

**BLUE ASH BOARD OF ZONING APPEALS**

**May 10, 2010**

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**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, May 10, 2010.

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 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 April 12, 2010.

**ITEM 3. – 11573 Deerfield Road**

Appeal to allow modification to an existing legal, nonconforming sign in an M-4 district

PRESENT: Bernard Clarke, Appellant

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

Bernard Clarke described the history of the parcel, gave an overview of how this sign came to be and showed an exhibit with the location of the sign to the Board members. Gary Franke, counsel for the appellant, said the only proposed change would be the lighting, not the structure or its size. The proposed sign would be internally illuminated.

Marc Sirkin clarified that the proposed sign is an electronic message board. Mr. Franke confirmed and said it is a more attractive sign and that the lighting would only affect the appellant's property and the railroad tracks. It would not affect any neighbors. The City of Blue Ash could benefit by using the sign for Amber Alerts, weather warnings, Ten Most Wanted, etc.

In answer to a question, Bernard Clarke said the electronic messages that would be on the board would include advertising for his business, advertise the sale of property, his house, and land. He said he has a large inventory of landscaping plants that he is desperate to sell and no one knows who or where he is. He does not have any contracts with any emergency agencies in the county at this time. He also said there is a safety issue with people climbing up to change the sign, which the Board members said is the nature of a billboard sign.

Marc Sirkin said in his opinion this is a major structural change going from a traditional billboard sign to an electronic sign and is not routine maintenance.

Dan Johnson explained that the prohibited "structural change" referred to in the Zoning Code is as simple as using different bolts and hangers to connect the sign face to the support structure. The electronic message sign face would be attached to the support structure in a different way than the existing static sign face. He also described what the Code means in terms of a change in copy and routine maintenance.

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He clarified that Mr. Clark would still have the ability to apply to the Planning Commission for approval of the digital messaging center if the Board grants the appeal. That type of sign is not prohibited, but does require approval by the Planning Commission.

The Board must decide if the proposed change constitutes a change in copy or regular maintenance; if so, it should grant the appeal of the Zoning Administrator's decision. Even if the Board agrees that the Zoning Administrator correctly denied the proposed changes to the sign, it could still grant a variance to the Code provisions that would normally limit ground signs (height and total sign area).

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

Marc Sirkin said he feels the type and size of the existing sign is not supported by the current Code and he does not support the appeal.

DECISION: Paul Collett moved, Julie Brook seconded to deny the appeal of the ruling by the Zoning Administrator and uphold the sign regulations of the Code. A roll call vote was taken. All members present voted aye. Motion carried to deny.

**ITEM 4. – Miscellaneous Business**

There was general discussion regarding the Target development, the condition of the SW corner of Plainfield and Reed Hartman Highway, and an update on the proposed Old Pfeiffer Road development that was reviewed by Planning Commission on May 6, 2010.

**ITEM 5. – 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 7:43 p.m.

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Marc Sirkin, Chairman

MINUTES RECORDED BY:

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Traci Smith