

BLUE ASH BOARD OF ZONING APPEALS

September 12, 2011

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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 9:15 p.m. on Monday, September 12, 2011 and requested a roll call.

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

ALSO PRESENT: Assistant to City Manager Kelly Osler, Deputy City Solicitor Bryan Pacheco, Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith 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 June 13, 2011.

**ITEM 3. – New Hearings**

**a. 6100 Hagewa Drive – Maple Dale, Sycamore School District**

Appeal to allow a driveway and parking lot landscaping design that differs from applicable Code requirements

PRESENT: Michael Boron, CR Architecture + Design - Appellant

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

Mike Boron of CR Architecture proposed that in lieu of the standard parking islands required by Blue Ash, the School District plans to install a bioswale in the new parking lots for the District Office and Maple Dale Elementary. The lots would slope to the area at the center of the lots, which are planted with vegetation. This design holds a small amount of stormwater and cleans it as it runs off towards the on-site retention systems. The required intervening landscaped islands would need to be recessed and without curbs, which could cause a person who accidentally turned in thinking it was a parking space to get stuck in the swale.

The proposed 24-foot wide entry drive would be consistent with Hagewa Drive, which would better accommodate the expected amount and type of ingress and egress traffic.

Mark Kirby asked how the City Engineer considers bioswales relative to ongoing maintenance and functionality. Dan Johnson replied that he did not know. Mr. Boron explained that the bioswale planting material is extremely resilient.

Chairman Collett opened the meeting to the public for those wishing to speak on these two specific matters that are the subject of the appeal.

John Stillpass is an attorney who represents neighbors of the property. His clients believe that the request for the bioswales are respectful of the stormwater management issues on the site and are in favor of this variance. He asked the Board to consider the following conditions:

1. That the bioswales be maintained in the condition for which they were designed to prevent deterioration over time, deterioration of aesthetics, and

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to prevent unintended run-off, and that no changes to the stormwater management plan can be made without a variance for changes in the grading or site arrangement.

2. Require adequate landscaping for aesthetics.
3. Request eliminating or moving the loading dock to prevent traffic and noise.

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

In answer to a question regarding the loading dock, Mr. Boron said several times a month a truck will back into that area to unload but a truck will not idle while unloading. Per the requirements of the School, that would be a “no idle” zone. That will not happen on a day-to-day basis but he did not have a number of how many times per month it would happen. He said they considered putting it on the other side of the District Office building but it was extremely tight because of the location of the entry drive and would make the flow of traffic more difficult. They looked at multiple locations and this location seemed to be the best fit.

Kathleen Meyers said she believes that putting a loading dock and parking lot in a residential area will adversely affect neighboring properties.

DECISION: Mark Kirby moved, Julie Brook seconded to approve a variance for the Sycamore School District, owner of Maple Dale Elementary, located at 6100 Hagewa Drive, to allow the driveway to be 24-feet wide and to allow for the parking lot design to not include the required median islands for every 15 spaces in lieu of having the design accomplish the stormwater management objectives through the use of bioswales. A roll call vote was taken. All members present voted aye. Motion carried.

**b. 4540 Alpine Avenue – Ed Neyra, Neyra Properties**

Appeal to allow modifications to an existing nonconforming sign and to allow a new sign on the same site

Since there was not a representative for this project, Dan Johnson described the appeal to the Board. This is the former Land Rover site, currently AMP. AMP is moving out and Land Rover Jaguar will be moving back to this site so they need signage. All of the proposed signs requested appear to be conforming in size and location; however, the owner wants to keep the existing, nonconforming pole sign in place and attach another panel between the existing posts. The variance is required because the Code specifically prohibits pole signs. No changes to the pole sign are permitted and no new signs are permitted at a site where there is an existing, nonconforming pole sign.

Chairman Collett opened the meeting to the public and swore in those wishing to speak.

Karen Eborall lives at 4582 Elsmere Avenue, which is directly across Cross County Highway from this property. She said they have enjoyed having AMP as their neighbors, since AMP turns down the lights at night and did not trim the vegetation on the Highway side of the property. She said Land Rover trimmed or cut down all of the vegetation on the berm. She would like the sign to be high so that Land Rover will not be compelled to cut down the vegetation on the berm. She wants the berm to help with the noise buffer. She would also like to find out how she can get them to turn off their lights at night.

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There was some discussion regarding the lighting and could that be a condition to this request. Dan Johnson said only if the property makes other changes that are significant enough to bring them back to the Board of Zoning Appeals or Board of Site Arrangement for an appeal or an approval that is associated with the site lighting.

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

Dan Johnson clarified that they are talking about all of the signs because they want to add a new sign to the building without removing the existing pole sign. However, if the Board grants a variance to permit the pole sign, then the other signs are not a problem because the pole sign was granted approval. Dan Johnson read 1181.05(n) to help with the clarification.

Bryan Pacheco said that he appreciated the Board's concern for the appellant, but recommended that it either table or deny the appeal since neither the appellant nor his representative was in attendance at this meeting.

DECISION: Marc Sirkin moved, Terry Peck seconded to table. A roll call vote was taken. Three members present voted aye, two members present voted nay. Motion carried to table.

**ITEM 4. – Continued Hearings**

None

**ITEM 5. – Old Business**

None

**ITEM 6. – New Business**

None

**ITEM 7. – Adjournment**

DECISION: There being no further business, Mark Kirby 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 9:41 p.m.

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Paul Collett, Jr., Chairman

MINUTES RECORDED BY:

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Traci Smith