

BLUE ASH BOARD OF ZONING APPEALS

October 12, 2020

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ITEM 1. – Meeting Called to Order and Roll Call

Chair Brian Gath called the regular meeting of the Board of Zoning Appeals to order at 7:06 p.m. on Monday, October 12, 2020 and requested a roll call.

MEMBERS PRESENT: John Cordell, Brian Gath, Jeff Uckotter, and Zeeshan Pasha (Alternate)

MEMBERS NOT PRESENT: Bruce Crutcher and Joe Hoelker

ALSO PRESENT: Community Development Director Dan Johnson, 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 September 14, 2020.

ITEM 3. – New Hearings

a. 11573 Deerfield Rd. – Cincinnati United Contractors

Appealing a decision of the Community Development Director excluding the storage of vehicles from the Code of Ordinance’s definition of “Industry.”

Dan Johnson explained the property is split between Blue Ash and Sycamore Township and that the Zoning Code must list a use in a district for the use to be permitted in that district. He further explained that use of the portion of the property in Blue Ash as outdoor vehicle storage would not be permitted because the business is not industrial.

Mr. Johnson commented how the City would define the use of the property since the primary use would be taking place in Sycamore Township and; therefore, the portion in Blue Ash could not be an accessory use to anything. The City decided to treat the lot as a whole site. In response to a question from Jeff Uckotter, Mr. Johnson shared that the City prohibits self-storage throughout the City. He also clarified that if the parking lot were to be for a building, separate from self-storage, it would be treated differently.

Brian Gath asked whether storage of a product unrelated to an industrial use would be permitted. Dan Johnson replied that this situation would be unlikely to arise, but may be a land use issue. In response to a question from Jeff Uckotter, he said that use of the property is complicated by the requirement of access through Sycamore Township. He also said the Board could decide it is problematic to treat both properties as one.

Brian Gath swore in all those in attendance wishing to testify for any of the agenda items.

Brian Doll of CUC explained his appeal based on his understanding of the definition of industry and on the Webster Dictionary definitions of “article,” “substance,” and “commodity.” He also argued that other types of businesses inherently require storage of vehicles and that it has been difficult to find users for the property. In response to a question from Brian Gath, Mr. Doll confirmed that he thinks the storage definition would allow any item to be stored. He also confirmed that customers would be renting parking space for their own use. In response to questions from Zeeshan Pasha, Mr. Doll said vehicles could be stored indefinitely and that he would consider long-term parking as industrial based on the Zoning Code definition, though vehicles would not be bought or sold on the site.

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Kari Shankar of Cherokee Self Storage testified that their business fills a unique need, especially in light of the coronavirus pandemic. Jeff Uckotter stated that he had not recognized Mr. Shankar until he removed his mask to speak and, because he is working with Mr. Shankar on a project at his job in Miami Township, he would be recusing himself from the remainder of this item. John Cordell confirmed that storage would not be for contractors and tradesman needing to park their vehicles between jobs.

There were no public comments.

In discussion, Brian Gath expressed sympathy with the difficulty in using the property, but reaffirmed that the Board is unable to grant a variance. He asked and Dan Johnson confirmed that this decision, contrary to a variance, would be an instruction to staff on how to interpret the Zoning Code and therefore have future impacts.

DECISION: Zeeshan Pasha moved, John Cordell seconded to deny the appeal at 11573 Deerfield Road. A roll call vote was taken. Three members present voted aye and zero members present voted nay. Motion carried to deny.

ITEM 4. – Continued Hearings

None

ITEM 5. – Miscellaneous Business

None

ITEM 6. – Adjournment

DECISION: There being no further business John Cordell moved, Zeeshan Pasha seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:53 p.m.

Bruce Crutcher, Secretary

MINUTES RECORDED BY:

Traci Smith