

**MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE BOARD OF  
ZONING APPEALS/PLANNING COMMISSION  
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING**

**MONDAY, JULY 1, 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, July 1, 2019 at 7:00 p.m.

Roll was called:

**PRESENT:**

Rich Bardach  
Rick Lauer  
Susan Rissover  
Scott Wolf

**ALSO PRESENT:**

Kevin McDonough  
Wes Brown  
Tammy Reasoner

**NOT PRESENT:**

Scott Rubenstein  
Scot Lahrmer

Chair Bardach welcomed everyone to the meeting and led those in attendance through the Pledge of Allegiance.

Chair Bardach asked if there were any corrections to the minutes of the May 6, 2019 meeting. There being none, the minutes were accepted as submitted.

**CASE NO. 2019-1393**

Chair Bardach introduced the application from Diann Harper, 3210 Patrisal Court, who is seeking a variance to Village Zoning Code Section 154.14 (A). The variance would allow for the construction of 110' of 6' high privacy fencing along the north of the property, bordering Ronald Reagan Highway.

Wes Brown, Zoning & Project Administrator for the Village, provided the staff report for the application. He read section 154.14 of the Amberley Village Code, which states that "fences, walls and hedges not exceeding four and a half feet in height may be permitted in any required side or rear yard along the edge of any yard," therefore a variance is required for the fence to be constructed as proposed.

He then read from the property owner's letter, which states that cars often stop near her back yard and can look directly onto her patio and into the back of her house. He said the letter also states that the fence is needed to reduce the traffic noise coming from the highway.

The requested variance is to allow for the entire property line to be fenced (110'), however, Ms. Harper is only proposing to install 68' at this time, with remainder of the fence being installed in the near future.

Ms. Harper introduced herself to members of the board, and stated that several years ago when ODOT put in the emergency lane on Ronald Reagan, the widest portion of Ronald Reagan

ended up at her property. She stated that police frequently stop drivers at her property as a safety measure, and distressed motorists often pull over there. She also stated that the noise from the highway is exceptionally loud.

Mr. Wolf asked if the materials proposed for the new fence were the same as stated in the petition. Ms. Harper responded that they were the same.

Ms. Rissover referring to the drawing of the existing chain link fence that was submitted with the variance request, and asked if it was the property of Hamilton County.

Ms. Harper answered in the affirmative. She further stated that she has previously petitioned ODOT regarding installation of a sound barrier, and said she was informed that sound walls can only be constructed with subsidy from the local community.

Ms. Harper stated that a nearby neighbor seemed to be having some success with negotiations regarding a sound barrier, as noise has reached a greater level.

Mr. Wolf told Ms. Harper to contact the Board if they could provide any support with the barrier.

Mr. Bardach asked staff if there had been any feedback from residents surrounding Ms. Harper's property. Staff replied there had not.

Ms. Rissover asked if there were any proposed changes to the chain link fence, as her understanding was that chain link fence has not been permitted as part of variances in the past.

Ms. Harper stated that there were no plans to modify the chain link fence as it belongs to the county.

Mr. Lauer stated that the property owner had adequately demonstrated hardship due to the location of the property right on the highway. He added that the Board has passed similar variances in the past, and moved to grant Ms. Harper's variance request. The motion was seconded by Ms. Rissover, and was passed unanimously.

#### **NEW BUSINESS**

There being no further business, the meeting was adjourned.

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Tammy Reasoner, Clerk of Council

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Richard Bardach, Chairperson