

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

June 5, 2013

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, Jack Wessler, Joseph Koczeniak, Chad Oberson and Scott Lepsky. Rick Helsinger, Building Official and John Clemmons, Law Director were also present. Motion to excuse Debbie Pennington and Don Carpenter carried 5-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on May 1, 2013 were approved. Motion carried 5-0.

Old Business

Case No. BZA-13-0011 – Variance for buffering/screening – 5742 Pleasant Ave.:

This is the final variance needing approval for the proposed parking lot expansion and church addition.

STR had no comment on this case.

Property Owner's Comment

Danny Rollins spoke regarding the variance. This is the third month they have been before the board. He brought Dan Bokeno, who was responsible for the landscape plan, with him to speak about the plan. He has been in landscaping for 35 years. He referenced the proposed shrubs to the north; they will be 10 feet tall and 10 foot wide with a medium growth rate. A 6 foot shrub, in 10 years, will grow to 20 feet. This size shrub will fit perfectly between the parking lot and the property line. There are flowering pear trees proposed between the shrubs, which will be 30 feet tall when mature. To the south, Norway spruce trees are proposed. They are very hardy, fast growing trees. There will be 30 foot spacing, with maples in between. There are burning bushes and a retaining wall in the middle section, which will create a hedge quickly. Maple trees will be planted along the ridge of the pond, because they grow well in wet areas. The evergreens do not grow well in too much water. All the trees and shrubs proposed are very hardy and not prone to insects. Tim Bachman submitted slides, showing photographs of the proposed types of trees. He referenced the memo that was sent to the church and surrounding neighbors, detailing the changes that city officials want. The south line of trees should be staggered to allow space for growth, and they should extend the shrubs in the middle all the way along the proposed retaining wall. Mr. Bachman determined that the landscaping shown on the plan satisfies the vertical screening requirement on the south end of the property, and the vertical screening on the north side of the property. The only variance left is the 20 foot horizontal buffering to the north. They are showing a 10 foot buffer and 20 foot is required. Mr. Rollins said the 10 foot buffer is the main issue now, they were close last month, but the board wanted to see a plan. They removed some of the north parking, and they really need the additional spaces in the buffer area. He has a couple changes to the submitted landscape plan he would like to request: 1. They want to remove the small section of shrubs at the northwest edge of the building between him and the neighbor, allowing the neighbor to continue drive through to the church property. 2. They want to remove the trees on the back of the levy of the pond, seed and let grow up, and let the 9' rise of the levy satisfy the vertical screening. Mr. Siciliano discussed the parking. The church is losing 28 parking spaces with the new addition, but is adding 94 new ones. What occupancy number is expected? Mr. Rollins said they are expecting 100 at the jr. high and high school level, and 100 small children, and the

groups meet different days of the week. They gym also holds more people. Wednesday night will be a big night for attendance. He is not sure of the exact number. A lot of parking will be in front of the building, with Sunday crowds using the new parking the most. Currently, members are parking in the grass on Sundays where the new addition is planned. The current parking lot is not big enough to hold all of the cars, especially on holidays. Members are parking in the grass to allow new attendees to park in the front spaces. Mr. Wesseler discussed the retention basin. Are the plans finalized? Mr. Rollins said the engineers feel the pond is more than adequate. Mr. Bachman said the calculations that Ben Mann asked for were submitted. Mr. Koczeniak asked if they were planning on installing an aeration or filtration system in the pond. A healthy pond requires a 7 foot depth. The pond will be at least 7 feet deep, so neither system is needed. Mr. Koczeniak asked them why they were not installing an aeration system. Mr. Rollins said if they were not required to do it, they were not going to. Mr. Bachman verified that they would not be required. Mr. Helsing said that "dunks" are also used to kill the mosquito larvae; swimming pools are also treated with these. There is a section in the property maintenance code that addresses stagnant water and if it were to become a problem, the zoning division would handle it. There was discussion regarding the 3 pin oak trees at the north side of the drawing. There are currently lots of existing trees and Mr. Wesseler asked if they would be leaving any of them, rather than remove all of them and plant the three oaks. They won't really know what they are removing until they start work. They would like to leave as many existing trees as they can.

Public Hearing

Barbara Bishop, 1840 Harrowgate Hill Ln. spoke regarding the variance. She has a problem with the 10 foot buffering variance they are requesting. She is against the variance and questions how many shrubs they will be planting and what they will look like now, not when they mature. She noted that the south parking lot is never filled towards Resor Rd. The parking lot is more like 65-70% full, not near 100% Mr. Lepsky told her they are talking about screening, not the parking lot. The reason the church wants the buffering variance is for more parking, so the parking is relevant to the discussion. The members don't seem to want to walk all the way from the south parking lot to the church. Mr. Oberson discussed the landscaping. He told them the proposed shrub at their property line will be 5 foot tall when it is planted. It is dense in the winter, holds its leaves and is substantial. It is a good design, and in his professional opinion, they are not cutting corners. There needs to be give and take. Ms. Bishop wanted something taller planted. She planted 7 pine trees that were 7 or more feet tall in her own yard. She said she didn't like that they only received their May notification about the project. She said she did not receive any other notification about the other meetings.

Mr. Bachman asked Mr. Bokeno to clarify the sizes of the plantings. The north shrubs will be 5 feet tall when they are installed. You cannot find anything taller in this part of the country and anything bigger would be a tree instead of a shrub. Trees will take up more width and height, so shrubs make better sense in this area. Once they're established, the shrubs grow fast. In 5 years they should be around 8 feet tall. They are planting 61 shrubs all along the north side of the property; 32 of the willow wood, and 29 of the evergreen.

Bill Miller, 1802 Gloucester Dr. spoke regarding the variance. He is glad they are not removing all of the trees. He asked the church to survey the property to see what trees will remain, because there are some on the neighbor's property that are very close to the church's property line. There are some big trees, and he would like them to keep what they can. He is nervous about a pond sitting up on a 9 foot levy; Emerald Lake's pond sits down below the houses. He hopes the engineer looked at it from a height standpoint when he was reviewing it.

Mr. Koczeniak referenced the last meeting and said they were told the water issue would be improved after the project. Mr. Bachman said storm water would be improved and he wanted to talk about the farm tile question from the last meeting. The church has had a month to think about it; he wants to know what the church plans to do if they find farm tile while excavating. Are they directing it to the basin? Mr. Stirnkorb said he talked to the engineer about that issue. If they run into tiles, it would be good to direct it into the pond to give it fresh water. They will tie them into the pond if they come across any. There was discussion on the phase 1 and phase 2 parking lots. Mr. Bachman wanted the neighbors to know the master plan up front, and when the board votes on the variance, he wants both phases included.

Jen Stokes, 1847 Harrowgate Hill Ln. spoke regarding the variance. She is against the 10 foot buffer variance. Her property value will be affected, and she is worried about the pond, because she has two small children and there are children in the neighborhood. She asked if there were going to be fencing installed around the pond. There is none shown on the site plan and it is not required. When she bought their house, there was nothing back there but woods. Now there will be a pond and a parking lot, her property value will surely be affected. She feels it is not worth what the neighbors are losing for the church to gain a few parking spaces. Mr. Siciliano said the church is hoping to expand their programs, and believe they will need the parking in the future. Property values may improve, because the water issues that are currently a problem will hopefully be resolved. You can look at all sides of the issue. The board has more control over the aesthetics because a variance is needed. Mr. Koczeniak told her the church could have gone in a completely different direction and not needed variances. He commended the church for its sensitivity to the neighbors and the city; they did things they weren't required to, to "make it pretty". The residents should be happy the church made the changes that it did. Mr. Oberson discussed the pond. If stagnation becomes an issue, the city will take care of it. The pond has been referred to negatively during the hearings, but he has a pond, and thinks it's a nice thing to have. Mr. Siciliano said they neighbors have had the luxury of green space for years. Change can be scary, but everyone needs to look at both sides.

Ms. Bishop spoke again, and said the point she was making was that aesthetically, the property will be affected, and it would have been nice for the pastor to ask them what they wanted planted. The area is a residential area. Green space is much better than blacktop. She is against the project. Mr. Oberson said he knew she was upset at the last meeting, and it can be hard to talk to someone like that. The planting can probably be changed, but this landscape plan is very good. No substitution would be better, in his professional opinion. He still wants to see the trees planted on the south side of the levy that the church asked to be removed. He doesn't have an issue with the ones to the north. Mr. Bachman suggested the church get approval from that neighbor.

Board Re-Convended

Chad Oberson, seconded by Scott Lepsky, made a motion to approve the variance as follows:

- The parking lot could extend to within 10 feet of the northern property line.
- The landscape plan is approved as submitted, including the modifications as enumerated by Tim Bachman, as detailed in the attached memo.
- The board will allow a deletion of a portion of the north screening – defined as the screening proposed from the existing church to the western edge of the screening mechanism only after a letter is submitted by the property owner of 5730 Pleasant Ave., agreeing to such a deletion.
- The variance and screening approval is for both Phase 1 and Phase 2 of the proposed parking lot construction.

Motion carried 5-0.

The requested change on the landscape plan to remove the trees shown on the south side of the property behind the proposed retention pond was denied. Motion carried 5-0.

Mr. Bachman, as a neutral party, will work with the neighbors and church on the issue of keeping some existing trees to the south.

New Business:

Case No. BZA-13-0023 – Use variance to construct duplex in C-3 zone, Side yard setback – 4990 Winton Rd:

Bayer Becker, for Jeffery and Karen Sycamore, is requesting a variance to build a duplex in the C-3 zone, 15 feet from the adjoining R district.

STR had no comment on this case.

Property Owner's Comment

Etta Reid, with Bayer Becker, spoke regarding the variance. She has been working with the owners to see what can be done with the empty lot. The lot is 84 feet wide, and if they were to build at a 25 foot side yard setback, there would be a very small amount of space left. The surrounding parcels are both residential and commercial, with duplexes across the street. They don't feel that a commercial use is practical for this lot. Mr. Siciliano asked why a use variance was requested and not a zone change. Rezoning is a 3 or more month process. The use variance is a new tool that they can use instead. The board can dictate the aesthetics and if it were rezoned R-2, there are no design parameters. He said that in the C-3 zone, a used car lot is a permitted use; the Sycamores own the lot directly east that fronts on Route 4. There is concern that another used car lot could locate to this parcel. Mr. Koczeniak said that this is a narrow property. He asked how the footprint would work, where the driveway would be, etc. The front of the duplex will face Winton Rd., and the driveway will come off of Winton. The garages will be front entry, and the building will have a 15 foot setback on both sides. The R-2 zone only requires an 8 foot setback on that property, and they are almost doubling that setback footage. Mr. Koczeniak asked what would prevent the unused back portion of the lot from being used as used car sales parking or something like that. Mr. Bachman said that would be a good restriction to put on the variance if it is approved. They can put constraints on the property in the best interest of the neighborhood and protect the rights of the property owners by limiting what is put there. Mr. Oberson wondered what the original intentions were for this lot; he is surprised that it still remains available and undeveloped. Mr. Koczeniak feels the whole street is a hodgepodge of different things. He can see supporting the variance with the restriction on the back of the property. A duplex would fit in with the neighborhood. Not much could be done with the back of the lot because it drops off. Mr. Wessler asked if the property were to sell in the future, could someone tear down the duplex and use the lot as a commercial property. Mr. Clemmons feels that is unlikely, but possible. There was discussion on backing out onto a busy Winton Rd. and if the footprint could be pushed back. It could be pushed back a little, or maybe a turn around could be paved so the residents could pull straight out. Another issue is that the house is lined up with the existing house next door; pushing it back would take it out of line.

Public Hearing

Paul and Carla Avance spoke regarding the variance. She owns the funeral home next door to the property. She has some questions about the proposed construction. She understands there is a 25 foot side yard setback when adjoining an A or R district, and asked what it is to a commercial zone. The setback is zero in that case. The garages will face Winton Rd., and the driveways will be in front of the garages. They will be 2 car garages, which mean a larger driveway to allow cars to turn around. The driveway will be about 37 feet wide. She likes that the duplex will be lined up with the house next door. Mr. Avance said he wanted to purchase the property at one time, but because the property is so wet in the back, it was going to be too expensive to make it work. They are ok with the proposal.

Board Re-Convened

Ron Siciliano, seconded by Jack Wessler, made a motion to approve the variance with the stipulation that the east side of the lot remain green space. An open space (buffer zone) plan/written description must be submitted to the Board of Zoning Appeals for approval. Final construction site plan, elevations and floor plan must also be submitted to Board of Zoning appeals for approval. Motion carried 5-0.

Case No. BZA-13-0024 – Ground sign in R-3 zoning district – 5217 Dorshire Dr.:

AR Realty is requesting a variance to install a ground sign for an apartment in the R-3 zone.

STR had no comment on this case.

Property Owner's Comment

There was no one in attendance to represent the owner.

Public Hearing

None

Board Re-Convended

Motion to table the variance until the July 2013 meeting carried 5-0.

Case No. BZA-13-0025 – Ground sign in R-3 zoning district – 3197 Roesch Blvd.

AR Realty is requesting a variance to install a ground sign for an apartment in the R-3 zone.

STR had no comment on this case.

Property Owner's Comments

There was no one in attendance to represent the owner.

Public Hearing

Carrie Pennington, 3189 Roesch Blvd. spoke regarding the variance. She wants to know where the sign will be placed on the property. Since they had a French drain installed on their property, the people at 3197 Roesch Blvd have been mowing her property; she wants to make sure they know where their property line is at. She has no objection to the sign.

Board Re-Convended

Motion to table the variance until the July 2013 meeting carried 5-0.

Case No. BZA-13-0026 – Ground sign in R-3 zoning district – 25 Heffron Ct.:

AR Realty is requesting a variance to install a ground sign for an apartment in the R-3 zone.

STR had no comment on this case.

Property Owner's Comment

There was no one in attendance to represent the owner.

Public Hearing

None

Board Re-Convended

Motion to table the variance until the July 2013 meeting carried 5-0.

Case No. BZA-13-0027 – Porch in front yard setback – 800 Magie Ave:

Adam Fitzgerald is requesting a variance to construct a front porch 26 feet from the right of way, 4 feet into the front yard setback.

STR had no comment on this case

Property Owner's Comments

Adam Fitzgerald spoke regarding the variance. He wants a new front porch. It will not be enclosed, but he will possibly want an awning in the future. He can install one as long as it is out of the front yard setback. He doesn't want a gable roof because it is too expensive, and you have to cut into the existing roof.

Public Hearing

None

Board Re-Convended

Chad Oberson, seconded by Scott Lepsky, made a motion to approve the variance with the stipulation that if a roof is added, it must be a gable roof and building materials must match the existing house. Motion carried 5-0.

Case No. BZA-13-0028 – Sign at right of way – 2001 DDC Way:

ABC Signs, for Hogan Truck Leasing, is requesting a variance to construct a ground sign at the right of way line.

STR had no comment on this case.

Property Owner's Comments

Teri Cantor and Paul DeSherlia spoke regarding the variance. They handed out a presentation to the board with pictures of various views of the approach and location of the proposed sign. The sign will be more visible to clientele in the proposed location. If they had to move the sign back it would be in the parking lot, and they may have to remove some of the fence they just installed. They are the last business on the street, and there are many other business signs in the vicinity that are encroaching in the right of way. The proposed sign will be installed in the front island as pictured, and the pictured light post will be removed. Hogan owns most of the back of the property, and with setbacks, not much else can be developed back there.

Public Hearing

None

Board Re-Convened

Joe Koczeniak, seconded by Chad Oberson, made a motion to approve the variance as submitted. Motion carried 5-0.

Other Business

Motion to reschedule the July meeting to Tuesday, July 2, 2013 at 6:00 p.m. carried 5-0.

Adjournment:

Motion to adjourn carried 5-0.

Ron Siciliano, Chairman

Lynda McGuire, Secretary

To: Board of Zoning Appeals

From: Tim Bachman, Development Services Director

RE: Screening Elements - Rolling Hills Baptist Expansion

Date 5/29/13

The attached landscape plan was submitted to the City on Tuesday May 28, 2013. On May 29, 2013, I asked our arborist on staff his opinion regarding plant species, height and spacing relative to the requirements of Chapter 1143.10. This Chapter allows landscape as a screening mechanism and states that the opacity that is to be achieved is a minimum opacity of 60% in the winter and 80% opacity in the summer after five years of installation.

After consultation with the city arborist and discussion with Mr. Dan Bokino who produced the plan, I have the following comments:

1. The Norway Spruce trees on the south property line near the drive should be staggered about 2-3 feet and two additional Spruce trees should be added reducing the spacing which is currently 30' O.C. The trees should be moved as close to the property line as possible so as to give them the best ability to mature given the driveway that is proposed adjacent to them.
2. The Norway Spruce and Autumn Blaze Maple screening the retention basin again should be staggered 2-3'. There is some question that the deciduous Maples may not provide the 60% opacity so it is being recommended that the Burning Bush row currently planned for the area west of the basin be augmented by extending the row north to the edge of the future parking. Approximately 10-11 additional bushes should accomplish this.
3. The trees and bushes need to be maintained with appropriate watering/fertilizer etc. especially after planting for them to remain healthy and produce the desired screening effect.

Attachment

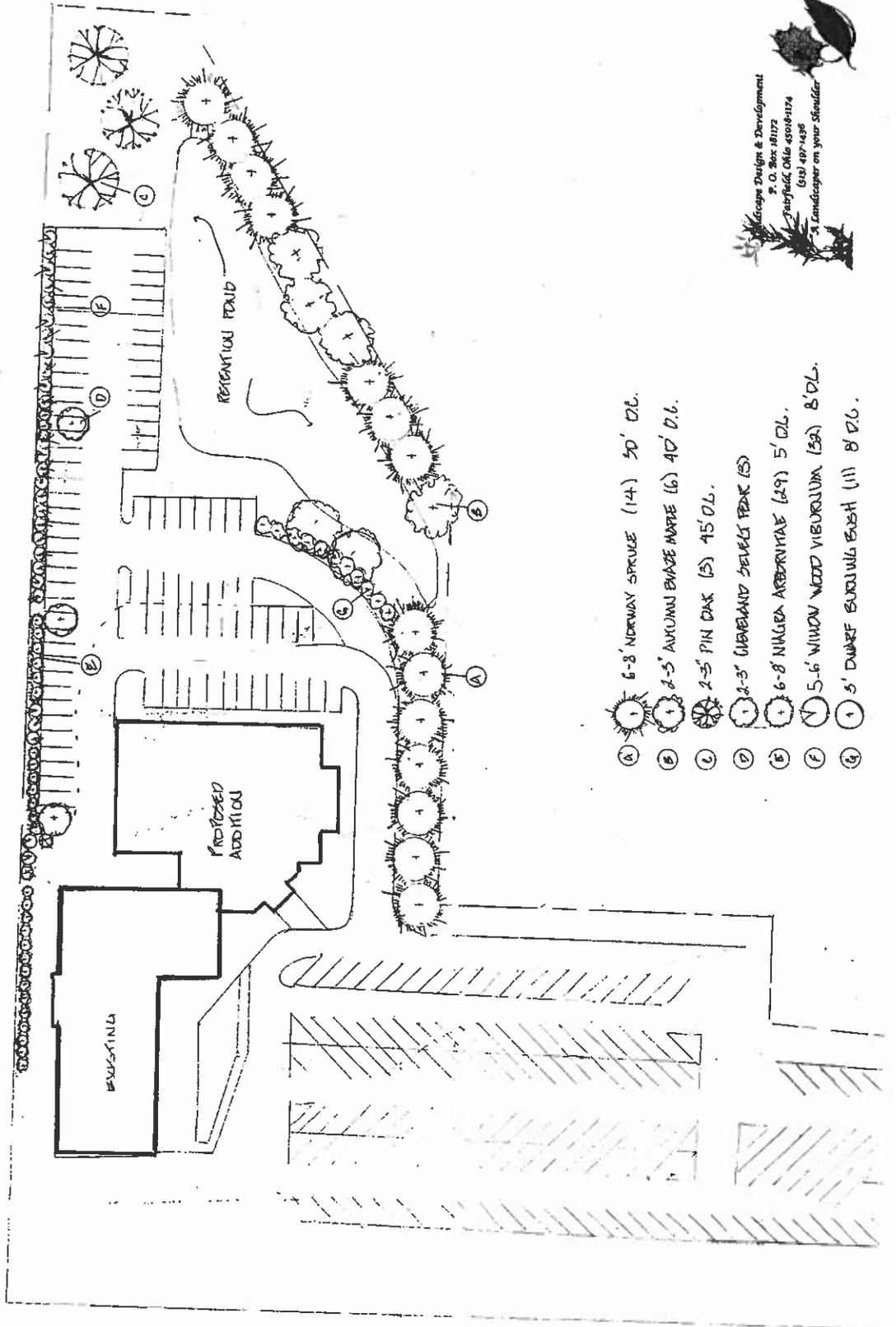
C: Pastor Dan Rollins
Mr. Dan Bokino
Adjacent residents



- (A) 1 6'-8" NORWAY SPRUCE (14) 50' O.L.
- (B) 1 2'-3" AUTUMN BRASS WAXE (6) 40' O.L.
- (C) 1 2'-3" PIN OAK (3) 45' O.L.
- (D) 1 2'-3" CORNUS SELEGNEA (3)
- (E) 1 6'-8" NIGEA ARBorea (2) 5' O.L.
- (F) 1 5-6' WILLOW WOOD VIBURNUM (3) 8' O.L.
- (G) 1 3' DWARF BURKING BUSH (1) 8' O.L.



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- (A) 1 6-8' NORWAY SPRUCE (14) 50' D.L.
- (B) 1 2-3' AKUMU BRACE MAPLE (6) 40' D.L.
- (C) 1 2-3' PIN OAK (5) 45' D.L.
- (D) 1 2-3' CORNUS STERILE PEAK (5)
- (E) 1 6-8' NIGEA ARBUTIVE (29) 5' D.L.
- (F) 1 5-6' WINDY WOOD VIBURNUM (39) 8' D.L.
- (G) 1 3' DWARF BURDICK BUSH (11) 8' D.L.



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