

BLUE ASH BOARD OF ZONING APPEALS

JULY 9, 2007

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ITEM 1. – MEETING CALLED TO ORDER

Chairman Paul Collett called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, July 9, 2007.

MEMBERS PRESENT: Paul Collett, Jr., Tom Adamec, John Berry, Julie Brook and Marc Sirkin

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

ITEM 2. – APPROVAL OF MINUTES

The Board waived the reading of the minutes of June 11, 2007.

DECISION: John Berry moved, Marc Sirkin seconded the motion to approve the regular meeting minutes of June 11, 2007. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 3. – 5723 COOK AVE. – Troy Ross (Presidential Builders)

Appeal to allow a reduced front setback for a new single-family residence in an R-3 district

PRESENT: John Post, representing Appellant

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

John Post explained to the Board that he sold the property to Troy Ross and is speaking on Mr. Ross' behalf since he knows more about the property. The request is for a 25-foot front setback. He said the setback ranges of the other properties on the street are 15 to 35-feet with only a few actually meeting the 40-foot setback. Mr. Post noted that this property is in a flood zone and that he has worked with the City to ensure that the construction would comply with the floodplain regulations. Also, when the area was being cleared, they found a foundation of an old house. Mr. Post said that moving the new structure forward would put it on higher, more stable ground, bring it further from the floodway, and allow them to preserve more of the existing trees. He does not feel that a reduced front setback would be detrimental to the area and that it is consistent with other setbacks in the area.

Mr. Post said that the new structure would require that the land be partially filled to remove it from the federally designated floodplain, but that less fill would be required if the reduced setback is permitted.

Al Gammarino owns the vacant property to the west of this lot and noted that he had concerns over this request. A Rumpke dumpster was placed on his property without his consent, his "for sale" sign was removed, and a crane crossed his property to remove trees on the property next door. Ruts were left on his property and he is concerned that he is going to have problems like this during construction on the lot in question. Mr. Gammarino said he will eventually build an L-shaped brick ranch on his property for either himself or his family and he does not want to walk out the front door of his L-shaped brick ranch only to see the back yard of the neighbors. He feels this damages his property value. He said that if a brick ranch were being considered instead of a 2-story, he would not have as many objections.

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Julie Brook commented the only thing being considered at this time is in regards to the setback, not the type of home being built. Dan Johnson advised the Board they do have the capacity to address the issues of other setbacks and bulk if they feel that they are logically related to the matter of the appeal. Approvals can include conditions.

John Post said that the front of the proposed house, on the side of Mr. Gammarino's lot, is 4 feet behind the forward-most part of the house, so that side of the house will not be as far forward as it might have seemed. Mr. Post also suggested that Mr. Gammarino should set his house a little forward due to the same floodplain issues. Mr. Gammarino noted that he did not want to speculate about his future plans and thought that the requested variance would infringe on his rights.

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

Marc Sirkin thought that the 15-foot variance would not be likely to create a problem, but that an opposed neighbor makes granting the variance more difficult. Paul Collett felt that granting the variance would restrict the adjoining property owner from building a home the way he might want to in the future. Tom Adamec felt that the proposed setback was not out of character with newer homes in the area. John Berry noted that development has been encouraged in this area, that the flood plain considerations are valid relative to this parcel, and that the street is unlikely ever to be extended. He also felt that the concerns of the adjoining property owner could be allayed by good design. Julie Brook said that if the variance is not granted then more trees would have to be removed and that the proposed location would help deal with the water problems that are common in Hazelwood.

DECISION: John Berry moved, Tom Adamec seconded to grant a variance to modify the required 40-foot setback to 25-feet at 5723 Cook Avenue for Troy Ross of Presidential Builders based upon the fact the reduced setback would allow the development to have less of an impact on the 100-year floodplain and that no public street is likely ever to be extended to the east in the Cook Avenue right-of-way. A roll call vote was taken. John Berry, Julie Brook and Tom Adamec voted aye and Marc Sirkin and Paul Collett voted nay. Motion carried with three ayes.

Chairman Collett advised Mr. Gammarino that he does have the right to appeal.

ITEM 4. – MISCELLANEOUS BUSINESS

There was no miscellaneous business.

ITEM 5. – ADJOURNMENT

DECISION: There being no further business, Marc Sirkin moved, John Berry seconded to adjourn the meeting. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:51 p.m.

Paul Collett, Chairman

MINUTES RECORDED BY:

Traci Smith, Administrative Clerk