

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE HALL
MONDAY, FEBRUARY 4, 2013

Chairperson Richard Bardach called to order a regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held at the Amberley Municipal Building on Monday, February 4, 2013, at 7:00 P.M.

Roll was called:

PRESENT: Richard Bardach, Chairperson
Larry McGraw
Susan Rissover
Rick Lauer
Scott Wolf

ALSO PRESENT: Scot Lahrmer, Village Manager
Kevin Frank, Esq., Solicitor
Steve Rasfeld, Public Works
Nicole Browder, Clerk

ABSENT:

Mr. Bardach welcomed everyone to the meeting and led them through the pledge of allegiance.

Mr. Bardach asked if there were any additions or corrections to the minutes of the January 7, 2013, meeting that had been distributed. There being none, Mr. Lauer moved to approve the minutes. Seconded by Ms. Rissover and the motion carried unanimously.

Board of Zoning Appeals Case No. 1064

Mr. Rasfeld, Public Works Supervisor, presented the staff report. The request is for modification of an existing conditional use permit to allow for a 19'8" x 23'4" (460 square foot) restroom facility addition to the northwest corner of the Jewish Community Center's education wing. Use will be in association with the summer camp and ball field activities. The addition would not have access from the interior spaces of the existing building.

Permitting this project would replace the portable restroom facility utilized during the summer, which is typically located at the northwest corner of the existing building, thereby increasing the separation from the adjacent homes on Appleridge by approximately 65 feet. Permanent facilities that blend into the architecture of the building would serve to make the restroom facilities less obtrusive than portable structures. Access doors face the highway. The proposed plan would also eliminate the need for vehicular traffic associated with servicing temporary facilities.

Mr. Brian Monk from the Jewish Community Center presented the Board with samples of the matching materials for the new construction. —He reiterated that the portable facility would be eliminated and the new construction would blend with the current building's design and materials.

Solicitor Frank commented to the Board that it should consider this as an amendment to the Jewish Community Center's conditional use permit and consider design impact on the area.

Ms. Rissover stated that she felt the impact on the area would be a positive improvement for the neighborhood. She also appreciated the reinvestment into the area.

After other general discussion, Mr. McGraw moved to approve the modification as submitted. Seconded by Mr. Bardach and the motion carried unanimously.

Board of Zoning Appeals Case No. 1063

Mr. Bardach recused himself from the case due to a conflict of interest.

Mr. Lahrmer provided the staff report. The request from Mr. Howard Winston, resident at 7180 Knoll Road, is for approval to create a panhandle lot. The split would subdivide the 2.07 acre lot into two one-acre plus parcels.

The zoning code review states panhandle lots may be permitted subject to approval by the planning Commission where severe topography, existing surrounding development or other physical conditions make such lots reasonable and not undesirable as building sites. The staff's review of the request found the proposal to be in compliance with the code.

Mr. Lahrmer reviewed four letters (Cotterman, Perin, Perin, Fisher) from the adjacent property owners that expressed their opposition to the panhandle lot. He noted that Mr. Perin requested postponement of any decision by the board until Mr. Perin returns from out of town. Ms. Rissover expressed that she felt Mr. Perin's letter clearly communicates opposition to the panhandle. Mr. Lauer agreed. Mr. McGraw commented that the case was postponed last month, which was sufficient time.

Mr. Stillpass, attorney representing Mr. Howard, clarified that the width of the lot frontage and panhandle would be 30 feet. He commented that this proposal is not atypical to the area because each one of the adjacent properties are a product of previous lot splits that have resulted in irregular shaped lots. He noted this would merely be separating out one more lot. He stated he —felt that lot splits were the character of this area.

Mr. Stillpass stated that the terrain is challenging as the rear of the lot drops off. He noted that any new home construction could not be seen from the Perin property and that the views of French Park would make the lot desirable.

Mr. Stillpass commented that when the owner purchased the property he was told it was already parceled into 2 lots, but it turned out not to be true.

Mr. Stillpass presented the board with a handout of the sewer availability, which was at the front of the lot and at Section Road.

Mr. McGraw commented that he did not think referring to the dead end street as a cul-de-sac was in accordance with what the end of the street looks like. Mr. Stillpass stated that it still is considered a cul-de-sac, it is just not finished out with curbing.

After additional questions from the board, the public was invited to comment.

Mr. Tom Neuman, 5120 Rollman Estates Drive, stated that this property's landscape was designed by an internationally known landscape architect and should be preserved. He noted several issues with citing the driveway and to do so would destroy the landscape design and plan on this property. He acknowledged the practical approach of splitting the lot to sell the property, however, he felt this was not the best approach for the Village.

Mr. Travis Cotterman, an adjacent property owner, opposed the panhandle. He commented that he has spent money to restore his property. The proposed driveway will shine headlights into his living room, bedroom and kitchen. The dead end is already an issue for traffic; new construction would worsen the problem. This is not a cul-de-sac.

Mr. Gary Vernon, 7149 Knoll, opposed the panhandle. He commented that this is not an interesting or reasonable proposal for the neighboring properties. He noted any build would require a great amount of foundation work and it doesn't make sense. He stated kids play in the dead-end and it is already a tight street. The sewer plan does not make sense to him. This is a quaint, quiet street and this would greatly impact traffic.

Stacey Fisher, 7154 Knoll, strongly opposed the panhandle. Ms. Fisher stated that this was not a traditional cul-de-sac. She disagrees that the proposed build would not impact the area. She noted it would disturb her views from her dining room into French Park, as well as 2 other rooms. She noted she did not understand how this would enhance the area.

Mr. Stillpass commented that to split the lot is a property owner's decision. And, the driveway would be on the left, not through the trees. He stated that one could not build a cheap home on the property. He felt this was allowable by the code.

Marc Fisher, 7575 French Park Place, stated he lives on a cul-de-sac with a panhandle. He felt that this was not the nature of the Knoll area, which is known for its charm. He felt approving this would be an invitation for more lot splits.

Mr. Lauer cited section 154.15 of the Village Code as it pertains to existing physical conditions. He expressed that he felt this proposal devalues the existing lots, it is a difficult street already, there is not enough information as to whether or not this would

be reasonable and desirable, and he sympathized with the adjacent owners' concerns. He stated he would have to conditionally turn this proposal down with the lack of information provided.

Mrs. Rissover stated that the neighboring property on Section has drainage issues and this property is in line with that issue. She noted it could create more stormwater runoff issues in the area.

Mr. McGraw commented that he agreed with Mr. Lauer.

Mr. Wolf stated there was not enough information.

The board voted to deny the request, with 1 abstention (Bardach).

Land Development Committee (North Site Zoning District Regulations)

Mr. Lahrmer provided background information to the Board regarding the North Site Zoning District Regulations. The council approved the regulations and then received feedback from adjacent property owners that were notified of the public hearing. Council referred the concerns of the adjacent property owner to the Land Development Committee. The Land Development Committee met twice to discuss the concerns and developed a letter of recommendations for the Planning Commission. The Board has 60 days to respond and can take it under advisement and have a work session before the March meeting or choose to take action at this meeting.

Mayor Bemmes, City of Reading, expressed his concerns on behalf of the Reading residents. He noted issues related to building height, traffic, and proximity to properties. He respectfully requested the Board to take those issues into consideration.

Dave Powell, 705 Maple, commented that he appreciated the committee's efforts. He stated certain issues were still unaddressed (hotels, hospitals). He stated he was pro-development; however, some of the uses are out of line.

Mr. Lauer explained that the regulations were developed in collaboration with the Hamilton County Planning and Zoning to attract economic development to the property. He noted that there is an advantage in the regulations for a site plan review process. Mr. Lauer stated that he is in favor of sending notice to Reading as well as Amberley residents. He commented that there are no plans for a 100 foot tall building; the Village is trying to attract development.

There was additional discussion regarding the building height allowance. Mr. McGraw mentioned that the sign at the Jewish Community Center may have set a precedent.

Mr. Muething, Chair of the Land Development Committee, was invited to speak to the Board regarding its recommendations. Mr. Muething commented that he walked the North Site extensively and felt the logical place for development is at the old swim club. He noted that when you drive up and down the highway, you don't find buildings over 60 feet.

Additional discussion was held regarding the building height and setbacks. Mr. Lauer moved to modified the 100 foot building height to 60 feet. Seconded by Mr. McGraw and the motion carried unanimously.

The solicitor was asked to draft language to modify the regulations that also included giving notice to Reading residents.

New Business

Mr. Lahrmer stated that the Board had received draft language regarding the handling of privacy panels. The staff would like to identify the maximum length and height of an accessory structure and regulate the material. It has not yet been reviewed by the solicitor. The staff is looking for the Board's to agree with the direction of the draft language.

Mr. Lauer commented that he preferred flexibility as long as the location is behind the house.

Mrs. Rissover agreed and asked for the solicitor to prepare a final draft.

There being no further business, Mr. Wolf moved to adjourn, seconded by Ms. Rissover.

Nicole Browder, Clerk

Richard Bardach, Chairperson