

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

November 2, 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, Mike Stokes, Joseph Koczeniak, 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 October 5, 2016 were approved. Motion carried 6-0.

New Business

Case No. BZA-16-0023 – Detached Garage over 500 ft and over 15 ft in height – 5293 Marcel Drive

Scott Webb, architect, on behalf of his clients, Don and Susan Moser, is requesting a variance for a 1400 square foot and 24 foot tall detached garage. The property located in the R-0 zoning district.

Staff Technical Review had no comments.

Property Owner's Comments

Don Moser, owner, spoke on behalf of his variance request. He believes the home was built in 1926, and was a Sears catalog home. The existing garage appears to have been built in the 1960s, but Mr. Moser is not sure. The garage is not very aesthetic. They recently purchased an additional parcel of land and combined it with their existing parcel. It added 30 feet by 225 to the original property increase the lot to .852 of an acre. Mr. Moser's drawings of the new 3-car garage show a garage with architecture similar to the house. The garage will have a second level, and bump out for a built in shed to eliminate the need for a separate stand-alone shed on the property. The gravel driveway connecting the Moser property and the Griesmer property to Marcel Drive is actually on the Griesmer property. The Mosers have an easement to use the driveway. The gravel driveway is grandfathered. Mr. Moser brought pictures of his property and explained them to the Board. He said the property is surrounded by trees and land owned by Griesmer, Inc. Mr. Moser does not think it will be developed because it is not cost effective per a couple of builders that he knows. Mr. Moser will pave the driveway on his property, but he cannot pave the gravel driveway owned by Mrs. Griesmer. The garage will not have plumbing, but it will have electric. Mr. Siciliano remarked the property is very unique, and isolated. There are no neighbors in attendance to speak against it. He said that the garage will match the house, and would look better than multiple sheds. Mr. Snyder wanted to know if Mr. Moser would need to remove trees. The trees have already been removed. Mr. Wessler commented that the garage looks bigger than the house, and it seemed to be larger than necessary. Mr. Moser explained that he wanted enough space around the cars for storage and accessibility. Mr. Moser plans on enlarging the house. Mr. Wessler would like to see the garage attached to the house. Mr. Moser considered attaching it to the house, but the house was not situated to do it. Mr. Siciliano said he normally agrees with Mr. Wessler when the houses are smaller than the accessory building. In this case, he does not think it will be seen by the neighbors and the garage size compared to the house would not be noticeable.

Public Comment

There was no one in the audience to comment.

Board Action

Scott Lepsky made a motion to approve the variances as submitted. Mike Snyder seconded the motion. Motion carried 5-1 with Jack Wessler dissenting.

Case No. BZA-16-0025 – Change from Commercial Use to Residential Use – 701 Glenna Drive

Robert Davis, owner, is requesting a use variance to change the use of his house from a commercial use to a residential use. The property is located in the D-1 zoning district.

Staff Technical Review recommends removing the pavement in the front yard and returning the area where the pavement was removed to grass. No more than 35% of the front yard is permitted to be paved, and only one curb cut will be permitted.

Property Owner's Comments

Mr. Robert Davis, owner, spoke on behalf of his variance request. His realtor, Juanita Gray with Comey & Shepherd, also appeared on Mr. Davis' behalf. Mr. Davis used the home as his business for many years. He had to pave the front yard area because there was a culvert where his patients' cars would get stuck. The property has been on the market for about four to five years and no one has been interested in it as a commercial property. He really needs to sell it because of his health issues. The primary structure is still set up as a house. Mr. Davis believes he called the City and they told him if he kept the stove and the refrigerator, then he could convert the building back to residential use. Mr. Helsinger said the only permit we have is for a sign in 1992, which is the only evidence that the property was being converted from residential to commercial. The house was a residence prior to Mr. Davis turning it into a business. Mike Snyder noticed that most of the properties on this street are still residential. Mr. Clemmons explained that the zoning in that area was C-1 which permitted residential at that time. The City eventually rezoned the area as D-1, Downtown which does not allow residential. Those properties that remain residential are grandfathered. Ms. Gray told the Board that the property had been listed before and there was no one interested in the property as a commercial use. Since she has listed it, there have been two offers to buy it as a residential property. Mr. Davis does not want to tear out the parking area because of the expense. They may have a buyer interested in parking their boat or trailer in the parking area. Mr. Helsinger said a boat or RV could be parked on pavement as long as it was at least two feet from the right-of-way, and at least two feet from the property lines. Mr. Lepsky said that some of the parking area must be removed to comply with the residential rules for front yard pavement. Mr. Davis had a quote of \$5000 to remove the parking area, which he thinks that was for the most of the pavement. He only needs to remove 65% of it so the price may change. Mr. Davis asked if he would need to replace the culvert. Mr. Helsinger stated it would be up to the Public Works Department, and he could put him in touch with Ben Mann. Mr. Helsinger also explained that the Building and Zoning Division can determine the amount of pavement that Mr. Davis needs to remove. Usually a driveway is about 16 feet wide, but depending on the width of the lot, it could allow for more. He can leave the handicap ramp. Mike Stokes recommended following Staff Technical Review. Mr. Davis asked if he couldn't sell it, could he rent it out. Mr. Clemmons said if he rents it as a house, then he still needs to remove the excess pavement. Mr. Lepsky advised Mr. Davis that they could table his variance 30 days until the next meeting, or they could approve it now with the stipulation that he must remove the pavement. Mr. Clemmons said the stipulation must comply with the 35% requirement. If the Board approves the variance to change the use to residential, Mr. Davis can still sell the property as a commercial property. The passage of variance just allows him to change the use to residential if necessary.

Public Comment

Dick Davis lives at 691 Glenna Drive, which is next door to this property. He has no problem with this property as a residence.

Board Action

Scott Lepsky made a motion to approve the use variance to change the use of the property from a commercial use to a residential use with the following stipulations:

1. The property will come into compliance with 35% requirement for front yard paving and structure.
2. The property will come into compliance with the curb cut regulations allowing for one curb cut at a residential property.

Mike Snyder seconded the motion. Motion carried 6-0.

Adjournment:

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

Respectfully submitted:



Ron Siciliano, Chairman



Maria K. Mullen, Secretary