

MINUTES OF THE  
FAIRFIELD BOARD OF ZONING APPEALS

October 7, 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 Wessler, 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 September 2, 2015 were approved. Motion carried 7-0.

Rick Helsinger recommended the Board start with new business. Ron Siciliano agreed, and the only new business case was read into record.

New Business

**Case No. BZA-15-0019 – Fence in the Setback – 5462 Sherry Ln**

Timothy Price, property owner, is requesting a variance for a 4-foot tall Kentucky four-board fence in their street side yard, connecting to his neighbor's BZA-approved fence in the setback.

Staff Technical Review had no comments.

Property Owner Comments

Timothy Price, 5462 Sherry Ln, spoke on behalf of his variance request. He needs the fence for his dog. The fence would be in line with the other fences on either side of his property. Mr. Price will install a double four foot gate for the storm sewer access. Five other properties with backyards to Muskopf Road have the Kentucky board fence, and one property has a split rail fence, and they are all in the setback. Rick Helsinger added the Public Works Department is okay with the gate size and location.

Public Comment

None.

Board Action

Scott Lepsky made a motion to approve the variance as submitted. The motion was seconded by Mike Stokes. Motion carried 7-0.

## Old Business

### **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 construct a storage building on the empty lot in the C-2 zoning district.

Scott Lepsky, seconded by Mike Snyder, made a motion to remove this case off the table. Motion carried 7-0.

Staff Technical Review had no comments.

### Property Owner Comments

John Imbus, owner of Fairfield Storage at 6128 Pleasant Avenue, spoke on behalf of his variance request. Mr. Imbus submitted a landscaping plan and a brick sample. Mike Snyder made a note for the record that the manufacturer of the brick is Boral Composites, and the brick is the Willowbrook Modular style. Tim Bachman added the brick sample is the closest match to the existing brick on the front building and the pillars on the property. Mr. Bachman reviewed the slides of the plan with the Board and audience. The brick veneer will be facing the residents. The rendering includes the landscape, which are pods of landscaping rather than spread out. The building will have a hip roof (like the existing buildings) with a 12-inch soffit. Tim Bachman had three comments:

- 1) Landscape Plan: He personally likes the landscaping plan. He recommends adding size detail to the trees and shrubbery. The pines should be no smaller than six feet tall, and plantings/shrubbery should no smaller than 18 inches in height.
- 2) Lighting: Original plans do not include any lighting. Wall lighting with shielded lights would be appropriate for this area for security issues. Traditional lighting (wall packs) would shine too much on the neighbors.
- 3) Maintenance: There needs to be a better maintenance plan than what is in place now. We have in the past put regulations on maintenance of landscape through Board of Zoning Appeal or Planning Commission. For instance, overall maintenance of the grounds, must replace dead trees and/or shrubbery within a time frame, cut the grass in accordance with our ordinances, etc. If he is non-compliant, we can use our contractor to do the work and charge the usual fees for the work.

Mr. Imbus intention was to put in reasonable-sized trees. He already has professional contractor handling the maintenance of his landscaping along the frontage of his property. His contractor can handle the maintenance of this new area. Mr. Snyder commented the landscaping in front of the property always looks nice. Most of the fence where it currently sits will be removed to accommodate the new building. Mr. Imbus stated the brick veneer on the building will provide a buffer and climate control. He also assured Mr. Wessler there will be no fencing necessary around the building, only from the building corners to enclose the property with the existing fence. Joseph Koczeniak agreed with all of Tim Bachman's recommendations.

### Public Comments

Don Gebelein, 6139 Ricky Drive, said he had no further comments to add to his comments from the last meeting.

Mary Muensch, 6131 Ricky Drive, referred to a berm area on this lot, behind the neighbors' properties. With this landscaping plan, will it be too close to the berm and will it affect the berm? She also wanted to know how close the pine trees would be to her fence line as she is concerned with pine needles and cones in her pool if the pines are too close. She really likes the submitted rendering of the building and landscaping, just concerned if the pine trees have pine cones. She also believes lighting would be good and the kind of lights that point downward. Ms. Muensch mentioned there has been graffiti on the bowling alley building, and wanted to know if there something in place to clean up graffiti should it happen on this new building. Rick Helsinger assured Ms. Muensch that our Building and Zoning Division will and has handled graffiti issues in the city based on our property maintenance code. Mr. Koczeniak has seen the City take care of graffiti issues on many occasions. Mr. Bachman suggested lighting for just that reason. The brick exterior will be very nice, and it would be a shame to see it ruined by graffiti. Mr. Bachman also suggested Mr. Imbus not use white pines. Ron Siciliano addressed Ms. Muensch's question about the berm. He looked at the property and the berm appeared to be approximately seven to eight linear feet in width. It would leave approximately 16 – 17 feet from the building to the berm. Mr. Siciliano suggested having the landscaping set eight feet from the building, which would give them another eight feet for placement of the pods before they get to the berm. Mr. Imbus said he can step it out from the building. As for the lighting, Mr. Imbus offered that he could propose a few options to the neighbors for their approval and use LED lighting. Both neighbors say they really don't have problems with the people cutting through the property. Mr. Gebelein said he has lived there for 33 years and does not have a fence. People cut through his yard to the bowling alley and he has no issues. He actually finds that most are very respectful. Scott Lepsky thought that foot candles might be helpful. Mr. Bachman said Mr. Imbus could have his electrician rough in the electric for the lighting, put in some lights, and see how they look. Mike Snyder mentioned using solar landscaping lights which would project a soft light.

Ron Siciliano took a close look at the property as it looks now, and you see gray concrete, a fence, and trash. With Mr. Imbus' extra expense of the brick and the landscaping, he thinks this new building will improve the view. It may cut down on the wind and the trash. After the building is built, the residents will have no more worries of a future project. This is the best use for the property; otherwise it will remain a less desirable view. Mary Muensch does not want to see a fence around it, and she concerned there are alarms that goes off to deter birds. Mr. Imbus said the alarms are on the cell towers, and they are to keep the birds away. The carpet store and the bowling alley have dumpsters that are emptied by garbage trucks with back up alarms. Mr. Imbus would need to apply for a variance to get another cell tower; however, he no longer has room for a cell tower if he constructs this proposed building.

Several of the Board members commented on how this building would be an improvement visually and may block some of the noise. Mary Muensch said she was totally against this building until she saw the rendering; now she is much more comfortable with it. She thanked Mr. Imbus for taking the effort to show them how it would look. Mr. Gebelein prefers this proposed storage building over what could be built on this lot. He still would rather nothing be built on this

lot. Mr. Imbus was concerned about having to start building in the next six months. Rick Helsing explained the 6-month rule is regarding submitting the plans within six months of the Board's decision. Once the plans are approved and the permit is issued, the work must be started within a year of issuance.

Board Action

Tim Bachman compiled a list of conditions based on the discussion of the Board. The six conditions were agreed upon by the Board, and are included in the attached document, "Variance Conditions Acknowledgement and Agreement by Imbus Enterprises, LTD PTR."

Joseph Koczeniak made the motion to approve the variance with the stipulation that all six conditions expressed by Tim Bachman be included in an agreement to be signed by Mr. Imbus. Mike Snyder seconded the motion. The agreement with the conditions will be prepared by John Clemmons. Motion carried 6-1, with Greg Porter dissenting.

Adjournment

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



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Ron Siciliano, Chairman



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Maria K. Mullen, Secretary

**VARIANCE CONDITIONS ACKNOWLEDGEMENT AND AGREEMENT BY**  
**IMBUS ENTERPRISES LTD PTR**

THIS ACKNOWLEDGEMENT AND AGREEMENT, effective October 7, 2015, entered into by IMBUS ENTERPRISES LTD PTR, an Ohio limited partnership, with an address at 874 State Route 28, Milford, OH 45150, who is current owner of the Premises, (hereinafter referred to as "OWNER").

**WITNESSETH**

WHEREAS, OWNER wishes to construct a self-storage building (the "FACILITY") on a 1 acre parcel located adjacent to the existing self-storage complex located at 6128 Pleasant Ave.; and

WHEREAS, OWNER or its assigned affiliate wishes to manage the property after the construction is complete; and

WHEREAS, the City of Fairfield Board of Zoning Appeals formally approved a Use Variance (the "VARIANCE") for the FACILITY on October 7, 2015 subject to certain terms, requirements and conditions to which the OWNER agreed; and

NOW, THEREFORE, OWNER acknowledges and agrees that the following additional terms, requirements and conditions shall constitute a material part of said VARIANCE for the FACILITY, and shall be enforceable as a Zoning Ordinance of the City in addition to any other applicable City Ordinances. Such additional terms, requirements and conditions are as follows:

1. Exterior Materials – The northern, eastern and southern exterior sides of the building that face residential properties shall be constructed of brick veneer similar to the color and appearance of the existing brick used on the Pleasant Ave. frontage.
  
2. Landscaping – Landscape screening shall be provided within the 25 foot buffer between the building and the property line that abuts the residential parcels as per the landscape plan. (EXHIBIT 1) Trees shall be a minimum of 6 feet high and bushes shall be a minimum of 18 inches high at the time of planting. Any mulch beds are to be kept free of weeds. Any dead plantings are to be replaced in a timely manner. If plantings are not replaced or maintained, per the above requirement within 30 days of written

notice by the City of Fairfield to OWNER or its assigned affiliate, the City will contract for the work and shall bill the OWNER for the cost of the work plus a \$100.00 administrative fee. In the event OWNER fails to pay such costs and fee within 30 days of written notice, the City shall be entitled to place a lien on the property through the Butler County Auditor's Office in accordance with standard property maintenance procedures of the City.

3. HVAC Equipment – 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. Drainage – All drainage shall be kept on site and directed into the detention basin, which may need to be enlarged per City regulations.

5. Lighting – Lighting shall be installed on the exterior of the building and shall be downlight designed, low intensity lighting. The OWNER shall contact the City when the proposed lighting is installed, so the City can contact adjacent residents for review and approval. There will be approximately five different locations for the lights on the FACILITY.

6. Access – Customer access to the FACILITY will only be permitted from Pleasant Ave.

7. Timing – Plans must be submitted and a building permit secured by April 8, 2016. Failure to do so will render the VARIANCE null and void.

Owner:

Imbus Enterprises, LTD PTR

By:

John Imbus

STATE OF OHIO

COUNTY OF Clermont

The foregoing instrument was acknowledged before me this 19 day of OCTOBER (date) by JOHN E. Imbus (name of acknowledging partner or agent), partner (or agent) on behalf of Imbus Enterprises, LTD PTR, an Ohio limited partnership.

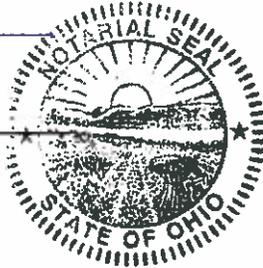
Karen Rieger

Notary Public

Printed Name: Karen Rieger

My Commission Expires:

8/2/2020



Karen Rieger

Notary Public, State of Ohio

My commission expires

August 2, 2020

Approved to as form:

J. H. Clemmons

Law Director

City of Fairfield, Ohio

Approved to as content:

Trinity Boehm

Development Services Director

City of Fairfield, Ohio

