

MINUTES OF THE  
FAIRFIELD BOARD OF ZONING APPEALS

June 1, 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, Joseph Koczeniak, Mike Stokes, Ron Siciliano 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 4, 2016 were approved.

New Business

**Case No. BZA-16-0008 – Covered Deck in side yard setback – 5280 W. Dalton Drive:**

The owner, Jeff Snyder, requested a variance to install a covered deck in the side yard setback . The property is located in the R-1 zone.

Staff Technical Review recommended the roof downspouts are diverted as to not cause drainage issues.

Property Owner's Comments

Jeff Snyder spoke on behalf of his variance request. Mr. Snyder stated he bought the property two years ago, and he believes the existing fence between his property and his neighbors' property is on the property line. He only has a small, 3 foot by 8 foot patio just off his back door. The deck would be 11'6" width, making the deck five feet away from the property line. The edge of the deck roof would be four feet from the property line. Ron Siciliano visited the property, and agrees they have very limited area to install the deck. It is a corner lot, and back of their house faces toward the neighbor's side yard. Mr. Wessler asked what kind of roof Mr. Snyder would be installing. Mr. Snyder said it would be a dark brown corrugated aluminum, necessary because the roof will have a shallow slope. It has a 40 year guarantee. Rick Helsinger advised the Board that the roof would be allowed by the Ohio Residential Building Code. There will be downspouts, and columns on each corner.

Public Comment

Lucia (Lu) Gorczyca, 1211 N. Frieda Drive, lives next door to Jeff Snyder. The side of her house faces the back of the Snyder's house. Ms. Gorczyca assumes the fence belongs to Mr. Snyder. She was told by the former owners that the fence was on the property line. She said the Snyders are wonderful neighbors. She is okay with the deck. She hopes they stay a really long time.

### Board Action

Scott Lepsky made a motion to approve the variance with the stipulation that the water drainage from the downspouts be diverted as not to cause drainage issues for the neighbors. Also, the deck roof must be at least four (4) feet from the property line and the deck must be five (5) feet from the property line. The applicant will make efforts to make sure the roofing material matches the existing structure. Motion was seconded by Mike Snyder. The motion carried 6-0.

Ron Siciliano made a motion to waive the 5-day waiting- period. The motion was seconded by Mike Snyder. Motion carried 6-0.

### **Case No. BZA-16-0009 – Fence in Front Yard Setback – 1736 Vernon Place:**

Vito Carchedi, on behalf of the owner Ashli Golday, requested a variance to install a 6 foot tall wood privacy fence in the front yard setback . The property is located in the R-1 zone.

Staff Technical Review recommended the fence be placed at least 15 feet from the back of sidewalk, and the existing chain link fence must be removed along the sidewalk. Mr. Helsinger clarified to Mr. Siciliano that the request is asking for a variance of 27 feet into the setback area.

### Property Owner Comments

Vito Carchedi, 1736 Vernon Place, spoke on behalf of the owner, Ashli Golday. Mr. Carchedi explained that his fiancée, Ashli suffers from depression. Her depression causes her to avoid going outside where she will be seen. They are on a corner lot, and a sidewalk runs along the side where people walk and will stop to look in their yard. The neighborhood kids hop their 4 foot tall chain link fence, and also stand at the fence to tease their dogs. He wants to put the new cedar wood privacy fence at the same location of the old chain link fence, but would be okay with having it two or three feet in from where it is now. The existing fence is about 21 inches from the sidewalk at its closest point. They want to keep as much of their backyard as possible, and if the fence is at 15 feet, it would take up quite a bit of their yard. Mr. Carchedi feels the fence will enhance the property. They have done a lot of work to the house and would like to stay in Fairfield. Ms. Golday really needs this fence for her privacy. Mr. Siciliano reminded the Board that Mr. Carchedi has been before the Board years ago and was granted a variance for a 6 foot tall privacy fence. Mr. Carchedi did not put up the fence after the approval because the cost of the fence was more expensive and they could not afford it. Mr. Carchedi stated the Board granted the variance for the fence to be place up to the stone wall which is 12 feet from the sidewalk. Rick Helsinger corrected him by saying the edge of the stone wall is approximately 15 feet to the property line. Mr. Carchedi said the house is only 21 feet from the sidewalk. Mr. Helsinger said the house is 31 feet from the sidewalk per our scale on GIS (our mapping system). Mr. Snyder likes the wood privacy fence rather than the existing chain link fence. Mr. Stokes thought the fence would look nice at the requested location, and he die not want to see them lose any of their yard. Mr. Stokes said the property across the street has a split rail fence and bushes close to the sidewalk, and the cedar fence would be cohesive to the neighbor's fence line. John Clemmons said there are a lot of corner lots in Fairfield with this same issue, and there is a reason for the rule. This issue comes up for every corner lot in the city. It is too close to the sidewalk, would make it look closed in, and would look like a fort. Mr. Clemmons stated the existing fence is illegal, and not grandfathered in. We do not want to establish a precedent. Mr. Carchedi said none of the neighbors have a problem with him putting up this fence, including the neighbor behind him. Mr. Carchedi does not want to move out of Fairfield, but will if

he cannot work out something better than the 15 feet setback. There was discussion on finding a middle ground. Mike Snyder said he would be okay with the fence being ten feet from the property line, which would be 11 feet from the back of the sidewalk. Mr. Carchedi amended his original request from three feet from the sidewalk to seven feet from the sidewalk.

#### Public Comment

There was no one at the meeting to speak. Mr. Siciliano commented there were two letters from neighbors that were okay with the fence.

#### Board Action

A motion was made by Scott Lepsky for a vote to allow the 6-foot tall wood privacy fence to be placed approximately six (6) feet off the property line, seven (7) feet from the sidewalk. Motion was seconded by Joseph Koczeniak. The motion was denied 4-2.

After a vote for the amended request, Mr. Carchedi amended it again from the seven feet from the sidewalk to ten feet from the sidewalk. A motion was made by Mike Stokes, and seconded by Joseph Koczeniak to allow the fence to be nine (9) feet off the property line, ten (10) feet from the sidewalk. The motion was denied 4-2.

#### Additional Discussion between the Board and Property Owner

Mr. Carchedi asked if he had any other options. Mr. Clemmons discussed the option of appealing to the Common Pleas Court, but Mr. Carchedi would have to walk away now with the denial. If Mr. Carchedi amended his request again, and the Board voted in favor of the amended request, he could not appeal the decision. Mr. Carchedi continued to discuss his hardships with the Board. Mr. Clemmons, based on feedback from the Board, told Mr. Carchedi that if he were to amend his variance request to have the fence ten feet from the property line (11 feet from the back of the sidewalk), it will probably be approved. Mr. Carchedi asked to amend his variance for the fence to be ten feet from the property line, and request for a new vote by the Board.

#### Board Action

Ron Siciliano made a motion, seconded by Mike Snyder for a vote to allow the fence to be ten (10) feet from the property line, eleven (11) feet from the sidewalk. The motion was carried 4-2.

#### **Case No. BZA-16-0010 – Patio Cover in 30-Foot Front Yard Setback - 5724 Gamay Lane**

Dudley and Denise Hamblin requested a variance a patio cover in the front yard setback. The property located in the R-1 zoning district.

There were no comments from Staff Technical Review.

#### Property Owner Comments

Dudley and Denise Hamblin, the homeowners, spoke on behalf of their variance request. They want the patio cover so they can sit out on the porch. The existing patio becomes icy in the winter, and the cover will provide protection from the weather. Mr. Hamblin felt it will improve the looks of the house. Mr. Siciliano also feels it would improve the property and noted there is no neighbor to one side of the house. Mr. Snyder noticed another house on the street seemed to protrude into the 30-foot setback. Mr. Hamblin would build a deck rather than a concrete patio. The deck would be 22 feet by 6 feet and only be 18-20 inches off the ground with landscaping along the front of it. He would like to be able to fit a table and chairs. The cover would be off the roof for more of a slope, and it will not be screened. Deck roof will be shingled.

Public Comment

No comment from the audience.

Board Action

Scott Lepsky made a motion to approve the variance as submitted with the stipulation that the construction materials match the house. Mike Snyder seconded the motion. The Motion carried 6-0.

**Case No. BZA-16-0011 – Required Parking Spaces – 3978 Mack Road**

Casler Design Group, on behalf of owner, DP Property Holdings LLC a.k.a. Peterson Dental, requested a variance to allow for eight less parking spaces than required for a dental office. The property located in the C-3 zoning district.

There were no comments from Staff Technical Review.

Property Owner Comments

Matt Peterson, owner of Peterson Dental, spoke on behalf of his variance request. They have existing office in Fairfield on Boymel Drive. The space is becoming cramped. He is the only dentist in his practice with two dental hygienists. Dr. Peterson will be adding another dentist to his practice and other dental hygienists, but initially will only need three of the eight treatment rooms planned for the new office. When Dr. Peterson bought the property, he thought there was enough parking based on the recommendations of the dental supply company. The prior use of the building was laboratory testing. Dr. Peterson said there will be a total of eight employees at this location. Matthew Howe, with Casler Design Group, spoke about other local jurisdictions' parking requirements which allow for less parking than we require. For example, Fairfield Township requires one parking space per every 200 square feet of building. If this building were in Fairfield Township, they would only require 25 parking spaces for the entire building. Their company has never seen the one parking space per 75 square feet ratio, which is the City of Fairfield's requirement for dental offices. Ron Siciliano asked if parking is allowed on the street. Erin Donovan advised him the street is actually a service drive, and parking is not allowed. Mr. Siciliano added there was an email received from the neighboring property owner against the variance request. The email from Kevin McClorey stated he was concerned about a possible overflow if people did park on the street. According to Mr. McClorey there already is a traffic problem on Mack road. Mr. Wessler asked about the additional office space not being used by the dental office. Mr. Howe pointed out on his drawing that they have five future parking spaces if they added another office tenant. Mr. Clemmons said that issue would be addressed later when there is an occupancy request in the future. Dr. Peterson advised the Board he plans to be very selective as to a tenant so the parking is not an issue. Mr. Siciliano wanted to know how many parking spaces Dr. Peterson had at his current location. His office is in an office condo building where six units share the parking.

Public Comment

Joe Zinser, Dura-Built LLC, 4925 Dixie Hwy, said having new thriving business in Fairfield is good. He believes his dentist has plenty of parking. He doesn't think dentists generate much traffic. He thinks we should appreciate the tax revenue.

Board Action

Mike Stokes made a motion to allow 21 parking spaces instead of the required 29 parking spaces for the dentist office area. Scott Lepsky seconded the motion. The Motion carried 6-0.

### Metal Roof Discussion

Erin Donovan, Planning Manager from our Development Services Department, addressed the Board regarding Ordinance 1143.06 (a), specifically the section banning metal roofs on accessory buildings over 100 square feet. Ms. Donovan brought this discussion before the Board after the Board made a request at the January 6, 2016 meeting for the City to look further into changing the ordinance to allow the metal roofs. Ms. Donovan presented a slide show that included pictures of the six sheds with metal roofs and a metal carport the Board had approved since the Ordinance was modified in 2013. She asked the Board to consider what types of metal roofs are acceptable if we are to take this request to Planning Commission. She had several examples of metal roofs. The minutes from the Board's meeting on January 6, 2016, stated the Board would be agreeable to the standing seam metal roofing. This type of metal roof is pretreated, galvanized in a factory and would not rust. Ms. Donovan also visited all the shed vendors on Route 4. She gathered from the visits that metal roofs usually carry a 30-year warranty, and the shingled roofs do not last as long as the metal roofs. Mike Snyder also visited a shed vendor on Route 4, and added the metal roofs are stronger, can withstand winds of 65-70 mph. Ms. Donovan also addressed issues that might come up with carports should we approve metal roofs. She shared some pictures of carports that would be allowed should we allow the metal roofs. Some of the examples of those carports were not acceptable to the Board. Mr. Clemmons read the ordinance to the Board, and said part of the ordinance would remain. The group discussed some issues if the ordinance is not worded just right. They need to be very specific about accessory structures, and maybe not include carports as an accessory structure. Ms. Donovan suggested adding metal roofs allowed on all accessory structures except for carports. John Clemmons went on to say, "structures without walls cannot have metal roofs." They need to have the technical terms included so the ordinance is specific. Joe Zinser, owner of Dura-Built, 4925 Dixie Hwy, commented that they should stay away from roll roofing and composite roof. The standing seam metal roof is good. Ms. Donovan asked Mr. Zinser if they offer any other types of roofing. Mr. Zinser said there are terra cotta roofs. Both Mr. Clemmons and Ms. Donovan stressed the importance of the wording the ordinance properly and to be very specific about allowable roofing material. Mr. Clemmons said the Planning Commission is looking at the ordinance changes also, and when a final review draft is available, it can be brought back to the Board for review. Mr. Zinser suggested looking into changing the ordinance regarding 150 square foot accessory buildings or less. They should consider changing it to 140 square feet or 160 square feet for a zoning certificate because standard sizes for shed are usually 14' x 10' or 16' x 10'. Some jurisdictions have it set at 200 square feet or less. All the Board members agreed on making some changes to the ordinance to allow the metal roofs. Ms. Donovan advised the Board she will address the Board again with the proposed changes to the ordinance for their final approval.

### Adjournment:

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



Ron Siciliano, Chairman



Maria K. Mullen, Secretary