MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

September 2, 2015

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
Maria Mullen, 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 Helsinger, 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 5, 2015 were approved. Motion carried 7-0.

New Business

Case No. BZA-15-0016 - Accessory Building Over 500 SF- 17 Yellowdale Drive:
Don Roberts, property owner, is requesting a variance for a 576 square foot accessory building already constructed on his property.

Staff Technical Review had no comments.

Property Owner Comments
Don Roberts, 17 Yellowdale Drive, spoke on behalf of his variance request. Mr. Roberts has lived at this property since 2001, and he never had a garage. He told the Board there are approximately ten homes in the vicinity of his property that have detached garages, and at least four are over 500 square feet. There are at least six garages on the adjacent street, Redstart Drive. Mr. Roberts' next door neighbor has a 24' x 24' sf garage right next to his property. When Mr. Roberts looked into building his garage, he thought he was within the limits of the code. Mr. Roberts travels and the garage was completed by his contractor while he was out of town. He did not know his contractor did not get the proper permit to build the garage. Mr. Siciliano stated he was not as concerned about a garage like Mr. Roberts' since it is less than 600 square feet as he is with the garages well over the 600 square feet. Mr. Roberts gave the Board a letter in favor of his garage from a neighbor, John and Traci Kubeck, 9 Yellowdale Drive. This letter was read into record and is attached as part of these minutes. Mr. Snyder agreed there are similar garages in Mr. Roberts' neighborhood and they do add value to the home. Mr. Roberts applied for the permit, after he received a violation notice from our zoning inspector.

Public Comment
None.

Board Action
Scott Lepsky made a motion to approve the variance as submitted noting support from the neighbors and no one in the audience to speak against this variance. The motion was seconded by Joseph Koczeniak. Motion carried 6-1, Jack Wesseler dissenting.

Case No. BZA-15-0017 – Accessory Building over 500 sf – 2062 Rolling Hills Blvd
Patty Gerdes, the property owner is requesting a variance to build a 20' x 20' shed with an 8' x 20' covered patio, which is 60 sf over the maximum size allowed for accessory structures.

Staff Technical Review had no comments. The Building and Zoning Division received two calls from neighbors. One neighbor was not opposed to the structure. The other call was from an anonymous neighbor with two concerns:

1. Will there be lighting on the shed/porch? Neighbor does not want it lit up like a parking lot with bright security lights.

2. The plan as submitted is for a large shed. Can the owner or a future owner convert this structure into a garage? Neighbor would not like a garage.

Property Owner Comments
Patty Gerdes, 2062 Rolling Hills Blvd., spoke on behalf of her variance. Ms. Gerdes received a permit for the monolithic slab for this accessory building. The shed is 400 square feet which is under the maximum for an accessory structure. The additional porch attached to the shed is 160 square feet which puts the entire structure over the maximum allowed by 60 square feet. Ms. Gerdes has no intention of converting this structure into a garage, as she as has spent "a ton of money on landscaping." There would be no way to get to it by way of a driveway, as she has planted five new trees in front of this shed. She has a sidewalk from her new back porch to the new patio/shed. The shed will have French doors that will match the house. It was discussed if someone could covert the shed into a garage, and the answer was "yes." If it was converted to a garage is would be 400 square feet and it would not need a variance. A garage would need a driveway, but Ms. Gerdes felt that would be impossible or very difficult to accomplish. Ron Siciliano said he went out to this property and agreed it would be difficult to put in a driveway. He also commented that she has done a great job and it is laid out well. The size is slightly over the maximum allowed. Mr. Wesseler asked about the neighbor's concern with the lighting. Ms. Gerdes has installed conduit to the porch for future lighting. She also has considered having solar powered lighting. Ms. Gerdes would not put in a security light. Her next door neighbor has a security light so she has no need for her own security light. Rick Helsinger stated that there have been some lighting issues at properties in the past where we have mediated, but we are unable to regulate lighting. Mike Snyder asked if Ms. Gerdes would have porch lighting. Ms. Gerdes said if she had porch lighting it would be on either side of the door.

Public Comment
None.

Board Action
Scott Lepsky made a motion to approve this variance as submitted. Motion was seconded by Mike Snyder. Motion carried 7-0.

Ms. Gerdes would like the 5-day waiting period waived. Ron Siciliano made a motion to wave the 5-day waiting period, seconded by Mike Snyder. Motion carried 7-0.

Case No. BZA-15-0018 – Use Variance for C-2 Zone – 6128 Pleasant Ave Empty Lot
John Imbus, the property owner, is requesting a use variance request to allow him to building a storage building on the empty lot in the C-2 zoning district.

Staff Technical Review had no comments. Rick Helsinger informed the Board we received three calls against the building, and one letter from Northwest Bowling Lanes in favor of the building.

Property Owner Comments
John Imbus spoke on behalf of his variance. Mr. Imbus requested to use this property to build one last storage building. The building would encompass the lot. He did try to sell the property through a realtor, but even the realtor gave up on selling it. Mr. Imbus said the storage business is good. The new proposed building would have a brick veneer exterior wall that will face out to the residential area. He will adhere to the required setbacks. The entry doors would not face the residential homes. Mr. Imbus just wants to finish the project by using the last buildable area for his final storage building.

Tim Bachman, Development Services Director, spoke regarding the C-2 zoning and the required conditions for a Use Variance as described in 1137.08(a) of the Fairfield Codified Ordinances. Mr. Bachman had communicated these conditions through a letter to the Board dated August 31, 2015 prior to this meeting. The three-page letter is attached to these minutes as Exhibit A.

Mr. Bachman explained the lot is zoned C-2 which is the same zoning as the adjacent bowling alley. This lot was purchased by Mr. Imbus from the bowling alley approximately 15 years ago. The C-2 zoning will not allow mini-warehouse storage units as either a principal permitted or conditional use. The use variance allows the Board to put any conditions they feel necessary and proper to make the project work for this area. Mr. Bachman reminded the Board about two past projects that required a use variance; the project on the corner of Mack Rd and Boymel Drive for a clubhouse in an A-1 zone, and the project on Winton Road adjacent to Olde Winton subdivision. The Winton Road project was given stringent restrictions by the Board to allow the use variance, and actually was not built due to those restrictions. The Board can apply as many conditions as they feel appropriate should they decide to allow the use variance.

Mr. Bachman discussed the first condition of his letter. The new building will block the existing buildings. The doors will not be facing the residents. The existing storage buildings run in an east-west direction. The buildings end with a concrete wall and chain link fence with barbed wire (a picture depicting the existing property was shown). Mr. Bachman stated we can agree that it shields the residents from the current view, and from the activity and some noise issues. The building will be a block building like the existing buildings. Mr. Bachman advised Mr. Imbus to

modify the plan to a brick veneer on the outer wall. He felt that the concrete made it look industrial. Brick veneer fits with the residential area. The building will be set back 25 feet from the property lines. There will be no need for the fence which will leave open space of 25 feet between the neighbors' properties and the brick wall of the building. There will be some landscaping and trees in the open space.

The second condition of the letter refers to hardship. Mr. Bachman described the 1.028 acre lot as a strange parcel piece. It is 193 feet at its longest point, 63 feet at its narrowest point, and 96 feet in the middle. This irregular lot reduces the allowable square feet that can be utilized to build due to the required 25-foot setback. In 1994, 80% of the existing storage buildings (Buildings A, B, C, E, and F- K) were approved as a conditional use under the C-3 zone. Two more buildings, D & L, were approved through Planning Commission in 1999, because they were adjacent to the existing buildings and located behind the bowling alley.

The third condition of the letter states the variance will not adversely affect the rights of the adjacent property owners. Mr. Bachman has already given the history of the business and property. With the modification of the concrete wall to the brick veneer, you would not need the ivy which would be a maintenance issue. The brick veneer makes this look more residential. A condition or conditions could be put in place for the pine tree/landscape buffer between the brick wall and the adjacent properties.

Under condition number four of the letter, there is a breakdown of five recommended conditions regarding the public health, safety, or general welfare. Mr. Bachman read them to the Board and attendees. Staff Technical Review had comments regarding drainage. The city engineer would require drainage calculations for the drainage area and detention storage to assure the basin is resized for all the impervious surface drainage from the storage facility.

The fifth, sixth, and seventh conditions and notes were also read into record. Condition number five states "such a variance will be consistent with the general spirit and the intent of the zoning code." Mr. Bachman believes this is important for the Board as they think through this. There are uses permitted under the C-2 zoning that could be introduced to the site without the requirement of a variance. Mr. Bachman presented a question of what could he do with this lot, if he cannot build this storage unit, what is he allowed to do? Mr. Bachman states the C-2 zoning allows for an office, retail, agricultural, church, and maybe some other uses, but those uses stated may have more merit. The property is somewhat landlocked which could create a problem with any of the allowed uses for this zone.

Mr. Bachman expressed to the Board the recommendations in this letter give the Board some guidelines to placing conditions on an approval of this use variance if they choose to approve.

Ron Siciliano asked Mr. Imbus to return to the podium. Mr. Siciliano understands that there are three parcels owned by Mr. Imbus. The primary storage units are on the main parcel. The second parcel purchased from the bowling alley has two buildings. The third parcel is what we are talking about tonight. Mr. Imbus does not remember purchasing the third parcel separately, and it may have been added to the purchase of the second parcel from the bowling alley. Mr. Siciliano asked Mr. Bachman if the phases of the storage facility were planned at the time the first

buildings were built. Mr. Bachman said there was never a plan submitted for phases back in 1994, but may have been planned by the owner. It has just evolved. The removal of the existing security fence was discussed, and if it was removed, how would they secure the area. Mr. Imbus will have a 30-foot gate closing off the building to the remaining non-electric security fencing. Mr. Bachman said the ten-foot tall exterior brick wall will take the place of the security fence in that area of the property. Mr. Imbus also has a security system installed if someone were to try to scale the wall or any of the fences. All the storage buildings have individual security. The new building will be built like the existing buildings and look similar except for the brick wall exterior. They will be using geothermal heating. Jack Wesseler is concerned about the drainage in the 25-foot setback area. The detention basin will be modified. There is an existing berm in the setback, and drain. Mr. Imbus assured the drainage will be addressed. Mr. Bachman said the building will have a hip roof, gutters on all sides with downspouts to go underground to the yard drain. Greg Porter asked if this is a hardship created by the owner, just a bad real estate investment, or is it a condition out of the owner's control. Mr. Imbus cannot remember the circumstances when he purchased the property. He would like to utilize this area. Mike Snyder asked if he had always intended to build on this lot. Mr. Imbus tried to sell it, and when he could not, he realized he could fit a building on the lot.

Public Comments

Don Gebelein, 6139 Ricky Drive, began by submitting a letter from another neighbor living at 6149 Ricky Drive. Mr. Gebelein directed his question to Mr. Imbus, "Why do this?" Mr. Gebelein knows Mr. Imbus' current storage units are not full. He does have a concern if the exterior is a concrete wall, or brick wall. The back door of Mr. Gebelein's house is 83 feet from this property. He can hear everything day and night. Mr. Gebelein is very concerned about the noise level and his privacy when he is in his back yard. He does not think the pine trees will be an immediate buffer unless they plant larger trees. Mr. Gebelein is worried about the drainage as there is a 12-foot storm drain runs between 6131 Ricky Drive and his property. He submitted a copy of the plot plan showing the drainage line to the Board secretary. He believes the basin will hold water and draw mosquitoes. Mr. Gebelein spoke to his neighbors and they feel this added structure will decrease property values and will make it harder for resale. He wants to know why Mr. Imbus' business needs to be at their expense. Greg Porter asked if Mr. Imbus could put another building there that is three-stories tall. Rick Helsinger said he could build a three-story building. Tim Bachman added that he would still have to comply with the 25-foot setback, and it would not have to be brick. There was more discuss between the Board and Mr. Bachman as to other structures that could be built. There is a problem with accessibility which would require an agreement or easement with the bowling alley.

Mary Muensch, 6131 Ricky Drive, believes this new building will affect her property values. As a single mom of three, she does not want to lose the value she has invested in her home. Noise is an issue every day. She can hear the back-up alarms on the trucks. She does not think the wall will eliminate all of the noise. Ms. Muensch said the current upkeep of the property is not good. It is only cut every three-four weeks by tractor. The berm gets cut, but not along the fence. She has to do it herself. She does not think Mr. Imbus will maintain the property. If the pine trees are planted along the back, she thinks there will be an issue with pine needles in her pool. She is also worried about flooding. Ms. Muensch submitted a petition against the new building signed by eleven property owners. With the petition, she included pictures of the fence with overgrowth.

Ron Siciliano asked Mr. Muensch about fence in the pictures that she took of the overgrowth. The fence belongs to the homeowner.

Des Combs, 6113 Ricky Drive, stated Mr. Bachman addressed most of his concerns. He is worried about drainage. He stated the area is already a marsh when it rains. He thinks there should be more lighting on the buildings. It looks like it would be too dark and might attract criminals.

Perry Keller, 1809 Happy Valley Drive, addressed the Board with his drainage concern. He said the drainage is an issue already. Mr. Keller complained of the truck noise, the beeping back up alarm at all hours of the day and night. The actually hours for the storage facility are 5 a.m. to 11 p.m. He said a doctor's office would be a better fit for the lot.

Greg Porter asked if any of the neighbors have used the empty lot for any reason. Mary Muensch admitted her kids would play on the lot and it was used as a cut through to the bowling alley. Ron Siciliano wanted to know if any of the neighbors have any current drainage issues and if the property was being maintained by Mr. Imbus. Two of the neighbors do have issues with drainage. Three of the neighbors said it was not being maintained. Noise issues are being heard during operating hours mentioned earlier, 5:00 a.m. to 11:00 p.m. Mr. Imbus spoke up regarding the drainage. All the water will be set to drain to the detention basin. It actually might help the current issue by building on this lot. Mr. Imbus also said the 10-foot wall on the new building should deflect the sound just like the sound barrier walls along the highway. The basin is a detention basin, which is dry when the weather is dry. If it rains, it holds the water, but dries. It has to rain very hard not to drain completely. Mr. Bachman mentioned the pond at Emerald Lake is a retention basin which holds the water and the reason why it is a pond. The detention basin holds the water but will not remain when the weather is dry.

There was discussion among the Board over the seven conditions stated in Section 1137.08 and presented by Tim Bachman. Ron Siciliano does not know if the building will help with the noise issue, but his initial thought was that it could help. He believes the Building and Zoning Division will monitor the drainage issue, as they resolved a drainage issue with Rolling Hills Baptist Church in recent years. Mr. Siciliano sees the business' right to make use of the property, but there is also the right to residential enjoyment. Mr. Siciliano and Mike Stokes are struggling on the second condition of "is it a hardship?" Mr. Siciliano said the owner still could build something else. John Clemmons had said earlier the zoning allows for a 3-story structure or 35 feet in height, whichever is lower. Mr. Koczeniak stated if the Board were to approve the use variance, they could put conditions on the approval. Mr. Koczeniak asked if any of the neighbors had suggestions for conditions of approval of this variance. Mary Muensch said she definitely would like to see the brick. She and Mr. Gebelin are concerned with the upkeep, and any conditions the Board puts in place must assure the neighbors the area will be maintained.

The second condition regarding hardship was again addressed by Mr. Clemmons. Mr. Porter compared it to a prior case for a use variance for a car lot at 3120 Production Drive. Mr. Bachman explained the case for Production drive is clearly a hardship created by the accountant when he made a lease with the tenant. Mr. Clemmons said that is what it means to create a hardship. Mr. Clemmons went on to state Mr. Imbus did not make the unusual configuration of

this lot, whether he bought the lot knowing it may be a problem or not, is not the issue. He read the Fairfield Codified Ordinance 1137.08(b)(5) regarding an Area Size Variance which says: "Whether the property owner purchased the property with knowledge of the zoning restrictions…" This applies to an Area Size Variance, not a Use Variance.

Scott Lepsky commented that he felt the second and third conditions were self-inflicted. John Clemmons reiterated that the Board is not interpreting the second condition correctly. The configuration of this property was not created by the applicant. It was created when the houses were added by the City or developer. This lot was left over when the residential area was created around a C-2 property. The C-2 property was there before the houses. Mr. Bachman told the Board the two buildings added in 1999 were a conditional use, not a zoning change. Mr. Imbus has an option to request a zoning change; the problem is the City, and the staff, may not support a C-3 zone change. Even if they did support it, Mr. Imbus would have to go back to Planning Commission for a conditional use for the storage unit. Mr. Porter felt Mr. Imbus knowingly purchased the property with this problem. Mr. Snyder speculated that Mr. Imbus may not have necessarily had a plan for the property when he purchased it. John Wesseler said if Mr. Imbus had given his due diligence to investigate this property prior to the purchase, then he would have known. Mr. Clemmons reminds the Board that none of these arguments apply in a use variance, only applies in an area/size variance. Mike Snyder wanted to know what else could be built without a variance. C-2 Zoning as stated in FCO 1159.01 allows any use permitted in C-1, retail, services, restaurants, printing, and clinics. Scott Lepsky suggested a meeting between the business owner, John Imbus, and the neighbors. There is a petition by several neighbors who are against this project. Two of the neighbors present said they would be willing to meet. Mr. Imbus said if they build, the building provides an artificial sound barrier and will help cut down on the noise. The drainage will actually improve. This is the most practical building option for this lot. Greg Porter commented the location of the building may prevent trash from blowing into yards. Mr. Imbus stated he currently has a maintenance manager who cuts the lot about every three weeks, but will contract out the property maintenance to a professional company if he can build the new storage unit. Greg Porter would like to examine the code referred to by John Clemmons. Mr. Clemmons advised Mr. Porter that the code is not for this issue, and that the car lot use variance has nothing to do with this use variance request. Mr. Imbus appreciated the offer to meet with the neighbors, but he cannot fathom any other building options for this lot. He has taken care of the drainage issue and the maintenance would improve. With the change from the proposed concrete wall to brick, Mr. Imbus will incur an additional expense of $50,000. Mr. Imbus further stated they are a storage business and it only makes sense to build more storage. Even his realtor gave up trying to sell this property.

<u>Board Action</u>
Mr. Wesseler thought it would help if the residents could see a rendering of the completed project. It would give Mr. Imbus a chance to prove or show how nice it could look. Tim Bachman suggested Mr. Imbus provide a landscape plan and details of the brick and mortar.

If they were to table this case, Ron Siciliano would like to see this information prior to the next meeting and a brick and roof shingle sample. Mr. Siciliano suggested Mr. Imbus look into a couple of different types of trees as a buffer. Mary Muensch asked if ivy is still an option. Mr. Imbus replied there will be no ivy now that the wall will be brick. The roof shingles will be the

same as the other buildings. Mr. Bachman informed Mr. Imbus and the neighbors of the next meeting will be on Wednesday, October 7. Mr. Imbus offered to post landscaping plan and building information at the Fairfield Storage office. Mr. Bachman said it would be good to have it there, but also to have it available to view at the City of Fairfield, Building and Zoning Office.

The date of October 1, 2015, by 5:00 p.m. will be Mr. Imbus' deadline to submit the landscaping plan and building renderings to the Building and Zoning Division. Mr. Imbus is also to provide a brick sample at the October 7, which is next Board of Zoning Appeals meeting.

Ron Siciliano made a motion to table this case until the next meeting on October 7. Mike Stokes seconded the motion. Motion carried 6-1 with Joseph Koczeniak dissenting.

Further Action by the Board

The Board is in full attendance, and held elections for the Chairperson, Vice-Chairperson, and the Secretary. Scott Lepsky nominated Ron Siciliano as Chairperson and Maria Mullen as Secretary, seconded by Jack Wesseler. Greg Porter nominated Scott Lepsky as Vice-Chairperson, seconded by Ron Siciliano.

Mike Snyder moved to close the nominations and elect the slate of candidates by acclimation. The motion was seconded by Scott Lepsky. The vote was 7-0 in favor.

Adjournment:

Scott Lepsky, seconded by Jack Wesseler, made a motion to adjourn. Motion carried 7-0.

Ron Siciliano

Ron Siciliano, Chairman

Maria K Mullen

Maria K. Mullen, Secretary

August 30, 2015

RE: 17 Yellowdale Drive, Fairfield, OH

Dear Board of Zoning Appeals,

We are writing on the behalf of Mr. Roberts, who has filed for a zoning variance for the garage that he recently built. We live directly next door to Mr. Roberts and have seen the garage in questions first hand. We have no objections to the variance and feel that it should be granted.

One can simply drive through our neighborhood and see many houses with garages of the same or similar size. We feel that his garage is not only appropriate for his property and in keeping with the rest of the neighborhood, but it also increases the value of his property and, therefore, those around it.

Thank you for your time and consideration on Mr. Robert's behalf.

Sincerely,

John G Kubeck
Homeowner
9 Yellowdale Drive
Fairfield, OH

Traci L Kubeck
Homeowner
9 Yellowdale Drive
Fairfield, OH

Exhibit "A"

To: Board of Zoning Appeals 8/31/15
From: Timothy Bachman, Development Services Director
RE: Fairfield Storage

The following communication to the Board of Zoning Appeals (BZA) is intended to discuss the required conditions described in 1137.08(a) of the Fairfield Codified Ordinances for Use Variances. The STR comments along with a final list of conditions are also attached for your review.

Section 1137.08 (a) states: No use variance shall be authorized by the Board of Zoning Appeals (BZA) unless the Board finds, beyond a 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 zoning district.**

The parcel is zoned C-2, Central Business District, which does not permit any type of mini-warehouse storage units as either a principal permitted or conditional use. Warehouses/storage units are first permitted as a conditional use in the C-3 District. The C-2 zoned property is owned by Imbus Enterprises LTD PRT and has been owned by them for over 15 years. The use variance can be used to both finish the Fairfield storage project and shield the residents from the activity, lighting and noise associated with the current configuration of the storage facility.

2. **The hardship condition described in Section 1133.01(86) is not created as a result of actions by the applicant.**

The parcel is landlocked with no street frontage and is located between single-family houses and the existing mini-warehouses. The 1.028 acre parcel is small and odd shaped at its southern end and has no street frontage. It was acquired from the adjacent bowling alley.

3. **The granting of such variance will not adversely affect the rights of the adjacent property owners.**

The undeveloped parcel is situated between the existing single-family residential and the mini-warehouses, which were constructed in the 1990s. The proposed layout for the new mini-warehouse provides a 25 foot buffer from the building to the property line, which is the minimum required by Code. The applicant is proposing the building exterior to be concrete with ivy. This is an industrial look and will not be an appealing view for the neighbors. The ivy will only provide a good screen if it is maintained after several years of growth. In order to give the building a residential feel, it is recommended that the walls adjacent to the single-family be brick veneer or a combination of cultured stone and brick. The intent is to have a "finished" exterior adjacent to the single family residents as part of the final phase of the Fairfield Storage

addition. In addition, a detailed landscape plan should be submitted for staff review and approval.

4. The granting of such variance will not adversely affect the public health, safety or general welfare.

In 1994 the applicant received approval to construct the existing mini-warehouse facility. In 1999 an expansion was approved for two buildings just south of Northwest Lanes bowling alley. A third approval is now being requested. The use variance is a tool available to the BZA to allow this use with conditions to better protect the public health, safety and general welfare of the adjacent residents. The following conditions are recommended to better protect the public health, safety & general welfare of the surrounding residents:

a. The north and east exterior sides of the building as well as the southern exterior side of the building that faces residential properties should be constructed of either brick veneer or a combination of cultured stone and brick.

b. Vertical landscape screening shall be provided within the 25 foot buffer between the building and the property line that abuts the residential parcels . A detailed landscape plan shall be submitted to Development Services Staff for review and approval. Any mulch beds are to be kept free of weeds. Any dead plantings are to be replaced in a timely manner.

c. The HVAC equipment shall not be located within the 25 foot buffer area between the building and property line adjacent to the residential parcels.

d. All drainage from the building shall be kept on site and directed into the detention basin, which may need to be enlarged per City regulations.

e. Lighting shall not be installed on northern, eastern or southern exterior side of the building.

5. Such variance will be consistent with the general spirit and intent of the Zoning Code.

Uses principally permitted in the C-2 zoning code which could be introduced to the site with no additional review include offices, retail and service, church or agricultural use. Providing required buffers and the above conditions regarding architecture and lighting follow the general spirit of the zoning code with regard to commercial uses adjacent to residential uses.

6. The variance sought is the minimum which will afford relief to the applicant.

The proposed mini-warehouse building is an extension of an existing business, which has operated at this location for over 20 years. An alternative to a use variance is a change in zoning to C-3, General Commercial District, which permits mini-warehouse storage as a

conditional use. The major drawback to this alternative would be that if the mini-warehouses were not built, any permitted use in the C-3 District would be acceptable provided all setbacks were met. There are many high intensity commercial uses in the C-3 that would not be appropriate adjacent to single-family homes.

7. There is no other economically viable use which is permitted in the zoning district.

The parcel is landlocked with no direct access to either Pleasant Avenue or Happy Valley Drive. It sits back 200 feet from Happy Valley Drive behind single-family houses and over 800 feet from Pleasant Avenue behind Fairfield Storage. Most principal permitted uses in C-2 are retail or service, which require street visibility and direct roadway access. Uses principally permitted in the C-2 zoning code which could be introduced to the site with no additional review include offices, retail and service, church or agricultural use. These uses would require various set-backs and buffers similar to the proposed by Fairfield Storage expansion proposal.

STR comment

The STR reviewed the proposed project. The comment that was received dealt with drainage. The City Engineer would require drainage calculations for the drainage area and detention storage calculations so that the basin is resized for all of the impervious surface drainage from the Storage Facility.

Possible Conditions of Approval:

1. The northern and eastern exterior sides of the building as well as the southern exterior side of the building that faces residential properties should be constructed of either brick veneer or combination of cultured stone and brick.

2. Vertical landscape screening shall be provided within the 25 foot buffer between the building and the property line that abuts the residential parcels . A detailed landscape plan shall be submitted to Development Services Staff for review and approval. Any mulch beds are to be kept free of weeds. Any dead plantings are to be replaced in a timely manner.

3. The HVAC equipment shall not be located within the 25 foot buffer area between the building and property line adjacent to the residential parcels.

4. All drainage from the building shall be kept on site and directed into the detention basin, which may need to be enlarged per City regulations.

5. Lighting shall not be installed on northern, eastern or southern side of the building.