

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS HELD AT THE AMBERLEY VILLAGE HALL
MONDAY, OCTOBER 5, 2009

Chairperson Jon Chaiken called to order a regular meeting of the Amberley Village Board of Zoning Appeals held at the Amberley Village Hall on Monday, October 5, at 7:00 P.M.
The Acting Clerk called the roll:

PRESENT: Jon Chaiken, Chairperson
 Larry McGraw
 Susan Rissover
 Scott Wolf
 Elinor Ziv

ALSO PRESENT: Bernard Boraten, Village Manager
 Stephen Cohen, Village Solicitor
 Kathleen Harcourt, Acting Clerk

ABSENT:

Mr. Chaiken asked if there were any additions or corrections to the minutes of the September 8, 2009 meeting that had been distributed. Mr. McGraw moved to approve the minutes as submitted. Seconded by Mr. Wolf and the motion carried unanimously.

Board of Zoning Appeals Case No. 1042

Mr. Chaiken announced that the Board would consider a request from Jim and Susan Boney, residents at 7460 Aracoma Forest Drive, for a variance from the zoning regulation for a rear yard setback in order to construct a sunroom.

Mr. Boney came forward and explained that he and his wife would like to add a sunroom to their home. In planning the construction of the sunroom, they considered various options. They were looking for the option that was both cost effective and in keeping with the character of the house. This led them to construction on the side of the home by the master bedroom. They had looked to make an addition on the other end of the house, by the garage, in the past but found that it was both impractical and cost prohibitive to add on there. Shortly after moving into the home they had \$15,000.00 of drainage work done to that side of the home to correct some severe problems. If they were to build there, there is only clearance of 6 feet before they hit the drain. They have also had extensive patio work done on the property. To bring the addition straight out the back would cause them to come within a foot of a retaining wall along the patio. It would be cost prohibitive to move the wall.

Mr. Chaiken drew attention to a Google aerial map distributed to members of the board. He noted that, while the location of the house and backyard with the sunroom addition would be within 34 feet of the nearest neighbor's property, the dense woods separating the homes would make it impossible for neighbors to see the addition. Mr. Boney concurred that this was the most secluded part of the house and this was another reason that they chose this location.

Mr. Chaiken asked if there were any questions from the board and if Mr. Boraten had any additional comments. Mr. Boraten reiterated that the video presented as well as the aerial map, showed the thick woods surrounding the home. The house is concealed and the area is well screened from neighbors' view.

Mr. Chaiken made the point that the Boney property is not a traditional rectangular lot. This contributed to the practical difficulty in placing the sunroom within required setbacks.

Mr. Boraten confirmed the substantial work Mr. & Mrs. Boney had done to correct severe drainage problems on the property.

Solicitor Cohen concurred that both the drainage situation and the drastic changes that would need to be made to the landscape improvements in order to place the sunroom within the standard setbacks made strong cases for granting a variance due to practical difficulty.

Mrs. Rissover added that she had received a call from Marc Ross, the nearest neighbor, stating he supported granting the variance.

Mr. McGraw moved to approve the variance from the required rear yard setback to construct a sunroom. Seconded by Mrs. Ziv. The vote carried unanimously.

OLD BUSINESS

Mr. Chaiken asked Mr. Boraten to report on the meeting between the Village and representatives of CDS and Kneseth Israel to address alternatives to make the area around Kneseth Israel safer for those walking in the area.

Mr. Boraten explained that he was unable to attend the meeting because he was out of town at the Ohio Municipal League Conference. He stated that Steve Rasfeld met with the representatives on his behalf. They examined all of the issues related to safe crossing and walking in the area with emphasis on Fair Oaks and Section Road.

The representative from the temple stated that the temple may be able to come up with some money to assist in extending the temple sidewalk to Fair Oaks. The owner of the property at the south west corner of Fair Oaks and Section, Mr. Rosedale, has stated that he has no problem with the extension of the sidewalk if it remains north of the current shrub line. That option will need to be studied to determine if there is enough room to the north to make it feasible.

CDS will be studying the area to address safe sight visibility issues, the requirements for a safe crosswalk at that location and will run cost estimates. Traffic counts will need to be done to determine if a signal is warranted or if a four way stop is necessary.

Mr. Boraten stated that, while the temple would like a determination by November, there is not sufficient time to do all of the research necessary to make the best decision on what should be done.

Mrs. Ziv asked if they would install a full traffic light or if it would be a flashing light. Mr. Boraten explained that those issues could not be addressed until the traffic study was done. ODOT has specific guidelines based on the situation.

Mrs. Ziv and Mrs. Rissover brought up several safety issues involving the area. Mr. Boraten stated that it may be necessary for the police department to beef up enforcement in the area. Mr. Wolf recommended that residents be reminded that there will be more foot traffic in the area. Mrs. Ziv proposed posting more signs to make people aware of the pedestrians. Mrs. Rissover suggested an article in the newsletter.

Mr. Chaiken closed the discussion stating that the board would take up the topic when the studies are completed and there is additional information to report.

NEW BUSINESS

Mr. Chaiken announced that Council has requested that the Board look at various ordinances regarding regulation of wind power, solar power and geothermal power with the intention of recommending an addition to the Village Zoning Ordinance regarding restrictions as to what will be acceptable in the Village. The Village wishes to have an ordinance in place before residents begin installing these energy options.

Mr. Boraten reported that Village staff had begun accumulating sample ordinances from around the country to use as guidelines. A few samples were given to the Board to review. Mr. Boraten listed some of the aspects of these energy sources that the Village might want to regulate: height, setback, color, noise, signage, and ground vs. roof mount, etc.

Mr. Chaiken stated that over the next several months the Board would review the options and make recommendations to Council.

Mr. McGraw raised the question “What do we do if someone requests zoning approval before the ordinance is in place?”

Mr. Chaiken said that the discussion was beginning now in an effort to have an ordinance in place before anyone should ask. If there is a request before it is in place an effort will be made to hold the resident off until the process is completed.

There being no other business to discuss, Mrs. Ziv moved to adjourn. Seconded by Mrs. Rissover and the motion carried unanimously.

Kathleen Harcourt, Acting Clerk

Jon Chaiken, Chairperson