

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

November 2, 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, Don Carpenter, Scott Lepsky and Jack Wesseler. Also present was Rick Helsinger, Building Official. Motion to excuse John Clemmons carried 7-0.

Pledge of Allegiance

Minutes of the Previous Meeting:

The minutes from the Board of Zoning Appeals meeting held on October 5, 2011 were approved as submitted. Motion carried 7-0.

Old Business:

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

Tim Baker would like to construct a 780 sq ft garage, which will exceed the 35% rear yard requirement by 221 sq ft. This request is a resubmission from last month's meeting; the original submission was 1080 sq ft, and exceeded the 35% requirement by 521 sq ft.

STR had no comment on this case.

Property Owner's Comments:

Tim Baker spoke regarding the variance. He reduced the size of the garage to 30' x 26' by removing the overhang. The walls have been reduced to 10' from the original submission of 12', with a 14' peak. Mike Snyder asked if the concrete footprint would remain the same as the original. The footprint will encompass 1080 sq ft. The area where the original overhang was proposed will be concreted. This does not affect the total square footage allowed for the building. Ron Siciliano still feels that it's too big, but thinks it is a unique lot, nestled between houses.

John Clemmons arrived at 6:07 p.m.

Chad Oberson said the property is big, it is a double lot, and he feels the garage fits the property size. Mr. Baker told the board it is all woods behind his lot, and he may need to take out a couple trees. Debbie Pennington asked if the concrete driveway would extend all the way to the concrete on the side of the proposed garage. John Clemmons informed the homeowner he would be required to flare out the concrete in order to extend it to the proposed paved parking space. Mr. Snyder commented that he couldn't imagine anyone noticing the garage from the street because it was so far back.

Public Hearing:

There was no comment from the audience.

Board Re-Convened:

Mr. Lepsky noted that the homeowner has a double lot, and there are no neighbors contesting the variance.

Scott Lepsky, seconded by Debbie Pennington, made a motion to approve the variance on the condition that they build the garage using 10 foot walls with a 14 foot peak, as Mr. Baker indicated earlier. Motion carried 6-1, Ron Siciliano dissenting.

New Business:

Case No. BZA-11-0029 – Outdoor dining – 500 Wessel Dr.:

Jim Mitchell, for La Pinata, would like to provide outdoor dining for a new restaurant.

STR had no comment.

Property Owner's Comments:

Jim Mitchell spoke regarding the variance. La Pinata would like to provide outdoor seating on the right side of Symmes Tavern. Mr. Siciliano said he is generally opposed to these variances, because they impede foot traffic. This one seems ok though, because it is at one end of the building and there are barriers separating the dining area. Mr. Snyder also noted the restaurant is far away from any residential properties. The proposed fence will match what Symmes Tavern is currently using, and they are not requesting outdoor music or entertainment of any kind, except possibly a television with the sound turned off. Rick Helsinger reminded them they will need to come back to the Board of Zoning Appeals if they want outdoor entertainment. Mr. Mitchell informed the board that the restaurant closes at 10:00 p.m.

Public Hearing:

Joe Schwarz, owner of the property, has no objection to the variance.

Board Re-Convened:

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

Case No. BZA-11-0030 – Metal carports too close to the property line in the side yards – 2675 Windage Dr.:

Carl Meek is requesting a variance to have two metal carports, over 150 sq ft, in his side yards, nearer than 6 ft to the property line and/or dwelling.

STR had no comment; however the Building Department has a couple issues. The first issue, no engineered drawings were provided for the carports. The second issue is the Building Code does not allow the carports to be nearer than 3 ft to the property line, unless they are fire rated.

Property Owner's Comments:

Carl Meek spoke regarding the variance. The carport in the front yard has been there for 19 years, and was grandfathered by the Building Department. Both of the carports in the side yard are inside the fence line, and his neighbors don't care about them. He has lived in this house for 33 years; the initial inspection was due to another complaint on the street. He didn't know he was required to get a permit for the two carports, or he wouldn't have put them up in the first place. Mr. Siciliano asked Mr. Helsinger to confirm the front carport is grandfathered. The metal carport located in the front of the residence was indeed grandfathered in, and there are some front yard carports in other locations in the city as well. There was discussion on the carport distance to the property line. The privacy fence on the left side of the property is 8 feet off of the property line, so the carport to the left of the property is not too close to the property line, just to the house. He is using the carports to store cars, tools under

one, his lawnmower, snow blower, Sea Doo's etc. He doesn't want them in the yard. Mr. Meek said he lives on a dead end street, and his back yard is fenced on the sides, so no one can see the carports anyway. Mr. Siciliano mentioned the first thing you see when you drive by the house is the big metal carport in the front yard. He also has a lot of debris around the house. Mr. Meek said he is in the process of cleaning up after construction. He is working on it. Mr. Siciliano doesn't want to set precedence with these metal carports. He thinks they are unattractive. Mr. Lepsky stressed that precedence is the key. The extenuating circumstances are not there, and he can't support the variance. Mr. Snyder asked about the anchoring of the structures. There are 3 foot metal stakes in the ground in the corners to anchor them. The carport to the right of the house is on a concrete slab. Mr. Oberson was surprised that no neighbors came to speak against the carport. Mr. Meek said the neighborhood is their own "little world" and they take care of their things. They want people to stay out and leave them alone. Mr. Lepsky noted that the city ordinance is what they have to follow. Ms. Pennington said she would like to see the carport in the front yard be moved to the back yard. Mr. Meek said he would be willing to take down the one in the front if he could keep the two carports on the side. Mr. Clemmons asked Mr. Helsinger if it was possible to meet the requirements of the building code with the carports. Yes, the requirements can be met. There was discussion about location of the carports. They can't be located in the side yard; one of the variances covers that issue. Mr. Meek said he misunderstood; he thought it had to be a permanent structure to need a permit.

John Clemmons addressed the board. Wouldn't it be an improvement to get rid of the carport in the front yard, if he could keep the two on the side, as Ms. Pennington brought up? That carport is the worst one. He would still be required to get engineered drawings and permits to keep the carports in the side yard. Mr. Oberson would like to see them all gone. Mr. Meek said he won't be getting rid of the one in the front if he can't keep the two on the side, because that one is already grandfathered. He's not required to remove it. Mr. Meek agreed to remove the front carport if he could keep the two on the side of his property. He understands he will have to have an engineer certify the buildings in the side yard if the variance is approved. The issue of grandfathering was addressed. The grandfathered status stays with the land, regardless of whether ownership of the house changes. You cannot make changes or improvements to a grandfathered item.

Public Hearing:

There was no comment from the audience.

Board Re-Convened:

Debbie Pennington, seconded by Mike Snyder, made a motion to approve all 3 variances on the condition that 1) The building code requirements are satisfied and 2) The front carport must be removed. Motion carried 5-2, with Scott Lepsky and Chad Oberson dissenting.

Adjournment:

Scott Lepsky, seconded by Don Carpenter, made a motion to adjourn. Motion carried 7-0.

Ron Siciliano, Chairman

Debbie Pennington, Vice-Chairman

Lynda McGuire, Secretary