

BLUE ASH BOARD OF ZONING APPEALS

May 12, 2014

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ITEM 1. – Meeting Called to Order and Roll Call

Chair Mark Kirby called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, May 12, 2014 and requested a roll call.

MEMBERS PRESENT: Mark Kirby, Terry Peck, Tricia Downing, Joe Hoelker and Scott Miller

ALSO PRESENT: Council Member Stephanie Stoller, Community Development Director Dan Johnson 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 April 14, 2014.

Chair Kirby swore in all those in attendance wishing to testify and gave a brief overview of the Board of Zoning Appeals

ITEM 3. – New Hearings

a. 10243 Kenwood Road – Chris Bork

Appeal to allow an accessory building larger than otherwise permitted

PRESENT: Joe Geraci, Geraci & Company Inc. – Appellant
Chris Bork, Owner

Joe Geraci said he was before the Board last month and was granted a variance that required a 20 foot setback from north property line which was not desirable for the homeowner. They would like to keep the location of the building similar to what was presented last month, which was 10 feet off the property line. They do not feel the accessory structure visually or functionally overwhelms the principle structure. The new structure would not take up the entire yard so would maintain a healthy amount of undeveloped land area. Also, they do not feel it would be detrimental to the adjacent properties. The neighbor to the rear has also submitted a letter in support of this proposal. The existing accessory structure is deteriorating and the owners would like to replace with a structure that would architecturally match the style of the existing home.

The size of the proposed structure is the same width as previously submitted of 30 feet wide, but the depth is now smaller as it has gone from 45 feet to 36 feet. The current garage is 20 feet by 38 feet. The new garage would not be as close to the rear property. The 10 feet less width opens up the home in the rear to the road and adds more green space between the properties.

Scott Miller asked why the 10 feet setback makes such a big difference for their submittal. Mr. Geraci said the owners want to have it more in line with the back deck.

Joe Hoelker asked about the history of the property. Mr. Geraci said the land that the house sits on now was part of a larger parcel and there was a flag lot made to the right of his property which wraps around to the rear. When the flag lot was set up, the location of the garage and how far off it was to the property line was not taken into consideration, so that is why the existing garage wall is almost right on the property line.

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Chris Bork said he is the owner since 2002 and has received two beautification awards. The land was originally 50 acres when the house was built many years ago and has been parceled down to about .5 acres each. When the flag lot was granted in 2002, his original property line was 10 feet to the north of where it is right now, so that is why the garage is almost sitting on the property line. With those restrictions in mind, there is not a lot of flexibility to go from a north/south perspective and still maintain the structure within the current property lines.

As there were no further questions from the public, Chair Kirby closed the public hearing.

Terry Peck thinks it is a very complimentary structure and does not have any issues with it. Tricia Downing liked that it was considerably smaller than previously proposed, which was one of her biggest issues.

DECISION: Terry Peck moved, Tricia Downing seconded to approve as submitted for an accessory structure 30 feet wide by 36 feet deep at 10243 Kenwood Road. A roll call vote was taken. All members present voted aye. Motion carried to approve.

b. 10831 Joslyn Drive – Jason Gallenstein

Appeal to allow an accessory structure (a test crane)

PRESENT: Jason Gallenstein – Appellant

Jason Gallenstein said Gallenstein Bros. own and manage the industrial park from Kenwood Road to Deerfield on Creek Road. They have a building that is approximately 20,000 square feet on Joslyn Drive which is a private drive they maintain. It is approximately 2,000 feet from Kenwood Road. They are asking to set up a test crane for a new tenant that is taking this space. The peak on the building itself is 30 feet and platform for the crane is 45 feet and would be tucked back in the corner behind the building. Also, the trees that surround it are considerably higher than the building. The site is on 2.2 acres. He went through pictures of handouts showing the location.

Ryan Hugg with Liftra showed the Board how the crane works from his iPad. The highest the crane would be is 79 feet, but would only be that high for a matter of minutes while they are setting the controls and getting full range of motion. The test stand would be able to service their entire fleet of cranes.

As there were no further questions, Chair Kirby closed the public hearing.

Dan Johnson said they are not asking for a variance. This appeal is basically that Dan Johnson is being too restrictive in the way he is reading the Code. The Code says that accessory structures are permitted as long as they are complimentary to the main building and surrounding properties. Since this is not a typical request, he wanted to bring to Board.

Scott Miller asked about the height restriction and Mr. Johnson said this would satisfy the height, which is 90 feet. Joe Hoelker asked about the noise. Mr. Huff said powering the unit is a self-contained generator built in its own housing inside an insulated shell then mounted inside the container. It would be heard slightly only as the crane is operating. It has no lights mounted to it.

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Terry Peck was not comfortable with it. She thought it would look out of place as you go up Creek Road and feels it would make it look more industrial than it does now.

Tricia Downing okay with it as long as it in the back of the lot. Mr. Huff would locate it anywhere the Board felt best. They were just using the existing paved surface and the easy access for their trucks.

Mark Kirby said it is different, but that is what the industrial districts are for and does not see it as overly obtrusive.

Scott Miller commented he did not think Gallenstein would want in there if they felt it would impact their ability to lease other area in the park.

As there were no other questions, Chair Kirby entertained a motion.

DECISION: Scott Miller moved, Joe Hoelker seconded to approve as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

ITEM 4. – Continued Hearings

None

ITEM 5. – Old Business

None

ITEM 6. – New Business

None

ITEM 7. – Adjournment

DECISION: There being no further business Tricia Downing moved, Terry Peck seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:35 p.m.

Mark Kirby, Chair

MINUTES RECORDED BY:

Traci Smith