
NOT BE USED, DISCLOSED, OR DUPLICATED IN ANY WAY.

FRED'S TENTS & CANOPIES
Waterford, NY 12188

DRAWN BY: TV	APP. BY: TV	DATE: 04-11-19	PERMIT DWG
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Certificate of Flame Resistance



Cincinnati Event Rental
1025 Laidlaw Avenue
Cincinnati, OH 45237

This is to certify that the materials described below have been flame-retardant treated
(or are inherently nonflammable)

ISSUED BY
Snyder Manufacturing, Inc.
3001 Progress Street
Dover, OH 44622

Manufactured by
Fred's Tents & Canopies
420 Hudson River Road
Waterford, NY 12188

Date treated or
manufactured
01/2017

Certification is hereby made that: (Check "a" or "b")



a) The articles described below this Certificate have been treated with a flame-retardant chemical approved and registered by the State Fire Marshal and that the application of said chemical was done in conformance with the laws of the State of California and the Rules and Regulations of the State Fire Marshal.

Name of chemical used _____ Chem. Reg. No. _____

Method of application _____



(b) The articles described below are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.



NFPA-701-2010 (large scale)

Trade name of flame-resistant fabric or material used _____ 1310Q White _____

Reg. No. _____ F-140 _____

The Flame-Retardant Process Used WILL NOT Be Removed By Washing

Fred's Studio Tents & Canopies, Inc.

Plant Supervisor

Product Description:

66x136 Maritime

Customer Invoice # _____ 39634 _____



7149 Ridge Road
Amberley Village, OH 45237

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

amberlevillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: May 6, 2019 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road

FROM: Scot Lahrmer, Village Manager

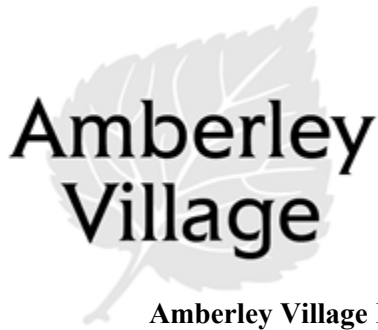
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April Vogt, property owner of 7420 Sagamore Drive, is requesting a variance to Village Code Sections 154.14 (A). The variances would allow for a 4.5' high fence to be constructed in a front yard, approximately 30' from the right of way line for Gardner Avenue.

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 May 6, 2019 Board of Zoning Appeals public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at 513-531-8675.

cc:

Members of the Board of Zoning Appeals
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin McDonough, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer



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, 2019

Subject:

7420 Sagamore Drive

Variance:

Front yard fence

Item: Case#2019-1371

Variance Request: April Vogt, property owner of 7420 Sagamore Drive, is requesting a variance to Village Code Sections 154.14 (A). The variance would allow for a fence to be constructed in a front yard, approximately 30' from the right of way line for Gardner Avenue.

Zoning Code Review: 154.14 Fence, Wall and Hedges

(A) Notwithstanding other provisions of this Zoning Code, fence, 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 side 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: April Vogt, is requesting a variance to Village Code Sections 154.14 (A) to allow for the installation of a fence in the front yard of her property located at 7420 Sagamore Drive. Ms Vogt's property is located at the corner of Sagamore Drive and Gardner Avenue and per the Village code has two front yards.

The fence is proposed to be constructed in the Gardner Avenue front yard, approximately 30' from the right of way line.

The proposed fence would consist of approximately 20' of privacy fence that will start at the corner of the garage and curve along the edge of the driveway to 30' from the Gardner Avenue right of way line. This section of the fence is proposed to extend 10' closer to the right of way line than the corner of the garage and is located in the same location as an existing privacy fence.

At this point, the fence changes material from a solid fence to a post and fabric type fence (see the attached picture), a gate will be installed across the driveway, the fence will extend east to the rear property line and turns south to enclose the rear yard.

The letter to the board states the privacy fence is needed to block the head lights and provide privacy from pedestrian and vehicle traffic from the intersection; the remaining fencing is for safety of their dogs and guests. Currently, when the dogs are outside they are attached to a lead line that stretches across the rear yard which has proven to be dangerous.

The letter also states that the need for the variance is to allow the fence to be moved closer to the street

which would allow for better use of the rear yard.

The majority of Ms. Vogt's rear yard (is currently) and the proposed fence would be screened from the street and neighbor by a row of hedges.

Project Recommendations: The project is considered on its merits.

Date: 4/6/18

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:

7420 SAGMORE DR.
FENCE FOR BACK YARD.

The structure is proposed at the following address:

7420 SAGAMORE DR.

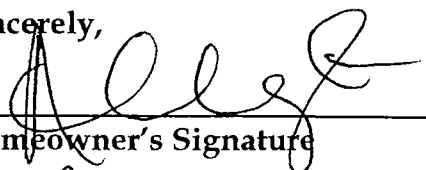
I certify the attached plat and measurements are accurate.

Self →
Contractor's Name

Contractor's Address

Telephone Number

Sincerely,


Homeowner's Signature

APRIL VOST
Homeowner's Printed Name

913-910-3330
Telephone Number (daytime)

April 16, 2019

To: Amberley Village Council

From: April Vogt

RE: Hardship Variance Letter for Backyard Fence

To Whom It May Concern:

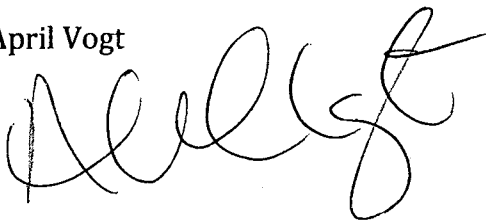
We are applying for a variance for a backyard fence for our yard. Per our plans attached to this letter, we are seeking to install a fence across our driveway on the Gardner Ave side of the house, tying in to a new privacy fence where the location of the existing privacy fence has been for over 10 years. The variance would start 1 foot closer to the street and curve with the driveway to roughly 10 feet closer to the street from the corner of the garage on said side. The existing privacy fence has the same dimensions and has created a shield from car lights rounding the corner at night and added basic backyard privacy the rest of the time.

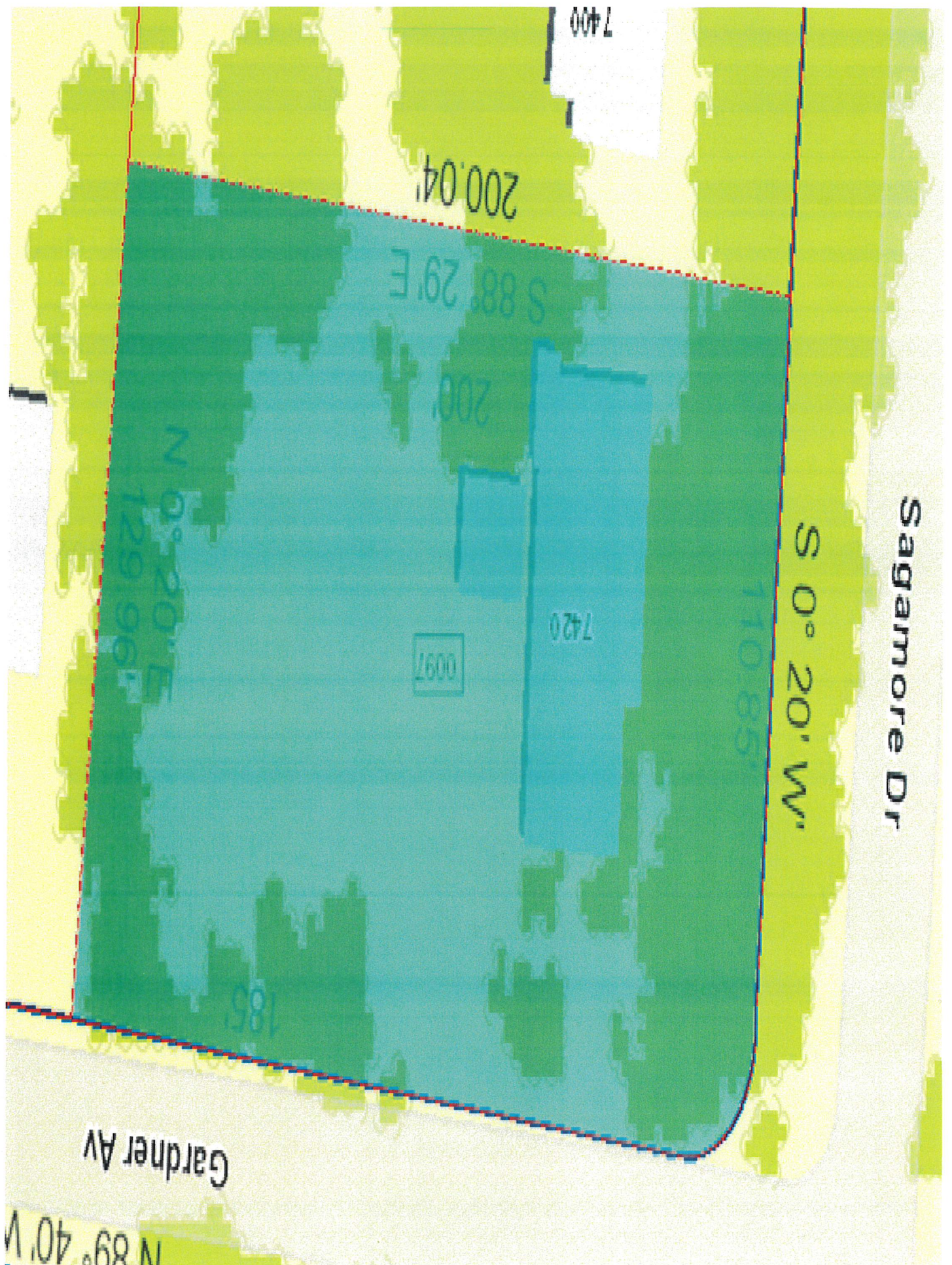
The main reason we are seeking this variance is mainly for safety to contain our dogs. Currently we have a lead line that runs from the house down the middle of our yard and connects to a tree. This has proven to be dangerous for our guests, especially children, when the dogs are on the line. The privacy fence rounding away from the house with the curve of the driveway will also give us needed privacy from foot and car traffic on the busy corner of Sagamore and Gardner Avenues. We have spoken with surrounding neighbors, Michon Woods and Eric Redder at 7476 Sagamore Ave that faces this privacy fence and they have given us verbal approval for this variance. Without the variance a large portion of our yard would not be fenced in and would cut off use for our family and dogs.

Please let us know if the council and building department approves this variance so we can begin construction. Thank you.

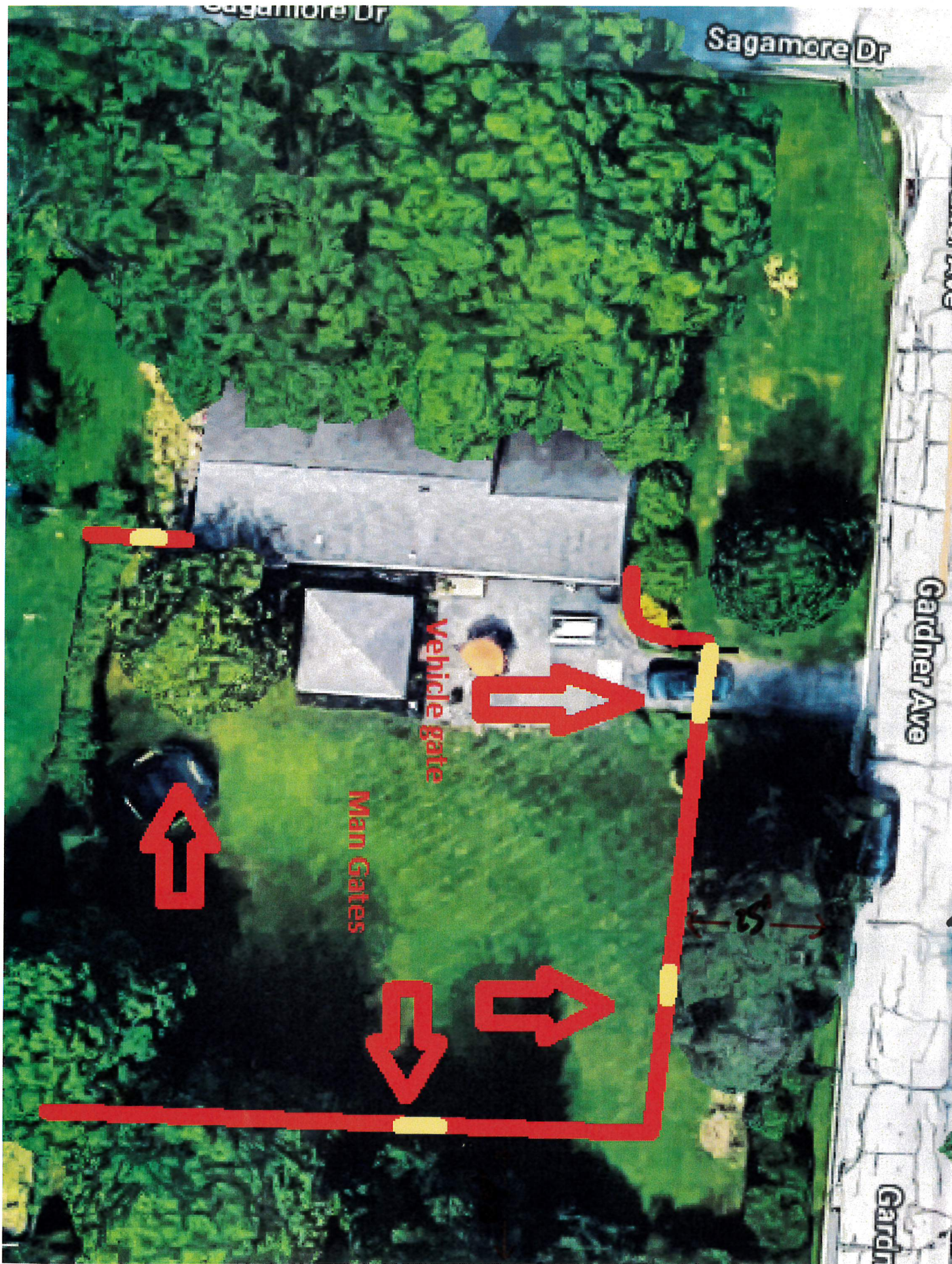
Sincerely,

April Vogt

A handwritten signature in black ink, appearing to read 'April Vogt', with a large, stylized loop at the end.











View of the rear yard at 7420 Sagamore Drive (looking west on Gardner Avenue).



View of the rear yard at 7420 Sagamore Drive (looking east on Gardner Avenue).