

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE  
BOARD OF ZONING APPEALS HELD AT THE AMBERLEY VILLAGE HALL  
MONDAY, AUGUST 1, 2011

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, August 1, at 7:00 P.M.  
The Clerk called the roll:

PRESENT:   Jon Chaiken, Chairperson  
              Rick Lauer  
              Larry McGraw  
              Susan Rissover  
              Scott Wolf

ALSO PRESENT:   Scot Lahrmer, Interim Village Manager  
                     Nicole Browder, Clerk  
                     Kevin Frank, Esq., Solicitor

Board of Zoning Appeals Case No. 1052

Mr. Chaiken announced that the Board would consider a variance request from resident Judi Warm for a six-foot privacy fence in the rear yard of her residence located at 6630 Glen Acres Drive. The village zoning code regulation states that fences may not exceed four and a half feet in height. Mr. Chaiken invited the applicant to present her request to the board.

Ms. Warm introduced herself and apologized to the Board for not seeking prior approval for the fence. She stated that she was unaware of any such permit requirements and that her husband from whom she is recently divorced used to take care of these types of matters for her. She explained that when she worked with the company that installed the fence, the only requirements discussed were related to the marking of existing utilities.

Ms. Warm continued by informing the Board the need for this fence became more apparent when Duke Energy cut and removed the mature trees along the path of the gas main located in the rear of her property, which had provided a majority of her privacy from the apartments located in Golf Manor. She explained that over the years she has experienced trespassing, vandalism and disturbances from the neighboring rental units. She noted that Amberley Officer Andrea Alt has responded to her residence for such incidents.

Ms. Warm noted that she had the support from her neighbors in regards to keeping the fence in place. Ms. Warm's daughter, Ms. Moss then spoke and expressed her concerns which were related to the safety and security of her child and her mother, along with maintaining the value of this property. She pointed out that when trying to sell the home the first thing potential buyers pointed out was the view of the rental property in Golf Manor. Ms. Moss also explained that it would be a financial burden to replace the trees taken out by Duke Energy. She then thanked the Board for their time.

Mr. Chaiken noted that he would like to allow for a staff report from the manager at this time. He then took a moment to wish Scot Lahrmer, the Interim Village Manager, a happy birthday.

Mr. Scot Lahrmer, Interim Village Manager, reiterated the applicant's request and stated that staff does not have the authority to approve fence heights beyond the existing code requirement of 4 ½ feet, therefore, it has been brought to the Board for review.

Mr. Lahrmer continued by informing the board and those in attendance that it is not usual to receive such a request in this area, which borders another community. He clarified that the fence has been constructed and there is also a 2-foot, chain link fence alongside the wood privacy fence. He pointed out that the chain link fence no longer serves a purpose and it would be staff's recommendation to condition this variance, if approved, upon the removal of the chain link fence, as well as removal of existing tree stumps along its path. Mr. Lahrmer provided photos to the board in their meeting packets which illustrate the existing wood privacy fence, the chain link fence and the tree stumps being discussed.

Mr. McGraw pointed out that he felt Duke Energy should be contacted for removal of the chain link fence stumps since they are a result of Duke's tree clearing effort along the gas main path. Mr. Lahrmer commented that it was his understanding that Duke would not be amenable to such a request. A brief discussion was held among the board regarding Duke's responsibilities as it relates to their clearing efforts and the location of the stumps.

Mr. Chaiken then invited those present to comment on this application. Dr. Fixler, resident at 6665 Fair Oaks Drive, questioned the board on their reasoning behind approving or denying six foot fences. Mr. Chaiken clarified that the board looks at each case based on its merits. In instances where a property borders another community, several fences have been approved. Mr. Fixler then asked if the board would most likely deny six foot fences between Amberley properties. Mr. Chaiken agreed.

Mr. Tom Neuman, resident at 5150 Rollman Estate Drive, commented that it may be helpful to Ms. Warm if she contacts Duke and explains her dilemma of the stumps as he understands that another Amberley resident collaborated with Duke regarding the clearing of the gas main path.

Mr. Chaiken then thanked everyone for their comments and stated that the motion to be considered by the board would be to grant the variance for a six-foot fence with the condition that the chain-link fence be removed. The motion was moved by Mr. McGraw and seconded by Mr. Lauer and the motion carried unanimously.

Mr. Chaiken stated that there being no further business, the meeting was adjourned.

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Nicole Browder, Clerk

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Jon Chaiken, Chairperson