

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

January 4, 2017

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 Wessler, Joseph Koczeniak, Mike Stokes, Ron Siciliano 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

Jack Wessler found a typographical error in the minutes. The error was noted by the secretary to be corrected. The minutes from the Board of Zoning Appeals meeting held on December 7, 2016 were approved.

New Business

Case No. BZA-17-0001 – Covered Front Porch in 30-Foot Front Yard Setback – 3 Nicholas Ct

The owners, Mark and Mary Beth Bailey, requested a variance to build a covered front about five feet into the 30-foot front yard setback. The property located in the R-1 zoning district.

Staff Technical Review had no comments. Rick Helsinger gave a brief summary of the property and its location, the ordinance requirements, and the owner's request.

Property Owner's Comments

Mark Bailey spoke on behalf of his variance request. Mr. Bailey's intentions for adding the front porch cover are for curb appeal and protection from the weather elements. The front of the house is very plain, and the additional porch with cover will be more inviting and presentable. The additional concrete porch will only be one foot more than the existing concrete porch. He is also adding concrete for the porch and cover to extend to the garage. It will not be enclosed only finished with posts and handrails, as you see with most front porches.

Public Comment

Gloria Lake, 5 Nicholas Court, voiced some concerns. Ms. Lake had not seen the drawings until this evening. She wanted to know if the walkway from the driveway to the front door would be staying. Mr. Bailey said it would remain. Ms. Lake's understanding of a variance is that it is reserved for exceptional circumstances, and she does not see one in this case. In their community, there are no other properties with this type of encroachment. She said no other property has front porches that extend past the garage. The houses are quite large on small lots, and she believes this

additional porch will make the house look awkward and out of place. They are not okay with this large front porch, but would have been okay with a small cover just over the existing front entry.

Additional Discussion by the Board and the Property Owner

Mr. Siciliano said there should be a hardship, and they try to be community friendly when making their decision in these cases. Mr. Bailey's other addition on the house is not part of this variance. The flower bed will be removed to make room for the covered porch. Mr. Siciliano feels in other cases where they have approved the same type of variances in other neighborhoods, the front porches have improved the appearance and curb appeal of the houses. He also did not think this porch cover would impede sight. John Clemmons reminded the Board that for a "area/size" variance it is not the "hardship" standard as required for a "use" variance. Area/Size variances only require practical difficulties, which is the lower of the two standards. In this case, the covered front porch itself is permitted, but it is the setback issue that requires the area/size variance. Mr. Lepsky had no issues with it since the covered porch will not be enclosed. He feels it would be an improvement to the property. Mr. Helsinger said the concrete porch without the cover would be permitted in the setback without the variance. The cover extending into the setback causes the issue. Jack Wessler asked about the existing walkway. Mr. Bailey explained a bit of the building process which will require the walkway to be removed and redone. It will be in the same basic location, but he will replace the walkway with pavers.

Board Action

Scott Lepsky made a motion to approve the variance as submitted. Motion was seconded by Jack Wessler. The motion carried 6-0.

**Case No. BZA-17-0002 – Park Spaces in 20-Foot Front Yard Landscaping Buffer – 6705
Fairfield Business Drive**

Alpha 9 Enterprises Inc. requested a variance for 13 parking spaces in the required 20-foot front yard landscaping buffer. The property located in the ST (Service Transition) zoning district.

Staff Technical Review recommended additional landscaping added to the interior of the lot, for example around the dumpster, to compensate for the partial loss of the 20-foot landscape buffer. Rick Helsinger gave a brief summary of the property and its location, the ordinance requirements, and the owner's request. The proposed hotel will have 83 rooms which require 83 parking spaces. They can easily fit 70 parking spaces, but need the extra 13 in this 20-foot buffer area.

Property Owner Comments

Etta Reed, with Bayer & Becker, 6900 Tylersville Road, Mason, Ohio, spoke on behalf of this variance. Ms. Reed said they are asking for the 13 parking spaces as Mr. Helsinger explained. This lot is unique as it has a stream running through it, along with a culvert and a regulated waterway. The 13 parking spaces they need would fit easily if they had access to that portion of the property. Ms. Reed referred to a rendering she brought with her which showed a large area that they are unable to develop without great expense due to the waterway, culvert, and stream. The rendering showed added landscaping not seen in the originally submitted site drawing. The dumpster area is actually a maintenance building with the dumpster area. Mr. Snyder noted there is no residential area next to this zone, and questioned why it is a ST zone. There is warehouses and industrial across the street from this property on Fairfield Business Drive. Mr. Helsinger stated this property and the

three others alongside this one are the only four (4) parcels in the City that are zoned Service Transition. This zone was created to serve as a buffer between residential and industrial areas. The closest residential area is the Stockton Station residential development across Dixie Highway. The parcels across the street are in the M2 zone (General Industrial). Mr. Siciliano sees a definite hardship because of the unique condition of this lot. The other three lots in this ST zone are also hotels, and it does not appear they have much landscaping in the 20-foot buffer area. Mr. Koczeniak asked if there will be access to the property off of Seward Road. Ms. Reed indicated on her rendering there is a right turn only from Seward Road onto the property. She said they would work with the City staff on determining the best landscaping. Mr. Wesseler's only objection and comment to this variance is the fact that the hardship is brought about because the building is larger than the site can accommodate. In reality, if the building were smaller, they would not have an issue with the required parking spaces. Mr. Siciliano agrees, but apparently Planning has already approved the building through their review, and there must be reasons why they were okay with the size. Mr. Snyder said he remembers some years ago the owner asking to put some signage on this piece of property just to have a use for it. The owner was having trouble developing the property due the unique issues that have been discussed. Mr. Snyder likes this use and it fits well with the area. Dave Wespiser, project developer, 125 West Spring Street, Oxford joined the discussion by saying by reducing the room count; it lowers the amount of revenue they can generate. It makes this project economically feasible. It is a great project. The same owner owns and operates the Holiday Express just down from this location. It has been a good investment. They are looking forward to doing this hotel along the same lines.

Public Comment

None.

Board Action

Mike Snyder made a motion to approve the 13 parking spaces with the provision there is landscaping around the dumpster and additional landscaping as appropriate. The motion was seconded by Scott Lepsky. The motion carried 5-1, with Jack Wesseler dissenting.

Adjournment:

Scott Lepsky, seconded by Mike Stokes, made a motion to adjourn. Motion carried 6-0.



Ron Siciliano, Chairman



Maria K. Mullen, Secretary