

MINUTES OF THE  
FAIRFIELD BOARD OF ZONING APPEALS

April 1, 2015

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, Joseph Koczeniak, Ron Siciliano and Mike Snyder. Rick Helsinger, Building Official and John Clemmons, Law Director were also present. Greg Porter, Mike Stokes, and Scott Lepsky were not present. Motion to excuse Greg Porter, Mike Stokes, and Scott Lepsky carried 4-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on March 11, 2015 were approved. Motion carried 4-0.

Old Business

**Case No. BZA-15-0005 – Grindings for parking lot – 9461 LeSaint Drive**

The owner, Omni Industrial Prop. Inc, wants to use “fines” (grindings from steel) to create a 2-acre parking lot.

We received a letter from Tom Devitt, Devitt Real Estate Services, Inc. requesting this case be tabled until the May 6, 2015 Board of Zoning Appeals meeting. Per attached letter, the owner has asked to amend his original use of “fines” (steel grindings) to use crushed gravel for the trailer parking lot.

Board Action

Motion was made to table the case until the May 6 meeting by Mike Snyder, seconded by Jack Wessler. Motion carried 4-0.

New Business

**Case No. BZA-15-0007 – Accessory building over 500 sf – 5856 Crestview Ave**

The owner, Greg Curson, wants to build and attach a 475 sf lean-to/carport to the existing 576 sf pole barn. He would also like to use metal siding, and not put in a driveway to the accessory building

Rick Helsinger advised the members that there was a letter from Mr. Curson regarding the use of metal siding. The ordinance 1143.06 says that exterior wall surfaces of any accessory building or structure, if greater than 100 square feet, shall not be made of metal, resin plastic, or non-finished composite. Board will need to consider the metal siding as a variance as well as the two previous mentioned variances.

STR (Staff Technical Review) recommended a driveway to the accessory structure.

### Property Owner's Comments

Greg Curson, the owner of 5856 Crestview spoke regarding the variance. Mr. Curson started by saying he felt his request was reasonable. He has four acres of land split between two lots and his house sits on both lots. There is a creek that runs along the side of the property where the barn sits. The barn was originally a horse barn. There is a cement slab that is next to the barn where there used to be another horse stall that was removed by the prior owner. He would like to build his lean-to on the existing slab. Mr. Curson had already begun building the structure when he found out he needed a permit. All the lots on his street are two acres or more, even his closest neighbor has six acres. The barn already has metal siding and it is very cost efficient and low maintenance. He currently has two tax bills because he has two parcels, and considered combining them and have the property rezoned, but it is too difficult. Mr. Curson needs the lean-to to work on his classic cars, and he will not need a driveway for that reason. He could do gravel, but Rick Helsinger told him that it had to be paved. His current driveway is gravel and he has been slowly paving it. He would rather complete paving the original driveway, than start a new paved driveway to the lean-to that really does not need the driveway. Mr. Curson states his house sits further back on his property than any other house on the street, and there are other large and/or larger garages on his street. Mr. Kozceniak asked Rick Helsinger if it were one parcel could Mr. Curson have this large of a structure. Rick Helsinger explained that a parcel that is two acres or more and in an A-1 zone could have this large of a structure without a variance, but Mr. Curson's property, although it is four acres combined, is zoned R-0, residential. Mike Snyder asked if Mr. Curson is closing in the structure or would it be like a carport. Mr. Curson is building it a simply as possible. He will close in the front and side, and the back (eastside) would be open. The weather comes from the west so those walls would keep out the elements. The existing barn is where Mr. Curson stores his lawnmower and other tools and equipment. The barn also has water and electric. Rick Helsinger stated the existing barn is grandfathered. Mr. Kozceniak questioned whether Mr. Curson intended to put in a gravel drive now, then pave it later. Mr. Curson would like to concrete the existing "grandfathered" gravel driveway to the house before he puts a driveway to the barn. He is also considering building an addition to the house in the future and does not want to put the driveway in until he knows where the addition will be located. The lean-to on the barn would be permanent. Mr. Curson plans to take out the stalls in the barn to allow storage of four cars. Mr. Kozceniak suggested he not pave the rest of the existing driveway, and add the driveway to the barn. Mr. Curson state he uses his driveway every day, but he would not be using the driveway to the barn every day. It would make more sense to finish paving the driveway he must use every day.

### Public Comment

Tom Spindler, 5839 N Turtlecreek Drive asked why Mr. Curson could not build a garage at the end of the existing driveway. Mr. Spindler thought it would make more sense do it there, than on the opposite side of the yard. Mr. Siciliano commented that the reason was probably because there is an existing structure there and he just wants to add to it. Mr. Spindler says he is not objecting to it, but wants to understand why Mr. Curson is choosing to building it there instead of by the existing driveway so there is not a driveway issue. Mr. Curson did consider putting a gargage at the end of the driveway, but it could cost \$50,000 or more. The lean-to will cost less than \$2000. He does not want to put all of his money into a new garage because he has plans for other improvements to the home. Mr. Spindler did say the trees do camouflage the back yard sometimes. Mike Snyder added that the existing barn will be there even without the lean-to. Patricia Spindler, wife to Tom Spindler, said they have lived there since 1986 and the trees in the summer do block their view of the barn. Her concern is that Mr. Curson will be working on cars, and it may cause noise that will

disturb the neighbors. She agrees with her husband that Mr. Curson should build a separate garage at the end of the existing driveway, so that there is not a driveway running through the back yard to the barn. It would be less cement, and less noise at that location. She believes there should be thought and consideration into building the garage closer to the house, and Mr. Curson should get actual quotes as to the cost.

Caron Ann Schindler, who lives at 5821 N Turtlecreek, asked Mr. Curson why he would want to drive through the yard and tear up the yard. Mr. Curson said his cars aren't heavy, so he has no concerns with tearing up the yard. He would use the barn portion to work on the cars and do woodworking. The lean-to is there to store what he currently stores in the barn. He believes the trees along the back of the lot keep his property pretty private for nine months out of the year. He would like to use his actual garage for cars he drives rather than the custom cars he is rebuilding. Ms. Schindler does not have a problem with Mr. Curson working on the cars.

Mary Ann Noe, who lives at 5816 N. Turtlecreek, questioned whether the lean-to will be open to the back of the property, because if it is, then the neighbors living behind Mr. Curson will have to see the stuff stored in the lean-to. Mr. Curson confirmed that the back portion will be left open.

George Bulli, lives across the street from Mr. Curson at 5841 Crestview. Mr. Bulli also understands the cost of putting in a new garage as he built one a few years ago. He told the Board he has been living there since 1969 and his property is two acres. He said the second owner of Mr. Curson's property tore down part of the barn, so existing barn was larger than it is now. Mr. Bulli feels Mr. Curson has increased the value of the property just by fixing the driveway. He has no problems with Mr. Curson and his property. Crestview is unique because of its large lots, which makes it not like a subdivision. Long ago it was zoned A-1, and his neighbors had pigs, cows, and large gardens. The neighbors on Crestview have a rule, "you (can) do almost anything you want to do on your property, but don't keep us awake at night." That is the way it has been since he has been there.

Patricia Spindler wondered if Mr. Curson was concerned about his stuff being stolen out of the lean-to since it would not be enclosed or locked. Mr. Curson replied that he really was not concerned with theft because there is a barbed wire fence along the back with a thick thicket, and a creek along the side of the property. The barn doors were actually stuck open at one time and there was never a problem with theft before.

Ron Siciliano commented that there was a lot of personal opinion and history, and the decision is not based on opinion, but on the facts. Mr. Siciliano discussed the issues. He explained that the property is two adjacent lots with the house situated over both lots, so he would consider the property one parcel, four acres. The building addition also sits back off the road. Mr. Siciliano feels with the location of the existing barn and size of the lot that the additional building structure is not an issue. Mr. Siciliano has mixed feelings about the driveway variance, but agrees that it would be better to finish paving the existing main driveway. He does not agree with the metal siding. John Kozceniak wanted to know why Mr. Curson is choosing to use the metal siding. Mr. Curson shared that the existing structure has the metal siding and he wanted to match the existing, along with the fact that the metal is low maintenance. He said he would do whatever the Board needs him to do. Jack Wessler stated the reason we have zoning codes is to protect the entire neighborhood, and we allow variances in cases where there is no other way to do something. They are not there to make a blanket approval because someone wants to do something. We are here to find out if a variance is required and why it is beneficial to not just the owner but to the other people who own property. Mr.

Wessler has issues with oversized structures and is willing to consider a compromise. Mike Snyder stated the area looks more rural than a single family neighborhood. He saw another structure across the street that is much larger than the proposed structure. He considers the property one lot and the proposed structure does not stand out on a property that size. Mr. Snyder does not feel size is an issue at this point considering there is a structure across the street that is significantly larger than Mr. Curson's proposed structure. Ron Siciliano pointed out that Mr. Curson could build three or four 500 sf accessory buildings. Mr. Helsing agreed with that statement. Mr. Siciliano would rather see one structure, but does not see how Mr. Curson could match the current metal siding and would rather not see metal as it will set a precedent. Mr. Curson said he would paint the existing siding to match the house and the window trim. Mr. Kozceniak asked if he would consider wood siding. Mr. Curson explained that it would not work for him financially. Ron Siciliano asked if he would consider vinyl siding to match the house. Mr. Curson would have to see if he could afford the vinyl siding. Mr. Kozceniak wants to work this out as one structure or Mr. Curson could build a separate structure, then there would be two. Mike Snyder agrees that one structure is better than two.

#### Board Action

Motion was made Mike Snyder allow the size of the structure and the other requested variances with these conditions:

1. Allow the metal siding as long as Mr. Curson repairs and paints the existing metal siding on the barn to match the new siding on the lean-to; and to,
2. Waive the driveway requirement based on the usage of the motorized vehicles to maintain property and keep cars licensed and insured.

Motion was seconded by Joseph Kozceniak. Votes did not meet quorum with Jack Wessler and Ron Siciliano opposed, and Mike Snyder and Joseph Kozceniak for the motion. Motion made by Ron Siciliano to table case until the May 6 meeting, seconded by Mike Snyder. Motion carried 4-0.

#### Further business discussed by the Board

We will have elections at the next meeting.

#### Adjournment:

Jack Wessler, seconded by Mike Snyder, made a motion to adjourn. Motion carried 4-0.

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Ron Siciliano, Chairman

  
Scott Lepsky, Vice Chairman



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Maria K. Mullen, Secretary

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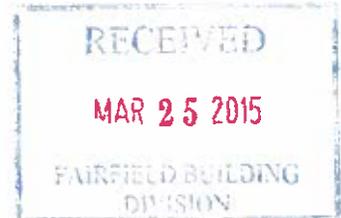


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March 20, 2015

Rick Helsinger  
City of Fairfield  
Development Services  
5350 Pleasant Ave.  
Fairfield, OH 45014



Dear Rick,

Thank you for your time in reviewing the variance application for the property located at 9461 Le Saint Drive, Lot No. 9744. The owner after further review has decided to amend his original use of "fines" (steel grindings) and instead use crushed gravel for the trailer parking lot.

We would like to add this amendment to the May meeting agenda.

Sincerely,

DEVITT & ASSOCIATES, INC.

  
Thomas A. Devitt, SIOR, CRE, G.R.I.



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