

ITEM 1. – MEETING CALLED TO ORDER

Chairman John Berry called the regular meeting of the Board of Zoning Appeals to order at 7:01 p.m. on Monday, April 10, 2006.

MEMBERS PRESENT: John Berry, Paul Collett, Jr., James Jones and Donald Fruechtemeyer

MEMBERS NOT PRESENT: Stephen Robinson

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.

DECISION: Don Fruechtemeyer moved, Paul Collett seconded the motion to approve the regular meeting minutes of March 13, 2006 as amended. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 3. – 1945 CEI Drive – Lackner Sign

Variance to allow more than one sign above the first floor of a multi-story building

PRESENT: John Donaldson, applicant

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

John Donaldson, CEO of Lackner Sign Co., explained the request for a second wall sign for the CEI building to provide better visibility for customers and vendors. They would like to place a non-illuminated sign towards the drive to give people the idea they are headed in the correct direction towards the building. Mr. Donaldson explained there are several approved ground signs to help guide down the drive; one is a tenant identification sign, which identifies other buildings in the area as well, and the other has a directional arrow. He said that being sign professionals, they feel it is important to have the building easily identified when coming down the drive since several turns are taken to actually get to the building.

John Berry asked about the other signs on the property. John Donaldson explained the other signs were retrofits of existing signs. The only other new sign is the additional building sign. Dan Johnson stated that all of these existing signs were approved as part of the original Northmark development. Mr. Johnson noted that the City recently installed street signs on Reed Hartman Highway that point the way to CEI Drive.

Don Fruechtemeyer asked the applicant how important identification from Reed Hartman is versus identification from CEI Drive. John Donaldson said that the identification towards Reed Hartman Highway is more important.

Jim Jones commented that there appeared to be seven signs for one building. John Donaldson said there are five signs around the building and two that are actually off premises. Dan Johnson said that most of the signs are face changes to existing signs. Mr. Donaldson confirmed that all of the signs are illuminated with the exception of the one for which they are requesting the variance.

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

Paul Collett said that this Code was rewritten approximately two years ago and feels the intent of the Code is to limit to one sign above the first floor. Mr. Collett expressed concern that other similar building owners would also want more than one such sign. Jim Jones agreed. Don Fruechemeyer feels this sign code provision should be upheld. John Berry noted that this development already had more signage than the ordinance would normally allow and that the City already changed the street name to CEI Drive.

Don Fruechemeyer noted that once CEI Drive is found, there is no place else to go but to that building.

DECISION: Jim Jones moved, Don Fruechemeyer seconded to deny the variance to 1945 CEI Drive allowing more than one sign above the first floor on a multi-story building. A roll call vote was taken. All members present voted aye. Motion carried to deny.

Chairman Berry explained to the applicant that they have the right to appeal this decision to Council.

ITEM 4. – 4755 LAKE FOREST DRIVE –Chris Dobrozsi

Variance to allow more than one sign above the first floor of a multi-story building

PRESENT: Chris Dobrozsi, applicant
Mark Weber, Von Lehman Company, tenant
Greg Gillott, real estate agent
Walt Lunsford, Raymond James, potential tenant

John Berry advised that The Al Neyer Company is a client of his employer, but that he could be impartial in a decision on this appeal. The other Board members agreed.

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

Chris Dobrozsi explained that he is with Al Neyer Corporation and they finished stage two of this project in November 2005, which is when Von Lehman took occupancy of the building. A Von Lehman building sign has already been approved. A potential tenant, Raymond James, would also like building sign identification. The variance request is for one building sign on the south elevation in addition to the approved building sign on the west elevation.

Mark Weber said that Von Lehman is a long-term business resident of Blue Ash and was a partner with Neyer in constructing this building. As a tenant, Raymond James would actually operate both Raymond James and The Hatton Foundation, which is led by Walt Lunsford. There would also be space for one additional tenant in the building.

Don Fruechtemeyer asked if the other tenant would also expect a sign. Chris Dobrozi confirmed and said they have approval for one on the Lake Forest Drive side above the first floor. Dan Johnson explained that there may be some confusion as to whether or not signage was approved with the building approval. Don Fruechtemeyer recalled that signage was not discussed during the original building approval.

Greg Gillott said that signage is important to Raymond James.

Paul Collett asked about the Corporate Park of Blue Ash covenants and restrictions. Dan Johnson said the City has a history of enforcing the regulations that are imposed on a private basis in terms of deed restrictions or owners association documents in those areas where they exist. Chris Dobrozi said he has contacted the Corporate Park of Blue Ash and was told that the Trustees would call a special meeting to discuss the proposed signs. Mr. Johnson said that he spoke to the Association representative and was told that they had not yet met. Dan Johnson said that the City is under no codified obligation to follow the Corporate Park guidelines, but that there is a history of having done so.

Paul Collett said the Code clearly states there is only one sign permitted above the first story. The Board wants to be accommodating to investors and businesses located in the City of Blue Ash, but that this Code was just adopted in March 2003 and that it reflects the desires of City Staff, Council and everyone who signed off on it. He expressed concern about setting precedent.

Paul Collett asked the applicant if it was possible to combine the two names together in the allowable square footage of the sign. Chris Dobrozi said that had been discussed, but felt it would be confusing to consumers in the area.

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

The Board members were all in agreement that the City of Blue Ash Code takes precedence over property owners associations and that the City was very specific in allowing only one sign per building. Paul Collett pointed out that signage was a major topic when the Code was recently rewritten.

DECISION: Paul Collett moved, Don Fruechtemeyer seconded to deny the request for a variance to allow two building signs above the first floor of a multi-story building at 4755 Lake Forest Drive as it is against Code and find no special circumstance to grant a variance. A roll call vote was taken. All members present voted aye. Motion carried to deny.

Chairman Berry explained to the applicant that they have the right to appeal this decision to Council. The Board generally agreed that it would be a good idea to have Council review this issue.

ITEM 5. – MISCELLANEOUS BUSINESS

Paul Collett asked about construction on Northfield Road. Dan Johnson said the original plan for three townhouses was denied by Council. However, there was enough land to split the lot into four parcels, which was approved administratively.

ITEM 6. – ADJOURNMENT

DECISION: There being no further business, Don Fruechtemeyer moved, Paul Collett seconded to adjourn the meeting. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:03 p.m.

John Berry, Chairman

Stephen Robinson, Secretary

MINUTES RECORDED BY:

Traci Smith, Administrative Clerk