

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

September 3, 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 Jack Wesseler, Greg Porter, Joseph Koczeniak, Mike Stokes, Ron Siciliano, Scott Lepsky and Mike Snyder. Rick Helsing, Building Official 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 August 6, 2014 were approved. Motion carried 7-0.

Old Business

Case No. BZA-12-0022 – Outdoor Seating – 4737 Dixie Hwy.:

Rick Sizemore, with Cobblestone Tavern, is before the board for the one year review of the variance for outdoor seating in front of the business.

STR commented that the back door was to be made exit only. Reference was made to the police report by Chief Dickey. They do not have a concern about the business.

Property Owner's Comments

Rick Sizemore spoke regarding the review of the variance. He indicated that at the last meeting, the garbage noise was a big complaint. Since then, the bar doesn't take the garbage out later than 10 pm. Mr. Sizemore takes the rest out the next morning. He threw out the people that were congregating behind the bar, and there were no problems in front of the bar. The one person who had an issue with the trash noise has his phone number; but he hasn't heard anything from him recently. He said the back door exit only designation has not happened yet. There were other issues that came up, and he forgot about that requirement. The back door is more important now, since the Dollar Store closed the alley next to the bar; people park there, mostly during the day. Every Wednesday, the auctioneer in that same strip center has auctions, which draw a lot of extra people to the back parking lot. Mr. Siciliano said the variance is for the outdoor seating, which he doesn't have a problem with.

Public Comment

None

Board Re-Convened

Ron Siciliano, seconded by Mike Snyder, made a motion to grant the variance for outdoor seating permanently, for the current owner only. Motion carried 7-0.

New Business

Case No. BZA-14-0022 – Gravel Parking – 5079 Camelot Dr.:

Rick Helsing received a call from the applicant earlier in the day. The applicant requested the variance be tabled until the October, 2014 meeting. Motion carried 7-0.

Case No. BZA-14-0023 – Lack of frontage for a second pole sign – 6660 Dixie Hwy:

Mac Webb from Mac Webb Insurance is requesting a variance to add a second freestanding sign without the required 500 lineal feet of frontage on this parcel.

STR had no comment on this case.

Property Owner's Comments

Mac Webb spoke regarding the variance. He has been at this location since 1994. There was an existing pole sign that was recently removed on the location he is requesting the new pole sign. He had an agreement with the previous owner of the sign that he would take over the sign once that person left. The sign was removed before he could do anything with it. The old sign was in the right-of-way, and Mr. Helsinger said if the board approves the variance; the Building Department will need to write a letter to the applicant informing them that if any roadwork is to be done. Mr. Clemmons said he thought the sign has always been in the right of way; it was probably placed there in error many years ago. There was discussion on the sign placement and right of way issues. Mr. Koczeniak asked if the owner of the property had plans to redo the existing ground sign. There are no plans to redo the sign at this time. If they were going to redo the ground sign, they would not need a variance. If the pole sign had been left up and they had requested just a face change, they would not have needed a variance. Mr. Koczeniak asked if the placement of the pole sign was a visibility issue. The city engineer inspected the area and approved the location. Mr. Wesseler asked if the State of Ohio would have to approve the sign in the right of way. The previous sign was there for many years, no one had a problem with it at that point. Mr. Stokes stated that it would be hard to say no to someone else that asked for the same thing if they approved this variance. He also pointed out that Mr. Webb's business name has never been on the previous pole sign. Mr. Webb said the only other tenant is Ron Pitman. He has a permanent lease sign in front of the business. Mr. Clemmons stated that the board has been pretty consistent in not granting variances on frontage; he suggested that if they planned on approving this one, they approve it as a substitution of a non-conforming use, under Chapter 1198. Mr. Wesseler asked if it would make sense to install a sign at Seward Rd. instead. There is not enough traffic for a sign. The proposed pole sign is mostly for advertising the business, not directing traffic to the location. Mr. Lepsky commented on several items: Mr. Webb's business name was never on the sign, it doesn't seem fair that the sign is "first come, first served", the sign is not for identification, but advertising. That is the purpose of a billboard. He does not see a hardship.

Public Comment

None

Board Re-Convened

Mike Snyder said he saw the practicality of the sign; the other one was there so long before, and no one had a problem with it. The applicant will mostly be replacing a sign previously there; it will look cleaner and better. Mr. Koczeniak asked if he would consider an alternative; approach the owner to modify the existing sign, adding on to the bottom. The owner is difficult to work with; he's dealt with him for 20 years.

Mike Snyder, seconded by Ron Siciliano, made a motion to approve the variance as a substitution of a non-conforming use, under Section 1198.02 (a). Motion failed, 3-4, Jack Wesseler, Joseph Koczeniak, Mike Stokes and Scott Lepsky dissenting.

Scott Lepsky, seconded by Joseph Koczeniak, made a motion to deny the variance. Motion carried 5-2, Greg Porter and Mike Snyder dissenting.

Mr. Clemmons informed the applicant that his building qualified as a shopping center in that zone, and he may qualify for another ground sign on the Seward Rd. side of the business.

Case No. BZA-14-0024 – Decks exceed 35% rear yard requirement – 5975 Embassy Dr.:

John Vogt is requesting a variance to exceed the 35% rear yard requirement with the addition of 2 new decks.

STR had no comment on this case.

Property Owner's Comments

John Vogt spoke regarding the variance. He also installed an above ground pool, with a separate permit. One of the decks is to be built around the pool and is included in the square footage totals. The smaller of the two decks off of the house will have a roof installed. They originally wanted to put in an inground pool, but found out the water table there was too high. Mr. Snyder commented that the deck that was built was beautiful and nicely constructed. There are similar structures nearby. Mr. Siciliano said he thought there would be neighbors there to object, but since there's not, he would consider approving it. There was discussion regarding the difference between accessory structures and additions.

Public Comment

None

Board Re-Convened

Scott Lepsky, seconded by Mike Stokes, made a motion to approve the variance with the stipulation the shingle roof must match the existing. Motion carried 7-0. Motion to waive the 5 day waiting period carried 7-0.

Adjournment:

Jack Wessler, seconded by Mike Stokes, made a motion to adjourn. Motion carried 7-0.

Ron Siciliano, Chairman

Lynda McGuire, Secretary