

BLUE ASH BOARD OF ZONING APPEALS

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**ITEM 1. – Meeting Called to Order and Roll Call**

Chair Mark Kirby called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, October 13, 2014 and requested a roll call.

MEMBERS PRESENT: Mark Kirby, Tricia Downing and Joe Hoelker

MEMBERS NOT PRESENT: Terry Peck and Scott Miller

ALSO PRESENT: Community Development Director Dan Johnson 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 September 8, 2014.

Chair Kirby swore in all those in attendance wishing to testify for any of the agenda items and gave a brief overview of the Board of Zoning Appeals.

**ITEM 3. – New Hearings**

**a. 11124 Huntwicke Place – Thomas and Kathleen Sperber**

Appeal to allow reduced rear setback

PRESENT: Mark Dunkley – Appellant

Mark Dunkley of Mark Dunkley Architecture & Design said Thomas and Kathleen Sperber would like to put an addition to the rear of their residence to add a spa room for physical therapy. The back yard is challenging due to the sloped topography and they would like to increase the space of the back yard by extending the retaining wall. The house is currently approximately 31-feet from the rear property line. The proposed addition would be approximately 4-feet from the rear property line. He said this was an unusual lot with the way the rear property lines come together in a pie shape. The distance from the edge of the proposed rear addition and other houses would be in the 130-foot range. Their proposal would extend the existing gable roof straight back with no height change. The addition would match the existing architecture of the house.

In answer to a question, there are approximately three trees close to the property line that would need to be removed.

Chair Kirby opened for public comment.

Pradeep Darikoo of 4354 Chidester Lane asked how far the retaining wall will be from his property. Mr. Dunkley pointed out the retaining location and said it would be at the property line.

Since there were no additional comments, Chair Kirby closed public comments.

Dan Johnson pointed out a couple items that were mentioned in the appeal application regarding the rear yard depth and the other was the height of the retaining wall. Mr. Johnson noted that the proposed height of the retaining wall is not set in stone, so if the Board finds it acceptable, then it could address it by approving the appeal with “as submitted” in the motion.

DECISION: Tricia Downing moved, Joe Hoelker seconded to approve the application for Thomas and Kathleen Sperber at 11124 Huntwicke Place as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

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**b. 9475 Bluewing Terrace – Christine Weber**

Appeal to allow reduced side setback

PRESENT: Donald Schehr – Appellant

Don Schehr of Schehr Design said Christine Weber is proposing to put an addition on the side of her house to create a first floor master bedroom with handicap accessible bathroom and bedroom for Mrs. Weber’s mother to move in with her. Also, at a later date, Mrs. Weber could “age in place” and remain in her home. They are proposing a 15-foot addition and asking for reduced side setback of 10-feet. The roof lines will be maintained and the materials will match existing structure.

In answer to a question, Mr. Schehr clarified that the original plans had an incorrect 15-foot dimension, which should have been 10-feet.

Chair Kirby opened for public comment.

Ruth and Ed Rath, 9489 Bluewing Terrace, were unsure where the addition was going and were concerned about the evergreens. Mr. Schehr showed them where they were proposing the addition. He pointed out that the evergreens are on Mrs. Weber’s property and would need to be removed or cut back to do the addition.

Christine Weber said she is hopeful the variance would be approved. She explained the background of the project and told Mr. and Mrs. Rath any trees that might get damaged would be replaced to maintain privacy.

Since there were no additional comments, Chair Kirby closed public comments.

Tricia Downing said she would like the landscaping to be preserved as much as possible.

DECISION: Joe Hoelker moved, Tricia Downing seconded to approve the application for Christine Weber at 9475 Bluewing Terrace with the condition that if existing vegetation is damaged it will be replaced in kind. A roll call vote was taken. All members present voted aye. Motion carried to approve.

**c. 4640 Creek Road – Home 2 Suites**

Appeal to allow a reduced front setback

PRESENT: Gary Frank – Appellant  
Jiten Patel, Owner

Gary Frank of Architectural Group III said the existing Hampton Inn is proposing to update to a Home 2 Suites, which is an extended-stay product from Hilton. Mr. Patel is building a new Hampton Inn on Creek Road near Kenwood Road and needs to update the old one. It was decided it would be better to convert to the Home 2 Suites instead of updating the Hampton Inn. The franchise wants to bring Home 2 Suites into the community and they have approved the license for Mr. Patel. This would be the first Hampton to Home 2 conversion in the country. Extended stay hotels typically have additional suites and larger rooms, so they are proposing to put 84 rooms and suites into the existing 80 room property. The project would cost approximately \$4 Million on this expansion. To accommodate this expansion, they are requesting a 22-foot setback instead of 50-foot with a heavily planted landscape barrier.

Mark Kirby asked about the building being extended into the hillside and how it would affect the grade with the retaining wall. Mr. Frank said they would pull up the existing topsoil to the front and re-slope down. He said it is not much further than the sloped area, even though he has not stepped it off exactly. They would continue the heavy tree line to give it a buffer to the street.

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Mr. Frank said this addition would be to the west as the property line to the east has almost been maxed out. Dan Johnson confirmed there are no minimum side setbacks since it abuts the same zoning district.

Tricia Downing asked how many rooms would be lost if they had to keep the west setback. Mr. Frank said they would lose six rooms. From a marketing standpoint, he said the Home 2 Suites operate better in the 90 room count range and the owner was hoping to keep room count as high as possible. Mr. Frank said that the franchise requires a down payment by the franchisee and also requires a certain room mix. The license was approved for a certain number of rooms, so they would have to request a modification should the number of rooms change.

Joe Hoelker asked about parking requirements. Mr. Frank said the parking lot remains as is since their franchise requirement is one space per room. Dan Johnson said the zoning requirement is also one space per room and one additional space per commercial area. Commercial area is undefined, but he interprets that as spaces being occupied by someone who is working there and not staying there. That information was not provided, so he will look for that in a plan for permit and would be up to them to ensure they can make that minimum requirement. Mr. Frank said rarely does the hotel fill to 100%.

There was general discussion regarding the landscape buffer. Dan Johnson said a landscape plan would need to be approved for the site and there is a minimum requirement for deciduous trees to be a minimum of 4-inch caliper and a minimum of 8-foot at time of planting for evergreens. He would also be looking for a low evergreen bush along the outside wall since that is a requirement of the Code. Mr. Frank said they would do foundation plantings and also extend the sidewalk to the sidewalk on Reed Hartman Highway.

In answer to a question regarding precedent, Mr. Johnson said the only area where he is aware of on Reed Hartman Highway where the City has granted a variance to the front setback is the Oncology Hematology building.

Chair Kirby open for public comment. Seeing none, public comments were closed.

Joe Hoelker said he has concerns with the whole area.

Mark Kirby said he has a concern with setting precedent as there is not much intrusion into the front setback elsewhere along Reed Hartman. Ms. Downing said that was her concern, as well.

Dan Johnson explained the Board's options for approving a variance, but less than what the appellant sought. However, the Board was not sure what a reduced amount should be and were in agreement that amount would need to be determined by the applicant.

DECISION: Joe Hoelker moved, Tricia Downing seconded to deny the application for 4640 Creek Road. A roll call vote was taken. All members present voted aye. Motion carried to deny.

**d. 4030 Plainfield Road – Walnut Creek Limited Partnership**  
Appeal to allow more residential unit density than otherwise permitted

PRESENT: Michael Heines, Developer

Michael Heines of JAE Capital is the developer building condos on Plainfield Road and in the process of purchasing a landlocked area from Walnut Creek Apartments to build additional units, since the first phase is sold out. They are working with Walnut Creek

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to improve the entrance on Georgetown Road with landscaping in return for providing access to the landlocked property. The land they are purchasing from Walnut Creek is the location of the old tennis court and pool, which was filled in years ago. With the purchase of this property, Walnut Creek will be losing area which would result in an increase of unit density just over the maximum of 11-units per acre.

Dan Johnson said the difference would be almost invisible since the area is already developed. The only measurable result may be that, by increasing the allowable density at Walnut Creek, it would allow a higher density development by Mr. Heines. From a zoning perspective, they would be allowed to build more units in this overall area than they would otherwise be able to do. However, if all three of the developments shown on the map were one, it would be below the allowable unit density for that same amount of area in the R-4 district. Based on the reception by Planning Commission and City Council on the first phase, he does not expect this to cause any problems.

Chair Kirby opened for public comment.

Bruce Forrester, president of the corporate general partner to the limited partnership that owns Walnut Creek, feels this would be a very nice addition to the community and supports the development.

Adam Simon, one of the limited partners in Walnut Creek, said he is also in agreement with the proposed project. They are currently evaluating improvements to the Walnut Creek property and will tie in some of their improvements with the development in terms of asphalt, landscaping, and new signage.

As there were no further comments or discussion by the Board, Chair Kirby closed public comments and entertained a motion.

DECISION: Tricia Downing moved, Joe Hoelker seconded to approve the appeal for Walnut Creek Limited Partnership at 4030 Plainfield Road as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

**ITEM 4. – Continued Hearings**

None

**ITEM 5. – Old Business**

None

**ITEM 6. – New Business**

Dan Johnson encouraged the Board to attend the Planning & Zoning workshop in Dayton in December or in Cincinnati in January and advised that the City will pay for them to attend. He will forward the information when the specific dates are determined.

**ITEM 7. – Adjournment**

DECISION: There being no further business Tricia Downing moved, Joe Hoelker seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:08 p.m.

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Mark Kirby, Chair

MINUTES RECORDED BY:

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Traci Smith