

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

January 4, 2012

Chairman Ron Siciliano called the Board of Zoning Appeals hearing to order at 6:00 p.m. at the Fairfield Municipal Building, 5350 Pleasant Ave.

Roll Call:

Lynda McGuire, Secretary, called the roll of the Board of Zoning Appeals. Present members were Ron Siciliano, Joseph Koczeniak, Chad Oberson, Don Carpenter, Scott Lepsky and Jack Wessler. Mike Stehlin, Plan Examiner and John Clemmons, Law Director were also present.

Pledge of Allegiance

Minutes of the Previous Meeting:

The minutes from the Board of Zoning Appeals meeting held on December 7, 2011 were approved as submitted. Motion carried 6-0.

Old Business:

Case No. BZA-11-0032 – Promotional banner as awning, proposed signage exceeds total allowable – 1131 Magie Ave.:

Alan Hudson, D. C. requested the variance remain tabled for this meeting.

Mike Stehlin informed the board that in the mean time, the banner has been removed. The applicant is planning on having a frame built and having the banner reinstalled at that time. Mr. Stehlin will contact the applicant and ask for the proposed plans prior to installation of the sign.

New Business:

Case No. BZA-11-0034 – Less than the required screening/buffering in R-1 zone – 4525 River Rd.:

Billy Brown, for East River Rd. Baptist Church, is requesting a variance in relation to a 20 foot horizontal buffer between the church parking lot and neighboring residential properties.

STR indicated that vertical screening is required and curb cuts must resemble those on the submitted plan. They also suggest that implementation of the vertical screening in the front yard of the neighbor could be problematic, but suggest that vegetation could be used as screening in the front yard, while the side and rear could have privacy fencing. The screening is not shown on the submitted plan.

Property Owner's Comments:

Billy Brown, for East River Rd. Baptist Church spoke regarding the variance. Currently, parking is very tight. The new lot is necessary to increase the size of the lot and spaces. The distance to the neighboring property line will be 5 feet in the corner, and will angle out to the required 20 feet at the back, except for a turn around area. He contacted the adjoining neighbor, and provided the board with a letter of their approval of the project. The lot will mainly be used on Sunday mornings, 9:30 am to 1:30 pm. There is no preschool or daycare available during the week. Ron Siciliano asked if they recently added on to the church. They recently added on a second floor, but Mr. Stehlin said he didn't think the second floor increased capacity. The church has 225 members. Mr. Siciliano said he sees hardship on the congregates in this case. There was discussion on the required vertical screening; the issue never came up in this case until STR commented on it. The six foot vertical screen could be fencing, shrubbery, etc. There was discussion regarding the other lots that adjoin this one. Someone asked if everyone within 200 feet of the parcel received a letter regarding the case. A letter was sent to everyone within a 200 foot radius. There was discussion regarding enlarging the

parking lot east toward River Rd., instead of west, but it was determined that because of the incline to the east of the existing parking lot, expansion could prove expensive, and there may be issues with underground utilities. Mr. Brown indicated that they could expand 10 to 15 feet east, as well as adding the proposed parking lot. They will have an architect look at the lot before the final submission. Chad Oberson said he thought the expansion would increase the size of the parking spots more than it would increase the number of parking spots. Mr. Brown said there wasn't much else that could be done with the parcel in question, because it was in a flood area. He also said if they wanted to expand the sanctuary, they would have to extend into the area east toward River Rd. Mr. Siciliano addressed the screening to Symmes Rd. Mr. Brown wants to leave the screening up to the neighbor. Scott Lepsky said screening could be required as determined by staff.

Public Hearing:

David Roth, 4451 River Rd., spoke regarding the variance. He lives in the house north of the church. He wasn't sure how the additional parking lot would affect his property, since the lot affects the south and west of the church. There are no problems currently, but he would rather see greenery as screening than a fence. There will be no impact on his property at all.

Board Re-Convened:

Jack Wesseler asked if they were planning on any additional lighting in the new parking lot. There is no additional lighting proposed.

Chad Oberson, seconded by Don Carpenter, made a motion to approve the variance with a provision that staff deal with the screening issue between the proposed parking lot and the house to the east of the proposed lot, and that landscaping be installed as shown on the submitted site drawing. Motion carried 6-0.

Case No. BZA-11-0035 – Electronic Message Display Sign – 1249 Symmes Rd.,

Wallace Miller, for Bible Baptist Church, is requesting a variance to install an Electronic Message Display Sign on the church property.

STR commented as follows: If the proposal was for a single color sign, subservient to the main sign, it would qualify as a Variable Message Reader Board, and would be allowed in the B-1 zone with at least 150 feet of frontage. But, the proposed multi color non subservient sign is classified by our zoning code as an Electronic Message Display Sign, and is not allowed in the B-1 zone. The other two churches in Fairfield with these signs are Rolling Hills Baptist on Pleasant Ave, which has a single color subservient sign that required a variance because of it being located in the R-1 zone, and Tri-County Assembly of God, which is in a C-3 zone and has the required 500 feet of frontage, but would have required a variance because the full color electronic signs are only allowed at shopping centers. STR feels this sign would be precedent setting for the B-1 zone.

Property Owner's Comments:

Wallace Miller, for Bible Baptist Church, spoke regarding the variance. He handed out three examples of the type of sign they are interested in installing, which are located at Diplomat Village, Harley Davidson and Tri-County Assembly of God. The zone that the church is located in requires their sign to be far off of Symmes Rd. They would like the sign to communicate in a more up to date fashion. Mr. Siciliano said the sign ordinance was redone a few years back, and some of the areas are outdated because of how quickly technology moves. Some of the signs that were listed in the handout that Mr. Miller provided were installed pre-ordinance. Some of the examples were allowed with no variance, because they met the requirements. There was discussion regarding the pictures of the proposed sign. The letters on the sign will change no more than every seven seconds, and there will be graphics, but not video. They are a new church and feel they need to get the word out to the public. Mr. Oberson feels that they are penalizing someone who wants to spend more money on a sign. He is more concerned about the location of the sign. He feels single color signs will not be purchased in 10 years. Mr. Miller clarified that the sign has to be 2 feet out of the right of way, and the proposed sign location is allowed. The right of way is wider in that area to accommodate future expansion of Route 4. Scott Lepsky said that everyone who worked on the sign ordinance came together and

spent many hours on the new ordinance. The fact that it hinders technology in specific zoning districts was intended. He is leery of varying from what was agreed upon by that group. He will, however, agree to entertain a variance on a larger sign or single message board. Mr. Miller feels they are at a disadvantage to drivers on Symmes Rd, and the church is not located in a place where there are a lot of competing businesses. Mr. Lepsky said if he wants to buy the multi color sign now, he recommends using the single color on the sign for now, and if the ordinance changes to allow multi color, the technology is already there. Joseph Kozeniak said he doesn't want to see these types of signs going up everywhere either; it will set the precedence for future businesses who want these signs. He doesn't want that type of technology to overwhelm the city, and if you say yes to one person, how do you say no to someone else. There was discussion regarding different zoning areas in the city. Mike Stehlin said he understands these signs are becoming more popular because they are more affordable now. Mr. Kozeniak clarified that if the top portion of the sign was larger than the bottom of the sign and it was one color, they wouldn't need a variance. Mr. Oberson said the monochromatic signs are what are allowed. Mr. Miller intends to have graphics on the sign, but no animation. Mr. Lepsky said he will not approve this variance, but encourages him to discuss the issue with Development Services to come up with a sign size and type that would be allowed by code. Mr. Miller asked if the multicolor is the problem. There was discussion on what is and what is not allowed with the sign and whether or not he would need a variance. The letters have to be monochromatic. There was discussion on the definition of monochromatic in relation to signs. The letters are one color and the background is one color on a monochromatic sign.

Public Hearing:

There was no comment from the audience.

Board Re-Convened:

Don Carpenter, seconded by Jack Wessler, made a motion to approve a monochromatic Variable Message Reader Board, with the text color to be chosen with direction from the Building Department, the same size as what was submitted. Motion carried 6-0.

Adjournment:

Scott Lepsky, seconded by Jack Wessler, made a motion to adjourn. Motion carried 6-0.

Ron Siciliano, Chairman

Lynda McGuire, Secretary