

MINUTES OF THE  
FAIRFIELD BOARD OF ZONING APPEALS

April 4, 2012

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, Debbie Pennington, Joseph Koczeniak, Scott Lepsky and Jack Wessler. Mike Stehlin, Plan Examiner and Steve Wolterman were also present. Motion to excuse Chad Oberson and Don Carpenter carried 5-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The discussion from the April BZA meeting regarding Hot Head Burrito and their signage was not included in the minutes. Mr. Wolterman said it did not have to be included, because it was not on the agenda and there was no formal motion to discuss.

The minutes from the Board of Zoning Appeals meeting held on April 4, 2012 were approved, with a correction to 24 ft, from 24 sq ft, on case number BZA-12-0006. Motion carried 5-0.

Chad Oberson arrived at 6:05 pm.

Old Business

NONE

New Business

**Case No. BZA-12-0007 – Porch in front yard setback – 6654 River Rd.:**

Gary Pendergrass is requesting a variance to construct a front porch, which will extend 8 ft into the front yard setback.

STR had no comment.

Property Owner's Comments

Gary Pendergrass, owner, spoke regarding the variance. His house faces west, and the heat from the sun makes the house very hot. He would like to construct the covered porch to shade some of that sun off of the front of the house. The covered porch will be the same size as the concrete pad already poured. Mr. Siciliano said the porch will not impede vision at all, and he did not have any issues with it. He thinks it is an improvement to the house. Mr. Stehlin clarified that the variance was on the setback only. The porch will not be enclosed; it will be open with a railing. The roofline will blend in with the existing roof. Jeff Neal, contractor, spoke regarding the variance. He said if this variance is approved, there are neighbors who may be interested in the same sort of porch.

Public Hearing

NONE

### Board Re-Convended

Scott Lepsky, seconded by Debbie Pennington, made a motion to approve the variance on the condition the shingles and building materials match the existing house. Motion carried 6-0. Request to waive the five day waiting period carried 6-0.

### **Case No. BZA-12-0008 – 4 foot fence in front yard – 7526 Tollgate Ct.:**

Amy Gamble is requesting a variance to install a 4 foot fence in the front yard of the property.

STR commented that only split rail or vinyl fences are allowed per PUD requirements.

### Property Owner's Comments

Amy Gamble spoke regarding the variance. She is selling the property and the potential buyers want to keep kids and animals safe and fenced in. There are semi trucks that drive through, directly behind the house. She plans to install a vinyl split rail fence, which will meet the requirements of the PUD. Mr. Siciliano said he would like to see some consistency in the fences that are approved in that subdivision; he wants them to line up with each other. Mr. Stehlin noted that existing approvals for fences in this subdivision have been approved at 2 feet from the right of way line.

### Public Hearing

NONE

### Board Re-Convended

Chad Oberson, seconded by Scott Lepsky, made a motion to approve the fence, on the condition that it lines up with the neighboring fence and is constructed of materials consistent with the PUD requirements. Motion carried 6-0.

### **Case No. BZA-12-0009 – Accessory building over 500 sq ft – 691 Wyoming Ave.:**

Rick Helsinger is requesting a variance to construct a 768 sq ft detached garage.

STR had no comment.

### Property Owner's Comments

Rick Helsinger spoke regarding the variance. He wants to build a 24 x 32 detached garage. He currently has a single carport converted into a garage, and he is downsizing from a 3 car garage. Mr. Siciliano asked if the existing garage was 2 two car garage. It is a one car carport that was converted into a garage over 40 years ago. There was discussion on location of the garage. The proposed garage does not exceed the 35% rear yard requirement and will match the existing house. Mr. Wolterman asked if the house was going to be a rental or if he was moving into it. He will be moving into it when the remodeling is done on the inside. Mr. Siciliano stated for the record he was only approving the garage because he has enough square footage in the yard to build 2 garages under 500 sq ft.

### Public Hearing

NONE

### Board Re-Convended

Scott Lepsky, seconded by Jack Wessler, made a motion to approve the variance as submitted. Motion carried 6-0.

**Case No. BZA-12-0010 – Sign exceeds height limit and type – 6140 Pleasant Ave.:**

Carpet Discounters is requesting a variance to construct a Variable Message Reader Board sign, which will exceed the height limit.

STR recommended landscaping around the base of the sign. Mr. Stehlin stated that if the property had 200 feet of frontage, neither variance would be required. They are removing their existing non-conforming sign.

Property Owner's Comments

Ron Hawn spoke regarding the variance. His sign is outdated and he wants something more modern. Most of his business comes from Hamilton and Fairfield, and his business is at the end of Pleasant Ave in Fairfield. If you are driving from the north, the sign is blocked. Mr. Siciliano said that where this business is located, extra signage is not a problem. There was discussion on the definition of Reader Board, and Mr. Stehlin clarified that it is a monochromatic sign. Mr. Wessler asked if the sign will impede parking at all. Where the sign is to be located, it will not affect parking. It will line up with the existing ground signs in the area. Mr. Wolterman asked if they were planning to remove the existing sign. They will be removing the whole structure and paving over where it is removed.

Don Lair, from Ohio Sign, spoke regarding the variance. The proposed sign will be a 3' x 9' reader board, with amber lettering. The sign height will actually be 9.5 feet high; the maximum height allowed is 8 feet. There was discussion regarding the landscaping around the base of the sign. They will need to have a cut out big enough for a flower bed. Mr. Oberson said that Rolling Hills did the same thing for their sign. He said a 36" cut out around the base would be big enough for some landscaping. Mr. Lepsky said the landscaping requirements are usually not that detailed, usually the applicant will take care of the details. Mr. Siciliano asked if they had a preference on the size, they agreed that a 3' wide cut out around the base would work.

Public Hearing

NONE

Board Re-Convened

Scott Lepsky, seconded by Debbie Pennington, made a motion to approve the variances, on the condition that the existing pole sign is completely removed, the reader board complies with the ordinances, and the landscaping around the base is coordinated with staff. Motion carried 6-0.

**Case No. BZA-12-0011 – Dumpster in side yard, privacy fence in front yard – 6435 Dixie Hwy.:**

Mark and Liz Jarvis are requesting a variance to place a dumpster in the side yard, and install privacy fencing in the front yard.

STR had no comment.

Property Owner's Comments

Greg Foote, representing Mark and Liz Jarvis, spoke regarding the variance. The state child care code requires no blind areas in a playground, which is why they need to place the dumpster in the side yard. Pushing it 20 feet back into the rear yard would create a blind, unsupervised corner in the playground. Mr. Siciliano asked if the orientation of the building makes a difference in the front and side yard location. Mr. Stehlin said the rear yard starts at the back of the building. Mr. Stehlin showed the proposed location of the dumpster and fencing. The fencing is to keep foot traffic down from the surrounding businesses. They will be installing a 6' coated chain link fence with slats for privacy. Mr. Koczeniak noted there were 3 play areas on the plan. The school aged children's play ground is much larger than the other ones. There is so much room in the back for the dumpster. He thinks the dumpster looks unsightly where it is proposed, and would like to see it back behind the building.

Mike Jarvis, Owner, spoke regarding the variance. The back playground will be a field for the school aged children, to give them extra space to play. The preschool playground is approved for 52 children, the toddler area 45 children and the school age area 35 children. Mr. Koczeniak thinks the dumpster will stick out like a

sore thumb. Mr. Siciliano thought the same thing at first, but he now thinks it will blend with the fence; there will be a smooth line of fencing. Placing the dumpster further back will create a tunnel for the truck, and the turn radius will also be an issue. Mr. Stehlin said the privacy fence will hide the dumpster. Mr. Siciliano said it's nice to have something going into the vacant space. Mr. Jarvis said he is moving the daycare to this location because it has more space, is a better design and he is currently renting the space he is in. He has purchased this building. Mr. Stehlin noted that the state has a lot of regulations regarding playgrounds; the building code does not address them.

#### Public Hearing

NONE

#### Board Re-Convened

Chad Oberson, seconded by Debbie Pennington, made a motion to approve both variances as submitted. Motion carried 6-0.

It was mentioned that elections need to be put on the agenda for the May meeting.

#### Other Business

There was discussion on the sign ordinance. Mr. Koczeniak said he would like more guidance from City Council on sign ordinances. Mr. Lepsky said technology on signs is changing, and would like Council to review the ordinance again. He wants to request Council to reconvene the sign committee and suggests Ms. Pennington take their request to the Council Manager's Briefing. There was discussion regarding the Downtown requirements, and the Hot Head Burrito sign.

#### Adjournment:

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

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Ron Siciliano, Chairman

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Lynda McGuire, Secretary