

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

June 4, 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 Wessler, Joseph Koczeniak, Mike Stokes, Ron Siciliano, Scott Lepsky and Mike Snyder. Rick Helsinger, Building Official and John Clemmons, Law Director were also present. Motion to excuse Greg Porter carried 6-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on June 4, 2014 were approved. Motion carried 6-0.

Old Business

New Business

Case No. BZA-14-0011 - Metal roof on shed - 5346 Frieda Dr.:

Rick Scalf is requesting a variance to install a 160 square foot shed with a metal roof.

STR had no comment on this case.

Property Owner's Comments

Rick Scalf spoke regarding the variance. He wants to build a utility shed to replace his existing shed. The proposed shed will have a metal roof and pressure treated wood walls. His current shed has shingles, and there is moss growing on them. Mr. Wessler verified the doors are not over 6' wide. Mr. Scalf told the board the salesman told him he couldn't build a shed with a metal roof in Fairfield, so he decided to apply for a variance. The metal roofs are guaranteed for 30 years. Mr. Snyder indicated that the ordinances against the roofs are to prevent rusty metal sheds. Mr. Bachman told the board that this is a fairly new ordinance. Planning Commission made a recommendation to council; stemming from a BZA case regarding a composite shed. The goal of the ordinance was to provide consistency with the principal structures; there are not many metal roofs on homes in Fairfield. If the board approves this case, they are going to continue to see these types of cases every month. He asked the board to take into account that this shed wasn't already constructed or purchased before the ordinance took place; this is a new shed. Mr. Koczeniak said he remembered the previous case as a building attached to a home; this is a freestanding shed. Mr. Siciliano said he is ok with the metal roofs, just not the metal buildings.

Public Comment

None

Board Re-Convened

Joseph Koczeniak, seconded by Jack Wessler, made a motion to approve the variance as submitted. Motion carried 6-0.

Case No. BZA-14-0012 - 8 foot tall fence - 5476 Lakeside Dr.:

Michael Oler is requesting a variance to install a total of 23 linear feet of 8 foot tall privacy fence.

STR had no comment on this case.

Property Owner's Comments

Michael Oler spoke regarding the variance. He has a split rail fence that is rotting. His neighbors are very close to his property and he wants to install an 8' tall vinyl privacy fence. There are bushes/plants that have been there for privacy in the past, but the bushes are dying. He just wants the 3 panels along the deck, and the rest of the fence will be vinyl split rail and aluminum fence. He needs the 8 foot fence as opposed to a 6 foot fence, because his deck sits 2 ½ feet off of the ground. Mr. Koczeniak asked if code allowed a 6 foot fence to be mounted on a deck. It is allowed per the building code. Mr. Siciliano is concerned if they let him have the 8' fence then a lot of other people will start installing small sections of it. Mr. Snyder pointed out that there is a pump station very near his house that has 8 foot privacy screening around it; so his will blend right in. Mr. Koczeniak asked what "Plan B" was if the fence was not approved. They will purchase live bushes that are full grown and plant them there. Mr. Stokes asked if there was a restriction on how high the deck has to be off of the ground and wondered how many more decks there are in Fairfield this high off of the ground and if this variance would be an issue again in the future. There is no restriction on height of decks according to the code. Mr. Snyder said there is not much of the 8 foot fence that will be visible from the street; he doesn't think the visual impact will be great. Mr. Wesseler would like to see a section of landscaping in front of the section of 8' fence that faces the street.

Public Comment

There was no comment from the audience.

Board Re-Convened

Mike Snyder, seconded by Scott Lepsky, made a motion to approve the variance, with the stipulation that landscaping is planted in front of the section that faces the street. Motion carried 5-1, Ron Siciliano dissenting. Motion to waive the 5 day waiting period carried 6-0.

Case No. BZA-14-0013 – Multiple variances relating to a variable message reader board sign – 4785

Factory Dr.:

International Car Service is requesting multiple variances relating to the installation of a variable message reader board sign.

STR referred to the memo by Tim Bachman as comment on this case. Mr. Bachman spoke regarding his memo. The owner needs to make some sense of the complex; there are 3 different parcels and 2 different owners and most of the businesses advertising on the sign are not located on the parcel where the sign is located. There may be obsolete signage on the property as well. He wants the owner to prepare a survey of the existing signage so some sort of sense can be made of the existing signage before any new signage is added. He referenced the sign map that he created and there was discussion on the existing signage. Mr. Clemmons stated that this business strip may meet the definition of a shopping center; it makes more sense to look at it as a shopping center rather than as 8 separate tenants.

Property Owner's Comments

Zurab Jangveladze from International Car Service brought Carl Kilness, a lawyer, who spoke for this case. The GPS directs customers to the wrong address; he needs signage to show people where the business is located. He asked if a permit would be required to do a face change in the sign face if there was an obsolete sign installed in it. Mr. Helsinger said he wasn't sure what signs were there and how much square footage was available. Mr. Bachman spoke regarding the signage. The Livi and Chris sign just showed up; a permit was not paid for by the owner. He agrees that Mr. Janveladze needs signage and deserves his fair share of the available signage. He questioned the appropriateness and amount of the existing signage. There needs to be some kind of conformity. There was discussion on what property owners own what businesses. Mr. Siciliano asked if he had reviewed his lease to see what the owner is allowing him in the way of signage.

Mr. Janveladze spoke regarding the variance. He has been in the space since 2011. No one can find his business; he will need to close if he can't get the sign. He wants the sign to be a lighted sign, because he sometimes is in the building very late. He asked if they could put a temporary sign where the current "Paydays" sign is while moving forward through the variance process. The board will allow a banner for 30-60 days, with the owner's permission and with a permit from the City.

Public Comment

None

Board Re-Convened

Mr. Siciliano suggested they table the variance until the July meeting, to get the owner involved in the discussion. He will not support the variances tonight.

Scott Lepsky, seconded by Mike Snyder, made a motion to table the variance until the July 2, 2014 meeting. Motion carried 6-0.

Case No. BZA-14-0014 – Roof sign in D-1 zoning district – 710 Nilles Rd.:

The owner of Servatii is requesting a variance to install a roof sign at this location.

STR had no comment on this case.

Mr. Siciliano asked if the proposed sign was like the Hot Head Burrito sign. Mr. Helsinger said the sign will attach to the roof itself, unlike Hot Head's sign that attached to a beam underneath the roof. The sign for Hot Head did not end up needing a variance after the construction was modified.

Property Owner's Comments

The owner of Servatii spoke regarding the variance. His proposed sign is in good taste; Hot Head's sign is not a nice sign. His monument signage is covered by tree branches. Mr. Bachman talked to the owner of the building to try and figure out a solution and design a sign the way Hot Head did. There is no beam on this building to support installation of the sign under the roof, like the building where the Hot Head sign is located. There was discussion on the existing roof signs in this strip center. Those signs were installed before the ordinance was changed to disallow them. The owner was not aware the problem was with the construction of the sign; he thought the city didn't like the sign he was installing. It was suggested that the owner and Quality Signs get together again and try to come up with a way to construct the sign so as not to be defined a roof sign.

Public Comment

None

Board Re-Convened

Scott Lepsky, seconded by Mike Snyder, made a motion to table the variance until the July 2, 2014 meeting. Motion 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

To: Board of Zoning Appeals

From: Timothy Bachman, Development Services Director

T.G.B.

RE: BZA case 14-0013 Variable Message Reader Board

Date: 5/20/2014

I have the following comments for Board consideration as you review the variance request for the variable message reader board installation at 4840 Dixie Hwy. Given the large number of variances as enumerated by Mr. Michael Stehlin, Plans Reviewer, staff reviewed the conditions so the Board of Zoning Appeals had additional information in which to form a decision relative to the variance.

Given the complexities of eight tenants, on three parcels, with two different legal owners and two public street frontages, there are some issues relating to identification, off-site signage, visibility and possible obsolete signage which have developed over the years as tenants have located and left the complex. These issues certainly have a bearing on the specific variance request. The attached graphic provides a comprehensive overview of the complex.

Also relevant, no overall aggregate signage calculations were submitted to determine the existing sign sizes that exist on the property. Given these issues, it is our recommendation that the property owner prepare the following which will assist in providing information to the BZA and clean-up of the existing signage on site:

1. Property owner shall prepare a survey of all existing signage on the entire site (including the square footage of all pole and building signage).
2. Property owner shall devise a plan for signage allocation between all tenant spaces.
3. Property owner shall remove any obsolete signage from the pole and/or buildings.
4. The pole, base, and sign cabinets shall be cleaned and painted.
5. Property owner shall ensure that all existing and future tenants have secured and paid for any required certificates of occupancy and sign permits from the city building division.

I would recommend that the BZA table this specific reader board request and await the survey of existing conditions and plan of action as prepared by the property owner.



Existing Sign

- Visible from street
- Not visible from street

Factory Dr

Mike's Auto

International Car Service

Blackie's Auto

Auto Vacant

Custom Kitchen

Auto

Livi & Chris

Army Surplus

PMB 594H

Dixie Hwy



May 23, 2014

Re: BOARD OF ZONING APPEALS

Dear Property Owner:

On **Wednesday, June 4, 2014 at 6:00 p.m.**, the Board of Zoning Appeals for the City of Fairfield, Ohio will hold a public hearing in the Fairfield Municipal Building located at 5350 Pleasant Ave., to hear a variance request submitted by Rick Scalf, for the property located at 5346 Frieda Dr., lot no. 4532 in the R-1 zoning district.

Section 1143.06(a) of the zoning code states "Metal roofs are not permitted for any accessory structure greater than 100 square feet except on parcels zoned A-1 which are two acres or more in size." The applicant is requesting a variance to construct a 160 square foot shed with a metal roof.

All properties with two hundred (200) feet of the boundaries of the property in question are notified of the BZA hearings.

Sincerely,

Rick Helsinger
Rick Helsinger, Chief Building Official

RH: lkm

cc: BZA Correspondence
Case File

Mr. Helsinger

*I Karen S. Smith
@ 5376 Frieda Dr
give my okay for
Rick Scalf to
be permitted to
do his project.
I do not object
in any way. If you
need to reach me
513-867-8684*

I regret I can not be at meeting - Thanks -