

BLUE ASH BOARD OF ZONING APPEALS

November 8, 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 7:02 p.m. on Monday, November 8, 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 September 13, 2021.

Chair Uckotter swore in all those who intended to speak.

ITEM 3. – New Hearings

a. 4646 Miller Road – Five Daughters Construction

Appeal to allow a lot whose panhandle width is less than twenty feet

Paul Kleier explained the Zoning Code requirements for panhandles and lots in the R-3 District and summarized the appeal. He shared that one neighbor adjacent to the property expressed a concern about storm water runoff increase that would result after constructing two houses. He agreed with a statement by Jeff Uckotter that drainage is already regulated by the City and is not pertinent to this appeal. Bruce Crutcher asked about concerns related to Fire Department access. Paul Kleier showed an aerial image of the neighborhood to provide comparisons for other flag lots and confirmed that the property does not have notable irregularities.

Ross Dykstra of Five Daughters Construction explained that he plans to consolidate the lots on either side of the dotted line shown on CAGIS and then split them into north and south lots, each with separate driveways. He shared that the north property would have a standard 12 foot driveway width and that both houses would have two stories.

There were no public comments.

John Cordell expressed satisfaction that the driveway to the north lot would be a standard width, but wanted confirmation from the Fire Department that it could access that property in the case of an emergency.

Jeff Uckotter expressed his belief that a panhandle variance is of less weight than a side setback variance and is the lesser evil. Brian Gath said he does not think there is anything about this lot to warrant granting the variance or that it is consistent with the character of the neighborhood, while Jeff Uckotter argued that it is in the character of the neighborhood.

DECISION: John Cordell moved, Zeeshan Pasha seconded to approve the appeal at 4646 Miller Road with the condition that the Fire Department confirm it can access both lots and water runoff for the properties would receive appropriate review. 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

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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. Four members present voted aye, Brian Gath voted nay. Motion carried to approve.

b. 10850 Millington Court – Klusty Sign Associates

Appeal to allow a wall sign whose area exceeds 50% of the wall face linear frontage

Paul Kleier described the Zoning Code requirements for wall signs and summarized the appeal, estimating that the appellant requested approximately 80-90% increase in the sign area. In response to questions from John Cordell and Brian Gath, Mr. Kleier could not say for certain what other buildings have signs facing I-71 and confirmed that Blue Ash prohibits billboards.

Vince Klusty of Klusty Sign Associates explained his appeal in detail, presenting visuals of alternative sign sizes. The sign would be for a Blue Ash business that was recently acquired by a new company and wants to increase its visibility. Glenrock representatives explained the nature of the business and their customers in response to questions from Bruce Crutcher and Brian Gath. Mr. Klusty confirmed that he would be applying for a monument sign to be placed in front of the business.

There were no public comments.

Jeff Uckotter stated that he finds the appeal substantial and believes approval would be a form of legislation. He further shared that a common sign standard is to allow 1.5 square feet in sign area for each linear foot of a space. Bruce Crutcher agreed that the request was substantial, that there is no hardship, and that the type business does not require such a sign, though Jeff Uckotter responded that the type of business is irrelevant.

DECISION: Brian Gath moved, John Cordell seconded to deny the appeal at 10850 Millington Court. 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

Brian Gath announced that this was his final meeting as a member of the Blue Ash Site Arrangement and Zoning Appeals because he begins his term as a member of Blue Ash City Council on December 1.

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ITEM 6. – Adjournment

DECISION: There being no further business Zeeshan Pasha moved, Bruce Crutcher seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:50 p.m.

John Cordell, Secretary

MINUTES RECORDED BY:

Traci Smith