

**MINUTES OF THE REGULAR MEETING OF THE  
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION  
HELD IN COUNCIL CHAMBERS & BY PHONE VIA ZOOM  
MONDAY, AUGUST 3, 2020**

Chairperson Richard Bardach called to order the regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held in Chambers and via the Internet on Monday, August 3, 2020 at 7:00 p.m.

Roll was called:

**PRESENT:**

Rich Bardach  
Rick Lauer  
Susan Rissover  
Scott Wolf

**ALSO PRESENT:**

Andrew Kaake, Village Solicitor  
Wes Brown, Zoning Administrator  
Scot Lahrmer, Village Manager  
Tammy Reasoner, Clerk of Council

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

Chairperson Bardach then outlined protocols for speakers both on the phone and in chambers, and asked if there were any corrections to the minutes of the July 8, 2020 meeting. There being none, the minutes were accepted as submitted.

**CASE NO. 2020-1682**

Mr. Brown introduced Case No. 2020-1682, in which James and Monica Tuohy, the property owners of 7775 Sagamore Drive, requested a variance to Zoning Code Section 154.12. The variance would allow for the replacement of an existing shed in the same location, within the required side and rear yards. The new shed was proposed to be 2'-3' from both the side and rear property lines, with the door facing toward the yard instead of toward the street.

The owners submitted a letter stating the doors were too small to fit their riding mower, and moving the shed to the distance required under code would place the shed in the middle of the yard. Mr. Touhy stated the proposed location would be unobtrusive to the neighbors and showed pictures demonstrating it would be an aesthetic improvement.

Ms. Rissover asked regarding the size of the yard, which Mr. Touhy stated was approximately ½ acre.

Mr. Wolf asked if there were plans for landscaping. Mr. Touhy showed pictures showing the shed was well hidden from the neighbors' line of sight, and said there were no plans to plant trees.

While there were no negative letters submitted, Ms. Rissover stated she thought there was a letter of support from a neighbor, which Mr. Lahrmer confirmed. Darryl and Katie

Schneider stated in writing that they were fully in support of the replacement of the shed as submitted.

Mr. Bardach asked if anyone present or online had any questions. There being none, Ms. Rissover moved that the zoning variance for the shed to replace the existing shed be approved as submitted based on the hardship of the smaller lot. Seconded by Mr. Wolf, the motion passed unanimously.

**CASE NO. 2020-1683**

Lynne Heyman, the property owner of 7280 Meadowbrook Drive, requested three variances to Zoning Code Section 154.12 to allow for the placement of a 240 square foot (12'x20') shed in the required side yard with a setback of 5' from the south property line and the principal access facing north toward Oakridge Drive. Mr. Brown introduced the case and stated all three variances were required for the shed to be constructed as submitted to allow for the reduced setback, the increased size and doors which would face the street.

Ms. Heyman's letter stated the topography of the rear yard makes most of it unsuitable for shed placement, and the proposed location is the only relatively level spot. She wrote that the proposed location would be screened with mature trees on both her property and that of her neighbor.

John Holt of 7280 Meadowbrook Drive spoke on behalf of Ms. Heyman, and provided photographs of trees surrounding the neighbor's pool, which would also block visibility of the shed. He said the proposed location is convenient to the house, and added that being on a corner lot presents issues with placement. Mr. Holt asked if anyone on the Board had any questions.

Mr. Wolf asked why the size of the shed needed to be larger than permitted. Mr. Holt said the space would be used for storage. Mr. Wolf asked if the increased size would impact visibility to the neighbors. Mr. Holt said it wouldn't look any different.

Ms. Rissover said she walks by regularly, and noticed the loss of some trees. She said without that loss, a shed in the proposed location wouldn't even be noticed. Mr. Holt said they planned to plant around the shed once installed.

Mr. Bardach asked if Mr. Lahrmer had received any comments from residents, and called for any comments from residents in Chambers and online, and there were none. Mr. Polk asked if it would be ok to place the shed within 10 feet of the proposed location should there be issues with topography. Mr. Wolf moved to approve the variance up to ten feet from the requested location, which was seconded by Mr. Lauer. The motion passed unanimously.

**CASE NO. 3030-1677: PUBLIC HEARING**

The Planning Commission held a public hearing to review and discuss the formation of a special zoning district for the Amberley Green property located at 7801 Ridge Road.

Mr. Lahrmer stated a presentation and public hearing had been held the previous month on July 8, 2020 to discuss the formation of a special zoning district for Amberley Green. The Village proposes zoning text specific to the property at Ridge and Galbraith Roads. The Planning Commission is being asked to make recommendations on the proposed text and report back to Council.

Mr. Lahrmer said the Village was not requesting rezoning, as this would specify a primary use. He said resident feedback was considered in the development of the zoning code text, which indicated residents wanted the Village to consider many options for the property. He said there is enough space on the property to consider multiple uses, and emphasized the Village does not have specific uses planned for the property.

Mr. Lahrmer also reminded the Planning Commission the Village owns the land. He said the zoning code language is based on resident feedback, and includes land usage parameters and establishes a process for development.

Mr. Lahrmer reviewed feedback from the Planning Commission gathered from the last meeting and responded to each.

### **Principal Uses**

With regard to comments about potential allowable principal uses on the property, Mr. Lahrmer explained the uses listed in the document are not necessarily what will be done, but what the Village could consider. By exclusion from the list, a principal use cannot be considered without completing a full zoning text amendment involving both Council and the Planning Commission. Therefore, the Planning Commission recommendation options could be to leave the uses intact, further define the uses, or eliminate specific permitted uses.

### **Event Center: Profit vs. Non-Profit**

Mr. Lahrmer said the language included in the zoning code text that allowed for either a profit or a non-profit event center has no specific purpose, and can therefore be recommended to be left intact or removed.

### **Height Restrictions**

In response to concerns regarding defining allowable height at the previous meeting, Mr. Lahrmer explained the Planning Commission should consider what style architecture it wished to encourage. He offered guidelines for the height of various styles of architectural construction by stories, and stated the Planning Commission's options would be to leave the minimum lot size intact, modify it with the goal of attracting a higher price from single-family residential construction or recommend covenants to address the concern.

### **Landscaping Standards**

At the last meeting, concerns were expressed that landscaping standards were too light. Mr. Lahrmer provided landscape code for Mason as a possible model, as it is

considered heavy, and suggested the Commission could leave the minimums intact or modify them to mimic another community.

### **Architectural Restrictions**

Members of the Planning Commission expressed concerns that architectural restrictions in the proposed zoning text might be too much. Mr. Lahrmer explained these had been pulled from North Site with minor modifications. He said the intention was not to be creatively restrictive, and pointed out that any plan would need to go through Council before zoning.

Mr. Lahrmer then stated tonight's meeting represented the second public hearing on zoning code text before the Planning Commission. He said the purpose was to gather feedback from the Planning Commission to take back to Council, and that a motion would be needed to take recommendations back to Council regarding what should or should not be included.

He said the 60-day window for the Planning Commission to consider its recommendations and allow for one more meeting before September, but that the Commission could also make its recommendations tonight.

### **Mr. Bardach officially opened the public hearing at 7:50 p.m.**

Mr. Colin Driscoll of 6600 Ridge Road took the podium to say he had listened to the audio of last meeting multiple times and read through the minutes. He read through a list of responses from Planning Commission members from the previous meeting that he said resonated with him. He also read testimony from Mr. Louis Katz from the previous meeting, and stated he wholeheartedly agreed with his opposition to the zoning code text.

Mr. Lauer stated he supports the effort to send the message that Amberley Village is open for business, but wanted to remove all language regarding height, landscape, lighting and similar aspects of development. He said as the Village will control the use of the property, he would encourage site plans to include all the details with the intention of marketing to people with fresh ideas.

Mr. Wolf asked Mr. Kaake what disadvantages there might be in following Mr. Lauer's recommendation. Mr. Kaake stated the practical problem might be with consistency.

Ms. Rissover stated she agreed with Mr. Lauer, and felt that an overall plan would be preferable, and asked Mr. Bardach for council's perspective.

Mr. Bardach said there were only a few developable areas on the property, and that building infrastructure was not affordable for the Village, so would have to be done by a developer. He said the structure needed to be in place for developers to follow.

Mr. Lauer said the problem with the plan was that it is too restrictive, and would disallow submission of a plan. He said the Village would not encourage people by limiting them.

Mr. Wolf said there had not been much interest in the property, and the Village doesn't have enough money to afford not to develop it.

Mr. Lauer asked why, given the challenges of economics, topography, traffic and utilities, the Village would want to make it even more difficult to develop. He said he would feel differently about it if the Village didn't own the property.

Ms. Rissover stated Blue Ash should be the model for Amberley Green. She said the Village cannot restrict developers, and must be more open. Both she and Mr. Wolf suggested reviewing allowed uses.

Mr. Lauer asked why language describing single family units did not allow them to be attached. Mr. Lahrmer stated council did not want shared walls.

Ms. Rissover said the 20% retail usage language was too restrictive. Mr. Lahrmer stated the language was written to outline specifications, but that variances could be requested. Mr. Lauer expressed concern regarding the practicality of requiring variances, and said the process was too cumbersome and would scare off developers.

Mr. Lahrmer indicated the Planning Commission could recommend that Council consider a greater capacity for retail.

Mr. Lauer moved to recommend that council amend the zoning code text to maintain the current land usage classifications as written, with the exception of the 20% mixed use facilities, and remove all other requirements to be included as part of the concept plan submission. Mr. Lauer stated developers should be able to proceed without having to acquire additional variances. He envisioned a preliminary plan with a more detailed plan to follow.

Mr. Wolf stated he supported including only principal uses in the document.

Mr. Brown walked through the process as proposed to clarify the steps. Mr. Lauer said he still felt the Village needs a developer, and the process as written is too cumbersome.

Mr. Lahrmer said he was hearing Mr. Lauer state he would prefer to have the process be more specific with a preliminary and a final plan vs. the concept plan as written. Mr. Lauer confirmed this was his intent. Mr. Lauer then moved to recommend Council amend the zoning text to maintain the principal uses as written, with the exception of the 20% mixed use space, and to remove all other language.

Mr. Wolf seconded the motion, and a 3-1 roll call vote was recorded as follows:

AYE: Lauer, Rissover, Wolf (3)  
NAY: Bardach, (1)

**The public hearing was closed at 8:41 p.m.**

Mr. Driscoll of 6600 Ridge Road asked for an additional opportunity to speak. Mr. Bardach stated the public hearing was closed, but allowed him to speak as a courtesy if he kept it brief. Mr. Driscoll read quotes from previous Village leadership, recapped some of the history of the property and offered opinions on various aspects of Amberley Green. Mr. Bardach thanked him for his input.

**NEW BUSINESS**

Mr. Lahrmer stated the next scheduled meeting would fall on Labor Day, and that an alternative meeting date would be sought. Mr. Bardach adjourned the meeting at 8:45 p.m.

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Tammy Reasoner, Clerk of Council

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Richard Bardach, Chairperson