

FAIRFIELD BOARD OF ZONING APPEALS  
FAIRFIELD MUNICIPAL BUILDING  
5350 PLEASANT AVENUE  
FAIRFIELD, OH 45014

**AGENDA**

11/5/14

Roll Call

Pledge of Allegiance

Approval of Previous Meetings Minutes:

-October 1, 2014 Meeting Minutes

**Old Business:**

**Case No. BZA-13-0014 – Review of Outdoor Seating Variance– 22 Donald Dr.:**

A variance request submitted by Scotty's Pub, for the property located at 22 Donald Dr., lot no. PT 10423 in the C-3 zoning district.

On May 7, 2014, the Board of Zoning Appeals approved, with conditions, a variance for outdoor dining. The conditions were as follows:

1. ADA accommodation for wheelchair access on the sidewalk must be provided.
2. Proposed fencing must be decorative.
3. No outdoor music is allowed.
4. Variance is for this owner only.
5. **Variance is to be reviewed in 6 months.**

**Case No. BZA-14-0006 – Review of Outdoor dining and music variance – 7121 Dixie Hwy.:**

A variance request submitted by Kevin Brandt, for Buzzard Bay, for the property located at 7121 Dixie Hwy., lot no. 9699 in the C-3 zoning district.

On April 2, 2014, the Board of Zoning Appeals approved, with conditions, a variance for outdoor dining and music. The conditions were as follows:

1. Live Outdoor Music is approved Monday-Thursday 5 pm to 9 pm, Friday 5 pm to 12 am, Saturday 1 pm to 12 am and Sunday 1 pm to 9 pm. From April 1 to Memorial Day, and Labor Day to November 1, outdoor music is allowed on weekends only. The day before a holiday and the holiday will follow the Saturday-Sunday schedule. Other broadcasts/piped speaker music will be allowed all year round.
2. Outdoor Service is approved Sunday-Thursday until 11 pm and Friday and Saturday until 1 am.
3. Applicant must keep rear of building well lit and maintained.
4. Property Owner must repair fence between the condo and the restaurant.
5. Any and all outdoor music/broadcasts must be kept at a reasonable volume level so as not to disturb neighbors, paying particular attention to the bass level.
6. **Variance will be heard for review at the November 5, 2014 Board of Zoning Appeals meeting.**

**Case No. BZA-14-0013 – ~~Multiple variances relating to a variable message reader board sign~~ Off site sign, modification to existing non-conforming pole sign– 4785 Factory Dr.:**

A variance request submitted by International Car Service, for the property located at 4785 Factory Dr., lot no. 3870 in the M-2 zoning district. **The applicant is no longer asking to install a variable message reader board sign and some of the original variances no longer apply.**

Variance 1. Section 1187.08(n) of the zoning code only allows variable message reader board signs on "...parcel(s) having 200 linear feet or greater of lot frontage." This lot has 81 feet of frontage. **-NO LONGER APPLIES PER SIGN PLAN SUBMITTED BY OWNERS**

Variance 2. Section 1187.02 defines a “Variable message reader board” as...”a permanent sign which is displayed in a series of **monochromatic** lights that can be changed electronically by remote or automatic means. No message, graphic, display or part thereof shall be visible for less than seven (7) seconds.” In a letter to the Board of Zoning Appeals, the applicant has stated that the sign is a “3 color sign Red, White and Blue.” - **NO LONGER APPLIES PER SIGN PLAN SUBMITTED BY OWNERS**

Variance 3. Section 1187.08(c)(1) states “Freestanding signs shall be limited to fifty percent (50%) of the total sign area allowed to the business.” The proposed variable message reader board exceeds 50% of the total sign area allowed to this business. – **NO LONGER APPLIES PER SIGN PLAN SUBMITTED BY OWNERS**

Variance 4. Section 1187.08(c) allows pole signs only on properties with over 200 feet of street frontage. The existing pole sign is a non-conforming sign and requires Board of Zoning Appeals approval for any modifications.

Variance 5. Section 1187.05(d)(1) states “Freestanding and ground signs shall: Only identify the name, address and phone number of the building or occupant, or the principal uses of the premises and design trademarks and may identify products or services sold on the premises where the sign is located.” The proposed sign will not be located on the property where the business is located.

**New Business:**

**Case No. BZA-14-0028 – Roof in front yard setback – 6176 Bartel Dr.:**

A variance request submitted by James Hardman, for the property located at 6176 Bartel Dr., lot no. 3361 in the R-0 zoning district.

Section 1147.05(a) of the zoning code requires a 30 foot front yard setback. The applicant is requesting a variance to construct a covered front porch, which will extend 7 feet into the front yard setback.

**Case No. BZA-14-0029 – Use Variance to operate used car dealership/car repair in the M-2 zoning district – 3120 Production Dr.:**

A variance request submitted by Michael E. Jacobs, Esq., authorized agent, for the property located at 3120 Production Dr., in the M-2 zoning district.

A used car dealership is not a permitted use in the M-2 zoning district. The applicant is requesting a use variance. Section 1137.08(a) of the zoning code in reference to a use variance states “No use variance shall be authorized by the Board of Zoning Appeals unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

- (1) The requested variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (2) The hardship condition described in Section 1133.01(86) is not created as a result of actions by the applicant;
- (3) The granting of such variance will not adversely affect the rights of adjacent property owners;
- (4) The granting of such variance will not adversely affect the public health, safety or general welfare;
- (5) Such variance will be consistent with the general spirit and intent of the Zoning Code;
- (6) The variance sought is the minimum which will afford relief to the applicant; and
- (7) There is no other economically viable use which is permitted in the zoning district.”

lkm

cc: Arthur Pizzano, City Manager  
Alisha Wilson, Clerk of Council (9)  
Timothy Bachman, Development Services Director  
BZA Members (7)  
BZA File