

**BLUE ASH BOARD OF ZONING APPEALS**

**DECEMBER 11, 2006**

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**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, December 11, 2006.

**MEMBERS PRESENT:** John Berry, Julie Brook, Paul Collett, Jr. and Marc Sirkin

**MEMBERS NOT PRESENT:** James Jones

**ALSO PRESENT:** Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith and Council Member Henry Stacey

**ITEM 2. – APPROVAL OF MINUTES**

The Board waived the reading of the minutes of August 14, 2006 and November 13, 2006.

**DECISION:** Paul Collett moved, John Berry seconded the motion to approve the regular meeting minutes of August 14, 2006. A voice vote was taken. All members present voted aye. Motion carried.

**DECISION:** Julie Brook moved, Marc Sirkin seconded the motion to approve the regular meeting minutes of November 13, 2006. A voice vote was taken. All members present voted aye. Motion carried.

**ITEM 3. – 11109 KENWOOD ROAD – Stephen M. Griffith, Jr.**

Appeal of Zoning Administrator's decision denying a permit for a budget Rent a Car System, Inc. office at this location, in the M-1 zoning district.

**PRESENT:** Stephen M. Griffith, Jr., Taft, Stettinius & Hollister, applicant  
John C. Rickert, owner  
Stephen Ford, contractor  
Bill Madden, Avis Budget LLC, tenant representative

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

Steve Griffith introduced those present and described the proposed land use and its location. He noted that he believes that it is primarily an office use and that the lease would limit the operation to no more than 4 four cars along Kenwood Road and no more than 16 at the rear of the lot. He described that the cars would be brought from CVG on a daily basis, which is the primary storage and maintenance location for Budget's rental cars in the Cincinnati region. He stated that this use would be indistinguishable from the other office/warehouse uses in the building and that the automobile use contemplated in the M-4 district is intended to describe auto dealerships, not rental agencies like the one proposed.

John Rickert described the other tenants in the building and improvements that have been made since his group purchased the property. Bill Madden described Budget's intended operations for this location and noted that it would be the northern Cincinnati Regional Office.

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In answer to a question from the Board, Steve Ford explained that the fuel storage noted on the construction drawings was to handle potential leakage from cars, not to dispense fuel. He discussed the requirements of the Building and Fire Codes relative to fuel storage.

Bill Madden explained that no service, reconditioning, or fueling would be done on-site.

Dan Johnson explained that leasing and storage of vehicles is what is prohibited in this zoning district, which is different from a company using vehicles for its own business. He explained that the Board must decide whether he interpreted the Code correctly and that the Board could also choose to issue a variance to permit the use. He suggested that any decision of the Board should be related to the zoning issue, not Building or Fire Code issues.

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

The Board discussed the potential success of the proposed use and the risk that the allotted parking amounts would be difficult for the City to monitor.

**DECISION:** Marc Sirkin moved, Paul Collett seconded to overturn the denial of the Building Permit and grant a variance to allow a Budget Rent A Car operation based on ambiguities in the Code and with the conditions that there is no internal vehicle storage when the business is not open and supervised, no maintenance of vehicles in the building, limiting parking to no more than 20 on-site spaces (4 in front and 16 in the rear), and with the landlord responsible for making sure that the other businesses have adequate parking in front of their entrances. A roll call vote was taken. All members present voted aye. Motion carried.

**ITEM 4. – MISCELLANEOUS BUSINESS**

In answer to a question, Dan Johnson noted that the billboard sign along I-71 is still in court.

**ITEM 6. – ADJOURNMENT**

**DECISION:** There being no further business, Marc Sirkin moved, Julie Brook seconded to adjourn the meeting. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:33p.m.

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John Berry, Chairman

**MINUTES RECORDED BY:**

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Dan Johnson, Assistant Community Development Director