

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

October 5, 2011

Chairman 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, Debbie Pennington, Mike Snyder, Chad Oberson, Scott Lepsky and Jack Wessler. Also present were Rick Helsinger, Building Official and John Clemmons, Law Director. Motion to excuse Don Carpenter carried 6-0.

Pledge of Allegiance

Minutes of the Previous Meeting:

The minutes from the Board of Zoning Appeals meeting held on August 3, 2011 were approved as submitted. Motion carried 6-0.

Old Business:

Case No. BZA-11-0023 – Pole sign – 5850 Dixie Hwy.:

Robert McNeil is requesting a variance to install a pole sign for Preferred Used Cars.

STR sees no hardship or visibility issues in this case. They can install an 8 foot ground sign without a variance.

Property Owner's Comments:

Robert McNeil spoke regarding the variance. Weaver Barns moved in the business next door, and placed a line of 18 ft tall barns along the parking lot, which act as a fence along the entire north side of their property. Preferred Used Cars has experienced a 50% drop in drive by traffic in the last three months, since the barns were placed. Ron Siciliano asked if they met the requirements for a pole sign other than the lack of frontage. Other than the lack of 11 feet of frontage, they meet all of the other requirements. Mike Snyder drove by the property and passed it before he noticed it was there. Mr. McNeil said Danco has become a turn around for their customers and UPS trucks have problems too because they can't see the driveway. If they were to install a ground sign, it would be blocked by the parked cars that they sell. Mr. Siciliano asked if the sheds and barns were allowed to be placed on the adjacent property. Mr. Snyder asked if there is a visibility requirement for items placed near curb cuts. Rick Helsinger stated that as long as the barns are 2 feet behind the right of way, they are in compliance. John Clemmons is not aware of any line of sight requirements in relation to curb cuts.

Mr. Siciliano and Mr. Oberson said they see the hardship in this case. Debbie Pennington was concerned about the way the sign "juts" out towards the road. Further discussion clarified that the sign actually "juts" in towards the property. There was discussion regarding Carl's Fine Cars and Weaver Barns sharing the same property.

Public Hearing:

There was no comment from the audience.

Board Re-Convened:

Chad Oberson, seconded by Scott Lepsky, made a motion to approve the variance as submitted. Motion carried 6-0.

John Clemmons reminded them to keep the cars they are selling out of the right of way.

New Business:

Case No. BZA-11-0024 – Pool in required front yard, filter too close to property line – 3 Carousel Cir.:

Kevin Holmes would like to install a pool in the required front yard, with the pump and filter installation 10 feet away from the property line.

STR had no comment.

Scott Lepsky explained for the audience that the ordinance defines this property as having two front yards, because the house backs up to John Gray Rd. The owner actually wants to install the pool in what would be considered the rear yard.

Property Owner's Comments:

Kevin Holmes spoke regarding the variance. He wants to install a pool in his "back" yard. He already has obtained variances for the fence and the shed that are there. Mr. Snyder commented that this issue comes up a lot and it is about perspective; their proximity to John Gray Road leaves practically no space in the back yard. He would be more concerned if there were neighbors along the back, instead of a thoroughfare. Mr. Siciliano is not concerned about the location. He asked Mr. Helsinger if the filter and pump have to be 20 feet from the property line because of noise. Since there are not houses behind this one, he does not see the problem with the filter placement either.

Public Hearing:

There was no comment from the audience.

Board Re-Convened:

Jack Wessler, seconded by Mike Snyder, made a motion to approve both variances as submitted. Motion carried 6-0. Mr. Holmes was reminded to obtain his permit in the next six months, or the variance will expire.

Case No. BZA-11-0026 – Accessory building over 500 sq ft., exceeds 35% rear yard requirement– 730 Wyoming Ave.:

Tim Baker would like to construct a 1080 sq ft detached garage, which will exceed the 35% rear yard requirement by 521 sq ft.

STR had no comment.

Property Owner's Comments:

Tim Baker spoke regarding the variance. He wants to build a detached garage, because his current garage is only 18 feet deep. He can't fit his Expedition and trailer in the garage, and he would like to be able to store them out of the elements.

Ms. Pennington asked if the flags in the yard marked the proposed location of the garage, and if so, why is he building it so far back on the lot. He will have more privacy and feels that he is not utilizing the space in the back. He will need to take down two trees if he is able to construct the garage. Mr.

Siciliano thinks the garage is too big for his approval. He reminded everyone that there are two variances they are discussing, the size and the 35% rear yard issue. He is concerned if they approve his garage, how will they deny anyone else one of the same size.

There was discussion on the size of the lot. He has $\frac{3}{4}$ of an acre of land. He talked to a lot of his neighbors and no one had a problem with the garage. John Clemmons asked why his lots are listed as part lots. He purchased the lot behind him and had a lot combination done. The county shows his lot as one lot, not two, as the city map shows. There was discussion regarding who owns what lots surrounding his lot.

Chad Oberson said he has not seen an accessory structure that big get approved as long as he had been on the board. Mr. Baker clarified that the garage itself is only 780 sq ft; the overhang gives it the extra square footage. He plans to park his RV under the overhang part of the time. He feels that with the size of the lot the garage would not seem very big. Mr. Lepsky noted that he understands the need for the garage, but feels that it is too big and suggested maybe he could rework the plans. He also asked if the 35% required rear yard number was figured using both lots. There was discussion on the 35% rear yard number, and it doesn't matter how deep the yard is, it is the width that really counts in the measurement. Mr. Helsinger reminded the homeowner that he would have to concrete under the overhang, and that no gravel would be allowed, if the variance is approved.

Mr. Baker informed the board that the proposed garage will have 10 foot walls and the peak would be 16 feet.

Public Hearing:

Brian Evers, 1851 Wiltshire Blvd. spoke in favor of the variance. He grew up in the house across the street and he feels the garage would be in proportion with the lot. Mr. Baker talked to the neighbors before the meeting, and they didn't care at all about the garage. In fact, one was excited because everything would be put up and away.

Mr. Oberson said he can't approve anything over 620 sq ft.

There was discussion about hardship, and the board's definition. Mr. Wessler said that zoning protects everyone, not just the neighbors directly next to him.

Board Re-Convened:

Chad Oberson, seconded by Jack Wessler, made a motion to deny the variances. Motion carried 6-0.

John Clemmons told them they could come back next month and bring a smaller plan. They will be on the agenda for the November 2, 2011 meeting.

Adjournment:

Chad Oberson, seconded by Debbie Pennington, made a motion to adjourn. Motion carried 6-0.

Ron Siciliano, Chairman

Debbie Pennington, Vice-Chairman

Lynda McGuire, Secretary