

MINUTES OF THE  
FAIRFIELD BOARD OF ZONING APPEALS

March 6, 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 Wesseler, Joseph Koczeniak, Scott Lepsky and Debbie Pennington. Mike Stehlin, Plan Examiner and John Clemmons, Law Director were also present. Motion to excuse Chad Oberson 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 February 6, 2013 were approved. Motion carried 5-0.

Old Business

Motion to remove the case from the table carried 5-0.

**Case No. BZA-13-0001 – Accessory building over 500 sq ft, no paved access – 5645 Lindenwood Ln:**

Kim Kupper requested this case be withdrawn. Motion to remove the case from the agenda carried 5-0.

New Business

**Case No. BZA-13-0005 – Variable Message Reader Board in the R-0 zoning district – 5460 Bibury Rd.:**

Fairfield City Schools is requesting a variance to install a Variable Message Reader Board in the R-0 zoning district.

STR had no comment on this case.

Property Owner's Comment

Kerry Russo, representative for Fairfield South Elementary School spoke regarding the variance. The existing changeable letter sign needs repaired and a more efficient way to change the letters on the sign. The proposed new sign will allow the message to be changed from the office. They plan to use the existing cabinet for the new sign, so it will be the exact same size. The scrolling letters will be amber colored, similar to Rolling Hills Baptist Church and St. Mark's Church. It will have an auto dim feature for night time display, and is positioned so the neighbors will only see the end of the sign. Mr. Siciliano doesn't think it will impact the neighbors much. They will just need to follow the rules for Variable Message Reader Board signs in the code, regarding color and message display time. Ms. Russo stated the letters will be amber, and they have no option for any other colors. Mr. Stehlin will make sure that during the plan review process for the sign he will indicate on the plan the code requirements.

Public Hearing

None

Board Re-Convened

Debbie Pennington, seconded by Scott Lepsky, made a motion to approve the variance as submitted. Motion carried 5-0. Ms. Russo indicated that the school hopes to have the sign installed within 6 months.

**Case No. BZA-13-0006 – Additional signage exceeds allowable – 544 Patterson Dr.:**

Mike Hamilton, for Planet Fitness Fairfield, is requesting a variance to add 70 square feet of additional signage to the building.

STR had no comment on this case.

### Property Owner's Comment

Mike Hamilton spoke regarding the variance. The existing sign in the parapet faces south, towards Patterson Dr. He wants the exact same sign to be placed on the other, empty side of the parapet, facing Pleasant Ave. Mr. Stehlin indicated that Design Review originally approved both sides of the signage in the parapet. At the time they applied for the sign permit, we discovered that they were over their allowable square footage, and the one side was removed to comply. Mr. Siciliano asked if the sign was necessary. He is worried about setting precedent for other businesses. The sign won't be seen if someone is traveling south, and if they are traveling north, the other signs in the complex will draw their eye first. Mr. Lepsky thinks that architecturally, covering the open side of the parapet would look better. If the variance is not approved they will leave everything as is and the "hole" would stay open. They would like to dress it up a bit and make it look better. Mr. Koczeniak is worried about setting a precedent by approving a variance with no hardship. It seems wrong to approve simply because of looks. They may feel required to approve others like it. Mr. Clemmons said that this is the only structure like this in that particular shopping center. The signage will actually help the business; they could have just installed an opaque panel. The sign will be visible at another angle. He has no concerns about precedent; this is a unique case. Ms. Pennington thinks finishing touches mean a lot, if it's not approved all that will be seen is the light bulb. It won't look finished. It will improve the appearance of the center. Mr. Koczeniak stated they are not a committee charged with making decisions on appearances. There is no hardship. Mr. Siciliano said the board also tries to be community and business friendly. They would not be creating a hardship by approving the variance. Mr. Wessler prefers that if the sign is approved, if the business name is changed, they would need to comply with the existing code. There was discussion on how square footage for signs is calculated. Mr. Clemmons referenced Chapter 1137.08 relating to BZA. It was amended in 2010; size/area variances require "practical difficulties" not "hardship". Hardship is required on use variances.

### Public Hearing

None

### Board Re-Convened

Joseph Koczeniak, seconded by Scott Lepsky, made a motion to approve the variance as submitted, with the stipulation that any tenant or name changes would require Board of Zoning Appeals approval. Motion carried 5-0.

### **Case No. BZA-13-0007 – Coffee kiosk to be placed 12 feet from the right of way – 5181 Dixie Hwy.:**

Mike McMillan is requesting a variance to place a coffee kiosk 12 feet from the right of way, 8 feet into the front yard setback.

STR recommended that to keep the kiosk out of the traffic lane, they support the variance.

### Property Owner's Comment

Mike McMillan spoke regarding the variance. He informed the board that Norb Bosken, owner of the bowling alley supports the variance. The proposed kiosk will sit in the parking lot very much like the other location they have further down Dixie Hwy. Mr. Siciliano verified that they are only approving the setback variance. Mr. Stehlin informed the board that this was a last minute BZA requirement; he was ready to issue the permit and he received an updated site plan showing a more accurate location of the right of way, showing it closer to the street than it was originally thought to be. Mr. Wessler was concerned if there was enough parking for the bowling alley and the coffee kiosk. There is plenty of parking for both; the kiosk is a drive thru only facility and there will be only one employee.

### Public Hearing

None

### Board Re-Convened

Scott Lepsky, seconded by Joseph Koczeniak, made a motion to approve the variance as submitted. Motion carried 5-0.

### **Case No. BZA-13-0008 – 8 foot tall fence with barbed wire in the front yard setback – 2001 DDC Way:**

Paul DeSherlia, for Hogan Truck Leasing, is requesting a variance to install an 8 foot tall fence with 3 strands of barbed wire in the front yard setback.

STR recommends that part of the front yard remain unfenced

### Property Owner's Comment

Paul DeSherlia spoke regarding the variance. Security is a problem with truck leasing companies. They want two points of entry before people can reach the vehicles. Mr. Stehlin referenced the site plan, and informed the board the yellow portion of fencing was existing and just being moved 4 feet over. STR didn't feel that the front corner would benefit the business. Mr. DeSherlia said Hogan wants no access to the building without having to go through a fence. Mr. Siciliano asked what type of business was operated at this location. They lease heavy commercial trucks and trailers. Mr. Siciliano questioned why so much security to the building was necessary; only truck servicing is done inside. Mr. DeSherlia said they have had security issues since 9/11. Hours of operation are day shift hours, eventually to be open 24/7. The gate will be open during business hours, and only shut and locked after hours. There was discussion on points of entry for the trucks. It was noted that the existing barbed wire fence is angled outward, which is against the code for such fences. The new fence will be installed correctly. There are other businesses close to this one that have the 8 foot fences that they want that were approved by the Board.

### Public Hearing

None

### Board Re-Convened

Joseph Koczeniak, seconded by Jack Wessler, made a motion to approve the variance with the stipulation that the gate is open during operating hours and emergency provisions are in place relating to employees leaving the facility if the gate is locked. Motion carried 5-0.

### Adjournment:

Motion to adjourn carried 5-0.

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Ron Siciliano, Chairman

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Lynda McGuire, Secretary