

BLUE ASH BOARD OF ZONING APPEALS

September 14, 2009

Page 1

ITEM 1. – MEETING CALLED TO ORDER

Chairman Marc Sirkin called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, September 14, 2009.

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

ALSO PRESENT: Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith, Assistant to the City Manager Kelly Osler and Council Member Stephanie Stoller

ITEM 2. – APPROVAL OF MINUTES

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of July 13, 2009.

ITEM 3. – 4870 Hunt Road – Charleston at Blue Ash (Connor Group)

Appeal of Zoning Administrator's order to remove permanent signs that were installed without a permit

PRESENT: Monte Williams – KAP Signs, Appellant

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

Monte Williams said they interpreted the Code to allow the panels they installed without a permit because they contain only artwork. The City ordered the removal of the panels because it believes that they are signs, because of their location immediately adjacent to the sign that was permitted. The Connor Group hopes that the Board will allow them to remain and believes the panels improve the appearance of the wall and promote a positive community message. Mr. Williams noted that some of the other signage on the property has been removed.

Dan Johnson clarified that the Board needs to determine if the panels are signs or not under this provision of the Code.

Marc Sirkin feels that the panels are advertising because they appear to be tied into the existing sign by shape and proximity. He noted that the wall to which they are attached looks terrible and expressed concern with other entities also advertising in this way.

Julie Brook agreed that the panels are signs and expressed a feeling that the Connor Group has continually "gone beyond what they are allowed" and that this situation is another example of that behavior. In response to a question, Mr. Williams said the panels are digital prints with UV protection and should last 5-7 years.

Terry Peck said it clearly looked like advertising to her and did not want to see this type of advertising throughout Blue Ash.

Paul Collett said he does not find the panels offensive and felt it was an improvement to the property. He does not think it is a unique situation in the City and named a few examples. He feels that the City should have more strict enforcement if it is going to enforce this.

BLUE ASH BOARD OF ZONING APPEALS

September 14, 2009

Page 2

Mark Kirby agreed that they are signs and that they improve the appearance of the wall.

In response to a question, Mr. Johnson said the Board could deny the appeal but also grant a variance to allow the signs to remain, because legal notice was already provided to all appropriate parties relative to the issue.

Dan Johnson mentioned that the Downtown Design Review Committee will also need to review the signs if the Board does grant a variance because they are new signs in the D-1 district.

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

DECISION: Paul Collett moved, Terry Peck seconded to deny the appeal, because the panels are signs, but also to grant a variance allowing them to remain because they improve the general appearance of the property with the condition that the wall itself be cleaned and the appearance be improved within 90 days. A roll call vote was taken. Four members present voted aye, Julie Brook voted nay. Motion carried.

ITEM 4. – MISCELLANEOUS BUSINESS

In response to a discussion of the electronic message sign facing Cross County Highway, Dan Johnson explained that the Code designates review of such signs to the Planning Commission. He said that any complaints should come through him and he will relay them to the Commission.

ITEM 6. – ADJOURNMENT

DECISION: There being no further business, Julie Brook 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 7:39 p.m.

Marc Sirkin, Chairman

MINUTES RECORDED BY:

Traci Smith, Administrative Clerk