

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS
January 5, 2022

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 (MR), Tony Rawe (TR), Mary Stier (MS), Scott Lepsky (SL), Erin Simons (ES), and Terry Senger (TS). Leland Rosato (LR), Building Official and Steve Wolterman (SW), Law Director were also present.

SL and fellow members welcomed Terry Senger to the Board.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes were approved from the Board of Zoning Appeals meeting held on December 1, 2021.

New Business

Case No. BZA-21-15 – Accessory Structure Exceeding 500 SF – 122 Meadow View Court

Two variance requests were submitted by the homeowner, Andy Kissel, for the property located at 122 Meadow View Ct, Lot 10867 in the R-1 zoning district.

LR gave a summary and notes on the variance requests:

- Single-family residence property with existing detached garage (24'x22' or 528sf)
- Proposing to add unenclosed roof area at north & west sides of existing detached garage Two (2) variances sought:
 - (1) Enlarging the area of an accessory structure to greater than 500sf
 - (2) Total area of all accessory structures exceeds 35% of required rear yard
- ***Size/Area Variances*** are requested

Slide Show Presentation:

- (1) Variance #1 – 500sf Max Accessory Structure Area rule
 - Existing detached garage 528sf – to remain (built w/house in 1989)
 - New detached garage roof area = additional 650sf (new total area 1178sf)
 - Exceeds allowable area for a single accessory structure by approx. 678sf or 135%
- (2) Variance #2 – 35% Accessory Structure rule
 - Average Lot Width = Approx. 108'
 - $108 \times 30 = 3240\text{sf} @ 35\% = \underline{1134\text{sf max allowable area}}$
 - Existing 528sf detached garage – to remain
 - Proposed 650sf additional roof area for garage

- Proposed 12x16 (192sf) shed on December 6th
- Total Proposed Accessory Structure Area = 1370sf
- Exceeds allowable area by approx. 236sf or 21%
- Patio covers will provide shelter to and from the house and garage.
- Neighborhood directly behind Fairfield Crossing Shopping Center
- MeadowView / McGreevy neighborhood (1980s), larger 2-story homes w/slightly larger lots
- Slade, Gail, Fairfield, Anthony Wayne neighborhood (1950s), 1-story homes w/larger lots
- Many homes in the area have attached garages
- 122 Meadow View is at end of cul-de-sac thus larger trapezoidal shaped lot
- Other oversized accessory structures:
 1. 4714 Slade (directly west) 600sf detached garage
 2. 132 Meadow View (next door) 665sf pool with two sheds
 3. Meadow View Ct & McGreevy have several large pools and smaller sheds
 4. Only house on Meadow View with a detached garage – houses with attached garage areas are comparable in size.

Technical Staff Notes:

- Would not appear to negatively affect character of neighborhood – tree line buffer in back yard (up against Slade neighborhood) and only house with detached garage
- Technical Staff no comment / no objection to approval
- Concern with orderly storage in any of the unenclosed roof / patio area (but appears that intent is covered walkway to back of garage patio which is intended for outdoor sitting area)

Property Owner Comments and Discussion

Andy Kissel, the homeowner, spoke to his variance request.

- Mr. Kissel had his house and detached garage built in 1989.
- The original house plan had the garage attached with a mud room. The cost was considerably more to build per this plan, so he had to build the garage as detached.
- He and his wife would like to stay in their home as long as they can, but he really needs shelter to the garage and the covered outdoor area for his grandchildren.
- He will be adding a new shed to clean out the garage. He wants to be able to park their cars in the garage.
- He did not know the roof being attached to the garage would add to the overall square footage of the garage. He did not know 500 SF was the maximum square feet for an accessory structure.

LR clarified that if the garage were attached to the house, only the 650-sf patio roof would be considered accessory.

TS said that per the signed petition provided by Mr. Kissel, six of his neighbors are all okay with the additional structures. TS wanted to confirm the adjacent neighbors were on the petition list. A picture slide showing the location of the neighbors was reviewed, and the adjacent neighbors were on the petition submitted.

ES asked if LR had considered the runoff from this new roof. Gutters are shown on the building plan. LR stated the runoff was considered and it did not appear to be an issue. The lot shape and size allow for plenty of area for runoff. Mr. Kissel said all the downspouts will be connected to the drain in the back of the property.

TR had a concern if they were to approve the variance request. Could the homeowner enclose the patio covered area in the future without BZA approval? LR said the homeowner could do that without a variance since enclosing it would not add more area. The homeowner has no intentions of enclosing it in the future. SL asked SW that should the Board approve this variance, would it be appropriate to have a stipulation that the additional area be maintained as an open area without wall enclosures. SW thought the Board could add that condition, and should consider adding a condition that the owners could not have storage/clutter under the patio covers.

LR stated the walkway along one side of the garage is around six feet wide. The width must be at least seven feet wide to be able to enclose the area to create a room. The intent is a covered walkway.

SL was glad for the input and clarification by LR and SW. If they were to allow that area to be enclosed at a later date then it may set a precedent with having an enclosed accessory structure close to the size of the primary structure. They do not want to set that kind of precedent. TR stated if they were to approve this variance without having a condition that the patio covers are not to be enclosed, then it would allow a new owner to enclose it in the future.

Public Comments

No one came forth.

Board Action

SL read the seven conditions for the Board to consider for these area/size variances. The second condition, "whether the variance is substantial" is only the one that stands out to him, and that is based on the total square footage of the structure. Due to a couple mitigating circumstances, the unique shape of the property on a cul-de-sac, the structure will not be enclosed, and the support of the neighbors; SL feels this request is approvable with some conditions.

SL made a motion to approve the variances to build a 650 SF patio cover on the detached garage with two conditions.

1. The additional patio covers will remain unenclosed.
2. Any materials stored under the covers must be maintained in a neat orderly manner.

Erin Simons seconded the motion. The motion was passed 6-0.

Adjournment

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



Scott Lepsky, Chairman



Maria K. Mullen, Secretary