

MINUTES OF THE  
FAIRFIELD BOARD OF ZONING APPEALS  
January 6, 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 (MM), Secretary, called the roll of the Board of Zoning Appeals. Present members were Tony Rawe (TR) Joseph Koczeniak (JK), Mary Stier (MS), Scott Lepsky (SL), Erin Simons (ES), and Dale Paullus (DP). Leland Rosato (LR), Building Official and Steve Wolterman (SW), Law Director were also present. A motion was made to excuse Chad Whitmore, 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 December 2, 2020.

**New Business**

**Case No. BZA-20-17 - Accessory Structure over 500 ft/Construction Materials/Over 35% Allowed for Rear Yard – 4640 McCormick Lane**

Three variance requests submitted by Jude Kollstedt, for the property located at 4640 McCormick Lane, Lot No. 214, in the R-1 zoning district.

LR gave a brief summary on this property and the variances requested by the owner:

- Accessory structure for agricultural purposes 4930sf (34' x 145')
- Structure violates three (3) zoning ordinances:
  - Structure Size: 4930sf vs. 500sf (986%)
  - Material Requested: Translucent plastic not acceptable in accordance with zoning code
  - 35% Area Rule: Allowable Area: 266' lot width x 30' = 7980sf x 35% = **2793sf**  
Existing accessory structures: 996sf thus 1797sf remaining allowable  
Proposed structure: 4930sf (over by 3,133sf or 47% of req'd rear yard)
- **Area/Size Variances** are requested.

**History:**

- March 2019 response to complaints & other property maintenance items noted accessory structure erected without prior approvals – property owner did submit for building permit
- Case delayed several months during numerous BZA meeting discussions and subsequent meetings of Urban Farming Task Force (following Pippin's Produce case)
- Confusion between application for *building permit* (which is not needed for agricultural structures) and application for *BZA review & approval* of the proposed structure

Technical Staff Notes:

- This case shall be considered by the Board just as the Pippin property case – consider the various criteria established by the Urban Farming / Gardening Task Force
- Comparison of Pippin Property and Kollstedt Property:

	<u>PIPPIN (771 Symmes)</u>	<u>KOLLSTEDT (4640 McCormick)</u>
Lot Size	0.73 Acre	4.8 Acres
Lot Dimensions	83' x 400'	266' x 843'
Structure Size	30' x 72' (2160sf)	34' x 145' (4930sf)
Context	(Plan shown on Powerpoint)	(Plan shown on Powerpoint)

- Variances do not appear substantial
- Alteration to essential character of neighborhood minimal
- Would not appear to have negative effect on adjoining properties
- Variance would not affect delivery of city services or encroach easements
- Technical Staff contends that the variances sought for the proposed structure appear appropriate for the intended purpose in accordance with the Urban Farming / Gardening Task Force agenda

Property Owner Comments and Discussion

Jude Kollstedt, property owner and applicant, spoke for his case.

- He believes the greenhouse length is actually 120 feet long.
- None of his neighbors have complained about the greenhouse.
- Some of Mr. Kollstedt's neighbors told him they would come to the meeting to support him, but he told them to stay home.
- Mr. Kollstedt put the greenhouse up in 2018. It has been up for two growing seasons.

LR stated the City has not received any complaints about the greenhouse since it was constructed.

SL referred to the area/size variance requirements and the Memo from LR with three recommended conditions if the Board would approve.

- There may be a need for a fourth condition requiring the properties must remain intact and not subdivided.
- SL has misgivings of a structure this size, but it does make more sense for a property this size compared to the Pippins' property.
- TR asked if the property were zoned A1, would Mr. Kollstedt need a variance.
- LR believed he would probably need one for the construction materials, but not the other two variance requests.
- ES questioned the recommended fourth condition and would it encompass all the properties under the ownership of the Kollstedt family.
- SL said if any of the properties were subdivided.
- SW suggested wording it as the structure must be removed if the property was subdivided.

Public Comments and Discussion

No one came forth.

## Board Action

SL made a motion to approve the variances with the three recommended conditions by Staff, and a 4<sup>th</sup> condition that if any of the three properties owned by the Kollstedt family members are subdivided, the greenhouse must be removed. ES seconded the motion.

Mr. Kollstedt disagreed with the new condition. He stated he is not in control of his cousins selling their own properties. He said we all need food, and greenhouses are needed even more now. DP agreed with Mr. Kollstedt.

SL amended his motion to approve the variances for the greenhouse with these four conditions:

1. The greenhouse plastic covering shall be maintained in a clean and suitable manner. If the plastic is ever removed, the frame structure must also be removed.
2. Only crops and incidental hand tools shall be stored inside the greenhouse.
3. Mr. Kollstedt shall comply with all property maintenance standards, paying particular attention to areas visible from public streets and/or neighboring properties.
4. Should Mr. Kollstedt's parcel/property be sub-divided into smaller parcels, the greenhouse must be removed completely.

DP seconded the motion. The motion carried 5-1 with SL dissenting.

## Case No. BZA-20-18 – Covered Patio in Side Yard Setback – 603 Innsbrooke Lane

A variance request submitted by Chris Cornett on behalf of the owner, Barbara Gilman, for the property located at 603 Innsbrooke Lane, Lot No. 11904, in the R-1 zoning district.

LR gave the Board a summary of the request and the Staff recommendations:

- Addition to house (patio roof canopy) encroaches into the minimum required side yard setback:  
Side yard setback in this zone is 10% of lot width:  $93' \times 10\% = 9'-3"$   
House is  $16'-4"$  from property line – after addition of  $10'$  roof canopy =  $6'-4"$  from property line, or  $2'-11"$  setback encroachment
- **Area/Size Variance** is requested.

## Technical Staff Notes:

- Purpose of side yard setbacks is to establish minimum spacing between neighboring houses along the same street – this is a corner lot, and only a partial unenclosed addition  
NOTE:  $6'-0"$  is typical minimum distance from property line for accessory structures  
 $5'-0"$  is minimum required distance from property line per building code
- Variance does not appear substantial
- Alteration to essential character of neighborhood minimal
- Would not appear to have negative effect on adjoining properties
- Variance would not affect delivery of city services or encroach easements
- Technical Staff has no objection to the requested variance

## Property Owner Comments and Discussion

Chris Cornett, with Giant Factory Direct, 415 Breaden Lane #14, Monroe, OH, 45050, spoke on behalf of the property owner Barbara Gilman. Mr. Cornett acknowledged LR's summary accurately described the work that he would like to do for the Gilmans. He added that he just wants to build a cover over the patio area on the side of the house. The cover will wrap around the corner of the house to an additional patio in the back yard.

ES asked the owners would be allowed to enclose it in the future. LR stated it would be costly to enclose it. Mr. Cornett concurred, as the patio concrete would not support an enclosed structure. The existing concrete patio would need to be removed, and then re-poured to meet building code standards for an enclosed structure.

Public Comments and Discussion

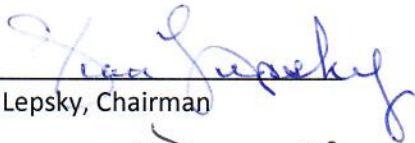
No one came forth.


Board Action

SL made motion to approve the variance as requested. DP seconded his motion for approval. The motion carried 6-0.

Adjournment

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

  
\_\_\_\_\_  
Scott Lepsky, Chairman

  
\_\_\_\_\_  
Maria K. Mullen, Secretary