

BLUE ASH BOARD OF ZONING APPEALS

July 8, 2013

Page 1

**ITEM 1. – Meeting Called to Order and Roll Call**

Vice Chair Marc Sirkin called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, July 8, 2013 and requested a roll call.

MEMBERS PRESENT: Marc Sirkin, Paul Collett, Jr., Mike Duncan, and Mark Kirby

MEMBERS NOT PRESENT: Terry Peck

ALSO PRESENT: 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 June 10, 2013.

**ITEM 3. – New Hearings**

Vice Chair Marc Sirkin swore in all those wishing to testify and gave a brief overview of the Board of Zoning Appeals.

**a. 5259 Kenridge Drive – David Gentry**

Appeal to allow a new accessory building that would result in more than 600 square feet in accessory buildings on the lot

PRESENT: David Gentry – Appellants

David Gentry would like to build an 11x14 shed approximately 3-feet away from his existing detached garage. It will have a little porch on the front and be very attractive. The property is almost an acre in size, so there is plenty of room. He and his wife would like to have for additional storage and potting shed. They have talked to their neighbors and neither one has any problems with it.

In answer to questions by Paul Collett and Mark Kirby, Dan Johnson stated the limitation in the Code allows for two accessory structures with the total of all enclosed area not to exceed 600 sq. ft. and has no relationship to the size of the property. Paul Collett confirmed that with the size of the property, it would not really be seen so he does not have any objections.

As there were no further questions Vice Chair Sirkin closed the public hearing.

DECISION: Mike Duncan moved, Paul Collett seconded to approve the request for 5259 Kenridge Drive to allow a new accessory building that would result in more than 600 square feet of accessory buildings on the lot as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

**b. 5928 Brasher Avenue – Anita & Shane Asch**

Appeal to allow an 8-foot tall privacy fence in the rear yard where it abuts the M-4 Light Industrial District

PRESENT: Anita Asch – Appellant

Anita Asch has lived in this house for almost two years and recently has had to remove several trees due to the Emerald Ash Borer. Also, since then, the commercial building

BLUE ASH BOARD OF ZONING APPEALS

July 8, 2013

Page 2

behind them has cut in windows the entire length of the building. At night there is fluorescent lighting that shines on their property. The request is for an 8-foot high privacy fence, since 6-foot would not be high enough.

Paul Collett asked about the buffer between residential and commercial and if there was a way to have the commercial property install buffers since all those windows are a substantial change to that elevation. Dan Johnson said this building was one that was destroyed by the tornado and, when it was rebuilt, this is what they were allowed to do. Mr. Johnson said he could ask them, but apparently they were not required to do it when the building was built. He said the building was designed to either have or not have windows and the windows were just recently added by the new tenant. Mr. Collett asked Ms. Asch if they would rather have trees or a fence. She said at this point, they would rather have a fence.

Marc Sirkin stated it appeared as though the neighbor two houses to the west also has an 8-foot high fence which he thought looked nice. Ms. Asch confirmed and said their fence would be similar but without the lattice top so as to provide more coverage.

Dan Johnson commented that there are regulations on the exterior lighting that he could require them to shield, but there is nothing he can do about the inside lights.

There was general discussion among the Board members regarding buffering, including a request to ask the commercial property owner to provide buffering or to provide financial assistance with the fence being proposed. Mr. Johnson said he could address it with them but does not think he could make them do it.

In answer to a question by Mike Duncan, Mr. Johnson was not familiar if the other 8-foot high fence was brought to BZA. He added that he is planning to propose a Code change that allows an 8-foot fence by right where residential abuts an adjacent commercial district as this seems to be a fairly common request.

As there were no further questions Vice Chair Sirkin closed the public hearing.

DECISION: Mark Kirby moved, Mike Duncan seconded to approve the request for 5928 Brasher Avenue to allow for an 8-foot tall privacy fence in the rear yard as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

**c. 4448 Victor Avenue – Martin McCarthy**

Appeal to allow a deck in a front yard area adjacent to Raven Lane

PRESENT: Bob Huber, neighbor of Appellant

Bob Huber is presenting the request on behalf of the McCarthy's since they are currently on vacation. The current deck is approximately 20 years old and in need of repairs, so they would like to tear down the existing 200 sq. feet deck replace with a new deck, increasing the size by approximately 112 sq. ft. In answer to a question if construction has already started, Mr. Huber stated he has removed the old deck but has only laid out the perimeter of the extension for the owners to realize how far out it would be. No work has begun on the extension, just the repairs on the existing. He explained there is an upper area that is approximately 8x12, with 2-steps down to a smaller lower area which is the area they would like to extend. The lower portion is one step off the ground with some railing facing Victor Avenue and something in front of the air conditioner but the style has not yet been determined. There would not be a railing on the lower portion facing Raven Lane.

BLUE ASH BOARD OF ZONING APPEALS

July 8, 2013

Page 3

There was general discussion regarding the setbacks for being on a corner lot. The deck will infringe on the front yard setback on both Victor Avenue and Raven Lane. Paul Collett was willing to grant one front yard variance, but does not feel both would be appropriate as it will turn out to be a fairly large deck for a small house. Dan Johnson added that if this were a new house or if someone wanted to build a stoop as an extra step at their foundation wall and, this was not a deck, it would not even be regulated since it's not under roof and not part of the foundation wall. If those 32-inches were directly in front of the house, it would not even be counted because of the height.

Mike Duncan said that because of the unusual nature of this lot not having a rear yard, he does not have any objection to the appeal. He thought it would like nice and not be a detriment to the neighborhood. Mark Kirby agreed.

As there were no further questions Vice Chair Sirkin closed the public hearing.

DECISION: Mike Duncan moved, Mark Kirby seconded to approve the request at 4448 Victor Avenue to allow a deck in the front yard area adjacent to Raven Lane and Victor Avenue. A roll call vote was taken. Three members present voted aye and Paul Collett voted nay. 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 Paul Collett 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 7:31 p.m.

\_\_\_\_\_  
Marc Sirkin, Vice Chair

MINUTES RECORDED BY:

\_\_\_\_\_  
Traci Smith