

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

July 11, 2012

Scott Lepsky, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

Members present: Scott Lepsky, Don Hassler, Jeff Holtegel, Bill Woeste, Tom Hasselbeck, Mark Morris and Bob Myron.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held June 27, 2012, were approved as submitted.

NEW BUSINESS:

Required Side Yard Encroachment Request for a Carriage Style Garage – 5888 Emerald Lake Drive

A slide was shown of the property at 5888 and 5896 Emerald Lake Drive. The approximate location and size of the garage was added to the home at 5888. Notification was mailed to the adjacent neighbors and the two property owners directly across the street. Comments were received back from two. The neighbor to the left (side where the garage is proposed) expressed concerns with the view they would have from their bay and kitchen windows. The second was from the neighbor to the right who was concerned if the garage would extend past the rear of the house and block their view of the back yards.

Mr. Mark Von Hagen stated he was contacted by Mr. and Mrs. Valentini, owners of 5888 Emerald Lake, regarding constructing a third car garage. Originally, Mr. Von Hagen thought the encroachment would be 8'. He obtained a copy of the development agreement and the side yard setback reads "Each lot and house shall have a minimum of 5' setback on any one side and a minimum of 20' total side yard setback for both sides." Under this scenario, Mr. Von Hagen stated their request is to encroach 3'. The width of the garage proposed is 16'. Sketches were given to the Commission showing the location of the garage and elevation.

The Development Agreement for Emerald Lake was reviewed and the total side yard setback of 20' confirmed.

Mr. Bachman stated the neighbor to the left has already claimed there is a driveway encroachment issue onto his property. Ms. Donovan said according to the plot plans, there should be 8'3" between the edge of the driveway and the neighbors' house.

Mr. Hasselbeck asked if the garage had to be 16' wide. Mr. Von Hagen replied it would be ideal. The first door to their existing side entry garage is less than 1' from the wall. When you pull your car in, you can't open the door. That bay cannot be used for a car. The new garage is being designed with the door 2' from one wall, leaving 5' on the other side to be able to open the car door and have a small storage area. The garage could be designed 13' wide and would not need approval. Thirteen

feet would be functional; sixteen feet would be ideal.

Mr. Johnny Haynes, 5896 Emerald Lake Drive, stated his concern with safety. Equipment may not be able to get between the homes if the garage is constructed. If this is approved, it will set a precedent for allowing other structures to be built in the side yard. Additional concrete will also cause more run off onto his property. If the area between the two houses is closer, it will be the only two in the subdivision like that and could hurt the resale value of his home.

Mr. Bachman asked Mr. Haynes about the driveway encroachment onto his property and if it had been surveyed. Mr. Haynes replied it was stated when they were building the house (5888) that they could come over on his property from the property line that was originally established for his home. Even the drains were put on his property from the construction of 5888. Mr. Bachman said neither the concrete or drains should touch his property. Mr. Haynes paid for a survey after he moved in but never received anything from it.

The Commission expressed their concern with the actual distance from the house to the property line. Mr. Bachman stated they could table this item and ask that the property line be surveyed. Mr. Von Hagen stated he will have the property surveyed whether the property owners build a 16' or 13' garage.

Mr. Bachman brought up another issue pertaining to the carriage style garages. The Development Agreement states "All three car garages or greater shall be side entry. Three car garages that are designed with two side entry bays and one front entry bay are permitted provided the front entry bay is situated no less than 20' from the front façade of the side entry garage. This type of garage will be considered side entry." Mr. Von Hagen stated he could meet that requirement.

Mr. Burt Huffer, 5973 Emerald Lake Drive, appeared to support Mr. Haynes with his request not to approve the garage. It doesn't fit with the rest of the community. There is a three car garage built with these same circumstances but Mr. Huffer didn't know what the distance is from that garage to the property line. He felt it was a lot more than what this would be. The intent was to have 20' between the homes.

If the garage is built, Mr. Holtegel asked what the distance would be between the exterior walls of the garage and the house next door. Mr. Von Hagen replied 16 – 17' depending upon what the survey shows. Adjacent homes with garages on opposite sides will only have a minimum distance of 10' between them.

Mr. Woeste asked if the homeowners are agreeable with constructing a 13' wide garage. Mr. Von Hagen replied he met with them yesterday and he painted the area where the garage would be built for owners and neighbors to see. He felt they would be okay with 13' if 16' is not approved. Mr. Woeste added assuming the property line is correct, no action would be needed by the Commission if they choose the smaller garage. The residents will have to come to terms that the garage will be there whether the Commission approves a larger one or not. The survey needs to be done before the Commission can act on the request.

Jeff Holtegel, seconded by Don Hassler, made a motion to table the side yard encroachment request for 5888 Emerald Lake Drive. Mr. Bachman asked Mr. Haynes if he understood that if the home owners decide to build a 13' garage and the survey shows the property line is accurate, Planning Commission approval is not needed. Mr. Haynes understood but asked what guarantee he has that the survey will be accurate. Mr. Bachman replied he could also hire a surveyor to confirm it.

Motion carried 7 – 0.

OLD BUSINESS:

Fence Request – Olde Winton Subdivision – 5024 Winton Road (Tabled)

Jeff Holtegel, seconded by Mark Morris, made a motion to remove this item from the table. Motion carried 7 – 0.

Tim Bachman stated this was tabled at the last meeting due to the property owner or agent not being able to attend. There is an agent here this evening. He is contemplating purchasing the property.

Mr. Dustin Place explained he is under a lease/option to buy 5024 Winton Road. The home belongs to his son's grandparents. His grandfather (Don Gulley) is the Power of Attorney for Nicholas Gulley, current owner. The fence has been discussed with Nicholas Gulley. Mr. Place will be purchasing the property within the next 3 to 6 months. The agreement was obtained today from the attorney and will be sent to Mr. Gulley for signature. Mr. Richardson stated Mr. Place is the agent for the property. Don Gulley could not attend this meeting as he just got back into town and his schedule would not permit him to be here.

Mr. Richardson stated the rear yard where Dustin lives slopes downward. When they excavate the partial basement for the new house across the alley, the dirt will be used to level Dustin's rear yard. It is Mr. Richardson's intent to get design approval for the fence and wall contingent upon the agreement being signed. The document has been modified to have Apex as the engineer, not Bayer Becker and will be sent to Mr. Gulley to review and sign.

Mr. Bachman said the fence will be installed in an "L" shape. It will be 2' off the pavement and will be built on a retaining wall of 2 to 3'. A building permit will not be issued until the signed agreement is received. Mr. Richardson stated when the subdivision developed, they considered buffering every side of the property that didn't have a natural buffer. This is the last piece needed. A picture was submitted to the Commission showing the fence on the wall.

Don Hassler, seconded by Jeff Holtegel, made a motion to approve the fence/wall design at 5024 Winton Road with the condition that the agreement be executed prior to a permit being issued.

Motion carried 7 – 0.

GENERAL DISCUSSION:

Mr. Myron reported July 28th is when the first games are scheduled at the Field of Dreams. The volunteer pool party will be held August 3rd and the Huffman Park Grand Opening will be scheduled for the end of October.

Mr. Morris reported dirt is being moved at the football stadium in preparation for the artificial grass. The field house is also being renovated.

Mr. Holtegel reported Council approved the agreements for the Koch Foods expansion. The expansion will create 390 jobs over a three year period. The Kroger Fuel Center had first reading. Mr. Holtegel will be recommending the removal of fueling stations as a permitted use in the D-1 district. Also within the next three years, there is potential for the creation of over 500 jobs in Fairfield due to expansions and new construction.

Being no further business, the meeting adjourned.

Scott Lepsky, Chairman

Peggy Flaig, Clerk