

FAIRFIELD BOARD OF ZONING APPEALS
FAIRFIELD MUNICIPAL BUILDING
5350 PLEASANT AVENUE
FAIRFIELD, OH 45014

AGENDA
August 5, 2015

Roll Call

Pledge of Allegiance

Approval of Previous Minutes:

-July 1, 2015 Meeting Minutes

Old Business

Case No. BZA-14-0021 - Outdoor Entertainment - 101 Bacher Square:

As a condition of the approval by the Board of Zoning Appeals on August 6, 2014, Jack Matalka, owner of The Thirsty Turtle (now named Club 4 Play), is required to have the previous decision reviewed for the property located at 101 Bacher Sq., lot no. 812 in the B-1 zoning district.

The variance granted on August 6, 2014 was in reference to outdoor entertainment. Please see the attached minutes from the August 2014 Board of Zoning Appeals meeting.

Case No. BZA-15-0008 – Accessory Building over 500 sf – 4519 McCormick Ln

A variance request submitted by John Russo, for the property located at 4519 McCormick Ln, Lot No. 577 in the R-1 zoning district.

Section 1143.06 (a) of the zoning code states "...accessory buildings or structures shall not exceed 500 square feet except on parcels zoned A-1 which are two acres or more in size." The applicant wants build a 1200 sf detached garage, which is 700 sf over the maximum size allowed.

Section 1143.06 (b) of the zoning code states "...in any A or R District, where a corner lot adjoins in the rear a lot fronting on the side street, no part of an accessory building or structure on such corner shall be near a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot." The applicant wants to build a detached garage in the 30-foot setback.

New Business

Case No. BZA-15-0014 – Accessory Structures over 35% of rear yard – 134 Martha Ln

A variance request submitted by Paula Jinks, for the property located at 134 Martha Lane, Lot No. 10544 in the R-1 zoning district.

Section 1143.06 (a) of the zoning code states "...no accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more area than thirty-five percent (35%) of the required rear yard." The applicant needs to extend her existing deck to connect to her new pool. This would exceed her allowable 35% square footage for accessory structures by approximately 240 square feet.

/mkm

cc: Mark Wendling, City Manager
Alisha Wilson, Clerk of Council (9)
Timothy Bachman, Development Services Director
BZA Members (7)
BZA File

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

August 6, 2014

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

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on July 2, 2014 were approved. Motion carried 6-0.

Old Business

Motion to remove Case No. BZA-14-0013 off of the table carried 6-0.

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

Property Owner's Comments

Wendy Hicks, owner and sign contractor, spoke regarding the variance. She has been meeting with the owners of the property the sign is located on for the past couple weeks. They will be resubmitting a sign plan at a later date. Mr. Clemmons recommended tabling the variance, because, while they may not need all of the original variances, at the very least it is a non-conforming sign and will still need some kind of variance. There was discussion on the 5 variances that the case involved.

Public Comment

None

Board Re-Convened

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

Case No. BZA-14-0014 will remain on the table this month.

New Business

Case No. BZA-14-0019 – Fence in street side yard setback – 4912 Celadon Ave:

Glen White is requesting a variance to construct a fence in the street side yard setback.

STR had no comment on this case.

Property Owner's Comments

Glen White spoke regarding the variance. He is a 36 year resident, and he wants to place a fence in his side yard for his dogs, because he has no back yard. The sign has already been installed. Mr. Koczeniak said he has no problem with the variance; his property is beautiful and the fence will blend right in with the neighborhood. Mr. Snyder stated that the fence is black iron and is a low fence; it's attractive. It will add value to the property. Mr. Stokes said it is a weird shaped lot; there is no backyard at all. He also praised the homeowner for maintaining his property so well.

Public Comment

None

Board Re-Convened

Joe Koczeniak, seconded by Mike Stokes, made a motion to approve the variance as submitted. Motion carried 6-0. Motion to waive the 5 day waiting period carried 6-0.

Case No. BZA-14-0020 – Porch projects 7.66 feet into front yard setback – 899 Doris Jane Ave.:

Pete Lindsey, representing the Cadle family, is requesting a variance to construct a front porch, which will project 7.66 feet into the front yard setback.

STR had no comment.

Property Owner's Comments

Pete Lindsey, 6 Vernon Ct., spoke regarding the variance. He is an architectural designer. The houses in this neighborhood are all very similar, box like houses. He plans to build the porch similar to the picture he submitted, but will be using nicer posts and a vinyl railing. The 7.66 foot projection is based on where the existing concrete is at. Mr. Wessler commented that the board likes to see the new porch match the existing house. The homeowners will be replacing the entire roof very soon, and will be constructing the porch at that time. Everything will match the existing. There was discussion on whether the 7.66 feet was enough room for the porch. Mr. Lindsey said the homeowners agreed on that amount. Mr. Snyder noted that the area has a lot of these types of porches; it fits the area and adds value to the home.

Public Comment

None

Board Re-Convened

Scott Lepsky, seconded by Jack Wessler, made a motion to approve a variance of 8 feet into the setback, with the stipulation the roof and building materials much match the existing home. Motion carried 6-0.

Case No. BZA-14-0021 – Outdoor entertainment – 101 Bacher Square:

Jack Matalka is requesting a variance for the Thirsty Turtle to have outdoor entertainment with piped jukebox music.

STR commented that the board should have a copy of the list of businesses that have been approved for outdoor entertainment. The board was provided that list with their BZA packets.

Property Owner's Comments

Jack Matalka spoke regarding the variance. He would like to use the outside area for smoking, cornhole games and piped music. He is not looking to have live bands out there initially; he knows he needs a special event permit, since there will be more than 100 people attending. He bought the bar 2 years ago, and is trying to clean it up and establish a good clientele. He didn't know he needed a variance to do anything outside; they have been using that patio for over 10 years. Mr. Wessler asked if he had spoken to any of the surrounding neighbors to see if they had an issue with the variance. He talked to the school; they have no problem, since the jukebox music won't start until well after school lets out. He keeps the neighboring lots clean and mows them. Mr. Clemmons asked what the area to the north of the property with the playground. A daycare used to be in the adjacent building and they used that playground. In the future, he would like to have volleyball there, but he is not asking for that variance at this time. Mr. Clemmons also expressed concern that the bar patrons would throw their bottles into that area. His back patio has privacy fenced further south than the playground, so no one will be near that area. He noted that Mr. Weiser, who works for the school, said they have no problems currently with the bar. There was discussion on the music on the patio. They will be piping music from the jukebox, which is what they have already been doing for the last 10+ years, with no issues. Mr. Helsinger stated that the police department was contacted regarding this variance, and they have had no issues. Mr. Lepsky pointed out that in the previous variance cases where there have been time restrictions; there have also been residential properties around the businesses. There was

discussion on times of operation. He plans to have the music piped out until 2:15 am, and closes at 2:30 am. He doesn't like loud music, and he will keep the volume down. The bar also serves food, and plans to offer outdoor seating for that too. Mr. Maltalka said he doesn't want to have to keep coming back to the board each year for his variance. There was discussion on the time frame for the variance.

Public Comment

None

Board Re-Convened

Mike Snyder, seconded by Jack Wessler, made a motion to approve the variance as submitted, to be reviewed in one year. Motion carried 6-0.

Adjournment:

Jack Wessler, seconded by Greg Porter, made a motion to adjourn. Motion carried 6-0.

Ron Siciliano, Chairman

Lynda McGuire, Secretary