

**BLUE ASH BOARD OF ZONING APPEALS**

**MAY 8, 2006**

Page 1

**ITEM 1. – MEETING CALLED TO ORDER**

Chairman John Berry called the regular meeting of the Board of Zoning Appeals to order at 7:02 p.m. on Monday, May 8, 2006.

MEMBERS PRESENT: John Berry, Paul Collett, Jr. and Stephen Robinson

MEMBERS NOT PRESENT: James Jones and Donald Fruechtemeyer

ALSO PRESENT: Assistant Community Development Director Dan Johnson and Administrative Clerk Traci Smith

**ITEM 2. – APPROVAL OF MINUTES**

As Steve Robinson was not at the meeting on April 10, 2006, there was not a quorum in attendance to approve the minutes. Approval of April 10, 2006 minutes will be done at the next regular meeting.

**ITEM 3. – FLORENCE AVENUE – John Post**

Variance for reduced front setbacks on four residential lots on the north side of Florence Avenue between Kemper and Centennial Avenues

PRESENT: John Post, applicant

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

John Post said that six single-family lots were approved on Florence Avenue as part of the Shoppes of Hazelwood development plan. Two of the houses are already under construction and comply with the setback requirements. The request for smaller setbacks is to save some existing trees in the rear yards and to allow for more usable back yards where the lots contain a landscaping berm between the houses and the commercial development on Cornell Road. Mr. Post noted that none of the existing houses in the vicinity comply with the 40-foot front setback.

Paul Collett asked about moving the berm towards the commercial development. John Post said that required handicapped accessible sidewalks and storm sewers at the rear of the commercial buildings prevent moving the berm.

Paul Collett asked about the 30-foot setback requested on the side yard along Kemper Avenue. Dan Johnson explained that the Code would require a 40-foot side setback and that the lot was wide enough to meet the requirement. John Post said he was under the impression they would get some relief on the side setback due to it being a corner lot. Mr. Johnson explained that the front yard requirement applies to any lot line that abuts a street.

Steve Robinson stated that the trees, although large, are in pretty bad shape and doubts they would all survive after construction. Mr. Robinson asked if the applicant had considered replacing the trees with new landscaping. John Post said the trees would be trimmed to try to preserve them. Whether or not the trees are saved, however, he likes the idea of varying the front setbacks to provide variety and to improve the backyards of the new houses.

BLUE ASH BOARD OF ZONING APPEALS

MAY 8, 2006

Page 2

Steve Robinson said that the home shown on the plans covers almost the entire buildable area of the lot, and asked if a smaller home was considered. John Post answered that the buyer requested that home for one of the houses under construction.

Paul Collett expressed concern about granting a front yard setback variance that will permit a larger building footprint. He does not have a problem with a 35-foot setback, but would like a commitment that the building will not be larger than would otherwise be permitted. Dan Johnson commented that a greater setback in the rear could be required so the building footprint would not be any larger, just shifted forward on the lot. John Post said that would work for him.

John Berry asked if decorative fencing or landscaping could be used for screening in place of the berm, since the berm takes up a lot of rear yard area. John Post said it was required by the Board when approved. Dan Johnson said he does not believe it was requested by Planning Commission or Council to put in the berms, but that it was approved that way because it was shown on the plans. Mr. Post said it is located where it is because of the handicapped accessible sidewalks and storm sewers.

John Berry said that a nice landscaped berm is typically a nicer alternative than a fence, but that its impact on the rear yards is more apparent now that the homes are under construction. Mr. Berry said that if the berm was replaced by something more appropriate for residential, such as fencing or plantings, the homes would be more marketable and be able to meet the required front setbacks. Paul Collett agreed and did not feel comfortable with the buffering being in the residential section.

Steve Robinson said he is not as concerned with the reduced front setback as he is with overbuilding the lots. He said it would be more acceptable if it were approved with the condition of an increased rear setback.

John Post said he would check into moving the sidewalks closer to the commercial buildings, which would allow the storm sewers to be moved and perhaps allow a smaller berm with more plantings. The Board members agreed that would be a better solution.

Paul Collett asked if there were plans for sidewalks. Dan Johnson said he was not aware of any City plans, but that any public sidewalks would be in the right-of-way, which would not affect the setback requirements.

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

**DECISION:** Steve Robinson moved, Paul Collett seconded to approve the following variances at lots 2, 3, 5 and 6 on the plan for residential units on Florence Avenue between Centennial Avenue and Kemper Avenue as follows: Lots 2, 3, 5 and 6 will be permitted a 35-foot front setback from Florence Avenue, and Lot 6 will be permitted a 25-foot setback from Kemper Avenue subject to the following conditions:

1. That Lots 2, 3, 5 and 6 have a minimum 30-foot rear yard setback
2. That substantial construction on all lots begin within 12 months or the approval is void

A roll call vote was taken. All members present voted aye. Motion carried.

**BLUE ASH BOARD OF ZONING APPEALS**

**MAY 8, 2006**

Page 3

**ITEM 4. – MISCELLANEOUS BUSINESS**

No miscellaneous business to discuss.

**ITEM 5. – ADJOURNMENT**

DECISION: There being no further business, Steve Robinson moved, Paul Collett seconded to adjourn the meeting. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:05 p.m.

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John Berry, Chairman

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Stephen Robinson, Secretary

MINUTES RECORDED BY:

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Traci Smith, Administrative Clerk