

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

July 2, 2014

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

Lynda McGuire, Secretary, called the roll of the Board of Zoning Appeals. Present members were Jack Wessler, Joseph Koczeniak, Mike Stokes, Ron Siciliano and Mike Snyder. Mike Stehlin, Plans Examiner and John Clemmons, Law Director were also present. Motion to excuse Scott Lepsky carried 6-0.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on June 4, 2014 were approved. Motion carried 6-0.

Old Business

Lynda McGuire stated that the two Old Business cases would remain on the table.

New Business

Case No. BZA-14-0015 – Pool exceeds 35% rear yard requirement – 4965 Hardell Dr.:

Nathan Hursell is requesting a variance to exceed the 35% rear yard requirement by installing an above ground pool.

STR had concerns on where the pool would be drained when necessary. Rick Hursell, father of the applicant, stated that the pool would not be drained.

Property Owner's Comments

Rick Hursell spoke regarding the variance. Mr. Siciliano asked if the pool was already installed. The pool has been up for a month or so. They applied for the permit before the pool was installed, thinking there would be no problems with the pool. Mr. Siciliano noticed that there was a large garage with a gravel driveway; was it built before the ordinance was in place? Mr. Clemmons said the city needed to investigate that issue; the gravel driveway either needs to be removed or needs paved. Mr. Hursell said they do not keep cars in the garage, they mostly store junk in it. Mr. Siciliano feels that, because the pool has already been installed, it would be more of a hardship to make him remove it. There was discussion on the letter that Mike Stehlin sent regarding the pool. It said that the permit was rejected and he would be required to file for a variance if he wanted to install the pool. Mr. Koczeniak stated that was a hard decision for him to make at the meeting; it would help him to know when the permits was applied for as opposed to when the pool was installed. He thinks the board should either turn the variance down or table it until the owner can speak.

Public Comment

None

Board Re-Convened

Mr. Snyder told the board that the lots in that neighborhood are large, country lots. The pool doesn't strike him as "off"- it does not make a huge impact on the property. Mr. Hursell also noted that some large trees were removed, which opens up the yard a bit. Mr. Siciliano pointed out that one side of the yard is all trees; you can't see the pool at all from that side. He agrees, though, that the pool shouldn't have been installed until the variance was heard.

Mike Snyder, seconded by Ron Siciliano, made a motion to approve the variance, with the stipulation that within 90 days, the existing gravel driveway is either paved or removed to allow grass to grow through. Motion carried 4-1-1, Joseph Koczeniak dissenting and Greg Porter abstaining.

Case No. BZA-14-0016 – Deck in side yard setback – 6101 Monastery Dr.:

Tim Ruberg is requesting a variance to install a deck in the side yard setback.

STR had no comment.

Property Owner's Comments

Tim Ruberg spoke regarding the variance. 18 years ago he received a variance to install the pool and fence in the same area as the proposed deck. The covered deck will not extend past the existing pool.

Public Comment

None

Board Re-Convened

Mr. Wessler asked if Mr. Ruberg had a homeowner's association in his neighborhood. Mr. Ruberg checked with the association, and they are ok with the deck.

Jack Wessler, seconded by Mike Snyder, made a motion to approve the variance as submitted. Motion carried 6-0.

Case No. BZA-14-0017 – Accessory structure too close to property line – 4 Dan Ct.:

Steven Cain is requesting a variance to build a pergola that will attach to the house and extend to the property line.

Because of the distance to the property line, STR had concern regarding fire issues. The Fire Department reviewed the case, and has no issues.

Property Owner's Comments

Steven Cain spoke regarding the variance. He has an existing sun screen in the location where he wants to construct the pergola. It is very warm on the patio that is located there. There was discussion on why the variance was required. The pergola will be attached to the house, so it would need to be 10% of the lot width away from the property line, according to the code. The pergola will extend 6" past the fence line, because the fence is inside the property line.

Public Comment

Roger Cobb, 6 Dan Ct. spoke regarding the variance. He has no objections to the variance.

Board Re-Convened

Mr. Wessler asked if a fire separation wall was required, since it was so close to the property line. Mr. Stehlin said in his interpretation of the code, no fire separation wall is required. Mr. Snyder thinks the pergola will enhance the property. Mr. Stokes asked if he planned to do anything with the existing fence; it is pretty weathered. Mr. Cain will not be changing the fence, but plans to stain the pergola and put plastic lattice across the top.

Mike Snyder, seconded by Jack Wessler, made a motion to approve the variance as submitted. Motion carried 6-0.

Case No. BZA-14-0018 – Roof sign in PUD – 6400 Dixie Hwy.:

Miles of Golf is requesting a variance to install a roof sign on a building on their property.

STR had no comment.

Property Owner's Comments

Pete Smith, from Miles of Golf, spoke regarding the variance. The main building can't be seen from Dixie Hwy, but can be seen from northbound Bypass 4. The building is set down lower than the road. There was discussion regarding the right of way on the property and the history of the business with regard to signage. Mr. Siciliano doesn't feel that precedent will be set; this is a sizeable and unique property. Mr. Siciliano asked about the PUD zoning. Only this property is in the PUD; according to Planning Commission, they would follow the C-3 zoning district requirements. Mr. Koczeniak noted that a flag was approved at this location at one time, but does he think that this sign will work for him this time? Or will they be back again with yet another sign? Mr. Smith said that because of the color and because it is a lighted sign, he thinks it will attract the attention they are looking for. Mr. Stokes asked why roof signs were not permitted; he wants to make sure it's not a structural issue. The main reason is to keep them out of the Downtown area: Pleasant Ave/Nilles Rd. vicinity, because they are not attractive signs. If there is a parapet wall, they can have a sign above the roof. There was discussion on Hot Head Burrito and Servatii signs.

Mr. Siciliano noted that this was a large property, with no other businesses around it. Mr. Koczeniak said he is ok with it, he just hope it works for them.

Board Re-Convened

Jack Wesseler, seconded by Mike Snyder, made a motion to approve the variance as submitted. Motion carried 6-0.

Adjournment:

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

Ron Siciliano, Chairman

Lynda McGuire, Secretary