

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

August 3, 2016

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 Scott Lepsky. Rick Helsinger, Building Official and John Clemmons, Law Director were also present. Motion to excuse Mike Snyder carried 6-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on July 6, 2016 were approved. Motion carried 6-0.

Old Business

Case No. BZA-15-0003 – Outdoor Seating and Music – 7105 Dixie Hwy:

As a condition of the approval by the Board of Zoning Appeals on February 4, 2015, Brett Corwin, owner of Bargas Grill & Tap, is required to have the previous decision reviewed for the property located at 7105 Dixie Hwy., lot no. 9697 in the C-3 zoning district.

Staff Technical Review had no comments. We received a police report from Sgt. Pete Lagemann with the Fairfield Police Department. There have been no noise complaints, but there have been several fights. Per the July 26, 2016 report, “The calls for service seem to be comparative to the number of calls at similar sized bars in the city...”

Property Owner’s Comments

Dave Hummel, RFD Properties, owner of the building and Skyline, spoke regarding Bargo’s variance. Mr. Hummel has been monitoring Bargo’s himself as Skyline does not want any trouble next to them. He is not aware of any issues. There have been a few scuffles, but not aware of any other issues. Greg Porter commented on a portion of the police report regarding the owner not being cooperative. Jack Wessler said that is a police matter, not their issue.

Public Comment

None

Board Action

Mike Stokes made a motion to re-approve the variance subject to the conditions approved at the February 4, 2015 meeting. Motion was seconded by Jack Wessler. The conditions are listed below:

1. Live Outdoor Music is approved Monday-Wednesday 5 pm to 9 pm, Thursday 5 pm to 10 pm, Friday 5 pm to 12 am, Saturday 1 pm to 12 am and Sunday 1 pm to 9 pm. From April 1 to Memorial Day, and Labor Day to November 1, outdoor music is allowed on weekends only. The day before a holiday and the holiday will follow the Saturday-Sunday schedule. Other broadcasts/piped speaker music will be allowed all year round.

2. Any and all outdoor music/broadcasts must be kept at a reasonable volume level so as not to disturb neighbors, paying particular attention to the bass level.

Motion carried 6-0.

New Business

Case No. BZA-16-0020 – Fence in Front Yard Setback – 2727 Symmes Road

Brian Hibbard, co-owner of Grounds Elite, is requesting a variance to install a six foot tall wood fence and an electric gate in the front yard setback. The property is located in the M-2 zoning district.

Staff Technical Review had three items.

1. Existing fence must be moved out of the Right-of-Way.
2. Guardrail must be removed.
3. Fence must be installed no closer than 20 feet to the white edge line of the road.

Property Owner's Comments

Jeff Muskopf, co-owner of Grounds Elite, spoke regarding the variance. They need this fence for security. They cannot move from their current location until this location is secure. Mr. Muskopf will have 14-16 trucks with trailers on the property. Those trailers are equipped with expensive lawn equipment. Their business is landscaping and lawn care. They want to secure the perimeter with the fence and ADT security. The roller gate would remain open during business hours. Symmes Road tends to back up several times a day because of the train, so the gate needs to be open for their drivers to quickly pull off Symmes Road to avoid more of a back-up. In the future, their trucks could come through the front parking lot and through the bay area of the building to the actual storage lot. Mr. Stokes asked if Mr. Muskopf was okay with the conditions recommended by the Staff. Mr. Muskopf was not sure about the fence location since there are existing large pole barriers along the fence. The fence is notched out where the barriers exist. Rick Helsinger said the right-of-way is 15 feet from the white line edge of street, and zoning requires them to be parked another five feet back from the right-of-way. This is the reason for the fence to be 20 feet from the white edge line of the road. The existing fence at its closest point to the street is approximately 12 feet from the street, so it is already three feet into the right-of-way. The fence does bump out where the bollards are located. The guardrail is about 21 feet from the street, which is where the fence needs to be. Mr. Wessler asked if the line of sight was affected by the fence line when pulling out of their parking lot. Mr. Muskopf said he did not have a problem, but the bump out area of the fence may be an issue for someone else. Rick Helsinger visited the property and found the bump out did make it difficult to pull out of the parking lot. If they were to drop the fence back, there would be a clean line of sight. They have already made a lot of headway removing the overgrowth and brush in that area. The wood fence would look better than seeing the chain link fence, and would provide more security by limiting those outside the property from seeing into the storage lot. Mr. Muskopf clarified that the entire lot will have a chain link fence with three strands barbed wire, and the wood privacy fence will go in front of the chain link along the front of the property. It would match the existing privacy fence. The wood fence alone would not be very secure. Mr. Clemmons added that the existing privacy fence was not permitted as the City would not allow a fence in the right-of-way. The original request was for a 6 foot tall privacy wood fence in the front yard setback, but it needs to be for both the 6 foot tall privacy fence and a 6 foot tall chain link fence with barbed wire.

Public Comment

Tony Cantor, Tedia, 1001 Tedia Way stated he was initially concerned about their gate being closed all the time. He said the traffic does back up when there is a train. Mr. Cantor felt Mr. Muskopf and the Board had addressed his concerns. He also thinks the fence location at 20 feet from the street will give the Ground Elite drivers more room to go in and out.

Board Action

Scott Lepsky made a motion to approve the variance for both fences with the following conditions:

1. The existing fence must be moved out of the right-of way.
2. The guard rail must be removed unless it behind the fence.
3. The fence, including the existing fence, must be installed no closer than 20 feet to the white edge line of the road.
4. The electronic gate must remain open during the business' operating hours.
5. The bollards or any additional structures in the City's right-of-way must be removed.

Jack Wessler seconded the motion. Motion was carried 6-0.

Scott Lepsky made a motion to waive the 5-day waiting- period. The motion was seconded by Mike Stokes. Motion carried 6-0.

Discussion of Abolishing the Board of Building Appeals

John Clemmons began the discussion. He stated the City has always had trouble filling the positions for the Board of Building Appeals, and the Board almost never meets. It would abolish the Board of Building Appeals, and then transfer all functions of the Board of Building Appeals over to the Board of Zoning Appeals. The commercial building appeals are heard by the Board of Building Appeals in Columbus at the State level. The residential building appeals are still heard at the City level. Mr. Wessler thought the State required that the Board have a registered architect, plumber, and engineer. John Clemmons told him those requirements would be eliminated, so they would not apply to the Board of Zoning Appeals. It wasn't really mandatory. It was difficult to find and keep Board members in general, not because they could not find people in those fields. The charter would be changed to say the functions of the Board of Building Appeals would be assumed by the Board of Zoning Appeals. It will be on the November ballot for Fairfield voters. They are hoping it will pass. Other changes on previous ballots were quite successful. Rick Helsing told the Board if it passes they would meet if we have case. He told them there has only been one appeal since he has been working for the City. Mr. Helsing has checked with the State about making this change and the State has given their okay.

Adjournment:

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

Respectfully submitted:



Ron Siciliano, Chairman



Maria K. Mullen, Secretary