

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING
MONDAY, MARCH 2, 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, March 2, 2015 at 7:00 P.M.

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

ALSO PRESENT: Scot Lahrmer, Village Manager
 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 December1, 2014 meeting that had been distributed. Since there were no corrections, the minutes were accepted.

Case No. 1085

Chair Bardach announced the case and Mr. Brown provided the staff report. Residents Donald and Peggy Kramer of 8116 Fontaine Court requested to allow for the construction of an accessory structure (garage) with its principal access facing the street. The request would require a variance from the Village Zoning Code, Section 154.25 (B)(2), which states 'Principal access may not face any street, road, or highway.'

Mr. Brown reported that the applicants have completed several projects to address flooding on the property in order to direct water away from the home. He stated the applicants considered alternative placement, however, that would result in blocking windows and the ability to install an access door for the basement, and placing the garage further into the yard would require removal of mature trees.

Chair Bardach invited the applicants to speak.

Mr. Kramer stated they have been residents since 1989 and have completed many projects to redirect the water. He stated the water used to drain into the main sewer line until watershed act and it now has to be pumped out.

Mr. Brown confirmed for Mr. McGraw that this area was annexed.

Mr. Wolf asked the applicant to review the projects that have been completed to redirect the water.

Mr. Kramer commented that the downspouts have been relocated, French drains were added, 60 tons of topsoil was added to create grading, and the rock wall was raised two feet.

Mr. Wolf asked Mr. Kramer if flooding and mold continues to be a problem.

Mr. Kramer confirmed that the flood and mold problems continue and when the sump pump fails, the water comes up through the basement.

Ms. Rissover asked if there was a plan to remove part of the driveway and level it out.

Mr. Kramer confirmed that a portion of the driveway would be removed, filled in and graded away from the house.

Ms. Rissover asked if there were any other homes in the area with low garages. Mr. Brown confirmed there were none.

Mr. McGraw inquired as to whether the garage could be turned and/or trees could be removed. Mr. Kramer's builder was present and confirmed that there would not be enough room to turn in and out of the garage if it were to be moved closer to the house.

Mrs. Kramer shared that they have talked with the next door neighbor, Deborah Holt, about the preference to keep the garage in the rear to which Ms. Holt agreed would be less intrusive. A letter of support from Ms. Holt was provided to the board.

Mr. Lahrmer shared with the Board that a phone call from a neighbor was received whereby she expressed her feeling that the garage would create a reduction in property value, increase storm water runoff and preferred the board regulate the materials.

Ms. Rissover moved to approve the variance based on the non-conforming neighborhood, practical difficulty which has been proven and that the garage would not adversely impact the neighborhood. Seconded by Mr. Wolf and the motion carried, one opposed-McGraw.

Mr. Lauer commented that he is in favor of the motion and explained that this section of the code is in place for aesthetic purposes. He noted that he felt the garage would improve the property values and asked the applicants to be mindful of open doors.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson