

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

May 7, 2014

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 Greg Porter, Joseph Koczeniak, Ron Siciliano, Scott Lepsky and Mike Snyder. Rick Helsing, Building Official and John Clemmons, Law Director were also present. Motion to excuse Jack Wesseler and Mike Stokes carried 5-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on April 2, 2014 were approved. Motion carried 5-0.

Old Business

Case No. BZA-12-0016 – Asphalt grindings for parking area – 3240 Production Dr.:

A variance extension request was heard by the board at the May 2013 meeting regarding using rolled and graded asphalt grindings and the board granted an extension of the variance until May 2014, with the stipulation that the lot is maintained and issues are taken care of as they occur.

STR would like the variance approved or denied tonight, with the zoning department to provide monitoring of the property if approved.

Property Owner's Comments

Robert Henderson spoke regarding the variance. When he acquired the property, he hauled 300+ truckloads of debris off the site and cleaned it up. There is a good tenant in there now. The property to the west has been foreclosed on as of last week and has garbage and debris on it and the property to the south has 10 acres of garbage and debris. If there were issues with their property, they took care of them right away.

Tim Bachman, Director of Development Services, spoke regarding the variance. He referenced a memo that he drafted that was given to the board, detailing his and the City Engineer Ben Mann's recommendations. They are advising that the board make a final decision on this case tonight. The owners are to continue to maintain the lot and submit a maintenance plan with the standard operating procedures by June 1. Issues that arise will become property maintenance issues if they are not taken care of properly.

Mr. Siciliano said he looked at the property; it is the best maintained one in the area. There is road debris from neighboring properties. He thinks the variance should be for this business only. There was discussion on whether or not the owner had time to submit a maintenance plan. It was agreed that he had ample time.

Public Comment

None

Board Re-Convended

Joseph Koczeniak, seconded by Mike Snyder, made a motion to permanently approve the variance as indicated in the attached memo from Tim Bachman. Motion carried 5-0.

Case No. BZA-13-0014 – Outdoor Dining – 22 Donald Dr.:

This case was issued a variance in March 2013; the variance was approved, one of the stipulations was that the variance be reviewed in one year.

STR commented that this case should be reviewed in 6 months if approved.

Property Owner's Comments

James Coffman spoke regarding the variance. He planned on fencing in front of the business and using it for outdoor dining last summer, but the money budgeted for that had to be used for a new AC unit, and this past winter was too bad to build anything. They recently installed the fence to begin offering outdoor dining. The Fire Department came out and required them to move the gate to the opposite end of the fence due to a fire connection in that area.

Mr. Koczeniak asked if he had installed 2 gates for ADA compliance. Mr. Coffman indicated that per his submitted and approved plans, he had shown "cut-outs" on the sidewalks to comply with ADA.

Board Re-Convended

Scott Lepsky, seconded by Joseph Koczeniak, made a motion to approve the variance as previously approved, with the stipulation the variance is reviewed in 6 months. Motion carried 4-1, Ron Siciliano dissenting.

Case No. BZA-13-0019 – 3 Real Estate Signs over 15 square feet – 6120 S. Gilmore Rd.:

The variance was approved at the May 2013 meeting until May 2014. The applicant is requesting an extension of the variance until May 2016.

STR commented that the signs were proportionate and well secured and recommends approval of the extension of the variance.

Property Owner's Comments

Hayden Davis, from Cincinnati Financial, spoke regarding the variance. They have made renovations to the building and have had 2 new tenants in the building since the last BZA meeting. They hope to attract more tenants with the signage.

Mr. Siciliano has no problem with the signs as long as they stay maintained. Mr. Helsing indicated that Zoning would notify the building owner if property maintenance becomes an issue with the signs. Mr. Snyder commended the applicant on the maintenance of the complex.

Public Comment

None

Board Re-Convended

Joseph Koczeniak, seconded by Scott Lepsky, made a motion to grant the extension until May 2016. Motion carried 4-1, Greg Porter dissenting.

New Business

Case No. BZA-14-0007 – Fence in street side yard setback – 5250 Mississippi Dr.:

William Grein is requesting a variance to install a fence in the street side yard setback. STR had no comment on this case.

Property Owner's Comments

William Grein spoke regarding the variance. He is asking for this variance because he doesn't want to cut down the 56 year old Magnolia that sits flush with the house, where the fence is allowed to be constructed. He is proposing a 4 foot chain link fence with black vinyl. It will sit 14 feet from the right-of-way, around the tree.

Jack Wesseler arrived at 6:25 pm.

Public Comment

None

Board Re-Convened

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

Case No. BZA-14-0008 – Electronic Message Display Sign – 7200 Dixie Hwy.:

Furniture Fair is requesting two variances relating to the construction of an Electronic Message Display Sign, to be constructed outside of the center 80% of the property.

STR had no comment on this case.

Property Owner's Comments

Joshua Yager, a representative from Furniture Fair, spoke regarding the variance. A representative from Quality Signs was also present to speak for this case. They have plans to redo the façade of the building and construct a new sign to match the new facade. Access Financial blocks the view of their sign if you are travelling north on Route 4. The new sign will be more visible with the LED screen. Mr. Siciliano asked which street the measurement is taken from; the service drive or Dixie Hwy.? The measurement is taken from Service Dr. There was discussion regarding the detention basin on the vacant space next to their property. He questioned if anything could be built in that area. Mr. Yager commented that Furniture Fair doesn't own that area where the basin is located; it is owned by Honeymoon Paper. It gives the appearance of more frontage than they actually have. There was discussion regarding where their property lines were located; it is an irregular shaped lot. Mr. Porter asked if they were installing the new sign in the same location as the existing sign. They will be moving the new sign a bit closer to the Service road. They hope to improve the traffic flow in the parking lot with the location move. A rendering of the proposed sign was passed around to the board members. The colors of the sign and base will match the existing warehouse; they want the whole building to have a unified look. Mr. Wesseler sees no problem with the location of the sign, but wants to know why they want an electronic sign. Mr. Yager stated that he thinks they look better and cleaner. They currently have a reader board that is manually changed. The new sign can be electronically changed. Mr. Wesseler advised them that the purpose of the sign ordinance is to eliminate clutter. Mr. Yager doesn't feel that they will be adding any clutter; there is already a sign there, the new sign is nicer than the old one. Mr. Porter doesn't want the sign to flash. The applicant doesn't want the sign to flash too quickly either; he wants people to be able to see it. Mr. Helsinger said that the ordinance stipulates that the messages are spaced 7 seconds apart and they are allowed multiple colors and graphics. Mr. Siciliano noted that there is already a reader board there, the new signs are more attractive than the reader boards and he is okay with allowing the sign as long as they follow the ordinance requirements.

Public Comment

There was no comment from the audience.

Mr. Wessler asked if the board was on the same page regarding the sign; it's not a static sign, it is comparable to Jungle Jim's and Hicks Blvd. signs. Mr. Snyder said he feels the size of the property is equivalent to a "shopping center" and the overall plan will enhance the property. Mr. Lepsky noted that since the sign is not directly on Route 4 it won't appear to be "stacked" on top of other signs in the vicinity. Mr. Yager noted that he also submitted parking lot revisions; it's their intention to refresh the entire property.

Board Re-Convened

Mike Snyder, seconded by Scott Lepsky, made a motion to approve both variances as submitted. Motion carried 5-1, Jack Wessler dissenting.

Case No. BZA-14-0010 – Pool too close to property line, Accessory structures exceed 35% of the required rear yard – 4701 Anthony Wayne Ave.:

Brian Tarter is requesting a variance to install a pool 7 feet from the property line, which will cause the total square footage of accessory structures to exceed the allowable.

STR had no comment on this case.

Property Owner's Comments

Brian Tarter spoke regarding the variance. He distributed packets to the board with pictures and measurements of their property and surrounding properties. They have a large yard and they don't consider the above ground pools to be permanent structures. They are, however, planning to leave their proposed pool up year round. There are existing privacy panels up to block the view of the pool from the neighbor. Mr. Helsing explained the calculation of the 35% required rear yard. Mr. Clemmons explained that the purpose of the ordinance was to keep the size of structures in back yards reasonable. There was discussion on the location of the pool. They want it in the location shown so their dogs can have the whole back of the yard to run. They also don't want to move the existing sidewalk. Mr. Koczeniak asked if the drainage plan had been reviewed. That is something the Building Division will look at during plan review. The board advised Mr. Tarter that any decking he adds to the yard will require a variance.

Public Comment

None

Board Re-Convened

Scott Lepsky, seconded by Jack Wessler, made a motion to approve the variance as submitted. Motion carried 6-0. Motion to waive the 5 day waiting period 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