

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

October 1, 2014

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 Jack Wesseler, Joseph Koczeniak, Mike Stokes, Ron Siciliano, Scott Lepsky 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

The minutes from the Board of Zoning Appeals meeting held on September 3, 2014 were approved. Motion carried 6-0.

Old Business

Case No. BZA-14-0013 – Multiple variances relating to a variable message reader board sign – 4785 Factory Dr.:

Rick Helsinger said he talked to Wendy Hicks, one of the owners of the property and contact person for this variance application. She indicated that the rest of the owners had not gotten together to discuss the issues with the variance, she does not support the variance and would like the variance to be denied and removed from the agenda. She will reapply if they wish to move forward with the variance at a later date.

Scott Lepsky, seconded by Mike Snyder, made a motion to remove the case from the table. Motion carried 6-0.

Property Owner's Comments

The tenant at International Car Service was in attendance to speak for the variance. He wants the sign; no one can see his business. There was discussion on who can ask for a variance and if it has to be the owner or if the tenant can apply. The owner has to approve and give permission to apply for the variance initially. Robert Hicks, one of the owners of the property, also spoke regarding the variance. He supports the variance. There was discussion on who owns which properties at this location. The information the city has received regarding the tenant and case differs from what Mr. Hicks states. Copies of the memo of issues that Tim Bachman composed were given to the board and owner. Mr. Hicks indicated that he would be able to get together with the other owners of the properties and come up with a solution in the next 30 days. Mr. Snyder said he thinks there needs to be an air of urgency about this case, because the tenant needs resolution on the variance.

Public Comment

None

Board Re-Convened

Joseph Koczeniak, seconded by Mike Snyder, made a motion to table the variance until the November 2014 meeting. Motion carried 6-0.

Case No. BZA-14-0022 – Gravel Parking – 5079 Camelot Dr.:

Rick Helsinger talked to the Burer family about this case. They will be removing all of the cars on the gravel and will not be parking on the gravel any more. The church will be taking over the area.

Scott Lepsky, seconded by Mike Stokes, made a motion to remove the variance from the table. Motion carried 6-0. Scott Lepsky, seconded by Jack Wessler, made a motion to deny the variance. Motion carried 6-0.

New Business

Case No. BZA-14-0025 – 8 foot retaining walls – 5647 Gilmore Dr.:

Dennis Ksycki is requesting a variance to construct two 8 foot retaining walls on his property.

STR suggested there be no grade changes within 10 feet of the north property line due to the existing sanitary sewer main.

Property Owner's Comments

Dennis Ksycki spoke regarding the variance. He wants two 8 foot retaining walls on his property, as shown on the site plan. There will be a variation of the wall positioning on the original site plan, as indicated by Mr. Ksycki. There is a 25 foot drop from the left to right of his property, as well as front to back. He originally built a four foot wall there, but it was knocked down by high water. It was rebuilt, but knocked down again. He will also want to build a garage on the back, left side of his property in the future. In order to get a driveway back there to it, he needs to install the walls to level out the ground. He showed a picture of his house; there is 8 feet of exposed foundation. If he is able to construct the 8 foot walls, the exposed foundation will be covered. Mr. Koczeniak asked if the wall would be stable this time. Mr. Ksycki plans to use geo-grid to stabilize it. Mr. Helsing said that engineered drawings are required and the wall will be inspected by the building inspector. Mr. Wessler asked about a guardrail. There is not a guardrail required for the walls. Mr. Ksycki was told that if he wanted bigger than a 500 square foot garage, he would have to apply for another variance.

Public Comment

None

Board Re-Convened

Scott Lepsky, seconded by Mike Snyder, made a motion to approve the walls with two stipulations: There should be no grade changes within 10' of the north property line due to the existing sanitary sewer main and any portion of the wall over 4 feet tall is required to have a fence or hedge row installed. Motion carried 6-0.

Case No. BZA-14-0026 – Accessory building in side yard setback – 6089 Gray Rd.:

Zach Marlow is requesting a variance to construct an accessory building, part of which will be located in the side yard setback of the property.

STR requires city approval on any use that will need sewer or water, due to potential capacity problems.

Property Owner's Comments

Zach Marlow spoke regarding the variance. The house was built in 1817 and he lives in the home. He already removed the carport that was in the side yard, in the same area as the proposed accessory building. The carport was actually set 20 feet towards the street than the proposed will be located. The elevation of the property declines so much, that if he were to move the accessory building back where it is required, he will lose access to the 3 other buildings on the property. There was discussion by Mr. Clemmons on side yard definitions and where the side yard is on this property. Mr. Siciliano said they have really improved the property already. Mr. Snyder noted that the house was out in the country and it is a large lot.

Public Comment

Two of Mr. Marlow's neighbors on Gray Rd. were in attendance. They said he has really improved the lot since he has been there, and they have no problem with the building.

Board Re-Convened

Scott Lepsky, seconded by Jack Wessler, made a motion to approve the variance with the stipulation that any use that will need sewer or water requires city approval. Motion carried 6-0. Motion to waive the 5 day waiting period carried 6-0.

Case No. BZA-14-0027 – Accessory building exceeds 500 square feet – 929 Oberlin Dr.:

Gary Hurst is requesting a variance to construct a 780 square foot accessory building.

STR requires the new driveway apron to be a minimum of 5 feet away from the existing power pole. A curb cut permit will not be issued for any lesser distance.

Property Owner's Comments

Gary Hurst spoke regarding the variance. He wants a 26' x 30', 2 car garage. He currently has a one car garage, and it is hard to work on his old cars in that space. Mr. Koczeniak asked if the driveways will be the same material once he is done. They will both be concrete. Mr. Clemmons asked about the building materials. He is using brick, and will try to match the yellow brick on his house, but it is hard to find that color. Mr. Koczeniak asked if he worked on his own cars. He works on his old cars as a hobby; he will not be working on other cars. Mr. Hurst also wants a workshop on one side of the proposed garage. Mr. Koczeniak asked if the garage needed to be that big. Mr. Hurst said it was the size he wanted, but if he was required to, he will make it smaller. There was discussion on the square footage of the house. He wasn't sure what that square footage is. There was discussion on the cars on his property. He currently parks 3 cars on the street. He plans to store his old cars and his work van in the new garage. He is an electrician, and he keeps expensive materials in his work van. The proposed garage does not exceed the 35% rear yard requirement. Mr. Hurst indicated that there was a garage the same size down the street; it belongs to his father and his father's property is smaller than his. Scott Lepsky asked him if a 24' x 25' or 600 square foot garage would be big enough for his needs and they agreed that it would be big enough.

Public Comment

None

Board Re-Convened

Scott Lepsky, seconded by Jack Wessler, made a motion to approve a 600 square foot accessory building, with the stipulation that the new driveway apron needs to be a minimum of 5 feet away from the existing power pole. A curb cut permit will not be issued for any lesser distance. Motion carried 6-0.

Adjournment:

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

Ron Siciliano, Chairman

Lynda McGuire, Secretary