

BLUE ASH BOARD OF ZONING APPEALS

March 13, 2023

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ITEM 1. – Meeting Called to Order and Roll Call

Chair Bruce Crutcher called the regular meeting of the Board of Zoning Appeals to order at 6:32 p.m. on Monday, March 13, 2023 and requested a roll call.

MEMBERS PRESENT: Bruce Crutcher, John Meyer, Zeeshan Pasha, Andrew Wittkugel, and Carleton Brown

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 February 13, 2023.

Chair Crutcher swore in those intending to speak.

ITEM 3. – New Hearings

a. 4555 Ellman Avenue – Robert & Caitlin Diehl

Appeal to allow a front yard fence greater than 4 feet in height and more than 30% solid.

Paul Kleier explained the proposed project, the Zoning Code requirements for fences in a front yard, and the requested variance. He showed the distance between the subject property and nearby businesses as well as the view of the property from Floral Avenue. In response to a later question he confirmed that, by right, a privacy fence could be installed that ran south from and parallel with the face of the house.

Robert Diehl explained that due to regular business traffic on Floral Avenue and the inability to see from the house into the back yard due to the garage, they wished to install a privacy fence. In response to questions, he said no opposition from neighbors was known, that they preferred to avoid awkward transition of fence styles around the rear yard, and that the fence would be located nearer Floral Avenue than the trees.

In discussion, the Board agreed the proposed fence would not be a problem for traffic.

DECISION: John Meyer moved, Zeeshan Pasha seconded to approve the appeal for a variance for at 4555 Ellman Avenue with the condition that the fence be installed within the tree line along Floral Avenue. 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, Chair Crutcher called for a vote. A roll call vote was taken. All members present voted aye. Motion carried.

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ITEM 4. – Continued Hearings

a. 4685 Alpine Avenue – Five Daughters Construction

Appeal to allow a front yard setback less than 21 feet and a rear yard setback less than 25 feet

DECISION: Zeeshan Pasha moved, John Meyer seconded to remove this item from the table. A voice vote was taken. All members present voted aye.

Paul Kleier explained the proposed project, the Zoning Code requirements, and the requested variance. In response to questions by the Board, he said that neighbors next to this property attended the February meeting in opposition to the variance.

Ross Dykstra explained the small size of the lot in relation to its neighbors and the burden to make the lot buildable. He expressed belief that the lot is not valuable without a variance, was not feasible for neighbors to purchase the property, and that the front yard variance would fit the neighborhood. In response to questions, he said the house would be approximately 35' x 40' and 1800-2000 square feet (which is the smallest he could build to be marketable) the value would exceed that of its neighbors, that he believed a poured pad would be put in the rear yard, and explained the intent of the property owner.

In discussion, Carleton Brown expressed that a smaller house may be more appropriate for the lot. John Meyer clarified with Paul Kleier that the BZA can approve a variance that differs from what is requested. The board discussed optimal size of a back yard, landscaping, and fencing.

DECISION: Andrew Wittkugel moved, John Meyer seconded to approve the appeal for a front yard setback variance of 12.5 feet and an amended rear yard setback variance of 15 feet at 4685 Alpine Avenue. 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, Chair Crutcher called for a vote. A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 5. – Miscellaneous Business

None

ITEM 6. – Adjournment

DECISION: There being no further business Zeeshan Pasha moved, Carleton Brown seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:23 p.m.

Zeeshan Pasha, Secretary

MINUTES RECORDED BY:

Traci Smith