

BLUE ASH BOARD OF ZONING APPEALS

November 13, 2023

Page 1

ITEM 1. – Meeting Called to Order and Roll Call

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

MEMBERS PRESENT: Carleton Brown, John Meyer, Zeeshan Pasha, Andrew Wittkugel, and Cheryl Blakeman (Alternate)

MEMBERS NOT PRESENT: Joe Hoelker

ALSO PRESENT: Planning & Zoning Administrator Paul Kleier

ITEM 2. – Approval of Minutes

Approved under Miscellaneous Business.

Chair Meyer swore in those intending to speak.

ITEM 3. – Continued Hearings

None

ITEM 4. – New Hearings

a. 4102 Eagle Alley – Jeff Manger

Appeal to repeal the condition of approval imposed by the decision in BZA 2022-18

Paul Kleier provided background and the timeline of this appeal to have the condition removed.

Haree Vongooru and Jeff Manger explained their intent to comply with the condition until a heavier volume of rainfall than was expected necessitated the addition of downspouts.

There were no comments from the public.

In discussion, the Board observed that arborvitae have been planted along the corner of Parkview Drive and Eagle Alley that shields the view of the columns and also that the existing appearance of the columns is not negative.

DECISION: Andrew Wittkugel moved, Carleton Brown seconded to approve the appeal for the repeal of the condition of approval imposed by the decision in BZA 2022-18. Chair Meyer 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 Meyer called for a vote. A roll call vote was taken. All members present voted aye. Motion carried.

b. 9679 Waxwing Drive – Bryan Marshall

Appeal to allow an accessory structure in a front yard

Paul Kleier explained the background of the appeal including the timeline of the permit application, shed construction, appeal, and the reason a variance is needed. He clarified that he had a conversation with the Marshalls about the possible risk of installing the shed before obtaining a variance. In response to a question from Cheryl Blakeman, Mr. Kleier said the shed otherwise complies with the Zoning Code.

November 13, 2023

Page 2

Bryan & Victoria Marshall explained the chronology of their actions and their desire for a variance as well as how the topography of the area impacts their request. They pointed out that the shed is minimally visible from the streets and by neighbors.

Soren Harward, the resident of 3686 Cooper Road, spoke in favor of the appeal.

In discussion, Zeeshan Pasha expressed support due to the dense tree screen, lack of impact on neighbors, and unique situation of the lot. Cheryl Blakeman noted that the shed at this location may be less intrusive than if it were in the rear yard.

DECISION: Zeeshan Pasha moved, Carleton Brown seconded to approve the appeal for a variance to allow an accessory structure in a front yard. Chair Meyer 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 Meyer called for a vote. A roll call vote was taken. All members present voted aye. Motion carried.

c. 9650 Conklin Road – Brian Faessler

Appeal to allow a rear yard fence more than 6-feet in height

Paul Kleier explained the background of the appeal which included the location of the property and the Zoning Code requirements for fences. When asked about whether building a fence on top of a berm or with wire on top would be permissible, Mr. Kleier stated it would not. He also clarified that the height restriction is not dependent on the use of neighboring properties or uses.

After being sworn in, Brian Faessler articulated his rationale for the variance and pointed out that an 8-foot fence is present between 9750 Conklin Road and the business to its north. He confirmed that the fence would be wood, solid and built on the property line.

There were no comments from the public.

In discussion, Andrew Wittkugel expressed hesitation to approve the variance without additional reasoning. John Meyer pointed out that a fence 8-feet high was recently approved at Matthew 25 Ministries on Kenwood Road. Mr. Meyer added that there may be security lighting at the rear of the retail strip on Kenwood Road which the fence would help shield. The Board also discussed the impact of the change in elevation due to the raised railroad tracks.

DECISION: Carleton Brown moved, Cheryl Blakeman seconded to approve the appeal for a variance to allow an 8-foot fence at 9650 Conklin Road. Chair Meyer 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. Following an additional comment to confirm that the fence would run the length of the rear

November 13, 2023

Page 3

property line, Chair Meyer called for a vote. A roll call vote was taken. All members present voted aye. Motion carried.

d. 4543 Cooper Road – Ashford Homes

Appeal to allow surfaced areas to occupy over 25% of the front yard

Paul Kleier explained that this appeal and the appeal for 4549 Cooper Road are identical requests, but require separate approvals. He explained the appeal and the Zoning Code requirements. He confirmed that pavement can go up to the property line.

Michael Ward of Ashford Homes confirmed the driveways are 16-feet wide and argued that due to the nearby turn in Cooper Road it would be safer for the home occupants to have a “hammerhead” allowing them to turn around in the driveway. In response to a question from Zeeshan Pasha, Mr. Ward said Ashford probably should have pushed homes back further to allow more room for maneuvering on the properties. He explained that drainage from the driveways is designed to run toward Cooper Road.

There were no comments from the public.

In discussion, Carleton Brown asked if the properties already violated the Zoning Code prior to the addition of the hammerhead. Paul Kleier answered yes and explained that new single family homes in neighborhoods around downtown often are built with driveways that are two-cars wide to accommodate trends even though it may sometimes exceed the Zoning Code limitation of 25% paved area. The Board discussed whether hammerheads would be better placed on the south sides of the existing driveways compared to the north sides and the impact of having the hammerheads abut the property line.

DECISION: Andrew Wittkugel moved, Carleton Brown seconded to approve the appeal at 4543 Cooper Road for a variance for surfaced area to exceed 25% of the front yard with the condition that the paved area be set back one foot from the property line and include a curb or slope. Chair Meyer 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 Meyer called for a vote. A roll call vote was taken. All members present voted. Motion carried.

e. 4549 Cooper Road – Ashford Homes

Appeal to allow surfaced areas to occupy over 25% of the front yard

Paul Kleier noted that the presentation and conversation from 4543 Cooper Road does not need to be repeated.

DECISION: Andrew Wittkugel moved, Zeeshan Pasha seconded to approve the appeal at 4543 Cooper Road for a variance for surfaced area to exceed 25% of the front yard with the condition that the paved area be set back one foot from the property line and include a curb or slope. Chair Meyer 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

November 13, 2023

Page 4

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 Meyer called for a vote. A roll call vote was taken. All members present voted. Motion carried.

f. 11262 Cornell Park Drive – Klusty Sign Associates

Appeal to allow a wall sign greater than 0.5 times the linear frontage of the building face

Paul Kleier explained the Zoning Code restrictions for wall signs in Blue Ash North and the proposed sign at this property.

Alex Peralta of First Star Logistics explained their desire to create a headquarters at this site and to incorporate a window into the design of the sign. He also shared additional documents with the Board detailing upgrades that have been made to the facility. He answered questions about the intended audience for the sign, the interior situation of the proposed window, surrounding properties, illumination and the existing monument sign.

Vince Klusty explained his role as facilitating the appeal and spoke in favor of the request, arguing that the building is unique. Board members asked about whether alternative sizes were considered. He suggested that First Star may be open to not having a monument sign.

There were no comments from the public.

In discussion, Zeeshan Pasha said he had not seen sufficient justification for a sign of this size and Carleton Brown articulated that he views it as diminishing the impact of the building improvements. John Meyer expressed skepticism at the validity of the window as justification for a large sign. The Board expressed interest in seeing alternative renderings including how the sign would look at the Zoning Code maximum and at 80 square feet.

DECISION: Zeeshan Pasha moved, John Meyer seconded to table this item to allow the appellant to revise and present alternative sign dimensions at a future meeting. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 5. – Miscellaneous Business

Paul Kleier reminded the Board of the need to approve the minutes from the prior meeting.

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of September 11, 2023.

ITEM 6. – Adjournment

DECISION: There being no further business Cheryl Blakeman 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 8:28 p.m.

Zeeshan Pasha, Secretary

MINUTES RECORDED BY:

Traci Smith