

BLUE ASH BOARD OF ZONING APPEALS/BOARD OF SITE ARRANGEMENT

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ITEM 1. – MEETING CALLED TO ORDER

Madam Chairman Julie Brook called the regular meeting of the Board of Zoning Appeals to order at 6:58 p.m. on Monday, April 13, 2009.

MEMBERS PRESENT: Julie Brook, Mark Kirby and Marc Sirkin

MEMBERS NOT PRESENT: John Berry and Paul Collett, Jr.

ALSO PRESENT: Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith, Public Works Director Mike Duncan, Council Member Stephanie Stoller and interested citizens

Madam Chairman Brook explained that the two appellants on the BZA agenda are also the same two applicants who are on the BSA agenda. There are elements of the improvement plans for both properties that are under the jurisdiction of each Board. In order to simplify the hearing process and have a more cohesive discussion about the overall plans, she proposed a joint meeting of the Board of Zoning Appeals and the Board of Site Arrangement. The Boards will hold a public hearing for each subject one time, then deal with the different responsibilities of the two Boards by having separate motions, the first to deal with items subject to the approval of the Board of Zoning Appeals and the second to deal with items subject to the approval of the Board of Site Arrangement. Madam Chairman Brook called for a motion.

DECISION: Marc Sirkin moved, Mark Kirby seconded the motion to hold a joint meeting with the Board of Site Arrangement. A roll call vote was taken. All members present voted aye. Motion carried.

Madam Chairman Brook stated this is now a joint meeting of the Board of Zoning Appeals and Board of Site Arrangement.

ITEM 2. – APPROVAL OF MINUTES

The Board waived the reading of the minutes.

DECISION: Mark Kirby moved, Marc Sirkin seconded the motion to approve the Board of Zoning Appeals regular meeting minutes of March 9, 2009. A voice vote was taken. All members present voted aye. Motion carried.

DECISION: Mark Kirby moved, Marc Sirkin seconded the motion to approve the Board of Site Arrangement regular meeting minutes of January 12, 2009. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 3. – 5930 Florence Avenue – Robert & Diana Purdy

Appeal to allow a privacy fence more than 6-feet in height, to allow a privacy fence in a front yard area, to allow an accessory structure in a front yard area, and to allow a fence in a front yard area.

PRESENT: Robert & Diana Purdy, Appellants/Applicants

Madam Chairman Julie Brook swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

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Julie Brook gave an overview of the staff report and details for the requests before turning it over to Rob and Diana Purdy to tell what they would like to do and why they are seeking the variance for their property.

Rob Purdy said they want to install a pool, but it must be in the rear corner of the back yard because it needs to be a certain distance from any electrical outlet. They would like to have a privacy fence around the pool since they have two small children. He said the property drops down in the back of the yard and they feel that an 8-foot fence would appear to be the height of a 6-foot fence in a flat yard. Dan Johnson described the elevation of the land and said that there is a fairly deep swale to the rear. Mr. Purdy thought that the Commercial property to the rear should be required to have a fence up anyway.

Julie Brook read email comments from Paul Collett. Dan Johnson said he does not recall the details of any buffer required of the commercial property, but that he will look into it after the meeting and will address any requirements that were not met with the new property owner. He said there may have been a planting requirement, but he knows there was not a fencing requirement.

There was general discussion regarding the location of the pool. Julie Brook asked whether it would be a better choice to place on the other side of the property so that it would be less visible, less attractive to teenagers sneaking in, and safer. Mr. Purdy said he did consider the other side of the rear yard, but that they felt this was the best location for the layout of the property. Dan Johnson described how the building Code requirements would require at least a 26-foot area to have an 18-ft. round pool. Mr. Johnson said that he was not entirely familiar with the Building Code requirements, but if the pool water had to be a minimum of 10-feet from all electrical fixtures and outlets, there may not be sufficient room for that size of a pool directly behind the house.

Dan Johnson explained the proposed fence locations and type of fences requested in detail. He said there did not appear to be any sight-line issues at the intersection of Kemper and Florence Avenues. Marc Sirkin thought the fence would help block the neighbor's view of Cornell.

Julie Brook asked if neighbors were notified. Mr. Johnson confirmed that they were.

There was discussion regarding whether the height of the fence could be maintained along its entire length, regardless of the elevation of the land. Dan Johnson said most fences flow with the land. Mr. Purdy provided photos of the fence they are proposing to use and said the wood would remain a natural color.

As there were no further questions, Madam Chairman Julie Brook closed the public hearing portion of the meeting.

Julie Brook reiterated her concern about safety. Mr. Purdy said they plan to install a pool alarm.

Marc Sirkin said he does not have a problem with having a significant height fence in the rear yard because it abuts the commercial property and is close to Cornell Road.

Madam Chairman Julie Brook called for a Board of Zoning Appeals motion for the privacy fence more than 6-feet in height, privacy fence in a front yard area, and to allow an accessory structure in a front yard area.

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DECISION: Marc Sirkin moved, Mark Kirby seconded to approve a variance for 5930 Florence Avenue to allow an 8-ft. privacy in the rear yard on the east and west up to the rear elevation of the house, with the material to be a wood structure similar to what was submitted as well as the location of a 18-ft. round pool in the northeast corner of the yard with setbacks acceptable to the City, as described in the application and on the submitted plan. A roll call vote was taken. All members present voted aye. Motion carried.

Madam Chairman Julie Brook called for a Board of Site Arrangement motion for a fence in a front yard area.

DECISION: Mark Kirby moved, Marc Sirkin seconded to allow a split rail fence no taller than 4-ft. or 30% solid on the east and southern corner of the property as noted in purple on the submitted drawing at 5930 Florence Avenue to. A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 4. – 11399 Grooms Road – T.R. Gear

Appeal to allow an accessory structure with a setback less than required, a reduced ground sign setback, a new dumpster location with no enclosure and a reduced front buffer yard, above-ground storage of petroleum, two driveways at a lot with less than 200-feet of frontage.

PRESENT: Thomas R. Gear, Appellant/Applicant

Madam Chairman Julie Brook swore in those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

Tom Gear said they are proposing to use this property as a maintenance operations branch for their landscape maintenance company. They would add parking for employees and fenced yard area for storage of materials, primarily salt and mulch, and storage of service vehicles. The intent is to be a good neighbor and they will make the property look very nice. He showed pictures of the company headquarters in Fairfield and noted that they get many compliments. Mr. Gear said this location would be strictly for company operations and will not typically have visitors.

There was discussion regarding a fuel storage tank. Mr. Gear showed pictures of the tanks they have at the Fairfield facility and will most likely use this same type here. Mr. Gear said he spoke with Blue Ash Assistant Fire Chief Greg Preece. The tanks must be 10-ft. from the building and the property line and need some type of containment underneath in case of a leak. He said that any tank would be less than 6-ft tall and lower than the height of the fence. Mr. Gear was told that Assistant Chief Preece would review what they submit and assured the Board that it would meet code. It would be the same fence all the way around the property and said the trees to the north are not on their property so they would be left. Mr. Gear said they are proposing either a 7 or 8-ft. fence, but are not yet sure if it would have barbed wire. They would probably not install barbed wire unless they needed to due to theft.

Marc Sirkin felt it was not necessary for another enclosure around the dumpster since the entire property was going to be fenced.

There was discussion regarding the ground sign setback. Dan Johnson said the Board could address the sign by accepting their request of the approximate 3-ft setback, give some other distance that is less than 10-ft. that would be acceptable by the Board or not

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address it, in which case it would have to meet the code. Mr. Gear said the sign would meet the sign requirements regarding size and materials. What they are mainly looking for is if the sign location is conceptually acceptable.

They discussed the vinyl covering structures. Mr. Gear said they are aluminum structures with the vinyl top stretched tight so it does not flap in the wind or wrinkle. He said they look as nice as a building.

Dan Johnson said the issue with a second driveway is that the property has 188-ft. of frontage, which is just shy of the 200-ft. which would allow for a second driveway. Neither the City Engineer nor the Public Works Director had concerns about the safety of the second driveway as shown.

Dan Johnson described stormwater management requirements. The stormwater element of the plans does not need to be approved by the Boards, so it may function differently in its final form than what shows on the plans; it simply needs to be approved by the City Engineer.

Dan Johnson received comments from Assistant Fire Chief Greg Preece right before the meeting and read them to the Board. The memo was provided for inclusion with the packet documents and Mr. Gear also requested a copy.

Mark Sirkin thought that providing only two feet between the domed structure and the fence on the north side of the property would make maintenance difficult. Mr. Gear said that two feet is enough for them to pick up trash and maintain the fence.

Julie Brook asked about noise from working at night during snow removal times. Dan Johnson said this site is very distant from any residence and is an excellent location from that perspective.

As there were no further questions Madam Chairman Julie Brook closed the public hearing portion of the meeting.

Madam Chairman Julie Brook called for a Board of Zoning Appeals motion for an accessory structure with a setback less than required, a reduced ground sign setback, and a new dumpster location with no enclosure.

DECISION: Mark Kirby moved, Marc Sirkin seconded to approve a variance for subject property at 11399 Grooms Road to permit a vinyl accessory structure to be placed less than 5-ft. of side and rear lot line, to allow a new ground sign to be placed less than 10-ft. from the right-of-way as indicated on the plans and to allow a new dumpster location with no enclosure. A roll call vote was taken. All members present voted aye. Motion carried.

Madam Chairman Julie Brook called for a Board of Site Arrangement motion for a reduced front buffer yard, above-ground storage of petroleum, and two driveways at a lot with less than 200-feet of frontage.

DECISION: Marc Sirkin moved, Mark Kirby seconded to approve request at property located at 11399 Grooms Road to allow outside storage of bulk products with specifics such as safety and location to be approved by City of Blue Ash, secondary driveway for egress only and approve buffer of only 13-ft. for the new driveway in reference to Grooms Road as indicated on the application drawing. A roll call vote was taken. All members present voted aye. Motion carried.

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ITEM 5. – Miscellaneous Business

Marc Sirkin commented about property maintenance on a vacant property in Hazelwood that has tractors, tarps and trash.

Julie Brook discussed street addressing requirements in Palm Springs and asked about the requirements in Blue Ash.

ITEM 6. – ADJOURNMENT

DECISION: There being no further business, Marc Sirkin moved, Mark Kirby seconded to adjourn the joint meeting of the Board of Zoning Appeals and Board of Site Arrangement. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:10 p.m.

Julie Brook, Madam Chairman

MINUTES RECORDED BY:

Traci Smith