

BLUE ASH BOARD OF ZONING APPEALS

April 14, 2014

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ITEM 1. – Meeting Called to Order and Roll Call

Chair Mark Kirby called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, April 14, 2014 and requested a roll call.

MEMBERS PRESENT: Mark Kirby, Tricia Downing, Mike Duncan and Scott Miller

MEMBERS NOT PRESENT: Terry Peck

ALSO PRESENT: Community Development Director Dan Johnson

ITEM 2. – Approval of Minutes

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of December 9, 2013.

Chair Kirby swore in all those in attendance wishing to testify and gave a brief overview of the Board of Zoning Appeals

ITEM 3. – New Hearings

a. 10243 Kenwood Road – Chris Bork

Appeal to allow an accessory building larger than otherwise permitted

PRESENT: Joe Geraci, Geraci & Company Inc. – Appellant

Joe Geraci said he was making this request on behalf of the property owner, Chris Bork. The request is for a 1,350 square foot detached accessory structure that would complement the existing house in style, color, and character.

In answer to a question as to why the garage was so large, Mr. Geraci said that is what the owner is requesting for storage of collector cars.

Mr. Duncan made a comment that the footprint of the garage is larger than the house. He had concerns that the house to the north is not very visible from the road with the current structure. A new structure of this size would obliterate any view from Kenwood Road to the house in the rear.

Ms. Downing asked about the height of the structure. Mr. Geraci said they were waiting on approval before getting architectural drawings, but said the eave height would be approximately 10 feet. Mr. Johnson said the maximum height limitation for accessory structures is 16 feet and height is measured at the average between the peak and the eave.

Mike Duncan asked if garage location could be moved to the south to make it more in line with the house to improve the view to the rear property. Mr Geraci explained they oriented that way so the existing driveway could still be used and still maintain proper setback. Mr. Duncan said that if there was no significant physical impediment to locating the garage more behind the house, he would prefer to see it moved and the existing driveway could still be used.

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Scott Miller asked if this was the primary residence for Mr. Bork. Mr. Geraci confirmed which is why the garage will complement the house, but be functional in storing his personal vehicles. Mr. Geraci commented that the property owner is close to the neighbor located behind him and they did not have any problem with this proposal.

As there were no further questions from the public, Chair Kirby closed the public hearing.

Mike Duncan had a concern regarding the sight line to the rear property due to the size of the building. He would like the distance from the property line increased to 20 feet instead of 10 feet. He does not have a problem with the large garage, but thinks it needs to be more off the property line to improve sight distance to the west.

Tricia Downing said her initial concern was with overall size, but is not against what Mr. Duncan was proposing.

DECISION: Mike Duncan moved, Scott Miller seconded to approve the application as submitted for 10243 Kenwood Road in accordance with the site plan shown on Exhibit A with the condition that the north side of the proposed garage be no closer than 20 feet to the north property line. A roll call vote was taken. All members present voted aye. Motion carried to approve.

b. 11040 Woodlands Way – Steven S. Agabegi

Appeal to allow a retaining wall that exceeds the maximum allowable height

PRESENT: Tom Matrka, Matrka Renovation – Appellant

Tom Matrka said this request is for a proposed development of the hillside property behind the existing residence which has a 30% slope and is not usable. The proposal is to create a terraced deck, pool and patio of three levels. The retaining walls are necessary to maximize the area and the variance is required because of the height of the wall. Between the first and second level, there is 8 feet, and between the lower level and the grade, it varies from 2 feet to a maximum of 9 feet to grade. The neighboring property already has a retaining wall of this same height and configuration.

Dan Johnson said there were no comments from the neighboring properties on this request.

In answer to a question by Scott Miller regarding materials, Mr. Matrka said it would be Allan Block with geogrid reinforcement.

As there were no further questions by the public, Chair Kirby closed the public hearing.

Mike Duncan commented that the backyards in that section of Woodlands Way is atrocious and this is about the only way you can develop a usable space for that area. Scott Miller added that there are not any rear neighbors directly behind so no one would be affected.

DECISION: Tricia Downing moved, Scott Miller seconded to approve as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

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c. 8937 Kenwood Road – Zicka Investments/Joe Farrugia

Appeal to allow a residential development sign that is a pole sign and exceeds the maximum allowable height

PRESENT: Joe Farrugia, agent for Zicka Investments

Joe Farrugia was sworn in and Tricia Downing excused herself.

Joe Farrugia said they are asking approval for a black aluminum pole that would be 10 foot high and 4 inches in diameter set behind the right-of-way on private property. The sign is cedar, painted black, with white lettering. The bottom of the sign is approximately 5 feet 9 inches from the finished grade. The sign is below allowable square footage, but a little higher than what is allowed.

Mike Duncan asked why this particular sign was selected instead of one that would conform to Code. Mr. Farrugia said the other one was too low and would not be seen. Mr. Duncan also asked City Staff if there have been any variances for residential subdivision signs. Mr. Johnson was not aware of anything recently.

Mr. Miller asked if the development was built out and if this was more of a marketing sign. Mr. Farrugia said this is just now being developed. The private drive is in with utilities running on both sides of the private drive, so doing a monument sign would be a little difficult. Mr. Farrugia said the sign will help market, but it is a permanent sign for the development with the addresses of those lots.

Mike Duncan asked City Staff if it would be in compliance if another pole was added to the other side. Mr. Johnson said the middle would need to be solid for it to comply. Mr. Duncan asked the applicant why a lower sign would not work. Mr. Farrugia said they feel lowering the sign takes away from the attractiveness of it. Mr. Duncan was not disputing the attractiveness of the sign but said Council chose ground mounted signs for a reason. He also said he drove through the City and every subdivision has a ground mounted sign if they have a sign at all.

As there were no further questions from the public and no additional discussion by the Board, Vice Chair Kirby closed the public hearing and entertained a motion.

DECISION: Scott Miller moved, Mike Duncan seconded to deny the request. 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

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ITEM 6. – New Business

Mr. Johnson welcomed new member, Scott Miller, and stated that we will soon have another new member. This was Mike Duncan's last meeting since he is moving to Planning Commission. For the Election of Officers and keeping with what has been done in the past, the next rotation of Officers would be:

Mark Kirby, Chair
Terry Peck, Vice Chair
Tricia Downing, Secretary

These officers would also be the same for the Board of Site Arrangement.

DECISION: Mike Duncan moved, Scott Miller seconded to elect Mark Kirby as Chair, Terry Peck as Vice Chair, and Tricia Downing as Secretary for the Board of Zoning Appeals and Board of Site Arrangement. A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 7. – Adjournment

DECISION: There being no further business Scott Miller moved, Tricia Downing seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:40 p.m.

Mark Kirby, Chair

MINUTES RECORDED BY:

Traci Smith