

BLUE ASH BOARD OF ZONING APPEALS

January 9, 2023

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ITEM 1. – Meeting Called to Order and Roll Call

Vice Chair Bruce Crutcher called the regular meeting of the Board of Zoning Appeals to order at 6:31 p.m. on Monday, January 9, 2023 and requested a roll call.

MEMBERS PRESENT: Bruce Crutcher, Joe Hoelker, John Meyer, Zeeshan Pasha, and Andrew Wittkugel (Alternate)

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 December 12, 2022.

Vice Chair Crutcher swore in those intending to speak.

ITEM 3. – Continued Hearings

None

ITEM 4. – New Hearings

a. 3546 Lobelia Drive – Tyler Parker

Appeal to allow a side yard setback of less than 15 feet.

Tyler Parker was tardy to the meeting. His appeal was heard following the appeal for 9493 Conklin Avenue and was retroactively sworn in along with Mr. Brians prior to his testimony.

Paul Kleier explained how the front and side lot lines were identified for this property, the Zoning Code requirements, and variance request of the appellant. In response to a question from Andrew Wittkugel, Mr. Kleier said he did not have records on hand from a past variance at the neighboring property.

Tyler Parker explained the distance between his house and the house to the south, the constraints to building additions on other directions, and the rationale for the addition. In response to a question from John Meyer, Mr. Parker confirmed that the steps to access the addition would stay close to where they are now. Mr. Parker confirmed that it would be a one story addition and added that the neighboring panhandle lot received a similar variance some years earlier.

DECISION: Joe Hoelker moved, Zeeshan Pasha seconded to approve the appeal for a variance for 3546 Lobelia Drive with the condition that the entry steps to the proposed addition be no closer to the property line than the existing west setback. Vice Chair Crutcher 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. Andrew Wittkugel moved, Joe Hoelker seconded to amend the motion limiting the addition to one story. Vice Chair Crutcher called for a vote. A roll call vote was taken. All members present voted aye. Motion and amendment carried.

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b. 9493 Conklin Avenue – Kathy & Albert Brians

Appeal to allow a front yard fence greater than 4 feet in height.

This appeal was heard prior to the appeal for 3546 Lobelia Drive.

Paul Kleier explained the Zoning Code requirements, the proposed fence, and the variance request of the appellants. In response to questions from Andrew Wittkugel, Mr. Kleier explained how front yards are identified and confirmed that the lot is orientated unusually with the right-of-way abutting the side and front of the property.

Kathy Brians explained that there have been trespassers on their property and a 5 foot fence is desired to deter this, which will also take into consideration the downward slope toward the west of their property. In response to a question from Bruce Crutcher, she estimated the change in grade to be one foot. In response to a question from Joe Hoelker, she clarified the proposed fence would connect their home to an existing chain link fence. In response to a question from Zeeshan Pasha, she said five feet was desired to avoid installing a shorter, ineffective fence.

In discussion, the Board agreed the fence would serve a practical purpose and would not disturb the neighborhood.

DECISION: John Meyer moved, Andrew Wittkugel seconded to approve the appeal for a variance for 9493 Conklin Avenue. Vice Chair Crutcher 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, Vice Chair Crutcher called for a vote. A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 5. – Miscellaneous Business

a. Officer election

Nomination and election of a Chair

DECISION: Zeeshan Pasha moved, John Meyer seconded to nominate Bruce Crutcher as Chair. Joe Hoelker moved, Zeeshan Pasha seconded to nominate John Meyer as Vice Chair. A voice vote was taken. All members present voted aye.

ITEM 6. – Adjournment

DECISION: There being no further business Zeeshan Pasha moved, Joe Hoelker seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:16 p.m.

Zeeshan Pasha, Secretary

MINUTES RECORDED BY:

Traci Smith