

BLUE ASH BOARD OF ZONING APPEALS

October 10, 2011

Page 1

ITEM 1. – Meeting Called to Order and Roll Call

Chairman Paul Collett called the regular meeting of the Board of Zoning Appeals to order at 7:03 p.m. on Monday, October 10, 2011 and requested a roll call.

MEMBERS PRESENT: Paul Collett, Jr., Julie Brook, Mark Kirby, Terry Peck and Marc Sirkin

ALSO PRESENT: Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith and interested citizens

ITEM 2. – Approval of Minutes

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of September 12, 2011.

ITEM 3. – New Hearings

None

ITEM 4. – Continued Hearings

- a. **4540 Alpine Avenue – Ed Neyra, Neyra Properties**
Appeal to allow modifications to an existing nonconforming sign and to allow a new sign on the same site

DECISION: Marc Sirkin moved, Mark Kirby seconded to remove item from table. A voice vote was taken. All members present voted aye. Motion carried.

PRESENT: Ed Neyra - Neyra Properties, Appellant

Chairman Paul Collett swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

Ed Neyra first apologized for missing the last meeting and said there is a new address for this site which is 9111 Blue Ash Road. He said he is moving the dealership back to Blue Ash from Montgomery. They have combined the Jaguar and Land Rover dealerships and are going to temporarily occupy this property while they design and build a new store further back on the old Japlar property. He needs to add the Jaguar name to the existing pole sign on a temporary basis only. This sign was originally used by Land Rover, then used by AMP. They also plan to add Jaguar to the existing building tower and to add Jaguar/Land Rover to the small sign near the Blue Ash Road entrance. He acknowledged that the City does not want pole signs and said he has the same feeling, but would like to temporarily add the name to the existing sign, to avoid unnecessary effort while they design, build, and move to the next site.

BLUE ASH BOARD OF ZONING APPEALS

October 10, 2011

Page 2

Mr. Neyra said he was aware that Mrs. Karen Eborail, who resides at 4582 Elsmere Avenue, verbalized her dismay with the site lighting. He said he is very willing to cooperate with the neighbors and is not interested in being in a battle with neighbors. He purchased the property 2½ years ago and had nothing to do with the prior owners. He is willing to meet with Mrs. Eborail to compromise on the offending lights. Their lighting requests would be more for security, not for displaying their vehicles. They have had issues with theft and graffiti, plus its expensive to keep lit all night.

Chairman Collett asked Mr. Neyra to define “temporary” and what would happen to the nonconforming sign after that time frame. Mr. Neyra said he would be happy to cut it down and would put it in writing. Mr. Collett expressed concern with this sign being grandfathered in should Mr. Neyra abandon the property and go back to Montgomery. Mr. Neyra said he is going to be about \$7 million into this property so he is not planning to abandon anything. He explained that he does not own the property in Montgomery and his lease has run out there.

In response to a question if a temporary permit could be granted on a yearly basis, Dan Johnson said there is not a way to do that with a zoning variance. He would suggest that if they are inclined to go with what is being proposed, they could word it to allow for a change to the existing pole sign with a condition that the pole sign is still nonconforming. Granting the variance would not set precedence, but attorneys do look for similar cases in any land use litigation. Making a comment to clarify the Board’s intent is a good idea. Mr. Johnson also stated that the bigger project Mr. Neyra commented about would need to go before the Board of Site Arrangement at which time they would have the authority to condition an approval upon removing the subject sign.

Mr. Collett commented that he feels the lighting has exceeded the limits in the past. Mr. Neyra said he did not own the dealership when it was previously in this location. He feels there needs to be enough lighting to be safe.

As there were no further questions Chairman Paul Collett closed the public hearing portion of the meeting.

DECISION: Julie Brook moved, Terry Peck seconded to grant approval of an addition to the existing pole sign and necessary variances to allow what is shown, those being to Section 1181.05(n) which limits changes to other signs given the fact there is a nonconforming pole sign. A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 5. – Old Business

a. **Rules of Procedure**

Mr. Johnson advised these were still being reviewed by the City Solicitor and will bring back a final version when available.

BLUE ASH BOARD OF ZONING APPEALS

October 10, 2011

Page 3

ITEM 6. – New Business

Dan Johnson advised that appeals were filed with City Council for Maple Dale Elementary.

ITEM 7. – Adjournment

DECISION: There being no further business, Marc Sirkin moved, Julie Brook seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:32 p.m.

Paul Collett, Jr., Chairman

MINUTES RECORDED BY:

Traci Smith