

BLUE ASH BOARD OF ZONING APPEALS

JULY 14, 2008

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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 7:00 p.m. on Monday, July 14, 2008.

MEMBERS PRESENT: Julie Brook, John Berry, Paul Collett, Jr., Mark Kirby and Marc Sirkin

ALSO PRESENT: Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith, Public Works Director Mike Duncan, Assistant to City Manager Kelly Osler and interested citizens

ITEM 2. – APPROVAL OF MINUTES

The Board waived the reading of the minutes of June 9, 2008.

DECISION: Paul Collett moved, Marc Sirkin seconded the motion to approve the regular meeting minutes of June 9, 2008. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 3. – 4350 Malsbary Road – Oncology Hematology

Appeal to allow a front setback less than required in the Reed Hartman Highway Urban Design Corridor

PRESENT: Rob Humason, Appellant

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

Rob Humason of ATA Beilharz Architect was there to represent the owner. He said this building was purchased four years by Oncology Hematology Care, which occupies the entire first floor and approximately 80% of the second floor. The facility includes space for chemotherapy and radiation oncology. Extensive renovations were done to accommodate the radiation equipment. Mr. Humason provided plans showing where the proposed addition that would house two substantial pieces of equipment: a linear accelerator and a scanning machine. The proposed addition and its location were intended to provide good interior patient flow as they move through exams to treatment, to provide appropriate office spaces adjacent to the treatment and exam areas, and to maintain the current number of parking spaces. The addition would extend into the Reed Hartman overlay area setback, but would be behind an existing berm and the base of the wall would be about 2 ½ feet below grade. A substantial amount of landscaping would also be added to dress it up. The new addition will have the same building materials that are on the existing building for consistency.

The reconfiguration will result in less impervious area, which reduces the overall impact on the stormwater system.

Paul Collett asked if other options had been considered. Mr. Humason said they had considered building the addition into the parking lot, but did not want to lose parking spaces. He added that the internal patient flow did not work as well in that scenario.

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Paul Collett said he does not know of any other business on the Reed Hartman corridor has made this request and was concerned with the berm being disturbed. Marc Sirkin asked staff to describe the purpose of the additional setback; is it for esthetics or safety? Dan Johnson said it appears to be esthetic element because of where the requirement is mentioned in the Code, which is in the landscaping section.

John Berry asked what kind of landscaping could they expect to see in the area closest to Reed Hartman Highway. Mr. Humason said it would mostly be low, decorative trees as there is a band of windows there. Mr. Berry suggested that evergreen landscaping might mature and soften that corner that would protrude into the overlay. Mr. Humason said they would be happy to do that and to add additional landscaping.

John Berry noted that the engineer would approve the stormwater system.

Marc Sirkin noted that the dentist who leases space on the second floor of this building is a close friend and that he is uncomfortable voting on the appeal.

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

Julie Brook asked if there were any other buildings in that additional setback. Dan Johnson said there were not any in the immediate vicinity. Ms. Brook asked Mike Duncan if there were any plans to widen Reed Hartman. Mr. Duncan said there are not any such plans at this time.

John Berry said he understands the importance of making sure that the internal workings of the building are accommodated. He feels this building is a nice piece of architecture and that with the appropriate landscaping; the impact could be softened. He does not feel this is an unreasonable situation. Paul Collett said part of the criteria for granting variances is if there is an unusual hardship and he does not personally see that there is a hardship.

DECISION: John Berry moved, Mark Kirby seconded to approve the variance for 4350 Malsbary Road for Oncology Hematology Care to encroach into the Reed Hartman Highway Urban Design Corridor setback as submitted. A roll call vote was taken. Three members present voted aye, Paul Collett voted nay and Mark Sirkin abstained. Motion carried.

ITEM 4. – 4870 Hunt Road – Charleston at Blue Ash (Conner Group)

Appeal to allow two wall signs that exceed the maximum height and two ground signs that exceed the maximum width, height, and square foot area permitted in the D-1 district, and to allow the message area of an electronic message sign to change more than once per hour

PRESENT: Monte Williams, Appellant

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

Monte Williams summarized the appeal and withdrew the appeal for the electronic message center, based upon the Planning Commission decision. Mr. Williams said this

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property is disadvantaged because the address is on Hunt Road, but the property frontage is narrow. The Towne Square Avenue frontage is also narrow. The message center sign will face Ronald Reagan Cross County Highway. The owners want to improve the appearance, attract attention to renters, and make the facility easy to find. The appeal is for new larger ground signs at each of the entrances. Mr. Williams said that they did not understand that the allowable sign area included the entire sign structure, instead of just the message area. Dan Johnson explained that the Code would allow for each of these ground signs to be no larger than 6-feet tall by 8-feet wide, with a maximum of 25 square feet on each face. The sign on Hunt Road would be a v-shape, due to its location on a corner. The sign on Towne Square Ave would be flat. Dan Johnson explained that the total area can be calculated as a combination of multiple, regular geometric shapes.

There is a sign on the western wall of the parking garage that would be replaced with letters large enough to be read from the intersection of Kenwood Road and Towne Square Avenue. Mr. Williams said they will eliminate two signs that are on the top corner of the garage. They would also like to replace the sign on the east side of the top of the garage, which may be a foot wider, but their intention is to get with the new color scheme and change the message.

Julie Brook asked how many signs are allowed on this property and whether these were all replacements of existing signs. Dan Johnson answered that the Code does not specify a limit on the number of signs and that these are all replacements of signs that are currently installed.

Julie Brook asked about the live person that wears a suit to promote the development and if any permits were required for this. Dan Johnson said he is not aware of any.

John Berry asked if they were changing their identity since Charleston is not mentioned in the signage. Mr. Williams said they use "Luxury Apartments" to let people know these are actually luxury apartments and the name of the development is secondary. This is a marketing approach the Connor Group has taken in all of their developments in southwest Ohio.

Marc Sirkin said with the size of the development that there should be some leniency with the amount of frontage. He would like to know what the percentage of additional signage they are requesting. Paul Collett felt that this request was a complete disregard of the sign regulations and, with this being in the Downtown zoning district, any variance should be minimal; he suggested that they go back to the drawing board for something within reason. Dan Johnson clarified that v-shaped signs are not prohibited in this district; in the C and M districts, the faces may be separated by no more than 18 inches.

Julie Brook asked if the public had any comments. A resident asked about the electronic message board that was approved by Planning Commission. Dan Johnson explained that the Planning Commission had already approved that sign.

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

DECISION: Paul Collett moved, Marc Sirkin seconded to table this item so the applicant can revisit his submission and bring the signage more in line with the sign regulations of the City to try to stay within a 25% variance as a guideline with no guarantee of approval. A roll call vote was taken. All members present voted aye. Motion carried to table.

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ITEM 5. – 10691 Kenwood Road – Kenwood Tile & Stone (Brandel Properties)

Appeal to allow a driveway opening that exceeds the maximum width permitted in an M-1 district

PRESENT: Roland Ponchot, Appellant

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

Roland Ponchot said they propose to widen the driveway approach west of the dock area to allow semi trucks to back-in from Ritter without using the Fire Department driveways. Trucks currently unload in the street and then back onto Kenwood Road. John Berry clarified that the trucks would go west on Ritter past the facility then back into the driveway. Mr. Ponchot confirmed. Mr. Berry asked Dan Johnson about the restriction for the width of an apron. Mr. Johnson said the 30-foot width limitation is probably specified to allow for a three lane driveway; other Code regulations would prevent any new construction from ending up in a situation like this. He thinks the location of the truck dock was in place prior to the Code regulation.

Paul Collett complimented Mr. Ponchot on the building and asked if they had intended for semi trucks to come onto the property. Mr. Ponchot said semi trucks have been delivering ever since Kenwood Tile moved in and doubted that the owner of the business would go to this expense if it was not necessary.

Mike Duncan, Public Works Director, said he had a couple of items to address. He said this building was approved prior to him working for the City and said the engineer should not have allowed this driveway so close to Kenwood Road as it is a safety hazard. Since it has been approved, he said he agrees with the conditions in the recommendation. He suggested adding a condition that “no exit” signs be required on each side of the driveway closest to Kenwood Road. Mr. Duncan explained that the north side of the road will be made into a parking lane and there will be no parking all the way to the last drive. He said that extending the driveway apron should provide adequate backing maneuvering capability.

John Berry asked if the “no exit” signs would be traffic signs done by the City in the public right-of-way. Mike Duncan said the applicant should make and install the signs which can be installed in the right-of way since the edge of the parking lot is at the right-of-way line.

Bob Davis of 10671 Techwoods Circle, owner of the adjacent property, said he had a concern about parking. Mr. Davis said he learned of the no parking lane going in and was concerned with where those people would now park. Dan Johnson said that this property meets the Code requirements. Julie Brook explained that the Board is only considering the drive apron.

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

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DECISION: John Berry moved, Paul Collett seconded to grant a variance to expand the drive apron on the west driveway of 10691 Kenwood Road, known as Kenwood Tile & Stone, to accommodate maneuvering of semi truck deliveries with the following conditions:

1. That the apron be the smallest that makes the desired access possible, as determined by the City Engineer;
2. The pavement type match the adjacent pavement type;
3. The pavement meet the City construction requirements for pavements and include physical barrier(s) that will help prevent damage to the adjacent sidewalk and landscaped areas;
4. The landscaped area adjacent to the apron be repaired in a workmanlike manner and include additional bushes to help maximize the notability of the landscaped area, as approved by City Staff.
5. That a “no exit” sign be placed on each side of the east driveway apron.

A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 6. – Miscellaneous Business

Dan Johnson said that Chrisman had been granted a two month continuance from the June 25, 2008 arraignment.

ITEM 7. – ADJOURNMENT

DECISION: There being no further business, Paul Collett moved, John Berry seconded to adjourn the meeting. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:32 p.m.

Julie Brook, Madam Chairman

MINUTES RECORDED BY:

Traci Smith, Administrative Clerk