

**BLUE ASH BOARD OF ZONING APPEALS**

**NOVEMBER 13, 2006**

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**ITEM 1. – MEETING CALLED TO ORDER**

Vice Chairman Paul Collett called the regular meeting of the Board of Zoning Appeals to order at 7:03 p.m. on Monday, November 13, 2006.

MEMBERS PRESENT: Julie Brook, Paul Collett, Jr. and Marc Sirkin

MEMBERS NOT PRESENT: John Berry and James Jones

ALSO PRESENT: Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith, Council Member Stephanie Stoller and interested citizens

**ITEM 2. – APPROVAL OF MINUTES**

As John Berry was not in attendance, the minutes of the August 14, 2006 meeting were not approved. Approval of August 14, 2006 minutes will be done at the next regular meeting.

**ITEM 3. – 4300 GLENDALE MILFORD ROAD – Neyer Properties, Inc.**

Appeal an Order to remove picnic areas in a required landscape buffer

PRESENT: Dan Neyer, owner  
Chris Earls, applicant  
John Isidor, tenant

Vice Chairman Collett swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

Dan Neyer is President/owner of Neyer Properties and Blue Ash Corporate Center, an 87,500 square foot building that was converted from a manufacturing facility approximately seven years ago. Three picnic areas are intended to benefit of the tenants; he does realize that they are located in the 50-foot landscape buffer area. In response to the Order to Comply notice, they are proposing additional landscaping and fencing behind the picnic tables to provide a year-round buffer.

John Isidor of Schulman Associates IRB, Inc. said his company has been a tenant in the building for approximately five years. His employees eat lunch and enjoy breaks at the tables, which is only during their office hours of 8:00 a.m.-5:00 p.m.

Pat and JoAnn Marston, Sandra Olston, Amy Jordan and Jeff Craig are all residents from Fox Hollow Drive who expressed concerns including noise, lights and security. They all agreed that they would like a fence the entire length of the buffer. They also did not want to see any more of the landscaping buffer removed.

As there were no further questions, Vice Chairman Collett closed the public hearing portion of the meeting.

Julie Brook asked if it was possible to move the tables to another location. Chris Earls said the tables are concrete and cannot be moved. Ms. Brook asked if the sign for the Schulman Picnic area was permitted by code. Dan Johnson said that small on-site identification signs that are not intended to be seen off site are permissible.

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Paul Collett asked Dan Neyer what he would do to rectify the situation. Mr. Neyer said, from a security standpoint and to help with noise, a privacy fence could be put up at the back edge of the concrete pads by the picnic tables. He also proposed putting spruce trees immediately behind the fence in a way to not disturb the existing vegetation. Paul Collett thought a physical barrier, such as a split-rail fence, would be a good solution and asked the residents their thoughts. The residents thought a fence running along the curb and enclosing the concrete pads with a privacy fence would be an acceptable solution. Mr. Neyer agreed.

**DECISION:** Marc Sirkin moved, Julie Brook seconded to vacate Order to Comply dated September 6, 2006 contingent upon Neyer installing a standard height split-rail fence along the parking area curb from the south end of the building to north of the last picnic area, and also enclosing the picnic areas, with an eight-foot privacy fence installed along the back of each concrete pad, subject to any easements, and planting fast growing evergreen trees with a minimum height of five feet at each picnic area on the residential side of the privacy fence. The split-rail fence will be installed immediately, weather permitting, and the trees will be planted as soon as possible, but no later than April 2007. The privacy fence will be installed when feasible. A roll call vote was taken. All members present voted aye. Motion carried.

**ITEM 4. – 10164 ZIG ZAG ROAD – Bob Dean**

**PRESENT:** Robert Dean, owner

Appeal of Order to remove vehicles and equipment from a residence that is used as a Home Occupation and not to park a prohibited commercial vehicle at a residence in the R-2 district

Vice Chairman Collett swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

Robert Dean explained that he has property in Madeira where his equipment for his landscaping business is kept and drives his company truck to-and-from that location every day. He said there has only been one complaint regarding this and the person complaining does not reside in Blue Ash. Neighbors on both sides of Mr. Dean were in attendance and they do not have any complaints regarding parking his truck in his driveway. His truck is the same length as a regular extended-cab truck. Prior to Dan Johnson working for the City of Blue Ash, Lisa Colwell (Code Enforcement Officer) suggested Mr. Dean put a fence along his driveway and park his truck behind the fence. Mr. Dean built the fence and said the majority of the time he parks his truck behind it, but not all the time. Mr. Dean said the only thing business-related in the driveway is his truck. Paul Collett asked Mr. Dean if he has any other means of transportation to and from work. Mr. Dean said he did not have another available vehicle to drive.

Stephanie Stoller commented that this vehicle is not noticeable and no one has complained to her about it.

Robert Dean stated that his business partner lives in West Chester, where there is no earnings tax, and if he were to change the business address to his partner's house, this would not be an issue. Paul Collett said the Board is not suggesting that Mr. Dean move his business out of Blue Ash.

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As there were no further questions, Vice Chairman Collett closed the public hearing portion of the meeting.

DECISION: Julie Brook moved, Marc Sirkin seconded to vacate Order to Comply dated October 3, 2006 and approve a variance at 10164 Zig Zag Road to allow Robert Dean to have a company truck with equipment at his residence for use to drive to and from work with the understanding that the truck will be parked behind the fence the majority of the time. A roll call vote was taken. All members present voted aye. Motion carried.

**ITEM 5. – MISCELLANEOUS BUSINESS**

There was no miscellaneous business.

**ITEM 6. – ADJOURNMENT**

DECISION: There being no further business, Paul Collett moved, Marc Sirkin seconded to adjourn the meeting. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:30 p.m.

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Paul Collett, Jr., Vice Chairman

MINUTES RECORDED BY:

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Traci Smith, Administrative Clerk