

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD IN COUNCIL CHAMBERS & BY PHONE VIA ZOOM
WEDNESDAY, SEPTEMBER 9, 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 Wednesday, September 9, 2020 at 7:00 p.m.

Roll was called:

PRESENT:

Rich Bardach
Rick Lauer
Susan Rissover
Scott Wolf
Scott Rubenstein

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 August 3, 2020 meeting. There being none, the minutes were accepted as submitted.

CASE NO. 2020-1699

Village Zoning Administrator Wes Brown introduced Case No. 2020-1699, in which Kim and Cynthia Caswell, the property owners of 8101 Sagamore Drive, are requesting a variance to Village Code Section 154.12 (A) (3). The variance would allow for the construction of 10' x 12' shed in the rear yard with setbacks of 5' from the rear and side property lines.

Ms. Cindy Caswell of 8101 Sagamore Drive was present in council chambers, and addressed the Board. She said she the proposed location for the shed would still allow for the open feel of her property and that of the neighbor.

Ms. Rissover asked if the code as written would require that the shed be positioned in the middle of the yard. Ms. Caswell said not exactly, but that it would take up a large portion of the usable yard space. She said her variance proposal would place it in a more aesthetically pleasing location.

Mr. Bardach asked if there was anyone online or in chambers wishing to speak. Mr. Bardach asked if there had been any feedback from residents regarding the shed, to which Mr. Lahrmer said there had not. There being no feedback, he asked for a vote.

Mr. Wolf moved for approval of the variance based on the hardship of the shed potentially taking up a large portion of the property. He said the proposed placement seemed reasonable. Mr. Lauer seconded, and the motion passed unanimously.

CASE NO. 2020-1701

Mr. Brown then introduced Case No. 2020-1701, in which Brandon and Kristina Poston, the property owners of 8191 Fontaine Court, are requesting 2 variances to Village Zoning Code Section 154.14 (A). The variances would allow for the installation of 6' high privacy fencing in the rear and on the left side of the house and also allow 4' high black aluminum fencing to be installed in the Galbraith Road front yard of their residence.

Mr. Brandon Poston was present in chambers and said his family included two small boys. He said their home sat at the corner of Fontaine Court and Galbraith Road, and the fence was desired for the children to play in the yard safely. As they are on a corner lot, there is no backyard area for the children to play.

Ms. Rissover asked Mr. Poston for the reason he was asking for a greater fence height for the side yard. He stated the neighboring house sits about five feet above their property, and the additional fence height would help deflect light from coming into his house at night.

Mr. Lauer stated the neighboring property sat above the height of the current fence and pointed out it was an unusual situation.

Mr. Wolf asked if there was a requirement regarding which side the finished fencing must face, to which Mr. Brown replied it must face out. He also said Mr. Poston stated they had plans to landscape the fence.

Ms. Kayanna Long of 8180 Fontaine Court was in attendance via Zoom, and asked if the fence would be solid or see through. Mr. Poston stated it would be see through.

Ms. Long then asked about landscaping, to which Mr. Poston responded it would not block visibility when turning onto Galbraith.

Mr. Wolf asked if there would be a condition regarding the landscape attached to the variance. Mr. Lauer said he felt this would be unfair to impose.

Ms. Rissover then moved to approve the variance request. Seconded by Mr. Wolf, the variance was approved unanimously.

CASE NO. 2020-1702: PUBLIC HEARING

Village Manager Scot Larhmer introduced Case No. 2020-1702, and stated there would be a public hearing of the Amberley Village Planning Commission to review and discuss proposed changes to the Amberley Village Code pertaining to the allowable height of hedges.

Mr. Lahrmer said the Law Committee had recommended the changes, and he referred to the packet. He stated the current code does not allow hedges above 4.5' in height. Hedges in the right of way are currently and would remain limited to 2.5' in height to ensure visibility.

He said that at one time, hedges were often used in lieu of fencing, and while that doesn't seem to be as prevalent today, the intention was to keep the code consistent with fencing restrictions. He said the document in the packet showed proposed modifications in red, with those in blue having been added today.

Mr. Bardach announced the opening of the public hearing at 7:27 p.m.

He asked if there were any residents to speak in chambers or online. There being none, Mr. Wolf said he assumed the change was being proposed for safety reasons, and to prevent hedges from blocking views of traffic.

Mr. Brown said the current code prohibited fences in front yards. He stated the 2.5' restriction was to prevent obstructions for traffic purposes.

Mr. Lauer stated his concern was regarding enforcement where bushes existed at much greater heights, and asked if the Village planned to changing enforcement. Mr. Brown said the Maintenance Department will continue to trim bushes in the right of way, and enforcement would be consistent with current practice.

Discussion regarding the definition of a hedge was held. Mr. Brown said there was no definition of a hedge in the Village Code, and suggested the Village may wish to add a definition.

Mr. Lauer suggested changing the proposed language from "may be allowed" to "shall be allowed" instead of trying to define a hedge for the purposes of enforcement.

Mr. Lahrmer stated there had been no correspondence on the matter from residents.

Chairman Bardach closed the public hearing at 7:33 p.m.

Mr. Wolf moved to change the allowance for 2.5' foot hedges from the words "may be allowed" to "shall be allowed", and to pass the proposal as amended.

The motion was seconded by Mr. Lauer and was passed unanimously.

NEW BUSINESS

There being no new business, Chairman Bardach announced the meeting was adjourned.

Tammy Reasoner, Clerk of Council

Richard Bardach, Chairperson