

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS HELD AT THE AMBERLEY VILLAGE HALL
MONDAY, APRIL 4, 2011

Chairperson Jon Chaiken called to order a regular meeting of the Amberley Village Board of Zoning Appeals held at the Amberley Village Hall on Monday, April 4, at 7:00 P.M.

The Clerk called the roll:

PRESENT: Jon Chaiken, Chairperson
Rick Lauer
Larry McGraw
Susan Rissover
Scott Wolf

ALSO PRESENT: Bernard Boraten, Village Manager
Nicole Browder, Clerk
Kevin Frank, Esq., Solicitor

ABSENT:

Board of Zoning Appeals Case No. 1049

Mr. Chaiken announced that the Board would consider a request from resident Lynne Heyman for a variance from the regulation that fences may not be permitted in any part of a front yard. Mr. Chaiken invited Ms. Heyman to present her request to the Board.

Ms. Heyman commented that the Board should have received a copy of the plan along with a letter that she had written explaining her views for the variance. She pointed out that she talked with her neighbors and gained their support. The fence would match an existing neighboring fence. She stated that she would prefer not to cut off a portion of her yard as she has plans to utilize that area in the future and would like it to be inside the fence. She stated that she felt placement of the fence in accordance with the code would look awkward as it would appear to be in the middle of her yard.

Mr. Chaiken pointed out that the fence would be flush with the corner of the back of the house. Messrs. Chaiken and McGraw reviewed the plan and discussed exactly how the fence would be placed.

Mr. Boraten explained that this was a corner lot and that the many fences for corner lots have been approved. He stated he felt that controlling the appearance versus the location would be the focus for a corner lot. He stated this fence would blend well in this situation because of the wooded lot and amount of foliage on the lot.

Mr. McGraw stated that adding foliage along the fence would make it hardly visible.

Mr. Lauer commented to the Ms. Heyman that her letter explains that she would like the fence to keep her grandchildren from accessing the street. He stated that the neighboring fence has a

mesh lining included and wanted to know if Ms. Heyman plans to install the mesh as well. Ms. Heyman confirmed that she would be installing the mesh lining.

Mr. Lauer stated that on Ms. Heyman's lot there is a lot of honeysuckle and he believed that, technically, that type of invasive plant may not be permitted under the code. It was his sentiment that the appearance of the fence would be aesthetically pleasing versus the honeysuckle and/or additional foliage planted.

Mr. Chaiken called for a motion on the request. Mr. McGraw moved to approve the variance request as submitted. Mrs. Rissover seconded and the motion carried unanimously.

Board of Zoning Appeals Case No. 1050

Mr. Chaiken announced that the Board would consider a request from resident Frederick Klein for approval to construct a shed which would require two variances:

- 1) A variance from the zoning regulation that accessory structures may not face any street, road, or highway. Code Section 154.12(C).
- (2) A variance from the zoning regulation that accessory structures may be built in a required rear yard not nearer to a rear lot line than the side yard requirement for such lot. Code Section 154.12(C).

Mr. Chaiken invited the applicant to present his request to the Board. Mr. Klein stated that he has exhausted the existing storage in his garage and would like a shed to provide storage space for his lawn tools and equipment. He pointed out that there are nine other sheds in his neighborhood and those sheds are placed very near the property lines.

Mr. Wolf commented that Mr. Klein's backyard cannot be seen from the street. There is a mix of garage and shed doors in the neighborhood facing the street.

Mr. Boraten stated that most of the garages in this area face the street. This neighborhood was annexed into Amberley Village after the code was established.

The Board reviewed the applicant's brochure for the shed and discussed the inability to see the backyard from the street view.

Mr. Gordon Yoshikawa, an adjacent property owner at 7761 Gwenwyn, commented that he preferred the shed be further than five feet away from the property line because he has plants on his back lot that he does not want affected.

There was discussion regarding the side setback being modified to 10 feet. Mr. Klein was agreeable to his neighbor's request.

Mrs. Rissover moved to approve the shed to be set back five feet from the rear property line and ten feet from the side property line, with the shed doors facing the street. Seconded by Mr. Wolf and the motion carried unanimously.

Mrs. Rissover then asked if there was an update regarding the JCC sign appeal. Mr. Chaiken stated that at this time the appeal has been dismissed. Mr. Lauer stated that there is another appeal process that can be followed. Mr. Frank stated that the judge ruled that Ms. Thompson had no standing to her claim because she lives too far away from the sign and the judge did not feel she was directly impacted.

Mr. Chaiken then discussed with the Board the concept of having a farmer's market on the Amberley Green property. There was general discussion among the Board regarding how often the farmer's market would be held. Mr. Chaiken pointed out that he was considering the idea of creating a temporary variance, while we investigate long-term solutions to the code.

The overall consensus of the Board was in support of the farmer's market.

Mr. Boraten pointed out that the Gibson property has frontage zoned Residence A. If a farmer's market was permitted on the Amberley Green, he thought it might be difficult for the Village to deny such a request in front of the Gibson property, which has the same zoning.

After additional general discussion on the farmer's market idea, Mr. Chaiken stated that there being no further business, the meeting was adjourned.

Nicole Browder, Clerk

Jon Chaiken, Chairperson