

further discussion among the Board, Mr. Lauer stated with the applicants being new residents the applicant could be moved to the next meeting. Mr. Wolf moved to table the application until the next meeting. Seconded by Mr. Rubenstein and the motion carried unanimously.

At approximately 7:19 p.m., Chair Bardach announced the Board would discuss proposed changes to the Village Zoning Code relating to accessory structures. Village Solicitor Kevin Frank stated that the meeting will now be switching over to the Planning Commission.

Mr. Frank stated that input from the Planning Commission is being requested pertaining to accessory structures. The anticipated process being that a draft ordinance would be presented on Monday, November 12 to Village Council which is expected to refer an ordinance back to the Planning Commission for consideration at a December 3 public hearing. Council will likely have its own public hearing in January. He stated the meeting tonight is an additional opportunity to receive input from the Planning Commission prior to the ordinance going to Council.

Mr. Frank stated that various changes to the code have been discussed on a staff level and Law Committee level in detail for about six to eight months or more. He stated the meeting tonight would be to focus on accessory structures as it pertains to size, height, overall aesthetics or appearance. He shared that currently the code states structures cannot exceed 1,000 square feet or 30% of the required rear yard or up to 25% of the principal structure or house on the property. He noted that garages are slightly different in that the size can go up to 1,500 square feet or 25% of the principal structure.

Mr. Frank stated the Board received a survey of other communities that provided copies of codes for their reference and review as this topic is discussed. He stated they should begin discussing what appropriate restrictions are pertaining to size, height and appearance.

Mr. Lauer posed whether or not it is necessary to draw a distinction between garages as an accessory structure. He stated whether it is a shed, garage, or pool house we may want the same restrictions.

Mr. Lauer commented that exterior building materials should be something harmonious with the neighborhood and match some with the principal structure, and some building material would probably be prohibited.

Mr. Lauer stated that the measuring of a backyard may need clarified, in terms of size, noting that it is not appropriate to have a structure that dominates the rear yard. He stated that would look out of place and detrimental to the neighboring property owners.

Ms. Rissover stated that she agreed with Mr. Lauer's points. She also added that the size of the principal structure comes into question over and over. She expressed the easiest way is to utilize the footprint as an even way of measuring, which is spelled out well on the Hamilton County Auditor's website. She stated as to height, it should not exceed the height of the principal residence.

Chair Bardach agreed that the height is the primary concern and he is flexible to adjustments to utilizing the footprint.

Ms. Rissover stated there should also be a height limit. Mr. Brown clarified that the existing height limit is two and a half stories.

Mr. Wolf stated that language is needed that would make the size and height appropriate for the lot and the plan for the accessory structure should be submitted in detail.

There was discussion regarding required rear yard calculations. Mr. Lauer suggested that instead of being based on the required rear yard, it should be based on the actual yard; scaled to fit the property. Mr. Brown added that the Code does have a 50% limitation so that a property owner cannot cover more than 50% of the entire lot with the principal structure and accessory structure.

Mr. Lauer commented that in general it has to be in scale with the lot as to size and height. He expressed that he is not wild about distinguishing between different uses (what is normally incidental to residential use).

Solicitor Frank ask if the Board has any particular guidelines on the height being discussed. Ms. Rissover stated that it needs to be lower so that it does not exceed the primary residence. She stated some neighborhoods are all primarily ranch houses and language should support the accessory structure be no taller than "x" and not to exceed "x".

Mr. Lahrmer stated that the survey of communities has a common height of 15 feet. He stated it could be 15 feet or not to exceed the height of the principal structure.

Ms. Rissover referred to the example on Elbrook of what appears to be a living suite over a garage. Mr. Wolf stated an established height should be stated and anything over that would need the Board's approval.

Mr. Frank stated that conditional use could be helpful. He stated that currently conditional uses go through an extra set of requirements. He stated the thought was perhaps that structures over a certain size or height could be called conditional uses, not banned, and then it would not be all left to variances.

Mr. Lauer stated that he would not want to discourage or eliminate something like an art studio above a garage and that would exceed 15 feet. He stated he thought conditional use would make sense.

Ms. Rissover stated that clarity is needed for the footprint size or the floorspace.

Mr. Frank stated that a standard can be chosen whether it includes all finished spaces or just floorspace. Ms. Rissover and Mr. Lauer both agreed that the footprint makes more sense for both structures.

Mr. Lauer asked for thoughts on building materials. Mr. Wolf stated that he would prefer a detailed plan be made a part of the process to make the request. Discussion was held regarding detached accessory uses.

Ms. Rissover commented that the survey has codes that state anything over 600 square feet require conditional use permits. She also noted she felt that Amberley does not compare with these communities. Mr. Lahrmer stated that the survey was submitted through the Center for Local Government where all members can respond.

Mr. Wolf commented that conditional use would allow the Village to require it over a certain size and could better manage it. Mr. Lauer noted that police and fire access should also be taken into consideration.

Ms. Rissover stated that the only requirements for building materials (on a few of the community surveys) was, for instance, Deer Park requiring the type of material for a roof.

Chair Bardach asked for Mr. Lahrmer thoughts. Mr. Lahrmer stated that the Village should be careful because it does not currently dictate housing styles. He stated the for most accessory structures and detached garages from an aesthetics perspective you would want it to look similar to the house. He noted it would be difficult to say it matches the house versus the neighborhood. He also added that it would be too much to say the brick of the house should be matched. He suggested tying the two structures together would be a preferred way to go.

Mr. Lahrmer commented that the code does not typically dictate a whole lot as to the primary structure and gives us pause on how restrictive to be on an accessory structure. He mentioned whether windows, for example, would be required on an accessory structure.

Mr. Frank stated that the Hamilton County Building Code begins at 200 square feet for obtaining a building permit.

Discussion was held regarding whether to require a foundation or define material for detached garages. Ms. Rissover stated that's where a pole barn can be installed on a bed of gravel, making it more industrial than residential, and expressed any permanent structure should probably be required to have a foundation.

Mr. Lauer stated there was a situation with a temporary structure that almost looked like a tailgate tent with a metal roof. He stated there has to be a way to distinguish—one adds value and one detracts value.

Mr. Rissover noted that there are several pop up garages around the Village. Mr. Lauer stated that if it has to be permanently attached to the ground, what about sheds that are not.

Ms. Rissover stated that this is the opportunity to clarify the code about garages.

Additional discussion was held among the Board in regard to material. Mr. Lauer suggested that it could be that we identify preferred material such as brick, wood, stone siding, stucco, and anything over a certain size would require conditional use. He stated his concern was with structures that have no sides.

After additional discussion, the Board proceeded through the agenda and invited resident James Blust to speak as he had requested.

James Blust, 8455 Lynnehaven Drive, informed the Board that he was really confused because he came to the building department to issue a permit to have a garage built, and under the code he was allowed to build it. He stated he felt that when the Board found out, the whole process was stopped, and he's now unsure how long this will take. He stated that he has money invested, deposits on materials, and is waiting in limbo. He added that he has damages. He stated that there is too much thought going into this and he was opposed to putting restrictions on materials. He stated that he did not want to live in a place where you have to get permission to do everything. He commented that all he wants to do is be able to park his truck in the garage. He asked the Board how long this would take.

Chair Bardach stated that the Board is taking input on the topic but is not answering questions. He then asked if anyone else wished to speak.

Marla James, 8535 Lynnehaven Drive, expressed her appreciation to the Board for the depth of their research and the thought being put into the subject. She stated that she has tried to imagine how she would feel if a large accessory structure was on her property or her neighbors' property. She stated she will look forward to the continuing report of the topic, including the public hearing.

Chair Bardach asked if any others present wished to speak and there was no response.

Mr. Lahrmer stated that council action is anticipated next Monday to refer an ordinance on this topic back to the Planning Commission then a public hearing will be held to take additional comments, and assuming that Planning Commission refers it back to Council, it would move forward at Council's January meeting.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson