

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE  
BOARD OF ZONING APPEALS/PLANNING COMMISSION HELD AT THE AMBERLEY  
VILLAGE HALL  
MONDAY, OCTOBER 1, 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 Monday, October 1, 2012, at 7:00 P.M.

Roll was called:

PRESENT: Richard Bardach, Chairperson  
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: Rick Lauer

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 September 4, 2012, meeting that had been distributed. There being none, Mr. McGraw moved to approve the minutes. Seconded by Mr. Wolf and the motion carried unanimously.

Board of Zoning Appeals Case No. 1061

Mr. Lahrmer reported that Mr. and Mrs. Halbert of 3182 N. Farmcrest Drive have submitted a request for a variance to allow for the for the construction of a fence (not to exceed 4 ½ feet) in a 'front' yard of their home. Their home is situated between North Farmcrest and Kincaid Road, thereby meeting the definition of a double frontage lot as enumerated in the definition of Yard, Front in the code 154.02. The applicant is seeking the variance for a front yard fence to enclose the yard area behind their home.

The applicant is proposing to place a fence of compliant height in what they refer to as their 'rear' yard. The house faces, and is addressed on, North Farmcrest Drive. However, the lot also has frontage on Kincaid Road. The applicant stated in the letter of request that the area they propose to fence is behind the house and between the house and the heavily wooded area located along Kincaid Road. This area is what they consider to be in the rear yard.

Staff recommends the granting of the requested variance as submitted.

Mr. Bardach invited the applicant to make any comments.

The Halbert's shared photos of the rear of their property with the board to show the heavily wood area where the fencing would be installed. They noted their purpose for the fencing was to contain their dogs and keep out deer.

After a brief discussion, Mrs. Rissover moved to approve the variance request as submitted. Seconded by Mr. Wolf and the motion carried unanimously.

There being no further business for the Board of Zoning Appeals, Mr. Wolf moved to adjourn the meeting and open the Planning Commission meeting. Seconded by Mrs. Rissover and the motion carried unanimously. Mr. Bardach noted that the Planning Commission meeting began at 7:09 p.m. with the same members being present as were shown in the roll call.

Mr. Lahrmer reported that the Village has applied for a zoning map amendment to rezone the North Site located at 8601 Ridge Road from Residence B to the North Site zoning classification.

This map amendment was developed by the Planning Commission, Todd Kinskey and his staff at the Hamilton County Department of Planning and Development then was reviewed by Village staff and the Village Engineer. The North Site zoning classification has principal permitted uses such as office; flex office/warehouse, hotels/motels, nursing homes, recreation uses, government/public buildings/facilities, universities, and other educational facilities. This location currently serves as site where Village's maintenance department facility is located.

Staff recommends moving ahead with the rezoning by approving the map amendment to rezone the North Site to the new North Site NS District.

Mr. Bardach asked if anyone present in the audience would like to speak.

Mr. David Powell, 705 Maple Drive, expressed his opposition to the re-zoning. He reviewed several sections of the North Site District Regulations and shared his concerns. His views were not in favor of 24 hour use such as hotels or nursing homes; development would impact their vistas and enjoyment of their property due to buildings over 100 feet would tower over the existing homes; road and walkway expansion would increase traffic next to their backyards; requested existing utilities be buried; noted difficulties with installing a proper buffer between backyards and roadway due to overhead wires. He also complained about the recent construction materials being temporarily placed there and requested that it no longer be permitted.

Mr. Wolf expressed the board's concern and interest in being very careful in the development of this property as well as being good neighbors to the Reading residents on Maple Drive. He noted there are no plans for development currently being proposed. The regulations for the district have been passed by Council and this meeting was a request to apply those regulations to the North Site property.

Mr. McGraw apologized for the mishap with the construction materials. He reiterated there were no plans or a buyer for the North Site property.

Mr. Powell shared plans with the board that showed the location of his home.

Ms. Vera Hirka, 701 Maple Drive commented that she was in agreement with Mr. Powell's comments opposing the re-zoning.

Ms. Mary Ward, 625 Maple, agreed as well to oppose the re-zoning. She noted she has been in her home for 40 years and is not interested in seeing views of large buildings behind her home.

Ms. Lisa Boone, 813 Maple Drive, asked if there were another location in Amberley for such development, like Amberley Green. Mrs. Rissover affirmed the Amberley Green was another possible development site.

Mr. Wolf commented that the Village would like to develop both sites when the opportunity arises.

Ms. Boone expressed concerned about losing the current open vista views she has of the skyline area looking out past Reading and the JCC sculptures which are lit at night. She does not want to see buildings or hotels.

Mr. McGraw noted that the village would keep the Maple Drive residents informed once something develops. It was reiterated that there is not a developer currently proposing any plans.

With no further requests for comment, Mr. Bardach closed the public hearing at 7:35 p.m. and the board moved into deliberations.

The board discussed best practices for landscaping, whether or not LEED certification was required, and after additional discussion, Mr. Wolf moved to approve the re-zoning of the North Site to the NS district as submitted. Mr. Bardach seconded and the motion carried unanimously.

There being no further business, Mrs. Rissover moved to adjourn, seconded by Mr. Wolf.

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Nicole Browder, Clerk

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Richard Bardach, Chairperson