

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING
MONDAY, MARCH 7, 2016

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 7, 2016 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
 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 additional corrections to the minutes of the February 1, 2016 meeting minutes. There being none, Mr. Bardach stated the minutes were accepted as submitted.

Case 1096

Mr. Bardach introduced the application and Mr. Lahrmer provided the staff report. Mr. Lahrmer reported that residents Aaron and Leah Freed of 7605 Elbrook Avenue have requested a variance to allow for a previously constructed accessory structure to remain positioned with the principal access facing the street. Currently, there is not a prior zoning approval for this shed.

Mr. Lahrmer stated that Mr. and Mrs. Freed moved to Cincinnati and purchased the property in 2008. The shed was built by the previous owner in October 2003. The doors are typical shed doors.

Mr. Bardach invited the applicant to speak to the Board. Mr. Aaron and Mrs. Leah Freed commented that they were unaware of the zoning approval requirement for the shed and reiterated that it was on the property when they purchased their home in 2008. Mrs. Freed stated that she contacted the adjacent owners on the meeting notification and received support from every property owner.

Mr. Wolf stated that the age of the shed would pose a financial hardship to move it. Mr. Lauer commented that this section of the code is focused on maintaining aesthetics of a neighborhood and this shed sits far back on the property.

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

Case 1097

Mr. Bardach introduced the application and Mr. Lahrmer provided the staff report. Mr. Lahrmer reported that Residents Andrew and Jennifer Klafter of 2415 Larkfield Drive have requested a

variance to allow for a previously constructed accessory structure in their rear yard to remain positioned with the principal access facing the street.

Mr. Lahrmer stated that the shed was constructed in 2009 without prior zoning approval. The staff report indicated that Ms. Klafter stated in a phone conversation that she was unaware that a permit was required for a shed.

Mr. Lahrmer stated that the letter submitted by the applicant notes the position of the shed facing North was to minimize the visibility to the street and the structure was kept mostly behind the house to take advantage of the sidewalk that leads from the driveway to the back deck. The letter also noted the siding on the shed matches the house siding and the shed doors are the same color as the siding on the shed in order to blend with the structure.

Mr. Lahrmer stated options were discussed as to repositioning the shed so the doors do not face the street. The applicant's letter stated the doors could not be moved to the side due to the above shelving that requires the support of the side walls beneath, and the rear yard gets extremely muddy so a door opening up to the grass would not be accessible.

Mr. Bardach invited the applicant to speak to the Board. Ms. Klafter stated that she was not aware of the requirement for a zoning approval for the shed. She said when the addition was added to the home, the previous shed was falling apart so a new shed was built along with the addition. She note the contractor at the time stated that he had checked requirements for the shed which were to stay behind the house, but no permit process was expressed or she would have followed it. She stated that she contacted her neighbors and received support for the shed to remain in its current position.

Mr. Wolf asked the applicant to describe the difficulty with the yard. Ms. Klafter commented that it gets extremely muddy. There used to be a swing set in the backyard which became unusable due to the level of muddiness on the property.

Ms. Klafter noted that she has observed many full garages facing the street on Fair Oaks and in other areas. She stated these were significant structures with doors facing the street. She noted her shed is mostly behind her home and is used to keep the property neat so bikes and lawn equipment are stored.

There was brief discussion to clarify the variance was in relation to the doors facing the street and not location of the shed, which was within the code.

Mr. Wolf commented that after seven years and no complaints on the shed, he was surprised no complaints were received. Mr. Lauer noted that if it were complaint based that may be different. Mr. Wolf noted that he was familiar with the yard as his friend lived there years ago and it is hard to use the backyard. Mr. Lauer commented that getting large equipment into the backyard would be difficult to move the shed.

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

New Business

Mr. Lauer asked if an upcoming newsletter could include information to help bring awareness to the permit requirements for sheds.

Mr. Lahrmer reported that Mayor Muething will appoint Scott Rubenstein to fill the open Planning Commission seat at the March 14 council meeting.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson