

BLUE ASH BOARD OF ZONING APPEALS

January 9, 2012

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ITEM 1. – Meeting Called to Order and Roll Call

Chairman Paul Collett called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, January 9, 2012 and requested a roll call.

MEMBERS PRESENT: Paul Collett, Jr., Julie Brook, Mark Kirby, Terry Peck and Marc Sirkin

ALSO PRESENT: Assistant 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 October 10, 2011.

ITEM 3. – New Hearings

a. 4640 Cornell Road – McDonald’s

Appeal to allow wall signs on the front of the building that exceed the maximum allowable area.

PRESENT: Larry Neuman, Kessler Sign Company - Appellant

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

Larry Neuman described McDonald’s new imaging and noted that this building is being renovated to match a new design.

In answer to a question, the applicant said that right now the pole sign at Cornell is staying and there has been talk about reworking the road sign but is on hold for right now.

In response to a comment, Mr. Johnson reminded the Board that this appeal should be discussed on its own merits per the section of the Code that is identified on page 2 of the staff report.

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

Marc Sirkin commented that the property has a pole sign right by the road that is very easy to see, it has entry and exit signs right by the curb cut, there are arches in the windows and on the sides of the building, so this building is easily identified as a McDonald’s. Mr. Sirkin said he is having a hard time finding a reason to go against the City’s Code.

Paul Collett said the way he sees it is McDonald’s is rebranding their image and is hopeful that to create the whole branding, the pole sign would be removed.

Julie Brook asked Mr. Johnson if they could require them to remove the “arch” part of the sign. Mr. Johnson said the issue is the total square footage, not the particular design.

Mark Kirby said he did not have a problem with it and that was not excessively over the allowable area. He thought it blended with the building and works with other communities as well.

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DECISION: Terry Peck moved, Mark Kirby seconded to approve a variance as submitted. A roll call vote was taken. Three members present voted aye and two members voted nay. Motion carried.

ITEM 4. – Continued Hearings

None

ITEM 5. – Old Business

a. Rules of Procedure

Dan Johnson handed out rules of procedures for the Board to read over for adoption at a future meeting. He added that Board of Site Arrangement automatically follows Board of Zoning Appeals rules. The City Solicitor has also reviewed these proposed changes. In light of the recent appeals filed for the Maple Dale project, there was a question when the Board's decision actually becomes final in an appealable decision. The decision made on the City's behalf by the Solicitor is that the decision of the Board is not actually final until it is journalized in the minutes of the meeting and approved. If a case has the potential of being one that someone might be interested in appealing or litigating, we might set aside time after a hearing, during the same night to journalize just that part of the meeting so they would not have to wait too long to get past the appeals portion. However, in most cases we will do as we have always done.

ITEM 6. – New Business

None

ITEM 7. – Miscellaneous

1. Paul Collett commented that the amounts of variances being granted are mostly on signage at the top of buildings where there is no way in the Code to not bring them before the Board or if the sign is not perfectly square. Mr. Collett agreed that it seems like they grant a lot of variances but each case has to stand on its own merit. Hardship and being somewhat user-friendly to businesses that want to work within our community is another thing to consider. Mr. Johnson added that not everyone who is interested in a sign comes before the Board. They are only seeing the ones that do really want it or he feels there might be some merit.
2. Julie Brook commented that she has seen an increase in the costumed signs in the Towne Square area.
3. Paul Collett asked about getting the signs by Montag's removed so they are not grandfathered in for a new tenant. Dan Johnson said he would look into that.

ITEM 8. – Adjournment

DECISION: There being no further business, Julie Brook moved, Marc Sirkin 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.

Paul Collett, Jr., Chairman

MINUTES RECORDED BY:

Traci Smith