

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

July 2, 2019

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 (MM), Secretary, called the roll of the Board of Zoning Appeals. Present members were Jack Wesseler (JW), Chad Whitmore (CW), Joseph Koczeniak (JK), Scott Lepsky (SL), Erin Simons (ES), and Leslie Besl (LB). Leland Rosato (LR), Building Official and Steve Wolterman (SW), Law Director were also present. A motion was made to excuse Melody Vergenz and passed by the Board.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes were approved from the Board of Zoning Appeals meeting held on May 1, 2019.

New Business

Case No. BZA-19-7 – Exceeds 35% of Allowable Structures – 5650 Lake Mead Dr

A variance request submitted by Justin Janszen for the property located at 5650 Lake Mead Dr, Lot No. 8059, in the R-1 zoning district.

Section 1143.06 (a) of the zoning code states "...no accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more area than thirty-five percent (35%) of the required rear yard."

The homeowner would like to install a 336 square foot shed to replace an existing old shed. The proposed shed, when combined with an existing in-ground pool, exceeds the 35% allowable area for accessory structures by approximately 313.5 square feet.

LR's gave his notes on this case:

- New shed 14' x 24' (336 sf) in rear yard
- This accessory structure violates maximum 35% required rear yard limit due to existing large in-ground pool (765sf) – limit exceeded by 313 sf (49% of required rear yard)
- Area/Size Variance is requested

Technical Staff Notes:

- Variance does not appear substantial
- Essential character of neighborhood would not be adversely altered, considering the accessory structure limit is exceeded due to an in-ground pool, and no other structures
- Adjoining properties would not appear to sustain negative effects
- Variance would not affect delivery of city services or encroach easements

Property Owner Comments and Discussion

Justin and Staci Janszen, property owners, spoke on behalf of their variance request. They have several reasons for their variance request:

- They need a shed for extra storage. Their house is a tri-level which has limited storage.
- The current structure is really not salvageable. They have been trying to maintain it for three years. They would rather replace it because it is really old and in bad shape.
- They would be able to store the pool supplies in the shed rather than in the yard.
- They also would have room to store their child's toys.
- Their yard backs up to Marsh Lake with a privacy fence
- Location will be as far back in the yard as they can place it. The old shed is in a bad location and is more noticeable to neighbors.
- Door is not larger than six feet wide. Roof will be shingled.
- Existing shed is 12' x 10'

Public Comments and Discussion

Jeffrey Roemer, neighbor at 5656 Lake Mead Dr, said the Janszens are model neighbors. All the neighbors keep their properties in good condition. Mr. Roemer has no problem with the proposed shed, and he has a privacy fence so he will not have a direct view of it.

John and Mary Seymour, 5638 Lake Mead Dr, were there to support Justin Janszen.

Ray Heidorn, 5644 Lake Mead Dr, is glad he is tearing down the old shed. He is looking forward to having it removed. His wife, Carol, called and left a message with the Building & Zoning Division that they are okay with the shed.

Board Action

Based on the information provided by Staff, location of the property, and the support from the neighbors, SL made a motion to approve the variance as submitted. LB seconded the motion. The motion carried 6-0.

Case No. BZA-19-8 – Accessory Structure over 500 SF – 4998 Denison Drive

The property owners, Kenneth and Lindsey Stewart, requested a variance for the property located at 4998 Denison Drive, Lot No. 1096, 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 homeowners have a carport, but not a garage. They would like a garage to secure their vehicles, tools, and other items of value. Their house is 975 sf with limited storage. They are requesting to build a 720 sf garage which is over the maximum allowable by 220 sf.

LR gave the Board his notes on this case:

- New detached garage 24' x 30' (720 sf) in rear yard. For reference, we had a similar detached garage, same size, at our last meeting.
- This accessory structure violates maximum 500 sf area limit for accessory structures
- Existing carport (to remain) – intend to remove existing 100 sf shed
- Backs up to Lions Park
- Area/Size Variance is requested

Technical Staff Notes:

- Variance does not appear substantial
- Essential character of neighborhood would not be adversely altered – detached garages appear reasonably common (small houses without basements)
- Adjoining properties would not appear to sustain negative effects
- Variance would not affect delivery of city services or encroach easements
- Recommend capture roof runoff and divert toward Denison. Backing up to Lions Park helps with the drainage. Does not foresee a washout situation.

Property Owner Comments and Discussion

Ken and Lindsey Stewart, property owners, spoke on behalf of their variance request. They have several reasons for their variance request:

- They have a classic car with a car cover in their carport. It would be best to store it in a garage.
- Very limited space for storage. Garage will not only allow for vehicles, but also all the extra stuff that they do not want laying around outside.
- They are also having a new roof and gutters installed on their house. The house roof will match the roof on the new garage.
- The garage will have vinyl siding to match the color of the brick on the house, vinyl windows, and man door.
- Driveway will be installed to the garage.
- Removing the old shed and the deck. Carport will remain.

SL asked if they could do a smaller garage, as he feels the size (720 sf) is too large, and he may be willing to approve something a bit smaller. The Stewarts explained that they did consider a small size, but it will just not meet their needs. If they are going to build a garage, they need enough room for the cars and to store items that need to be secured against theft, such as bicycles, tools, lawn equipment, etc. JW asked if they could do a 24' x 24' (576 sf), or something in the middle of 720 sf and 576 sf. He may be willing to approve something smaller. LB asked about other detached garages in the area. LR gave the Board a few examples of oversized garages in the area. Most were built prior the size ordinance on accessory structures. Most of the homes in the area were built small without garages. Mr. Stewart said there are many homes in the area of his home that have oversized accessory structures, some much larger than his proposed garage. Ken Stewart said his grandfather built his home in the 1950's, and they just are not built for families in this day in age.

Public Comments and Discussion

There was no one in the audience.

Board Action

LB made a motion to approve the garage as submitted. ES seconded the motion. Role Vote: Jack Wessler – Nay; Chad Whitmore – Yes; Joseph Koczeniak Jr – Yes; Scott Lepsky – Nay; Erin Simons – Yes, Leslie Besl – Yes.

Motion was carried 4-2, with JW and SL dissenting.

Adjournment:

SL made a motion to adjourn, seconded by ES. Motion carried 6-0.


Scott Lepsky, Chairman


Maria K. Mullen, Secretary