

BLUE ASH BOARD OF ZONING APPEALS

August 9, 2021

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ITEM 1. – Meeting Called to Order and Roll Call

Chair Jeff Uckotter called the regular meeting of the Board of Zoning Appeals to order at 7:47 p.m. on Monday, August 9, 2021 and requested a roll call.

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

MEMBERS NOT PRESENT: Joe Hoelker

ALSO PRESENT: Community Development Assistant Paul Kleier

ITEM 2. – Approval of Minutes

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of July 12, 2021.

Chair Uckotter swore in those persons intending to speak.

ITEM 3. – New Hearings

a. 5621 Samstone Court – Son Ton

Appeal to allow a reduced front yard setback

Paul Kleier described the project and explained the reason the Zoning Code required a variance for the project. In response to a question from John Cordell, Mr. Kleier explained that there is minor variation in whether some nearby homes are setback 50 feet, slightly more, or slightly less. In response to a question from Brian Gath, Mr. Kleier confirmed that the purpose of a setback is to maintain consistency in a neighborhood.

Son Ton explained the broader renovation project for his property, his family’s desire for a porch, and the basic design and materials he plans to use. In response to a question from Jeff Uckotter, Mr. Ton confirmed that the porch would be open-air.

In discussion, Bruce Crutcher stated he did not think the porch would make the home stick out and John Cordell agreed that the lack of uniformity on the street was not problematic. Brian Gath expressed his belief that the variance was not substantial and Jeff Uckotter said that it was an investment and would not negatively impact neighbors.

DECISION: Brian Gath moved, Zeeshan Pasha seconded to approve the appeal at 5621 Samstone Court with the condition that the porch could not be enclosed in the future. Chair Uckotter 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 Uckotter called for a vote. A roll call vote was taken. All members present voted aye. Motion carried to approve.

b. 4122 Hunt Road – KM Blue Ash Development

Appeal to allow a wall sign that exceeds the allowable area

Paul Kleier explained the Zoning Code’s limitations for wall signs and the reason for the variance request. He added that there is a distance of well over 400 feet between the strip and Hunt Road and that, while each case varies, similar variances have been granted for

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wall signs in this strip. In response to a question from Jeff Uckotter, Mr. Kleier confirmed that the Board is not bound by any precedent.

Rob Cohon explained that a potential new tenant has requested a larger sign than the code permits to allow for greater visibility given the distance from the street and the lack of a monument sign for the businesses in the strip center. He clarified that the prototype sign may not include each specific detail in the plans, such as the circular element.

Jeff Uckotter asked about whether the Plainfield and Hunt Road construction project would improve sightlines for the businesses, but Mr. Cohon answered that there were still concerns about variation in elevations. He also emphasized that they were making additional investments in the center and said the sign would be internally illuminated on a raceway. In response to questions, he explained that the business would not have access to the monument sign on Plainfield Road and is uncertain that timing would work for the prospective business to use Kroger's monument sign.

In discussion, Jeff Uckotter expressed concern that the request was substantial and that the Zoning Code may not appropriately address the site, which may be better addressed legislatively than with a variance. Bruce Crutcher expressed sympathy for the appellant, but agreed the sign code does not fit this location. The Board agreed that modern technology means potential customers are not dependent on using a company's sign to find the destination. Mr. Cohon asked if the Board would consider a smaller variance than was requested, but Jeff Uckotter expressed a preference for the Board not to legislate.

DECISION: Brian Gath moved, Zeeshan Pasha seconded to deny the appeal at 4122 Hunt Road. Chair Uckotter 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 Uckotter 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 8:23 p.m.

John Cordell, Secretary

MINUTES RECORDED BY:

Traci Smith