

BLUE ASH BOARD OF ZONING APPEALS

August 8, 2022

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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 7:26 p.m. on Monday, August 8, 2022 and requested a roll call.

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

MEMBERS NOT PRESENT: Joe Hoelker

ALSO PRESENT: Planning & Zoning Administrator 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 June 13, 2022.

Chair Uckotter swore in those intending to speak.

ITEM 3. – Continued Hearings

None

ITEM 4. – New Hearings

a. 9228 Kenwood Road – Arman Muradyan

Appeal to allow a rear setback less than 25 feet.

Paul Kleier explained the appeal and why a variance would be needed. He showed a topographical aerial view of the property to show the slope.

Mr. Muradyan distributed photos of the rear of his property and confirmed that the existing vegetation would stay.

Mike McCarthy, 4940 YMCA Drive, stated that the builder chose to construct a house, knowing the regulations, at the rear setback line; that the deck would allow greater visibility into his home; and that even though Mr. Muradyan took action to abate it, the land is sliding downhill.

In discussion, Jeff Uckotter explained the need to balance interests of the property owners. The Board discussed whether a privacy barrier would provide sufficient separation from the deck and neighboring properties. Mr. Muradyan expressed willingness to plant trees to help shield the deck as well as build a privacy wall.

DECISION: Bruce Crutcher moved, Zeeshan Pasha seconded to approve the appeal at 9228 Kenwood Road with the condition that the owner construct a 6-foot high privacy wall along the southern and eastern sides of the deck, 12-feet in both directions from the southeast corner. A further condition is that no roof can be added to the deck without a subsequent variance. 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.

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b. 9328 Blue Ash Road – Evan Powell

Appeal to allow a front yard fence that exceeds 4 feet in height and 30% solidity.

Paul Kleier explained the appeal and why a variance would be needed. He stated the appellant is unable to attend and that the Board could table the item so as to ask questions, or could make a decision if their opinion would not be shifted by asking questions.

There were no public comments.

Bruce Crutcher confirmed the location of the fence and Jeff Uckotter noted that a fence in the style proposed could be built even with the north elevation of the house without a variance. The Board discussed whether to table the appeal.

DECISION: Zeeshan Pasha moved, Bruce Crutcher seconded to deny the appeal at 9328 Blue Ash 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.

c. 8801 Brittany Drive – Jonathan Gordon

Appeal to allow a front yard fence that exceeds 4 feet in height and 30% solidity and to allow a driveway that exceeds 20 feet wide at the right-of way.

Paul Kleier explained the appeals and why variances would be needed. He briefly explained parking rules for RVs and boats.

Jonathan Gordon explained his intent, clarified that he has no boat or RV, and confirmed that he could expand the driveway slightly farther north and not need a variance. Jeff Uckotter explained that subsequent owners are a concern when considering variances. The Board asked about the existing fences and where a new fence would meet existing fences.

In discussion, Jeff Uckotter expressed hesitation to approve this appeal in light of having denied the appeal at 9328 Blue Ash Road given similar situations. The Board agreed that locating the driveway expansion further north would be in the interest of the neighborhood.

DECISION: John Cordell moved, Zeeshan Pasha seconded to deny both appeals at 8801 Brittany Drive. 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. After a brief discussion about whether to add a condition that would restrict a driveway expansion, Chair Uckotter called for a vote. A roll call vote was taken. Four members present voted aye and Bruce Crutcher voted nay.

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d. 5087 Brasher Avenue – Kipp Hensley

Appeal to allow an accessory structure to have a height exceeding 12 feet at the eaves.

Paul Kleier explained the appeal and why a variance would be needed. He answered that no further height would be granted by the appellant setting the structure back further from property lines, that second floors are not prohibited outright, but very challenging given height restrictions, and that a future breezeway between the garage and existing shed would exceed the area limit for accessory structures.

Kipp Hensley described the improvements to his property and his intent for the garage. He confirmed that he would remove the small shed once the garage was built so that there would then be only two accessory structures. He clarified that the structures would not be used for housing purposes and Paul Kleier confirmed that doing so would violate the Zoning Code.

DECISION: Jeff Uckotter moved, Bruce Crutcher seconded to approve the appeal at 5087 Brasher Avenue with the conditions that a future open-air breezeway be no more than 4 feet in width, the small shed must be removed upon final inspection, and that the garage exterior must match the new shed. 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.

ITEM 5. – Miscellaneous Business

a. Officer elections

Paul Kleier stated that the election by the Board of Site Arrangement applies to the Board of Zoning Appeals as well. New officers are Jeff Uckotter as Chair, Bruce Crutcher as Vice Chair, and John Cordell as Secretary.

ITEM 6. – Adjournment

DECISION: There being no further business John Meyer 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 9:15 p.m.

John Cordell

MINUTES RECORDED BY:

Traci Smith