

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING
MONDAY, JULY 6, 2015

Chairperson Richard Bardach called to order a regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held at the Amberley Village Municipal Building on Monday, July 6, 2015 at 7:00 P.M.

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

ALSO PRESENT: Kevin Frank, Esq., Solicitor
 Wes Brown, Zoning & Project Administrator
 Nicole Browder, Clerk

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 June 1, 2015 meeting that had been distributed. Since there were no corrections, the minutes were accepted.

Case No. 1089

Chair Bardach announced the case and Mr. Brown provided the staff report. Residents Katie Burroughs and David Mentzel of 2500 Willowbrook Drive are requesting to allow for the construction of an accessory structure (shed) with setbacks of 10' from the side property line and 10' from the rear property line. This request would require a variance from the Village Zoning Code, Section 154.12 (C), which requires 20' setbacks for Residence A zoning.

Applicant Katie Burroughs reiterated the variance to the board and shared that neighbors signed in support of the shed. Mr. Wolf stated that the backyard has many mature trees and that seems to be the driver for the location choice. Ms. Burroughs agreed and stated that some trees had to be removed from the property and she does not want to lose additional trees.

Mrs. Rissover moved to approve the shed as submitted. Seconded by Mr. Wolf and the motion carried unanimously.

Case No. 1090

Chair Bardach announced the case and Mr. Brown provided the staff report. Residents James and Ava Frank of 3530 Section Road are requesting to allow for the portion of the newly expanded fence that has been installed. This request would require a variance from the Village Zoning Code, Section 154.14 (A) as it pertains to fences in the front yard.

Mr. Brown shared from the residents' letter to the board that the fenced area provided for an enclosed yard for their dogs, and that the applicant was unaware of the need to obtain a permit for the extension of an existing fence. He noted that the property was a corner lot scenario and while the fence is somewhat visible from the street that staff did not believe the fence was a negative impact on the neighborhood character.

Mr. Wolf confirmed that the location across the street from the property was outside the Village. Mr. Bardach invited the applicant to speak.

Mr. James Frank, 3530 Section Road, reiterated his variance request and clarified that he was unaware of the permit process for the extension of the existing fence and that the code considered the area to be the front yard as he thought it was the side yard.

After general discussion among the board, Mr. McGraw moved to approve the fence as submitted. Seconded by Mr. Wolf and the motion carried unanimously.

Case No. 1091

Chair Bardach announced the Adath Israel Synagogue has requested several variances. At that time, Mr. Wolf recused himself from hearing the case due to his professional association with the applicant.

Mr. Brown presented the staff report. He noted that the building was built prior to the Village's zoning code which is why the variances have been requested versus a modification to a conditional use permit (CUP). The consideration of a CUP was favored for any future changes.

Solicitor Frank asked anyone present to speak on the case to rise and take an oath, which he conducted.

Mr. Gary Meisner presented the variances on behalf of the applicant. He indicated that the playground area is falling apart and the intent was to improve the appearance and safety as well as landscaping.

The board proceeded to discuss and review each variance request.

1. Replacement of the existing 4-foot chain link fence with a 5-foot rod iron fence.

Chair Bardach asked if anyone was present to speak. There were none. Mr. McGraw moved to approve the fence for child safety purposes. Seconded by Mrs. Rissover and the motion carried.

2. Replacement of existing playground equipment.

Chair Bardach asked if anyone was present to speak. Resident Mike Carle, 3120 E. Galbraith Road, asked for clarification on whether or not the footprint of the playground was being modified. It was confirmed the improvements were within the existing footprint. Mr. Meisner explained that the area fenced in now for the playground will remain; there will be improvements to the concrete area and the grassy area will have a new playing surface.

Mrs. Rissover moved to approve the replacement of the playground equipment as submitted. Seconded by Mr. Bardach and the motion carried.

3. Installation of a retaining wall to level the playground equipment area.
Mr. Meisner clarified that there is no longer a plan for a retaining wall. Grading to the curb will be completed in that area.
4. Allow part of the playground equipment, a segment of the fence and retaining wall to be forward of the building in the front yard area situated on Ridge Road.

Chair Bardach asked if anyone was present to speak. There were none. The board discussed that this property was grandfathered in the Village code. Solicitor Frank clarified that the variance would be to allow the grandfathered status to continue. Mr. Lauer moved to approve the location of the improvements as submitted. Seconded by Mr. McGraw and the motion carried.

5. Allow for the construction of a curved, brick sign (32' in length) with back-lit lettering and an elevation of 3-5 feet, consistent with the grading of the property, at the corner of Ridge and Galbraith Roads, and three entry signs 5-foot in height, one at the Ridge Road entrance and two at the Galbraith Road entrance to replace brick pillars.

Mr. Brown reviewed the signage plans with the board, noting that the landscape plan would be submitted and approved at a later date.

Mr. Meisner described the signage to include back-lit lettering. The directional signs will be much smaller with approximately 6" lettering and 15 feet set back from the right of way. Mr. Lauer asked if the lighting would be on 24 hours a day. Mr. Meisner stated that the lighting can be switched on or off by staff and noted reflective light would be less than one foot.

Mr. Lauer asked if the Village code expressed a preference for lighting of signage. Solicitor Frank clarified that the code does not allow signs, lit or unlit. He stated that the Board could impose conditions related to lighting, however.

After additional discussion among the members regarding lighting, Chair Bardach asked if anyone was present to speak on the case. Resident Mike Carle asked if there would be lighting on the directional signs. Mr. Meisner commented that the pillars may have an up light to wash over the letter, but the pillars would have much less light and detail in size.

Mr. McGraw moved to approve the signage as submitted. A discussion was had that the proposed signs fit with the residential character of the neighborhood, were set far back from the road, would not affect property values, and were a good use of the property. Seconded by Mr. Lauer and the motion carried unanimously.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson