

BLUE ASH BOARD OF ZONING APPEALS

April 12, 2021

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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 7:03 p.m. on Monday, April 12, 2021 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 Assistant Paul Kleier, City Council members Jill Cole and Joe Leet, and interested residents

**ITEM 2. – Approval of Minutes**

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of November 9, 2020.

Chair Gath swore in those persons intending to speak.

**ITEM 3. – New Hearings**

**a. 5101 Donjoy Drive – Robert & Michelle Rossmann**

Appeal to allow a privacy fence exceeding six feet in height

Paul Kleier explained the location of the project, the code requirements for fences, and the nature of the appeal.

Rob Rossmann explained the reason for appealing to allow an 8 foot high fence, highlighting the elevation changes between his back yard and his neighbor's back yard that would allow clear line of sight over a 6 foot fence. He rejected the use of landscaping at the property line due to gaps, lifespans, and growing challenges.

In response to questions from Brian Gath, Mr. Rossmann said they rejected landscaping near the pool so as not to obstruct sight of their young children and that they have not had difficulties with their neighbors. John Cordell clarified about the style of the transition in height and confirmed that Mr. Rossmann had not talked extensively with his western neighbor.

An unidentified resident expressed concern about drainage problems increasing via an existing natural swale that goes from west to east through the southern portion of the subject property. Mr. Rossmann answered that the swale would not be impeded and there would be room below the fence to ensure that water still flows properly.

In discussion, Jeff Uckotter argued that the proposal may be viewed as not substantial because only a portion would be 8 feet high. He said that, in contrast, the Code's intent is clear and the kind of gradient change in this situation is similar to what might be seen at a number of properties. John Cordell expressed his hesitation to grant a variance on a project that does not present a hardship. Zeeshan Pasha wondered how much the 2 feet of additional height really impacted the privacy of the property. Given permission to speak, Mr. Rossmann added that a cap would be on top of the 8 foot portions of fence.

DECISION: Jeff Uckotter moved, John Cordell seconded to deny the appeal at 5101 Donjoy Drive. Chair Gath 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

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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 Gath called for a vote. A roll call vote was taken. All members present voted aye. Motion carried to deny.

**ITEM 4. – Continued Hearings**

None

**ITEM 5. – Miscellaneous Business**

None

**ITEM 6. – Adjournment**

DECISION: There being no further business Zeeshan Pasha moved, John Cordell seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:30 p.m.

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Bruce Crutcher, Secretary

MINUTES RECORDED BY:

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Traci Smith