

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

May 1, 2013

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 Ron Siciliano, Jack Wessler, Don Carpenter, Joseph Koczeniak, Chad Oberson, Scott Lepsky and Debbie Pennington. Rick Helsing, 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 April 3, 2013 were approved. Motion carried 7-0.

Old Business

Case No. BZA-12-0016 – Asphalt grinding for parking area – 3240 Production Dr.:

A variance request was submitted and heard by the board at the May 2012 meeting regarding using rolled and graded asphalt grinding for a parking lot. The applicant was required to come back and have the case re-evaluated after one year.

STR recommendations reference the letter by Ben Mann, City Engineer, which was read into record.

Property Owner's Comment

Robert Henderson, owner of the property, spoke regarding the variance. They had over 10 loads of gravel brought in to fill in pot holes and ruts since the pictures on the presentation were taken. The Building and Zoning Division has not had any complaints about the property since the variance last year. Mr. Siciliano said he didn't think the property looked bad. Mr. Mann said his main concern is gravel being brought into the road and into the storm sewer. Mr. Bachman told the owner that the city can't monitor the property for them; it needs yearly maintenance or it will continue to be a problem. Mr. Henderson said a year has gone by and they have not had any issues. They will maintain it. Mr. Bachman noted that at this point, problems with the lot would be treated as a zoning issue; they would receive citations and possibly court if they were in violation. Mr. Oberson said his main concern is that the lots needs swept regularly; there are grindings on their concrete area. The gravel wouldn't make it as far as the street if the lot was swept. There was discussion on the best time of the year to maintain and the owner was made aware that continual, regular maintenance is necessary.

Public Hearing

None

Board Re-Convened

Mr. Siciliano asked about the previous easement issues in the lot, citing the trucks currently parked there. Mr. Bachman told the board that it is not a city issue; it is a private agreement between the tenant and the landlord.

Joseph Koczeniak, seconded by Scott Lepsky, made a motion to extend the variance for one year, with the stipulation that the lot is maintained and issues are taken care of as they occur. Motion carried 7-0.

Case No. BZA-13-0011 – Multiple variances relating to a proposed addition, Sidewalk waiver – 5742 Pleasant Ave.:

This case was tabled from the April 2013 meeting. Site revisions were made and submitted to the Building Division in the past two weeks.

Tim Bachman addressed the board regarding the variance. Mr. Bachman, Ben Mann and representatives from the church met and reviewed the property in person on April 10. There were changes that were recommended from that meeting that were printed on the original site plan and referenced on a slide in the presentation. 1. The curb on the southern part of the lot was cracked, but there was no evidence of water jumping the curb. The city wants clarification on whether the whole curb is being replaced or just the broken areas. 2. Water is bypassing the existing catch basin. The new retention basin will catch more water. 3. The 9 foot retaining wall and parking area above it could create more water issues. The 9 foot wall was reduced to a 2 foot wall and the parking was moved to the north part of the lot. 4. There were questions on whether the storm outlets were emptying to the basin. 5. Are there problems with the existing storm sewer? Water is bypassing it and going into the neighboring yards. Better direction and mounding may be needed. The storm sewers on the north side of the church should be checked for blockage and debris. 6. Mounding is recommended above the proposed detention basin to direct water into the new basin. These proposed changes were sent to Vanatta Engineering, and because of engineering changes made, the variances were amended as follows:

Variance 1. Section 1147.05 (a) of the zoning code requires a 60' side yard setback. The proposed addition is shown at 55' from the property line.

Variance 2. Section 1147.05 (b) requires a 20 foot horizontal buffer and 6 foot vertical screening to any adjoining A or R districts. The submitted site plan shows a 10 foot horizontal buffer to the north of the property and no vertical screening is shown on the south side of the property.

Waiver 1. Section 1184.01 states “Unless sidewalks are already constructed, sidewalks for public use shall be installed along all public streets by the owner of any abutting lot or parcel upon which a new building is constructed...” No sidewalk is desired or shown on the property.

The proposed outflow of the basin hasn't changed; it is going from an 8 inch to a 3 ½ inch orifice. A 3 ½” orifice was added in the south parking lot. Mr. Mann noted that the church will need to resubmit calculations for the new retention basin. They met with Mr. Miller, 1802 Gloucester Dr, at his residence. He has issues with groundwater, as do the other neighbors on Gloucester. The catch basin had water rushing to it, and the existing field tile has not been located. During construction, tiles causing problems should be capped and directed to the basin. They should be maintained as construction is done. There was discussion regarding the proposed retention basin and what trees will be removed. Mr. Siciliano asked if there were any changes to the 18” pipe. The new design will slow the water to it. Mr. Mann said the 18” pipe is an inlet; it runs to Gloucester and across the street to the creek. They ran a camera through and found it to be in good condition with no blockages. The screen on it may be causing problems. Mr. Koczeniak asked if the proposed changes will provide relief to the existing water problems. Mr. Bachman feels the changes will help significantly to manage and direct the water. Mr. Koczeniak noted that once the trees are removed, there will be an unobstructed view of the church. The houses will be approximately 9 feet lower than the addition.

Property Owner's Comment

Pastor Rollins spoke regarding the variance. Their new plan addresses some of the issues they had, but they still need some variances. The contractor, Mr. Stirnkorb noted they made significant changes and those changes will help with the drainage issues. They discussed the retention basin; new EPA regulations require detention long enough to let the sediment settle to the bottom. This makes for a muddy basin and the grass around it really can't be cut. They decided to go with a retention basin that will always have water in it. There will be at least 3 feet of water in it. There is no fence required according to the zoning ordinances. A

fountain or sprinkler will take care of any bugs that would be an issue. The water will need to be aerated to prevent algae on the pond. Mr. Oberson asked what they would use for their screening where the trees are being removed. Mr. Bachman said one of the variances remaining was for the screening. A sloped hill or mound and pine trees were discussed as options. Mr. Bachman questioned whether the 9 foot slope from the back of the retention basin qualified as screening. He is concerned about mowing such a steep slope. There was discussion regarding the vertical screening requirement and horizontal buffer requirement and the locations where each is required.

Public Hearing

Barbara Bishop, 1840 Harrowgate Hill Dr. spoke regarding the variance. The privacy fence which provides the necessary vertical screening on the north side of the property belongs to her. She is concerned about the project both aesthetically and property value wise. She asked if there was an ecological or health study done in relation to this project. Mr. Clemmons noted that it was not required to be done by code, but the church had hired an engineering firm to work on the project. Mrs. Bishop has been there for 30 years with no problems. There were no foreseen problems when the existing basin was put in, but who is to say there won't be with the new one? She is worried about the depth of the proposed basin and the safety of the neighborhood children. It is a residential area and they are proposing a lot of parking lot, which will take away from the green space. There are other concerned neighbors that could not be at the meeting. There was discussion about the depth of the proposed retention pond, and Mr. Mann stated that a healthy pond requires a 7 foot depth.

Bill Miller, 1802 Gloucester Dr. spoke regarding the variance. He communicated with the pastor, Ben Mann and Tim Bachman about the project. He has had numerous issues with water in the past and he was told he would just have to deal with them. He wants a commitment from the city that they will keep things from getting worse. There will be a 9 foot embankment in the back of his property and he discussed an un-mowed hillside with the pastor. He is concerned the pond won't hold a hard rain and where the water will back up at the new outlet in the parking lot. Mr. Siciliano noted that the Development Services, Building Division and Ben Mann will be reviewing plans at this point forward for issues. There will be inspections all along the way. Mr. Oberson feels the changes will help the water issues for sure, but aesthetically there is still a problem. Mr. Miller wants to be involved in the process.

Ben Manning, 1760 Gloucester Dr. spoke regarding the variance. He thinks the redesign will help with the water issues. He is concerned that the variances on paper are not the same now; it's not fair to come in and not know what the new variances are. Mr. Bachman said that was a strategy on his part to bring everyone up to speed on the project. He did not intend to "pull the wool over anyone's eyes". Mr. Rollins said he wasn't sure if they were aware of the variances they were asking for and wants clarification. There was discussion on the amended variances. Mr. Koczeniak feels that Mr. Manning's view of the addition and site will not change, even with the required screening, because he is at least 9 feet below the addition. There was discussion on the type of screening allowed. The code allows fences and vegetation. Mr. Lepsky said vegetation would help to deaden traffic sounds. Mr. Manning wants to go on record and state that he does not support the variance to waive the screening. Mrs. Bishop spoke again, and wanted clarification on the area that requires screening. She has a problem with losing the trees and the parking lot only being 10 feet from her property line. She suggested they have extra services to accommodate the extra people.

Carol Hartman, 1750 Gloucester Dr. spoke regarding the variance. She agrees that it would be good to have the variance changes in print. She questioned the regulations on impervious ground and is concerned that most of the property will be covered with blacktop, which will create even more run off. There has been a lot of rain the past couple years, and that needs to be considered when talking about the two year post development drainage. Mr. Bachman told her that zoning is not impacted by the rainwater issue, whether it is an A, R, or M zone. She talked to the pastor and got the site plan. She feels that if there are problems in the future they would be the city's problem, not the church's problem. A breach in the pond would affect three separate streets. She noted that a soil analysis was mentioned at the last meeting and she asked if they were going to have one done. Mr. Bachman told her that soil tests are typically done at the inspector's request, if the soil appears to be bad. She said she was disappointed in the city; information is late and is incomplete. She noted that there was a lot of fill dirt brought in 15 years ago. Her neighbor catty corner from the pond at

Emerald Lake had water issues, but when the pond was installed, the problems went away. There was discussion on Emerald Lake and the requirements for the pond when it was built. The pond is about 7 feet deep and has the waterfall to keep the water moving. Mr. Bachman said he is not surprised that the pond took care of some of the water issues in the surrounding area.

Ken Chenault, 1749 Gloucester Dr. spoke regarding the variance. He said the existing retention pond is set up incorrectly; the overflow pipe is at the bottom instead of the top. The rock under the properties is what is causing the flood problems. He also noted that the builder should not be using silt while constructing the pond, as noted on the site drawing. Mr. Siciliano clarified for Mr. Chenault that the existing basin is being removed and replaced with a larger retention basin. Also, the reference to silt on the site plan is relates to the requirement of a silt fence; the pond will not be constructed of silt.

Mr. Rollins said he discussed curb replacement with Ms. Hartman, and has been working diligently to makes the changes requested. He said it was not Tim's fault that the paperwork was late; they submitted changes as they got them. Ms. Pennington asked if they were willing to put a fountain in the proposed retention pond. Yes, he is willing and has tried to work with the neighbors. The variance process must be fair to both them and the neighbors, but he doesn't think he can please the neighbors. The church has been there for 40 years, and they knew at some point they would be expanding.

Mr. Oberson thinks the current drainage issues will be helped, and the aesthetics can be worked out between the neighbors. A landscape plan is necessary; he and the neighbors are unclear as to what they are doing. There is too much uncertainty. Mr. Rollins can't promise what it will look like until they know what variances will be approved. Mr. Koczeniak agrees that they need to submit a landscape plan. The neighbors to the north have a legitimate problem regarding the 10' buffer between the two properties. Mr. Siciliano clarified for the board that if the church does nothing now, the 6 foot screening is not even required. It is only required if they are modifying the building. There needs to be a give and a take, and the neighbors don't seem to want to give anything. Mr. Lepsky thinks that the water is the primary issue. Aesthetic concerns are second and can be dealt with incrementally before finalization. Mr. Clemmons made copies of the code section relating to the definitions of hardship and practical difficulties and reminded the board that these are the things they are supposed to be thinking about regarding their decisions. Mr. Wessler thinks the new variances need to be written and spelled out for the board and for the neighbors. Mr. Carpenter said they are close, and he appreciates their efforts to work with the neighbors. Mr. Koczeniak questioned whether or not the church should have to do all of the screening; the homeowners can plant trees on their property just as well.

Board Re-Convened

Scott Lepsky, seconded by Jack Wessler, made a motion to approve **Waiver 1. Section 1184.01 states "Unless sidewalks are already constructed, sidewalks for public use shall be installed along all public streets by the owner of any abutting lot or parcel upon which a new building is constructed..."** with the stipulation that if sidewalks are extended to the church in the future, the church must also install sidewalks. Motion carried 7-0.

Scott Lepsky, seconded by Ron Siciliano, made a motion to approve **Variance 1. Section 1147.05 (a) of the zoning code requires a 60' side yard setback. The proposed addition is shown at 55' from the property line.** Motion carried 5-2, Chad Oberson dissenting, and Don Carpenter abstaining.

Scott Lepsky, seconded by Debbie Pennington, made a motion to table **Variance 2. Section 1147.05 (b) requires a 20 foot horizontal buffer and 6 foot vertical screening to any adjoining A or R districts. The submitted site plan shows a 10 foot horizontal buffer to the north of the property and no vertical screening is shown on the south side of the property.** Motion carried 7-0.

The neighbors will be sent a letter detailing the variances before the June 2013 meeting. Another letter will be sent to the neighbors by May 30th, detailing the church's intent. Mr. Lepsky suggested the church get everything together, including a conceptual plan, to Ms. McGuire by this date so the neighbors will know exactly what they are proposing.

New Business:

Case No. BZA-13-0016 – Deck in front yard setback – 3 Carousel Circle:

Kevin Holmes is requesting a variance to construct a deck in front yard setback.

STR had no comment on this case.

Property Owner's Comment

Kevin Holmes spoke regarding the variance. He has already received two other variances regarding a fence and a pool in the front yard setback. The deck won't impact anyone surrounding him.

Public Hearing

None

Board Re-Convened

Scott Lepsky, seconded by Debbie Pennington, made a motion to approve the variance as submitted. Motion carried 7-0.

Case No. BZA-13-0017 – Fence in street side yard setback – 4442 Rita Mae Dr.:

Mike Schaber is requesting a variance to construct a 6 foot vinyl privacy fence in the side yard setback.

STR had no comment on this case.

Property Owner's Comment

Mike Schaber spoke regarding the variance. The fence is going to go in what he considers his back yard. There are other fences next to him that are approximately 8 feet from the sidewalk. Mr. Clemmons referenced the letter that was sent from a neighbor opposing the variance. He told the board that deed restrictions are in place in this neighborhood restricting solid fences, but the city does not enforce them, nor does a variance supersede the deed restrictions. Mr. Schaber needs a privacy fence because his dog barks at people walking by and at the deer that roam the neighborhood. He is putting it up as a courtesy to the neighbors. There is a lot of traffic. He is willing to landscape around the fence if necessary. Mr. Carpenter suggested he put up a different type of fence that the neighbors would approve of. He said he is willing to do a different type of fence if he has to. There was discussion regarding the different types of fence that could be used.

Public Hearing

Dora Burg, 4445 Rita Mae Dr. spoke regarding the variance. They live across the street and have a nice view. They do not want to see a solid fence installed.

Diane Skeen, 4429 Rita Mae Dr. spoke regarding the variance. Most people install split rail or wrought iron in that neighborhood. When she bought her house she had to sign the agreement to the deed restrictions. She would have no problem with a split rail to match the others. The dog is still going to bark, even if it can't see the people.

Lisa Durbin, 4413 Rita Mae Dr. spoke regarding the variance. She lives two doors down from the applicant. She feels strongly about the guidelines and wants to keep to the original agreement that was signed.

Richie Price, 4365 Rita Mae Dr. spoke regarding the variance. He is concerned that so many fences have gone up. A privacy fence will be in his line of sight of Rita Mae Dr. from Muskopf Dr.

Mr. Helsing referred the site plan. He clarified to the board that the highlighted area of fencing is already approved. They are only approving the section in the side yard setback.

Mike Skeen, 4429 Rita Mae Dr. spoke regarding the variance. There is another house in the neighborhood with a privacy fence and it looks like a fort. He is not happy with it; it makes the neighborhood look bad.

Mr. Schaber told the neighbors he is not trying to pick a fight with them. He will not put a privacy fence up, but he needs to be able to use more of his yard. He is not required to keep a line of sight to Rita Mae Dr. Mr. Siciliano reminded everyone that the board is only voting on setback, not the type of fence. There was discussion on location, and he is asking to place it 18 feet from the sidewalk. It is actually proposed to be in closer to the house than the others in the neighborhood. Mr. Oberson asked if he would consider installing split rail or Kentucky board type fencing. The applicant does not like that type. He would consider installing a picket type fence. Mr. Lepsky reminded everyone that the board is only voting on placement, not type of fence. Mr. Oberson stated that he would not approve the variance if it is not a 4 board fence. There was discussion on the placement of the other fences in the neighborhood. He would be willing to place his in line with the other fences.

An audience member asked Mr. Clemmons if the deed restrictions are legally binding. He said it could go either way; sometimes there are so many violations of them that it becomes a moot point.

Board Re-Convended

Jack Koczeniak, seconded by Chad Oberson, made a motion to approve the variance with the following stipulations: The fence must be placed 8 feet from the sidewalk, the fence must be 3 or 4 board construction, made of wood or vinyl and must not exceed 48 inches in height. Motion carried 6-1, Jack Wesseler dissenting.

Case No. BZA-13-0018 – 7 foot fence with barbed wire in side yard setback – 9545 Le Saint Dr.:

Mark Mages of Roofing Supply Group Cincinnati is requesting a variance to construct a 7 foot tall chain link fence with barbed wire in the street side yard setback.

STR had no comment on this case.

Property Owner's Comments

Mark Mages spoke regarding the variance. He needs two variances, one on the height of the fence and one on the placement of the fence. He asked if had to angle the barbed wire inside toward his property. No, the only time that is required is when the fence is on the property line.

Public Hearing

None

Board Re-Convended

Chad Oberson, seconded by Debbie Pennington, made a motion to approve the variance as submitted. Motion carried 7-0.

Case No. BZA-13-0019 – 3 Real estate signs over 15 square feet – 6120 S. Gilmore:

Tom Scheid, with Cincinnati Financial Corp., is requesting a variance to install two 26 square foot signs in an existing sign cabinet and a 120 square foot banner on the building.

STR recommends that if the variance is approved, they need to submit the anchoring details for the banner.

Property Owner's Comments

Tom Scheid spoke regarding the variance. They are trying to lease the building, and are involved in a marketing campaign to make the property more visible. They intend to display the signs for one year. Mr. Oberson talked about possibly framing the banner, but decided that anchoring details would suffice. Mr. Bachman said that he just wants to make sure it doesn't blow off of the building.

Public Hearing

None

Board Re-Convended

Scott Lepsky, seconded by Debbie Pennington, made a motion to approve the variance with the stipulation that the owner submit anchoring details to the Building Division. The variance will expire in one year. Motion carried 7-0. Motion to waive the 5 day waiting period carried 7-0.

Case No. BZA-13-0020 – Gravel parking lot – 1205 Hicks Blvd.:

Enrique Salinas is requesting a variance to keep the existing driveway and parking lot as gravel for a proposed car sales lot.

STR sees no hardship and wants to see paving.

Property Owner's Comments

Kim Smith with Civil Works Engineering, 4127 Autumn Hill Lane, spoke regarding the variance. He is the surveyor for this project. He submitted a revised site plan, showing the existing gravel approach and driveway as paved to city standards, but still showing the gravel parking lot in the back as gravel. The variance will be for just the parking lot behind the building. In the future, they plan to square off the lot in the back of the building, excavate it and replace it with concrete. Mr. Siciliano asked what the building will be used for. The building will be used as an office for the car lot, and they will clean the cars inside the garage area in the back of the building. He hopes he will be able to pave in two years. Mr. Salinas wants to improve the look of the building as soon as he can afford it. He plans on parking 10 cars for sale on the lot. Mr. Helsinger told him the cars can't encroach on the grass or gravel; they would have to be parked on the paved area. Mr. Wesseler asked if a car sales lot was an approved use or something that would need a change of use permit. A car sales lot complies with the zoning code. Mr. Smith is not sure how they are going to pave the back portion of the lot in the future; he needs to survey the lot and will design something at that time, with the help of Ben Mann. He will not be expanding the gravel area in the back of the property at all.

Public Hearing

None

Board Re-Convened

Don Carpenter, seconded by Debbie Pennington, made a motion to approve the variance to keep the existing gravel lot in back of the building, with the stipulation that no expansion of gravel is permitted. The variance will be reviewed in May 2014. Motion carried 7-0.

Case No. BZA-13-0021 - Accessory building too close to property line – 6052 Arcade Dr.:

Hezekiah Childs Jr. is requesting a variance to construct a shed 4 feet from the property line.

STR recommends that if approved, aesthetically the building needs an exterior finish.

Property Owner's Comments

Hezekiah Childs spoke regarding the variance. He is constructing a shed on the existing concrete slab 4 feet from his fence. The previous shed was made of wood. Ms. Pennington asked why he was using block to construct the shed. He knows someone who does block work, and he wanted something sturdy that would last. Mr. Oberson asked he if planned on finishing the shed with stucco or something comparable. He planned on finishing the shed with masonry paint.

Public Hearing

None

Board Re-Convened

Jack Wesseler made a motion to approve the variance with the condition that the building is finished and painted to match the house. Motion carried 7-0.

Case No. BZA-13-0022 – Pole sign in D-1A, off site sign, extension of non-conforming use – 5128 Pleasant Ave.:

Waldo Hornung, for the Cell Phone Doctor, is requesting a variance to install an additional sign on an existing non-conforming pole sign.

STR feels precedent should not be set and the variance should be denied; there are 21 other tenants in the strip center that do not have pole signs.

Property Owner's Comments

Mike Giffin, representing the Cell Phone Doctor, spoke regarding the variance. The pole sign is existing and is owned by the same person. The other option is a monument sign, which is a lot more expensive. There will not be any negative impact from this sign. There are no other pole signs in the strip, so this issue wouldn't come up for any of the other tenants. Mr. Siciliano thinks what they are asking for would set a bad precedent and referenced Hot Head Burrito's sign as a good solution to the sign problem in the D-1 zone. Ms. Pennington noted that they already have signage on the building.

Waldo Hornung spoke regarding the variance. He is the owner of the property. The Cell Phone Doctor has to compete with big companies like Walmart and Best Buy and needs the additional pole sign. Quest has been asked several times in the past to share the pole sign, and just recently said yes. He hates to see the space vacant, because when they go vacant, they stay vacant. Mr. Clemmons said that he may be able to treat the properties he owns there as a shopping center, and add another ground sign, per code. He may have to remove the pole sign, though. That way he could provide signage for all of his tenants. Ms. Pennington said she talked to one of other tenants, and they expressed interest in a pole sign too. He may want to talk to the other tenants about a ground sign. Mr. Hornung thinks that the pole signs stand out better than monument signs.

Public Hearing

None

Board Re-Convened

Scott Lepsky, seconded by Debbie Pennington, made a motion to deny the variance. Motion carried 7-0. Mr. Clemmons suggested he talk to the Building Division about his options on a monument sign.

Other Business

Elections were held. Don Carpenter, seconded by Chad Oberson, made a motion to appoint Ron Siciliano to Chairman. Motion carried 6-1, Ron Siciliano abstaining. Ron Siciliano, seconded by Debbie Pennington, made a motion to appoint Chad Oberson to Vice Chairman. Motion carried 7-0. Debbie Pennington, seconded by Scott Lepsky, made a motion to appoint Lynda McGuire to Secretary. Motion carried 7-0.

Adjournment:

Motion to adjourn carried 7-0.

Ron Siciliano, Chairman

Lynda McGuire, Secretary

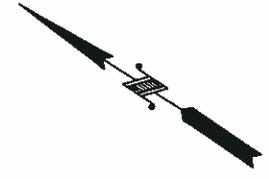
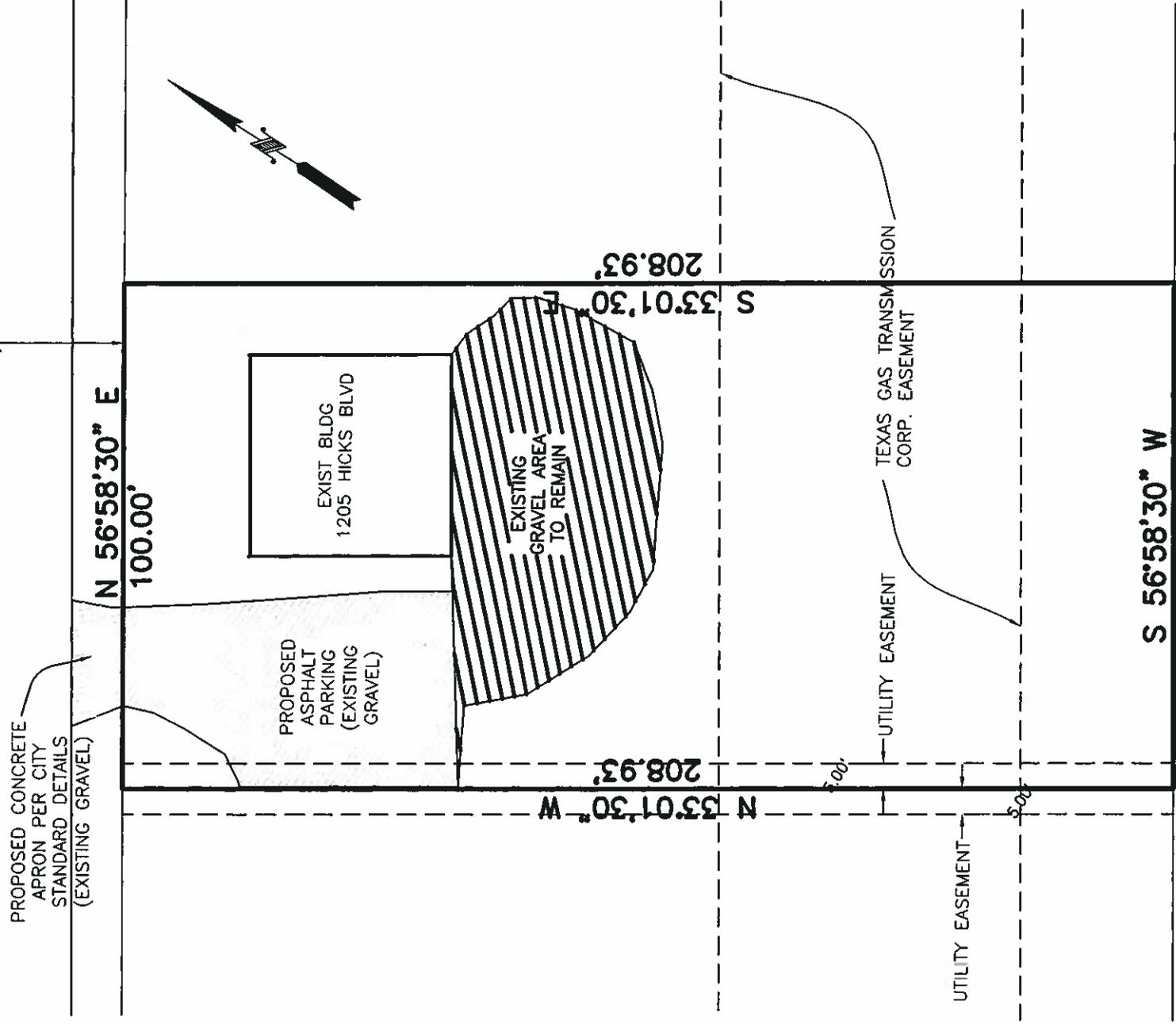
- (a) Use Variance. No use variance shall be authorized by the Board of Zoning Appeals unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:
- (1) The requested variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - (2) The hardship condition described in Section 1133.01(86) is not created as a result of actions by the applicant;
 - (3) The granting of such variance will not adversely affect the rights of adjacent property owners;
 - (4) The granting of such variance will not adversely affect the public health, safety or general welfare;
 - (5) Such variance will be consistent with the general spirit and intent of the Zoning Code;
 - (6) The variance sought is the minimum which will afford relief to the applicant; and
 - (7) There is no other economically viable use which is permitted in the zoning district.
- (b) Area/size Variance. No area/size variance shall be authorized by the Board of Zoning Appeals unless the Board has considered and weighed the following factors to determine if the property owner requesting a variance has encountered practical difficulties:
- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) Whether the variance is substantial;
 - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - (4) Whether the variance would adversely affect the delivery of governmental services, including, but not limited to, water, sewer, and garbage services;
 - (5) Whether the property owner purchased the property with knowledge of the zoning restrictions;
 - (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
 - (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
- (Ord. 98-10. Passed 11-8-10.)

1137.09 ADMINISTRATIVE REVIEW.

In considering an appeal from an alleged error in the administration of the Zoning Ordinance, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of the Zoning Ordinance that apply and the effect of the desired interpretation upon neighboring properties and the public interest. In exercising its power to review such allegation, the Board may, in conformity with the provisions of statute and of the Zoning Ordinance reverse or affirm, wholly or partly, or may modify the order, decision, or determination made, and to that end shall have all powers of the officer from whom the appeal is taken. (Ord. 94-84. Passed 7-9-84.)

HICKS BLVD

RECEIVED
MAY 01 2013
FAIRFIELD BUILDING
DIVISION



REQUEST VARIANCE TO ALLOW EXISTING GRAVEL PARKING AREA BEHIND REAR OF BUILDING TO REMAIN AS GRAVEL.

JOB: ES001

SCALE: 1"=30'

DATE: 4/15/2013

DRAWN BY: MKS

REVISED: 5/1/2013

PREPARED BY

CIVILWORX ENGINEERING, LLC

SURVEYING AND ENGINEERING
4127 AUTUMN HILL LANE
HAMILTON, OHIO 45011
513-682-6180

VARIANCE REQUEST

1205 HICKS BLVD
FAIRFIELD, OHIO
BUTLER COUNTY, OHIO