

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS
May 5, 2021

Scott Lepsky called the Board of Zoning Appeals hearing to order at 6:00 p.m. at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Roll Call

Maria Mullen, Secretary, called the roll of the Board of Zoning Appeals. Present members were Mark Rhodus, Tony Rawe (TR), Chad Whitmore (CW), Mary Stier (MS), Scott Lepsky (SL), Erin Simons, and Dale Paullus (DP). Leland Rosato (LR), Building Official and Steve Wolterman (SW), Law Director were also present.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes were approved from the Board of Zoning Appeals meeting held on March 3, 2021.

Mark Rhodus was introduced as our newly appointed member of the Board.

New Business

Case No. BZA-21-5 – Fence Exceeding 6 Feet Tall and Accessory Off-Street Parking – 4325 Muhlhauser Rd

A variance request submitted by Joshua Lewis of iVCP Muhlhauser 2 LLC, for the property located at 4325 Muhlhauser Rd, Lot No. 13271, in the M-2 zoning district.

Under sections 1173.01 and 1173.02 of the zoning code, accessory parking is not a permitted use or a conditional use in the M-2 zoning district.

Section 1180.04 (b)(1) of the zoning code states, fences “shall not exceed six feet in height above the elevation of the ground where located.”

The parcels are located behind two multi-tenant buildings, and have been undeveloped for years due to the topography. The adjacent property owner (business is on a parcel located in West Chester Township) would like to develop the land for additional parking at their expense. They also are requesting to install a 9-foot tall chain link fence with barbed wired to secure the parking area.

LR updated the Board on this property and the current variance requests.

- We had variance requests at our last meeting by Core & Main for this property.
- Core & Main corporate powers decided to abandon the plan.
- New / current applicant requests the Board to table the case due to ongoing negotiations with Staff.

Board Action

Scott Lepsky made motion to table this case until the next meeting. The motion was seconded by Erin Simons. The motion carried 7-0.

Case No. BZA-21-7 - Accessory Structure over 500 ft/Metal Exterior/Over 15 Feet in Height– 2020 John Gray Road

Three variance requests submitted by the homeowner, Dave Weddle, for the property located at 2020 John Gray Road, Lot No. 512, in the R-1 zoning district.

Section 1143.06 (a) of the zoning code states,

"...accessory buildings or structures shall not exceed 500 square feet except on parcels zoned A-1 which are two acres or more in size."

"The exterior wall surface of an accessory building or structure, if greater than 100 square feet, shall not be made of metal..."

Section 1149.04 of the zoning code states, "No accessory structure shall exceed one story or fifteen feet."

This property is approximately 2.8 acres. Mr. Weddle requests a variance to construct a pole barn to use as a woodwork shop, storage of lawn equipment, an ATV, truck, and his tools. He will also use the barn for maintenance on his vehicles and lawn equipment.

LR gave a summary and notes on this variance request:

- The notification letter to the neighbors and Board referred to Mr. Weddle as a business owner. This was a clerical error. Mr. Weddle is not running a business and the pole barn is not intended for business use.
- Single-family residence property
- Three (3) variances sought:
 - (1) 32x48 w/8x48 lean-to detached accessory building (1536sf + 384sf = **1920sf**)
Violates maximum 500sf accessory structure ordinance in lots that are not in the A-1 zone.
 - (2) Metal siding (with stone wainscot)
Violates no metal siding for accessory structures over 100sf ordinance
 - (3) 25-foot structure height (assuming 4:12 pitch)
Violates maximum 15-foot accessory structure height ordinance
- Lot is 2.83 acres (approx. 317' x 417') in R-1 Zone
- LR reviewed power point slides of this property and proposed structure.
- Mr. Weddle intention is to use the structure to store lawn equipment, workshop, park ATV, truck and tools. Also to maintain his vehicles and equipment.
- *Size/Area Variance* is requested

Proximity / Context Notes:

- Next door neighbor (2060 John Gray) – (1) 400sf and (1) 150sf
- Within 2000ft (about ½ mile) radius mostly R-1 newer (thus smaller) cul-de-sac lots, very few (if any) oversized accessory structures, and the golf course.
- Under a mile away to east there are two A-1 lots on Winton Rd, both well over 2 acres, only one of which have larger accessory buildings that comply without a variance.

Technical Staff Notes:

- In spite of the large lot, Technical Staff does not recommend approval, simply due to how much larger than permitted (3.84 times allowed area) – not consistent with character of immediate neighborhood
- Three (3) notices of objection received from neighbors.

Property Owner Comments and Discussion

Dave Weddle spoke to his variance request.

- Mr. Rosato's summary was accurate.
- He just retired from working 41 years.
- He loves to woodwork, and needs an area to do it. He cannot woodwork in his house since it creates sawdust. He also likes to work on cars. The barn will also store his equipment. He has a large amount of tools scattered throughout his house, and would like to have them organized and stored in the barn.
- The height of the barn is to accommodate a future 5th wheel camper. He does not want to have the camper in his driveway year around.
- He does a lot of work for his elderly parents.
- He has a large amount of tools scattered throughout his house, and would like to have them organized and stored in the barn.
- He has spoken with several neighbors, and told them he is willing to plant evergreens or something similar to block the view and deaden any noise from the barn.
- They have done a lot of work to the property to make it beautiful.
- The metal siding is more affordable. Lumber costs have tripled. The pole barn is less expensive than building stick frame.
- Installing \$20,000 of concrete for driveway and slab.
- Not planning to have a business.

At this point in the meeting, the lights/power went out in the building. SL made a motion to take a short break. ES seconded the motion. Motion carried 7-0.

Board reconvened.

SL told Mr. Weddle he understood his reasons for having the oversized structure.

- Approval of such a large structure would set a precedent for future requests with a similar situation.
- He could approve a structure with moderate overages, but the proposed structure is beyond the scope of what he has ever seen approach this Board.
- He concurs with Staff's opinion that it does not fit the overall neighborhood or more specifically the R-1 zoning designation of this property.

Public Comments

No one came forth.

DP heard opposition from neighbors on Firestone, and some of the smaller side streets.

SL reminded the Board that they do have three letters from neighbors expressing their opposition to the proposed accessory structure.

Board Action

Scott Lepsky made a motion to deny all three variance requests. Dale Paullus seconded the motion. The motion carried 7-0. SL advised Mr. Weddle that if decided to re-design the accessory structure, the Development Service team would be happy to assist him.

Election of Chairman, Vice-Chairman, and Secretary

Terms last one year.

Erin Simons nominated Maria Mullen for Secretary. Scott Lepsky seconded the nomination. Votes were 7-0 in favor of Ms. Mullen as Secretary.

Scott Lepsky nominated Erin Simons for Vice-Chair. Chad Whitmore seconded the nomination. Votes were 7-0 in favor of Ms. Simons as Vice-Chair.


Dale Paullus nominated Scott Lepsky for Chairman. Chad Whitmore seconded the nomination. Votes were 7-0 in favor of Mr. Lepsky as Chairman.

Additional Discussion

SL asked if there has been any movement on the 118 Palm Springs case. SW stated he had a conversation with the homeowner's legal counsel. SW was expecting to receive more information from them on the topic, but he has not received anything. They have slated to discuss this matter and review possible enforcement opportunities or actions with Council. Council has had a very busy agenda and without any real update from the applicant, we have not had that opportunity. Once we received more information from the homeowner's council (or not), we will have a dialogue with Council to determine our next steps.

Adjournment

SL made a motion to adjourn, seconded by ES. The motion carried 7-0.



Scott Lepsky, Chairman



Maria K. Mullen, Secretary