

BLUE ASH BOARD OF ZONING APPEALS

April 8, 2013

Page 1

ITEM 1. – Meeting Called to Order and Roll Call

Vice Chair Marc Sirkin called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, April 8, 2013 and requested a roll call.

MEMBERS PRESENT: Paul Collett, Jr., Mike Duncan, Mark Kirby and Marc Sirkin

MEMBERS NOT PRESENT: Terry Peck

ALSO PRESENT: Community Development Director Dan Johnson and Administrative Clerk Traci Smith

ITEM 2. – Approval of Minutes

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of March 11, 2013.

ITEM 3. – New Hearings

a. Labelle Avenue – Chris Pernice

Appeal to allow the creation of three new R-3 Residential lots less than 6,250 square feet in area and to allow a front setback less than 40 feet or as otherwise required

PRESENT: Chris Pernice, Monarch Homes – Appellant

Vice Chair Marc Sirkin swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

Chris Pernice said they own a total of six lots on the east side of Labelle Avenue that are 25x100 foot lots and are requesting to reorganize into three 50x100 foot lots, which would change the required R-3 zoning of 6,250 square feet per lot to approximately 5,000 square feet per lot. They would also like to adjust the front setback from the minimum 40 feet to 25 feet.

In regards to the first request of taking the minimum square footage from 6,250 to 5,000, the idea is to keep with the minimum width of the approved zoning which is a 50 foot wide lot. The lots on the east side of Labelle are different than a typical lot in the R-3 Hazelwood zoning, which are 125 feet deep. They are trying to keep consistency with that but still allow a 50 foot lot. The reason for the second request of moving the front setback forward is because of the inconsistencies throughout the Hazelwood community. Within 300 feet, there are setbacks ranging from approximately 25 feet to approximately 40 feet. This would allow them to move the houses on those three lots forward to allow for a larger buffer between the rear and the adjacent light industrial zoning. It would also allow for a deeper house to be built.

In response to a question from Marc Sirkin regarding setbacks, Dan Johnson said there are several properties in that area where there is not much of a setback but most of the newer houses have the 40 foot setback. In 2007, the City adopted the Code provision that allowed averaging with adjacent structures. Prior to that time there was no way to get a reduced front setback without a variance. Since that date, there have been several new ones that have used the averaging provision to bring forward of that 40 foot setback.

BLUE ASH BOARD OF ZONING APPEALS

April 8, 2013

Page 2

Mike Duncan stated there are very few houses in that area that are not 40 feet or more and said it would be out of character for the other houses in the area where these new houses would be. He asked if they had considered two lots of 75x100 versus three lots. Mr. Pernice said they did consider that but wanted to maximum the amount of space they use and use it most efficiently. Mr. Duncan said a two-story house on a lot that size can still have a significant size house without moving the homes closer to the street. Mr. Pernice said a lot of people want a two car garage with storage, so depending on how the house is laid out to maximize the space there are times where the garage sticks out 10-15 feet ahead of where the living space starts. That's where the footprint gets shoehorned into the space that would be allowed. It also depends on what makes most sense to the buyer's needs. Mr. Pernice said his company has built a total of five homes so far in the Hazelwood area. Their typical house is a two-car garage with square footage ranging from 1,550 to 2,100.

Paul Collett said there are some nice houses in the neighborhood with decent setbacks and thinks it would be a violation of what the other properties have invested to grant a 25 foot setback from the street. He agrees that two lots of 75x100 would provide more options.

Marc Sirkin stated this is not the ideal situation with commercial right behind and might not be perfect solution, but feels it would look a lot nicer than a vacant lot that has been sitting there for decades.

John Schneder said his house is the next one down and is a 100x100 lot, but started out at 100x75. He was offered 25 feet at cost by the previous owner, Richard Heaton, stating that would keep the vacant property at a size where only two houses could be built. Mr. Heaton came to him about a year ago and offered to sell him the entire field but they were not in a position to purchase. He said they all have the minimum lot size and would prefer that there not be three houses on that vacant property. His main concern is about drainage. There are no storm sewers in Hazelwood, only a ditch. He said the ground water cannot be absorbed if there is too much of a structure. He already has to have an oversized pump in his house just for the run-off of the field alone. He added that his house has a 40 foot setback as do his neighbors. He is requesting the Board not reduce the lot size.

Mike Duncan asked if Public Works has looked at the drainage on this street to see if the addition of three homes will have significant impact on stormwater. Mr. Johnson said the he was not aware if they have. Mr. Duncan agreed there is a problem in that area since there are no storm sewers and residents have the tendency to fill in storm sewers and drainage ditches creating problems for their neighbors. Mr. Johnson said it generally drains to the south towards the industrial property at the end of the street where there is a giant retention basin at the back of Nash Finch.

Mr. Duncan said that because of the nature of the lots on the street being 50 feet wide, he does not have a problem with the width. He does have a problem with the setback of 40 feet since it is out of character with the neighborhood.

As there were no further questions Vice Chair Sirkin closed the public hearing.

In answer to a question by Mike Duncan, Dan Johnson said that drainage is looked at during the permitting process by the City Engineer. There is an administrative process to submit the civil design plan for the house who reviews it to ensure as best as possible that it does not impact the neighboring properties. With something like this, even

BLUE ASH BOARD OF ZONING APPEALS

April 8, 2013

Page 3

though there is no public storm sewer system, they try to get the water out to the public drainage way. Generally, it is a problem throughout the Hazelwood Subdivision because there was never anything put in. The City does require a right-of-way permit where an inspector looks to make sure there is proper installation of culvert pipe when there is a new driveway.

Paul Collett expressed concern about the impact on the neighborhood. Mark Kirby agreed and said the setback is out of character.

Marc Sirkin said his initial thought was that any revitalization would be good, but after listening to the other members, he agreed it is too much for too small of an area.

DECISION: Paul Collett moved, Mark Kirby seconded to deny the request for the waivers in lot size and minimum setback due to the proximity and development of the area and inconsistency with what appears to be efforts to maintain close to the minimum lot size and standard setbacks. A roll call vote was taken. All members present voted aye. Motion carried to deny.

ITEM 4. – Continued Hearings

None

ITEM 5. – Old Business

None

ITEM 6. – New Business

None

ITEM 7. – Adjournment

DECISION: There being no further business Paul Collett moved, Mike Duncan seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:33 p.m.

Marc Sirkin, Vice Chair

MINUTES RECORDED BY:

Traci Smith