

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING
MONDAY, AUGUST 3, 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, August 3, 2015 at 7:00 P.M.

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

ALSO PRESENT: Kevin Frank, Esq., Solicitor
 Scot Lahrmer, Village Manager
 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 July 6, 2015 meeting that had been distributed. The minutes were accepted as submitted.

Case No. 1092

Chair Bardach announced the case and Mr. Brown presented the staff report. Rabbi Avrohom Weinrib of Congregation Zichron Eliezer, 2455 Section Road, has requested a modification to the Conditional Use Permit to allow for additional bollards along the sidewalk on the south side of the building separating the parking lot and the building, the installation of two 36" high, 21' long rock walls and two boulders on the north side of the building in the required front yard between the sidewalk and the building. The bollards, walls and boulder are for security purposes.

Mr. Brown stated that the applicant received a safety assessment with improvement recommendations from Safe Cincinnati regarding the security of the buildings on the property. There were three improvements recommended by Safe Cincinnati:

- 1) Add 25 additional bollards on the south side of the building along with sidewalk separating the parking lot from the Synagogue and the Mikvah. The bollards will be six feet long with three feet underground, three feet above the surface and five feet apart.
- 2) Construction of two rock walls and placement of two boulders on the north side of the building between the building and the existing sidewalk. The walls will be 21' long, 36" in height, constructed of stacked stone and located 41' south of Section Road.

- 3) Add twelve 24" in height, low voltage/low amperage lighting along the south edge of the driveway from Farm Acres Drive to the Mikvah. The lighting is needed to make the walking to the Mikvah after dark safer. The type of lights to be utilized are to be designed to reasonably confine the direct rays of the light sources to the area to be illuminated and will be approved by staff.

Mr. Brown commented that the Board authorizes or refuses conditional use permits and any modifications, and noted that in Section 154.661 conditional use permits shall not be granted if the proposal conditional use will interfere with the quiet enjoyment of the proximate residential uses because of the generation of noise, traffic that is incompatible with the neighborhood in which the conditional use is proposed, or light from the conditional use that will spill onto nearby residential uses.

Mr. Brown reported that the amendment is to allow for the safety improvements proposed by the Congregation intended to protect the buildings from vehicles that may try to crash into the facilities. The Conditional Use Permit for the Congregation was last amended in 2010 to allow for the installation of additional landscaping to provide privacy for the Mikvah.

Mr. Bardach invited the applicant to speak on the variance requested.

Rabbi Weinrib stated that the improvements were the result of recommendations after a safety audit by Safe Cincinnati. The internal security improvements included a security system which has been installed. The goal of the exterior safety measures are to ensure safety around the building.

Rabbi Weinrib clarified for the Board the location of the lightning on the walkway that connects the lot to the Mikvah. Chair Bardach offered to the audience a copy of the submitted plan for viewing.

Mr. Wolf inquired as to whether or not a landscape plan was included. Rabbi Weinrib confirmed there was not at this time and the safety grant funds security improvements rather than landscaping.

Ms. Rissover asked if the lighting was similar at other synagogues. Mr. Brown commented that Safe Cincinnati has been reviewing all of the synagogues for safety improvements.

Ms. Rissover asked if the proposed bollards would match the existing bollards installed. Rabbi Weinrib confirmed that the bollards would match.

Chair Bardach asked if anyone in the audience had questions.

Valencia Harris-Brown, 6753 East Farm Acres Drive, asked what the purpose the bollards serve. Rabbi Weinrib explained that the bollards stop cars from driving into the building.

Mr. Wolf explained that Safe Cincinnati has reviewed all of the buildings and provided what they think are various safety improvements. He noted it was significant enough that the Jewish community has a fund and are providing grants to ensure the facilities are safe.

Ms. Harris-Brown stated that the plan is not aesthetically pleasing and understood the goal was safety. Mr. Wolf noted that he would also like to see landscape added.

Mr. Lauer inquired to Solicitor Frank regarding the criteria for approving an amendment versus a conditional use permit. Mr. Frank confirmed the criteria was the same, and commented that should the board agree the proposal has impact on the neighborhood, then conditions like landscaping can be imposed to lessen the impact. Mr. Lahrmer confirmed that no adjoining neighbors have submitted comments on the proposal.

Mr. Lauer moved to approve the amendment to the conditional use permit. Seconded by Mr. Bardach.

Mr. Lauer commented that he does not think the proposal has a detrimental impact on the peaceful occupancy of the surrounding property or lessen the value. He stated that design would not impact the residential quality of the neighborhood. He noted he is not opposed to landscaping conditions and prefers the improvements to be matched to the plan submitted without substitution.

Ms. Rissover stated that she disagrees and it will not enhance curb appeal. She commented that she has received complaints related to the landscaping maintenance on the property. Garbage is oriented toward the street. She noted that people do not know the function of the building because the signage is minimal and adding the bollards will not enhance the image. She stated the improvements could be planned more aesthetically pleasing, such as a curved wall with landscaping.

Chair Bardach stated that he is in agreement with Mr. Lauer that this is a safety issue, however, he is not opposed to landscaping.

Mr. Wolf stated that the board agrees on the safety issue. The organization has done a good job to protect its congregants which is an unfortunate necessity today. He noted it would not be unreasonable to request landscaping the front.

Mr. Lauer stated that he was open to amend his motion.

The board discussed whether or not a landscape plan should be submitted prior to approval or if the board would proceed to approve and authorize staff to follow-up with the applicant to ensure the improvements are landscaped. Solicitor Frank commented that the board should give more direction of the landscape type to assist staff. Mr. Lauer mentioned that potentially the row of nice trees could be continued to block the large brick wall visible from Section Road. After additional discussion, Mr. Lauer withdrew his motion.

Chair Bardach commented that the Board would consider each of the three proposals.

Ms. Rissover moved to approve the lights with the condition of the lights being on during operating hours, given that the lighting is for the purpose of personal safety rather than building security. Seconded by Mr. Lauer and the motion carried unanimously.

Mr. Wolf moved to approve the 25 additional bollards on the south side of the building. Seconded by Mr. Lauer and the motion carried unanimously.

Mr. Wolf moved to approve the wall and rocks with the condition of landscaping that would be approved by staff. Seconded by Mr. Bardach.

Mr. Lauer commented that he would like to see the side of the building shielded with shrubs and trees that are consistent with what is installed on the property and to add landscaping to mitigate the large brick wall facing Section Road. Mr. Brown offered a suggestion of small bushes in the front of the wall and taller landscape behind the wall. Ms. Rissover agreed, and noted plants of low maintenance, drought resistant, and deer resistant.

A vote was taken on the motion to approve the walls with the condition that a landscaping plan be approved by staff as requested by the Board. Rissover opposed, and the motion carried. It was noted that the timeframe for the grant was September as it related to the grant deadline.

NEW BUSINESS

Mr. Lahrmer stated that the September meeting falls on Labor Day and an alternate date is needed as there will be at least one application to consider in September. The board was in agreement with September 8 at 7 p.m. for the next meeting date.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson