

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE  
BOARD OF ZONING APPEALS HELD AT THE AMBERLEY VILLAGE HALL  
TUESDAY, SEPTEMBER 4, 2012

Chairperson Richard Bardach called to order a regular meeting of the Amberley Village Board of Zoning Appeals held at the Amberley Village Hall on Tuesday, September 4, 2012, at 7:00 P.M.

Roll was called:

PRESENT: Richard Bardach, Chairperson  
Rick Lauer  
Larry McGraw  
Susan Rissover  
Scott Wolf

ALSO PRESENT: Scot Lahrmer, Village Manager  
Kathleen Harcourt, Acting Clerk  
Kevin Frank, Esq., Solicitor  
Steve Rasfeld, Public Works

ABSENT:

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

Mr. Bardach asked if there were any additions or corrections to the minutes of the August 6, 2012, meeting that had been distributed. There being none, Mr. Wolf moved to approve the minutes. Seconded by Mrs. Rissover and the motion carried unanimously.

Board of Zoning Appeals Case No. 1059

Mr. Lahrmer reported that Ronna Greff Schneider of 6445 Kincaid Road is requesting a variance to allow for the construction of a fence exceeding 4.5 feet in height in the rear yard of her home. Mrs. Schneider is seeking the variance for a higher fence to deter deer from entering the yard and causing damage to both the yard and existing fence.

Mr. Lahrmer stated that the applicant is seeking to replace an existing fence with a five foot fence on either side of the rear yard and the segment of fence across the back of the rear yard with a six foot high fence. He stated that the back yard is 260 feet from the right of way on Kincaid Road and is heavily wooded. Much of the fence will be in the woods.

Mr. Lahrmer cautioned that while Mrs. Schneider indicates that most of the fence will be in a wooded area in the back of the yard, the primary reason for requesting a variance for a higher fence is to deter deer. It is expected that other variance cases will follow

with the desire to restrict the movement of deer into their yards and the precedence that may be established by approving the request must be taken into consideration.

Mr. Bardach invited the applicant to make any comments. Ronna Greff Schneider came forward to speak. She stated that the fence would not be on the perimeter of the yard but rather well inside. Much of it would be in the wooded area at the back of the yard. Because of the wooded area many deer frequent the yard. They have eaten all of the landscaping and destroyed much of the existing fence. There is a pool in the yard and the fence is needed for safety reasons. It is a replacement fence and the highest part will be in the woods.

Mr. McGraw mentioned that deer are able to clear a 6 foot fence. Mrs. Schneider responded that the fence company felt that with the surrounding terrain—the ground slopes in the area behind the fence—a six foot fence would be sufficient.

Mrs. Rissover asked the location of the pool and whether there was another fence. Mrs. Schneider stated there was not another fence around the pool. Mrs. Rissover followed up with the observation that this could cause a problem for surrounding properties experiencing more deer activity since her yard would be inaccessible. Mrs. Schneider stated that the fence in the back is approximately forty feet within the property line and she is doing nothing to deter the deer from existing in that area.

Mr. Lauer asked what kind of fence would be erected. Mrs. Schneider stated it would be a Kentucky board fence with a wire liner.

Mr. McGraw, while sympathizing with the situation, voiced concern with making an exception because of the wealth of deer residing in the village. Mrs. Schneider felt this situation was different because of the wooded area.

Mr. Bardach asked if the board had any additional questions.

Mr. McGraw moved to deny the variance request. There was some additional discussion with Scott Wolf informing Mrs. Schneider of the Health, Education & welfare Committee discussing the possible deer problem in the Village. It may be beneficial speak to the Health, Education and Welfare Committee. It could be a consideration that committee make recommendation of some alteration to the fence ordinance. Mr. Lauer seconded the motion to deny and it carried unanimously.

#### Board of Zoning Appeals Case No. 1060

Susan Rissover excused herself from this case since it is her home. Richard Bardach also recused himself because he is a next door neighbor. Scott Wolf acted as chair in the hearing of this case.

Mr. Rasfeld reported that Arlen and Susan Rissover of 7417 Willowbrook Lane are requesting a variance to allow for the construction of a carport that would encroach into the required front and side yard setback as stated in the Village Zoning Code. This area of the Village is zoned Residence 'A', single family and requires a front setback of 50

feet and a side yard setback of 20 feet. The carport would require a variance of 10 feet for the front setback and a variance of 6 feet for the side setback. There is the added issue of principal access facing the street.

Mr. Wolf invited the applicant to make any comments. Mr. Rissover came forward with his architect Chris Magee. Mr. Rissover gave an overview of the architectural significance of the home and their efforts to maintain the spirit of the property. He stated that the carport would follow the lines of the house and was necessary because of the large Hawthorne trees in the yard. Much debris falls from them and birds nest in them causing problems with unprotected cars parked under them. He felt that since the house is angled on the lot that principal access does not directly face the street. The lot slopes in such a way that only the roof of the garages and carport are visible. If the Board would require landscaping to mask the access, they would be willing to comply but it really would not be visible either because of the lay of the land.

There was discussion of the points regarding the principal access facing the street and the possible requirement of landscape screening as a condition for approval. The Board concluded that neither issue was relevant to the case at hand in part due to the elevation difference between the street and proposed carport.

Mr. Lauer voiced concerns as far as lights from cars at night pulling into the carport disturbing the neighbors because the side of their house was in direct line to the carport. The neighbor affected, living at 7415 Willowbrook Lane, was Rich Bardach who stated that he had no problem with the placement of the carport.

Mr. Wolf moved to approve the variance application as submitted. Seconded by Mr. McGraw and the motion carried unanimously.

Mr. Bardach asked if there was any other business. Mr. McGraw asked Mr. Lahrmer if he had looked into the construction at 8301 Arborcrest as requested at the August meeting. Mr. Lahrmer assured the Board that everything was in order. They had received the proper approval from the Village as well as the required permits from Hamilton County.

Mr. Bardach stated that there being no further business, a motion to adjourn was in order. Mrs. Rissover moved to adjourn, seconded by Mr. Lauer.

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Kathleen Harcourt, Acting Clerk

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Richard Bardach, Chairperson