

**BLUE ASH BOARD OF ZONING APPEALS**

**NOVEMBER 13, 2007**

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**ITEM 1. – MEETING CALLED TO ORDER**

Acting Chairman John Berry called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Tuesday, November 13, 2007.

MEMBERS PRESENT: Tom Adamec, John Berry and Marc Sirkin

MEMBERS NOT PRESENT: Paul Collett, Jr. and Julie Brook

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 October 8, 2007.

DECISION: Marc Sirkin moved, Tom Adamec seconded the motion to approve the regular meeting minutes of October 8, 2007. A voice vote was taken. All members present voted aye. Motion carried.

**ITEM 3. – 4100 Hunt Road – Melody Wilson, Victory Signs & Lighting (for Kroger)**

Appeal to allow wall signs that exceed the total area permitted on the face of the new Kroger store

PRESENT: Vince Klusty, Appellant

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

Vince Klusty of Victory Signs & Lighting was present for Melody Wilson. They would like to add a 28.70 square feet sign for Starbuck's on the west side of the building. The original sign plan for the store included the maximum area allowed for the building; the size of the walk-up Pharmacy sign was reduced to ensure that signage could be installed before the store opened. Not all Kroger stores have a Starbuck's inside and they feel it is important to have separate exterior signage since Starbuck's is a separate entity within the store.

John Berry asked for clarification on a letter that stated the signage which currently exists on the building exceeds what the Code allows. Dan Johnson said he noted the difference and explained that the Fifth Third sign shown on the plan is different than the sign that was eventually permitted and installed. Also, he said the difference is insignificant because the method used to calculate square footage is based upon the smallest regular geometric shape that encompasses the sign and sign applications rarely maximize the area allowed under this provision.

Tom Adamec asked who determined the placement of the signs. Mr. Klusty said the placement was determined by Kroger's corporate architect and the different store fronts. John Berry noted that the Fifth Third sign is located on the opposite side of where the bank is located within the store.

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John Berry disclosed that he represents Kroger in his job with Cole & Russell Architects and said that he felt he could be impartial regardless of this relationship. No other Board member expressed concern with this.

As there were no further questions Acting Chairman John Berry closed the public hearing portion of the meeting.

**DECISION:** Marc Sirkin moved, Tom Adamec seconded to grant a zoning variance to allow Kroger to install a 28.7 square foot “Starbucks” sign at 4100 Hunt Road as proposed, resulting in total building sign area of approximately 219.39 square feet. A roll call vote was taken. All members present voted aye. Motion carried.

**ITEM 4. – 9485 Wynnecrest Drive – Cecilia M. & Thomas J. Kloecker**

Appeal to allow an open porch to extend into the required minimum front setback

**PRESENT:** Cecilia Kloecker, Appellant

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

Cecilia Kloecker said they would like to extend their front porch and put a cover over it. She said the porch itself will extend 5-feet and the porch cover will extend 6-feet from the house. Dan Johnson said for reference that the Code allows a projection of no more than 3-feet into the yard for the eave, so what they are asking for with the porch, the eave could be up to 8-feet and still be permissible. A variance is not required for the eave, only the porch.

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

**DECISION:** Tom Adamec moved, Marc Sirkin seconded to approve a variance for the covered porch at 9485 Wynnecrest Drive as specified in the application. A roll call vote was taken. All members present voted aye. Motion carried.

**ITEM 5. – 9617 Cooper Lane – Clare & Steven Habeeb**

Appeal to allow an addition and open porch to extend into the required minimum front setback

**PRESENT:** Clare Habeeb, Appellant

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

Clare Habeeb said they would like to make some changes to their home and modernize it. They want to turn their existing living room into a master bedroom and add a bath. To do this they need to tear down the existing porch and bring out the front wall 4.5 feet. She said that all the homes to the south are in the front setback. The front of the house will be stone. The house will actually appear to be smaller from the street. There was general discussion about the front setbacks of other homes on the street. John Berry confirmed that the only thing being voted upon is the front setback.

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Mike Fisher said his mother-in-law is the resident next door to the south at 9607 Cooper Lane and he came to speak on her behalf. He said the stakes marking the corners of the proposed construction are 2-feet closer to the street than is shown on the plans. His mother-in-law's main concern is being able to see down the street to watch for the bus. She thought this additional two feet might affect that. There is also a big tree in Mrs. Habeeb's front yard that blocks the view as well. Mrs. Habeeb said she does not feel the porch will affect the view of the bus, but said she did not care about the tree in the front yard and said she would remove it. The Board members felt the tree was a bigger issue than the porch.

John Berry commended the neighbors on working so well together to come to a common solution. Mr. Berry also commended the applicant for hiring an architect for this project as many homeowners only go to a contractor.

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

**DECISION:** Marc Sirkin moved, Tom Adamec seconded to grant a zoning variance to Clare and Steven Habeeb at 9617 Cooper Lane to allow an enclosed addition and covered porch with a reduced front setback of 45-feet 6-inches with the condition that the large evergreen in the front yard be removed. A roll call vote was taken. All members present voted aye. Motion carried.

**ITEM 6. – MISCELLANEOUS BUSINESS**

John Berry asked about parking boat trailers and mini vans in the front yard, specifically on Brasher. Dan Johnson said he working on a form to show people what the rules are for where you can park, where you can put driveways, etc. In the near future, he will begin sending those to everyplace where he sees there is a problem. Also, he told the Board member that he is working on a packet to send to homeowners with rules for property maintenance, where you can park, where you can put a fence, when you need a permit, and other things that people generally do wrong. Mark Sirkin mentioned a boat that is parked on the south side of Cooper Rd., west of Waxwing. Dan Johnson said that is actually a different problem as that is in the right-of-way and would not be a zoning issue. There was also some discussion regarding parking of recreational vehicles.

John Berry said he has seen sandwich signs on the sidewalk by Incahoots and the salon. Dan Johnson said he has a list of illegal signs and they will all be getting letters shortly.

John Berry asked if anyone has come to the City regarding a noise that he hears at his house that sounds like a hot air balloon right above his house, even with the windows closed, on Brasher. Tom Adamec said it sounds like a release valve and he hears something in his neighborhood as well, he thought it was coming from Toyota on Creek Road. Dan Johnson said he is on the trail of one of those and thinks it is coming from Ethicon. It's something that happens when they are using one of their dryers. Dan Johnson has been talking with the Facilities Manager and was told there is not a solution for solving this, but that this unit is now only used as back-up and should not happen as often as it has in the past.

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**ITEM 7. – ADJOURNMENT**

DECISION: There being no further business, Marc Sirkin moved, Tom Adamec seconded to adjourn the meeting. A voice vote was taken. All members present voted aye. The meeting was adjourned at 7:50 p.m.

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John Berry, Acting Chairman

MINUTES RECORDED BY:

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Traci Smith, Administrative Clerk