

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

March 11, 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 and Mike Snyder. Rick Helsinger, Building Official and John Clemmons, Law Director were also present. Scott Lepsky could not be present, as he was needed at the Planning Commission meeting. Motion to excuse Scott Lepsky carried 6-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on February 4, 2015 were approved. Motion carried 6-0.

Old Business

Case No. BZA-15-0004 – Fence in front yard – 5592 Kingsbury Rd.:

Lauren Keith, property owner, is requesting a variance for a fence she installed in the front yard in the R-0 zoning district.

We received a letter from the property owner, Lauren Keith requesting her case be tabled until the May 6, 2015 Board of Zoning Appeals meeting. Mike Snyder asked if there was a reason given for tabling until May. Maria Mullen stated Ms. Keith wanted her husband at the meeting, and with the rescheduling of the March 4 meeting, he is now unavailable to attend a meeting until the May 6 meeting.

Board Action

Motion was made to table the case until the May 6 meeting by Ron Siciliano, seconded by Mike Snyder. Motion carried 6-0.

New Business

Case No. BZA-15-0005 – Grindings for parking lot – 9461 LeSaint Drive

The owner, Omni Industrial Prop. Inc, wants to use “fines” (grindings from steel) to create a 2-acre parking lot.

STR (Staff Technical Review) recommended this request for variance be denied due to the offensive smell and durability of the proposed product.

Property Owner’s Comments

Tom Devitt, Devitt Real Estate Services, as their property manager, spoke on behalf of the owner, Omni Industrial Prop. Inc. Mr. Devitt explained that they have a prospective tenant who needs the 2-acre lot for trailer storage, and they would like to use 304 gravel as a base, and the AK Steel “fines” as a two-inch cap. The fines are basically metal pelts that have been smashed. It is a new business at this location, and they want the parking lot to be temporary because they may build on the lot in the future. They do not want asphalt for this reason because they would have to eventually dig it up for the new building. Ron Siciliano wanted more clarification on the product. They are saying “fines,” but the information that has been passed around has called the product “slag.” Rick Helsinger stated the Public Works has used the steel fines as a

base, not as a top, and not only does it not hold up, but it has a sulfuric odor when it is wet. They have seen the steel fines used more as a base. Mr. Devitt said that they are using it at a property in Batavia and it has held up very nicely. The steel grindings are steamed cleaned by AK Steel before they put it down and roll it. Joe Koczeniak asked where the property in Batavia is located. Mr. Davitt did not have the address but knew it was on the corner of Clough Pike and Taylor Road and it is a tree farm. They are using for parking automobiles. The proposed parking lot is for the storage of trailers for distribution purposes, and depending on the success of the business, the owners plan to build a new building on that lot in the future. If they build a new free standing building, then the steel fines would be removed. Mr. Koczeniak asked if the parking lot would remain if they decided not build the building. Mr. Devitt nodded "yes." Ron Siciliano state he doesn't know enough about the product to vote for or against the lot variance. Again, the information is not very clear as to how the product is used and not clear if the information the Board has reviewed is the same product that Omni is proposing. Mike Snyder asked if there was anything better and or cheaper than the proposed product, like gravel. Mr. Helsinger commented that gravel is not good for rubber tires. According to Rick Helsinger, a business on Production Drive received a variance to use asphalt grindings. That business had to report back in a year, and within that year there were some maintenance issues that have been resolved. Mr. Koczeniak questioned whether there was an alternative to the steel fines that could be used. Mr. Helsinger stated the ordinance is very clear that a parking lot must be either Portland cement or asphaltic. Mr. Helsinger refers to the Public Works Department comments about the product having an odor, and again, Mr. Helsinger is not sure if they are talking about the same product. John Clemmons said asphaltic grindings are not entirely dustless. The asphalt grindings are more compactable than regular gravel. Mr. Clemmons went on to say the "slag" has a strong smell like sulfur or sewer gas when it is wet and hot. His parking lot has the "slag" as a base and he has first-hand knowledge that it does smell like sulfur. Mr. Devitt added that the business cannot have dust near the production area. It is a metal stamping business and dust would affect the finished product. Mr. Devitt would be willing to produce more information on the product, and he believes the owner would consider using gravel. Mr. Clemmons encouraged the Board to check out the smell of the "fines," because two acres of these fines with no top coat has to really smell. The Board needs to know if the product is the same product described by the Public Works Department. Mike Snyder wants more technical information on the product. John Wessler asked if the drainage was reviewed. Mr. Helsinger informed the Board that there is an existing retention basin. Public Works is okay with the drainage as it drains to the south of the property.

Public Comment

None.

Board Action

Motion was made by Ron Siciliano, and seconded by Mike Snyder, to table this variance until the April 1, 2015 Board of Zoning Appeals meeting with the stipulation that Mr. Davitt and/or Omni Industrial Prop. Inc. provides the following information before the next meeting:

1. Name of the business in Batavia that has used the same product for their parking area, their address, and names of owners/businesses in proximity to their property.
2. Additional technical information and specifications about the product (AK Steel grindings), including durability, environmental issues, odor, etc.

Motion carried 6-0.

Case No. BZA-15-0006 – Accessory building over 500 sf – 6620 River Road

The owner, Jake Bennett wants to construct a 720 square foot accessory building on his property.

STR had no comments.

Property Owner Comments

Jeff Stevison, building contractor, spoke on behalf of owner Jake Bennett. Mr. Bennett could not attend the meeting due to his work schedule. Mr. Stevison informed the Board that the original detached 24' x 24' garage burned down about two months ago. The owner, Mr. Bennett bought the property because of this separate garage to store his pop-up camper and motorcycle. Those items were destroyed in the fire. His boat, at the time of the fire, was in storage off-site. Mr. Bennett would like to store the boat in the proposed garage, and he needs 30' depth to be able to fit the boat in the garage. Mr. Stevison said that Mr. Bennett has talked to his neighbors and they did not have a problem with him rebuilding the garage. They will be staking out the driveway area which includes an area on the City of Hamilton's property. They have requested permission from the City of Hamilton to allow them to pave part of the driveway through their property. Their contact person at Hamilton does not think it will be a problem. They may move the garage about 24 feet closer to the house instead of building it where the original garage was built. It will be constructed with the same material as the house. The property at 6630 River (right next door) has an approximately 28' x 30' garage built in 1997 prior to the 500 sf requirement. Joe Koczeniak asked if the property still has the in-ground pool. Mike Snyder thinks the pool is still there. Jeff Stevison remarked that the original foundation for the old garage needs to be removed and a new foundation poured for the new garage. Ron Siciliano struggles with it being over 700 sf. He states that the Board is seeing more and more requests for these, and soon they are going to be everywhere. Greg Porter points out that the original garage was also over 500 sf. House size according to the Butler County Auditor is about 1128 sf, and there already is a 2-car garage on the house. Ron Siciliano wanted to know why the boat that is currently stored off-site could not continue to be stored off-site. Mr. Stevison relayed the owner wanted it on his property for accessibility and convenience. Mr. Wessler commented that reason we have zoning requirements is to protect the rest of the neighborhood. He does not think it was fair to the rest of the neighborhood to allow this large of a garage just because Mr. Bennett wants to put his boat in it. He went on to say that he is looking for a hardship or a reason why he needs something that big, and a large boat is not a hardship. Mr. Wessler has a hard time justifying approving something like this just because someone wants to do it. Jeff Stevison asked if the Board would be receptive to a smaller garage, such as a 20' x 30' (600 sf). Greg Porter said that the garage next door is about ten feet from this property and is larger than what Jake Bennett is proposing. He feels it is hard to disapprove this proposed garage based on the one next door to this property. Mike Snyder advised the Board that he tends to look at the size of the lot and the location of the property for garage size variances. He has seen the property, and by his observations, the visibility is almost nil from River Road of this property's back and side yard. Mr. Snyder made the point that a 20' x 30' garage (600 sf) is within the edge of past approval range for other oversized garages. It also fits the needs of the homeowner, Mr. Bennett. Mr. Koczeniak would be more inclined to support the garage due to the location of the property, the fact that it will match the house and it will have a paved driveway. Ron Siciliano asked Mr. Stevenson if he could speak for the owner to amend request for the size of the garage from 30' x 30' to the smaller size of 20' x 30'. Mr. Stevison expressed that owner told him to do whatever it takes to get the garage as long as it is large enough to store his boat. Mr. Stevison amended the variance request for the Board's approval of a 20' x 30' garage with a driveway. Mr. Clemmons believes that Mr. Stevison has the approval of the owner to speak for him as to amending the variance request.

Public Comment

None.

Board Action

Mike Snyder, seconded by Joe Koczeniak , made a motion to approve the variance for a 20' wide x 30' deep (600 sf) garage with a concrete driveway, and a stipulation that the owner get the approval of the City of Hamilton to put part of the driveway on their property. Motion carried 6-0.

Further business discussed by the Board

Rick Helsinger announced that City Council has completed their interview with Jack Wessler. Jack's term was up, and as the only applicant to fill the position, he was re-interviewed and voted in unanimously. We will have elections at the next meeting, including officially installing our new secretary, Maria Mullen.

Adjournment:

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



Ron Siciliano, Chairman



Maria K. Mullen, Secretary