

BLUE ASH BOARD OF ZONING APPEALS

September 9, 2019

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ITEM 1. – Meeting Called to Order and Roll Call

Chair Joe Hoelker called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, September 9, 2019 and requested a roll call.

MEMBERS PRESENT: Bruce Crutcher, Brian Gath, Joe Hoelker, Jeremy Kraus

MEMBERS NOT PRESENT: Sal Wertheim and Jeff Uckotter

ALSO PRESENT: Community Development Assistant Paul Kleier and interested citizens

ITEM 2. – Approval of Minutes

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of July 8, 2019.

Chair Hoelker swore in all those in attendance wishing to testify for any of the agenda items and gave a brief overview of the Board of Zoning Appeals.

ITEM 3. – New Hearings

a. 9360 Floral Avenue – Five Daughters Construction

Appeal to allow three adjacent lots, each having a width less than 50-feet

Ross Dykstra explained the proposal to change the widths of three parcels along 140-feet of road frontage so that each measures approximately 46.67-feet in width. He confirmed that the sizes of the planned houses do not require a side setback variance. Mr. Dykstra explained that the product will be similar to other Five Daughters Construction houses in Blue Ash with price points between \$500,000-550,000.

In response to a question if the houses could be sold as effectively if the variance was denied, Mr. Dykstra responded that the variance is needed in order to maintain this price point and that there are many lots in the area that have less than 50-feet of road frontage.

Chair Hoelker opened for public comments.

Nasim Ismail, resident at 9375 Floral Avenue, feels that the recent construction of three houses on Victor Avenue has resulted in flooding on her property and expressed concern that construction of houses on these lots will have a similar result. Mr. Dykstra explained that there are sufficient storm sewers on Floral Avenue to avoid such an issue and that he has experience avoiding such flooding issues.

Public comments were closed.

In discussion, the Board agreed that the proposal fits with the character of the neighborhood and that granting the appeal would allow for a lower price point than would be the case if the applicant were able to only build on two lots.

DECISION: Bruce Crutcher moved, Brian Gath seconded to approve the appeal as submitted at 9360 Floral Avenue. Chair Hoelker stated there was a motion on the table. For the record, this decision is based on a finding by each member, and the Board as a body, that the application does, or does not, satisfy the factors in Section 1127.07(a)(4) subsections “A” through “J”. Based on the evidence provided, these factors determine if the variance complies with the purpose and intent of this Zoning Code and determine whether literal enforcement of this Zoning Code would result in practical difficulty. These criteria are listed in the Staff Report. As there were no comments or additional discussion, Chair Hoelker called for a vote. A roll call vote was taken. All members present voted aye. Motion carried to approve.

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b. 5345 Creek Road – Leesman Engineering & Associates

Appeal to allow a driveway opening greater than 30 feet in width

Steve Leesman, engineer for the project, explained that trucks have increased in size to the extent that the existing driveway at the property is no longer sufficient to accommodate them. Trucks must use the oncoming traffic lane, as well as drive into the dirt and grass, in order to complete a turn.

In response to a question, Steve Leesman said the owner needs a larger driveway to attract tenants, that it would be in keeping with the character of the area, and that a smaller driveway would not be feasible.

There were no public comments.

The Board agreed that this variance would be necessary to accommodate the needs of tenants and the market.

DECISION: Brian Gath moved, Jeremy Kraus seconded to approve the appeal as submitted at 5345 Creek Road. Chair Hoelker stated there was a motion on the table. For the record, this decision is based on a finding by each member, and the Board as a body, that the application does, or does not, satisfy the factors in Section 1127.07(a)(4) subsections “A” through “J”. Based on the evidence provided, these factors determine if the variance complies with the purpose and intent of this Zoning Code and determine whether literal enforcement of this Zoning Code would result in practical difficulty. These criteria are listed in the Staff Report. As there were no comments or additional discussion, Chair Hoelker called for a vote. A roll call vote was taken. All members present voted aye. Motion carried to approve.

c. 6 Falling Brook Lane – Heritage Building Group

Appeal to allow a rear setback less than 5-feet

Paul McAlpine of Heritage Building Group was not present at the meeting nor was a representative. Joe Hoelker explained the appeal. Brian Gath noted the lack of a compelling need for an addition that extends six inches into the setback. Paul Kleier suggested that with a postponement the appellant could be contacted about the Board’s desire for more information.

DECISION: Brian Gath moved, Bruce Crutcher seconded to table the appeal at 6 Falling Brook Lane. A voice vote was taken and all members present voted aye. Motion carried to table.

ITEM 4. – Continued Hearings

None

ITEM 5. – Miscellaneous Business

None

ITEM 6. – Adjournment

DECISION: There being no further business Brian Gath moved, Jeremy Kraus seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:35 p.m.

Joe Hoelker, Chair

MINUTES RECORDED BY:

Traci Smith