

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

June 3, 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, Mike Stokes, 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 May 6, 2015 were approved. Motion carried 6-0.

Old Business

Case No. BZA-15-0008 – Accessory Building over 500 sf – 4519 McCormick Ln

John Russo, the property owner, is requesting a variance to build a 1200 sf detached garage, which is 700 sf over the maximum size allowed.

Ron Siciliano informed the Board that this was tabled at the May 6 meeting, and the applicant is not able to attend this meeting and has asked that the case continue to be tabled until next meeting on July 1, 2015. The case was tabled by the Board until the next meeting.

New Business

Case No. BZA-15-0010– Accessory building over 500 sf – 4970 Murray Place

Kenneth Rice, the property owner, is requesting a variance to build a 540 square foot accessory building which exceeds the allowable size by 40 square feet.

Staff Technical Review had no comments.

Property Owner's Comments

Kenneth Rice, property owner, stated that he is a bee keeper. He has boxes for the bees that he needs to store in this proposed garage. Ron Siciliano noted that the plan for the garage shows the siding will match the house siding. Mr. Rice added that it will have a six foot wide roll-up door, window, and an entry door. Mike Snyder confirmed with Mr. Rice that there will be no vehicular traffic to the garage. Joe Koczeniak asked if he would be storing bees in the garage. Mr. Rice said there will be no bees in the garage, only his bee equipment and boxes.

Public Comment

No comments.

Board Action

Scott Lepsky moved to approve the garage as submitted, seconded by Mike Snyder. Motion carried 6-0.

Mr. Rice requested a waiver of the 5-day waiting period.

Scott Lepsky made a motion to waive the 5-day waiting period, seconded by Mike Snyder. Motion carried 6-0.

Case No. BZA-15-0011– Accessory building over 500 sf – 562 Symmes Rd

Thomas Schwartz, the property owner is requesting a variance to build a 572 square foot accessory building which exceeds the allowable size by 72 square feet. The applicant would also like this accessory building to be two stories with the total height at 21 feet. This exceeds the maximum height allowed by six feet.

Staff Technical Review recommended the following:

The drive must be paved and sloped to drain to the existing drywell.

The driveway apron should be the same width as the proposed building.

Property Owner Comments

Thomas Schwartz, owner, asked that he be allowed to build 562 sf barn to replace original barn that was removed about six years ago. The original barn was only one story and about 12 ft. tall. He needs the new garage for storage space that he lost when they tore the old barn down. Their house does not have a basement. He needs the storage space for his wife's life-size decorations. The old barn was a two-car garage with storage area and did not have a driveway. Mr. Schwartz knows he needs a cement driveway, and was under the impression that he would not need a driveway apron. Rick Helsinger said the driveway apron would have to be approved through the Public Works Department. Mike Snyder mentioned there is a commercial area in front of Mr. Schwartz's property. Jack Wessler asked about the other accessory buildings on the property. Mr. Schwartz uses them to store yard equipment. He plans on moving the items from the other sheds to the new barn if he has enough room. Rick Helsinger wondered about the building in the middle of the yard. Mr. Schwartz said it used to be the smoke house long ago and now uses it to store his woodworking equipment. The building is about 16 feet by 12 feet, and has electric to it. Mr. Schwartz addressed a question about the remaining concrete slab from the old barn. The old slab is not in good condition so it will be torn out and replaced with a new concrete slab. Scott Lepsky is concerned about the structure being two stories. We do not see two-story accessory buildings very often and there are some other homes in the area of this proposed structure. Mr. Schwartz explained the new barn is actually eight feet shorter than his house, shorter than the house in front of his property, and shorter than the doctor's office building right next to this structure. Rick Helsinger said the ordinance regarding accessory structures now only allows for such structures to be no more than 15 feet in height. Ron Siciliano is okay with the size but not the height, and wondered why Mr. Schwartz waited six years to rebuild the barn. Mr. Schwartz

could not afford to rebuild at the time due to his son's medical bills. He is able to build it now. Mike Stokes expressed that he had no problem with the proposed structure. Mr. Stokes feels it will not be an eyesore and it will match the primary house. Joseph Koczeniak thinks it will improve the property. Mike Snyder thinks it is a one of a kind lot and the structure will fit in the area. Mr. Schwartz said the doctor's building was actually the original house on his property, but was split from his lot years ago. Mr. Schwartz reiterated that he needs the two stories for storage of his wife's large decorations. Mr. Schwartz said he will talk to Public Works about the driveway issue with the drywell.

Public Comment

No comments.

Scott Lepsky wanted to know how many notices were sent regarding the variance. The notices were sent to 17 addresses.

Board Action

Joseph Koczeniak made a motion to approve the barn as submitted with the following conditions:

1. The driveway must be paved and sloped to drain to the existing drywell, and
2. The driveway apron should be the same width as the proposed accessory building.

Mike Snyder seconded the motion. Scott Lepsky asked if there were any calls to the City about this variance, and there were no calls. Motion was carried 5-1, with Ron Siciliano dissenting.

Case No. BZA-15-0012 – Accessory structures over 35% of rear yard – 6100 River Road

Kimberly Romine, the property owner, is requesting a variance for a 392 square foot in-ground pool which is over the square footage allowed for accessory structures in a rear yard.

Staff Technical Review had no comments. Rick Helsinger explained that even though the existing barn was grandfathered, they had to include its square footage in the calculation of the rear yard maximum square foot usage.

Property Owner Comments

Kimberly Romine, owner, spoke regarding her variance. She would like to put in a 392 sf in-ground pool. The barn was there when she purchased the property and did not realize it put her over the allowable square foot for accessory structures. The barn is 1414 square foot which is a grandfathered structure. Ron Siciliano has no issue with the barn. Steve Wolterman informed the Board that the property next Ms. Romine's property is owned by Watson Gravel. Mike Snyder said even without additional fencing the pool would be private. He supports the pool as it is a very unique lot. Jack Wesseler asked what was on the property to the east of their property. Ms. Romine said the neighbors have a privacy fence, large barn, house, and a detached garage.

Public Comment

No comments.

Board Action

Mike Snyder moved to approve the variance for the in-ground pool as presented. Motion was seconded by Mike Stokes. Motion carried 6-0.

Mr. Romine requested a waiver of the 5-day waiting period.

Mike Snyder made a motion to waive the 5-day waiting period, seconded by Scott Lepsky. Motion carried 6-0.

Case No. BZA-15-0013 – Outdoor Seating Area – 465 Nilles Road Unit C

Doug Gundrum, owner of the Blue Note Pub, is requesting a variance for outdoor seating at his bar.

Property Owner Comments

Doug Gundrum, bar owner, spoke on behalf of his requested variance. He would like the outdoor seating to put him on an equal playing field with the other area establishments. Mr. Gundrum spoke with Steve Pfefferle from the tire store about his intention to install a wood shadow box fence which he has shown on the proposed plan. Since he has talked to Mr. Pfefferle, he wants to amend the wood fence to a wrought iron look, see-through fence to enclose the whole area. The outdoor would be for eating, drinking and smoking only, no entertainment. The fence along the back of the seating area would attach to the back corner of the building. Pavers would be used for the patio area. The dumpster would stay in its current location and they would only lose one parking space. Rick Helsinger confirmed that the parking spaces were calculated and there is plenty of parking. Mr. Gundrum stated the bar has hours from 3 pm to 2:30 am. If he is able to put in a kitchen, he would open earlier. The hair salon next to his bar is mainly open in the morning to early afternoon and only on a few days a week. Mike Snyder wanted to know if they would be removing the existing concrete posts that divide the parking lot. Mr. Gundrum will leave the posts and install the fence in front of them and the pavers for the patio area. Ron Siciliano commented that he sees these requests for outdoor areas more often because of the smoking laws. Mr. Siciliano expressed that he looks at these areas to see if they are safe and if they fit the location, and he does not think this fits at this location. Scott Lepsky clarified with Mr. Gundrum that there will be no outdoor speakers or entertainment, just food and drink. Mr. Gundrum confirmed that the bands and music will be inside, not outside. Scott Lepsky asked Mr. Wolterman if there would be concern tying any potential approval of this request; specifically to the ownership of Mr. Gundrum. Steve Wolterman stated property variances are generally related to the property. Mr. Lepsky was asking only to verify that this variance would apply to the property whether or not the ownership of the business changes hands. Joseph Koczeniak wanted to know if the area would be covered. Doug Gundrum said the area would not be covered. Mr. Gundrum mentioned that Richard's Pizza's outdoor area is right next to the parking lot, and Rick's Tavern and Scotty's has the same set up.

Public Comment

Steve Pfefferle, 479 Nilles Rd., owner of Pfefferle Tire, said he is all for it. He thinks the fence will protect his cars more with this fence than the way it is now. He is okay with the location of the fencing and the poles remaining.

Board Action

Mike Stokes confirmed with Mr. Gundrum that he wanted to amend the wood shadow box fence to wrought iron like fence. Joseph Koczeniak made a motion to approve the variance as amended to a fence that looks like wrought iron, and the condition that there will be no outdoor music. Mike Snyder seconded the motion. Motion carried 5-1, with Ron Siciliano dissenting.

Further business discussed by the Board

Mr. Koczeniak asked if City Council should consider changing the rules about outdoor seating since we are seeing a lot of requests for them since the passing of the smoking laws. Mike Snyder said because of these design issues and locations issues, it really wouldn't be an ordinance, and it would still have to go through some type of review process with planning. There is one example that Mr. Snyder believes was turned down on Magie Ave. They are not always approved. Mr. Koczeniak said the existing members of this committee have dealt with a lot of these issues here recently, so there is a mind set in terms of how to approach it. As there is a turnover to the members of the committee and as the City grows, and is getting more requests for this type of thing, then maybe it needs to made more a part of the building codes. Mike Snyder said if they were to remove that as an ordinance, remove that requirement, then it would fall to some other design process. Steve Wolterman explained circumstances for the outdoor seating is case sensitive. Broad brushing in just the ordinances or the zoning overlay is fairly difficult. This process is more manageable in this situation, even though it somewhat tedious and adds to their work load. Scott Lepsky said if you weighed this case against Buzzard Bay where they had input from the residences gives a nice example of how some of this can be sensitive one way versus another. This venue gives them an opportunity to leverage the citizens' concerns against the business' needs and desires, and the hope to find a happy medium.

John Wessler asked about the cars parked in the lot on Production Drive. Rick Helsinger told him the owner cannot sell them but he can park the cars there. They cannot have "for sale" signs on the cars. Mike Stokes said there are flutter flags at the corner. Steve Wolterman added that the owner has to get authority to sell cars at that location from the BMV.

Elections were not done at the last meeting because we did not have all the members of the Board.

Adjournment:

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



Ron Siciliano, Chairman



Maria K. Mullen, Secretary