

BLUE ASH BOARD OF ZONING APPEALS

March 12, 2012

Page 1

ITEM 1. – Meeting Called to Order and Roll Call

Vice Chair Terry Peck called the regular meeting of the Board of Zoning Appeals to order at 7:08 p.m. on Monday, March 12, 2012 and requested a roll call.

MEMBERS PRESENT: Terry Peck, Mark Kirby, and Marc Sirkin

MEMBERS NOT PRESENT: Julie Brook and Paul Collett, Jr.

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

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, 2012.

ITEM 3. – New Hearings

a. Plainfield Road (the Target outlot) – Chase Bank

Appeal to allow wall signs on the front of the building that exceeds the maximum allowable area

PRESENT: Tom Moffatt, Chase Bank - Appellant

Vice Chair Terry Peck swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

Tom Moffatt requested a variance for the sign that would be located on the front (north side) of the proposed bank building for a larger sign which he believes is proportional to the building and not excessive. The front of the building would not actually face Plainfield Road, so they want to be sure to have good visibility for that entrance. Code would allow for a sign on the back of the building, but at the request of the City they will not put signage on the rear elevation since that faces a residential area. The variance is for only one of the three signs they would install.

As there were no further questions Vice Chair Terry Peck closed the public hearing portion of the meeting.

After brief discussion among the Board members, Vice Chair Peck requested a motion.

DECISION: Mark Kirby moved, Marc Sirkin seconded to approve a variance allowing a wall sign that exceeds the maximum allowable area for a Chase Bank location on Plainfield Road at the Target outlot as submitted. A roll call vote was taken. All members present voted aye. Motion carried.

b. 5059 Twinbrook Court – Lihshing Leigh Wang

Appeal to allow a privacy fence that exceeds the maximum allowable height and that extends into a front yard

PRESENT: Lihshing Leigh Wang - Appellant

Vice Chair Terry Peck swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

BLUE ASH BOARD OF ZONING APPEALS

March 12, 2012

Page 2

Ms. Wang explained that her house is situated at the end of a cul-de-sac with the side of her house right next to the neighbor's driveway and garage. Since there is a lot of activity in the driveway and garage, she would like to install a privacy fence that extends approximately 10-feet into the front yard and is 8-feet tall. The proposed privacy fence would replace an existing split-rail fence in the same location.

Tony Ancona who is the adjacent property owner expressed concern that an 8-foot tall privacy fence would create a wall. He said that he and Ms. Wang had earlier agreed on an 8-foot composite fence with the top 2-feet being lattice. He acknowledged her desire for privacy. He noted that his is currently a rental property and there were some issues with the last renters that he was unaware of until after they moved out. His main concern is maintaining the resale value of his house and is concerned about the impact of an 8-foot high, dog-eared privacy fence immediately adjacent to the property line.

Ms. Wang confirmed that she did talk with Mr. Ancona, but does not believe that the lattice would provide the desired privacy because it would be see-through. She noted that a composite wood material would double the cost of the fence. She confirmed that her appeal is for a solid 8-foot fence. Mr. Ancona said he could not agree to a solid 8-foot high fence installed so close to his property.

There was extensive discussion regarding different fence options and what might be available in a 6-foot fence with a decorative top.

As there were no further questions Vice Chair Terry Peck closed the public hearing portion of the meeting.

The Board members agreed that a solid 8-foot high fence would not look good but that they would like to satisfy both parties involved.

DECISION: Marc Sirkin moved, Mark Kirby seconded to approve a variance for the proposed 8-foot high privacy fence at 5059 Twinbrook Court with the condition that the top 1 ½ - 2-feet be comprised of lattice or other decorative element so that it is not one solid 8-foot fence. A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 4. – Continued Hearings

None

ITEM 5. – Old Business

a. Rules of Procedure

Marc Sirkin requested clarification regarding discussion of an agenda items prior to the public hearing. Dan Johnson summarized how the Board should treat and such "ex parte" communications, including avoiding such conversations and divulging anything that is learned to the rest of the Board during the public meeting.

Mr. Sirkin also asked about public comments being made during a meeting, but after the Public Comments portion of the meeting is closed. Mr. Johnson explained that the Board may ask questions or may allow a comment if a person raises his or her hand to speak. No one may speak after the time for public comments is closed, though, unless the Board specifically asks for or permits it.

Mr. Johnson summarized the changes to the Rules of Procedure and said that the Solicitor has reviewed the proposed changes. He suggested that the Board wait until all members are present to have a formal motion to adopt in the current form. He will provide the completed revised version at the next meeting.

BLUE ASH BOARD OF ZONING APPEALS

March 12, 2012

Page 3

ITEM 6. – New Business

None

ITEM 7. – Adjournment

DECISION: There being no further business, Marc Sirkin moved, Mark Kirby seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:55 p.m.

Terry Peck, Vice Chair

MINUTES RECORDED BY:

Traci Smith