

BLUE ASH BOARD OF ZONING APPEALS

January 13, 2020

Page 1

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, January 13, 2020 and requested a roll call.

MEMBERS PRESENT: Brian Gath, Bruce Crutcher, Joe Hoelker, Jeremy Kraus, 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 December 9, 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. 4320 Glendale Milford Road – Osmaki, Inc. dba Wingate by Wyndham

Appeal to allow the expansion of a nonconforming hotel use

Paul Kleier explained that the appeal is necessary because hotels are not a permitted use in Blue Ash and shared details of the proposed kitchen addition. In response to a question from Brian Gath, Mr. Kleier confirmed the addition would be conforming and would not require any special approval if it were at a permitted use instead of a hotel.

Samir Gandhi, General Manager of the hotel, explained the desire to change the hotel to a Holiday Inn and the corresponding changes and investment that would be needed. He answered questions about the total investment and staff changes. He confirmed they do not encounter problems with parking availability and that Holiday Inn has approved their plans.

Aaron Bodart, project architect, answered questions related to parking lot and landscaping changes. He confirmed the addition is consistent with the rest of the existing building.

There were no public comments.

The Board agreed it would be counterproductive to allow the prohibition against new hotels to prevent existing hotels from improving their business.

DECISION: Jeff Uckotter moved, Bruce Crutcher seconded to approve the appeal at 4320 Glendale Milford 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.

January 13, 2020

Page 2

b. 9465 Tramwood Court – John Chua & Tom Wallen

Appeal to allow a front yard fence that is more than thirty percent solid

Paul Kleier explained the reason for this appeal being heard by the BZA instead of the BSA, the situation of the property, and the proposed fence. In response to Brian Gath, Mr. Kleier he stated that the location and design of the fence would be compliant if it were not on a corner lot. In response to a later question from Jeff Uckotter, Mr. Kleier confirmed the current chain link fence meets the requirements for a front yard fence.

Tom Wallen, who oversees Mr. Chua’s property, explained that the Chuas have a rusted chain link fence in the place where they wish to install the proposed fence and that the fence would actually be approximately 30 feet long, in 8 foot segments. He later returned to the podium to answer questions about the existing fence and to explain that the reason for the appeal is aesthetic – to continue the fence along the west property line and along a flower garden.

There were no public comments.

In a lengthy discussion, the Board decided the fence would be an improvement over the existing fence and would be unlikely to impact traffic. Concerned with precedent, Jeff Uckotter pointed out that the appeal is 70% over the Code requirement and is therefore substantial. The Board discussed how it would impact the character of the neighborhood, whether a different and less solid material would better comply, and the possibility of conditioning the fence design to have it decrease in height as it approaches the road. Ultimately, it was agreed that no hardship was demonstrated to justify the fence.

DECISION: Jeff Uckotter moved, Bruce Crutcher seconded to approve the appeal at 9435 Tramwood Court. 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. Brian Gath and Bruce Crutcher explained their vote by expressing concern with approving the fence as the appeal describes it. Chair Hoelker called for a vote. A roll call vote was taken. All members present voted nay. Motion failed to carry to approve.

c. 4547 Cooper Road – Brandy Tygrett

Appeal to allow a front yard fence that takes up more than twenty-five percent of the front yard frontage.

Paul Kleier explained the reason for this appeal being heard by the BZA instead of the BSA and the fence layout and design. He explained the unusual property lines for the property and their impact on the appeal and any fence that would be installed along Cooper Road. He further explained that a storm sewer pipe is the likely reason for the boundary and that a survey would be needed prior to installing a fence. Approval for a fence in these areas could be conditioned on finding an arrangement that would allow City access to the pipeline if and when necessary.

BLUE ASH BOARD OF ZONING APPEALS

January 13, 2020

Page 3

Brandy Tygrett, the appellant, has a contract to purchase the property contingent on receiving approval for the front yard fence. She wants the fence to provide safety to her children and would be open to different layouts that would be concentrated on the east side of the house rather than across the entire road frontage.

There were no public comments.

The Board discussed various layouts for a fence that would not extend into the northern portion of the yard and would not get too close to Cooper Road while being flexible in allowing a fence in a front yard area. Jeff Uckotter suggested not allowing a fence further east than the midpoint of the house to the south and there was further discussion about the relative prominence of a fence in that area. After agreeing on an acceptable layout that was satisfying to the appellant the Board voted.

DECISION: Brian Gath moved, Jeremy Kraus seconded to approve the appeal at 4547 Cooper Road with the proposed fence design. The approval was conditioned on locating the north boundary of the fence parallel with and extending east from the north face of the house until it meets the eastern diagonal property line. The fence location would then turn 90 degrees south and run south until it meets the southern property line. The fence location would then turn 90 degrees west and run west until it meets the existing fence.

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 with conditions.

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 8:12 p.m.

Joe Hoelker, Chair

MINUTES RECORDED BY:

Traci Smith