

**CITY OF AURORA, OHIO
ARCHITECTURAL BOARD OF REVIEW
MEETING MINUTES
JANUARY 28, 2010**

The Architectural Board of Review met in a regularly scheduled meeting on Thursday, January 28, 2010, in Council Chambers of Aurora City Hall. The meeting was called to order at 7:05 p.m. by Acting Chairman Greg Barrow.

ROLL CALL:

Present: Greg Barrow
Crystal Levy
Ken Liang*
David Riedel
Absent: Chris Holecek*
Tom Spape
Also Present: Richard Wehrenberg, Director,
Planning, Zoning & Building Division
Corinne Craine, Secretary
Judy Conkling

*Mr. Liang was sworn in by Mrs. Craine and welcomed as a new member to the Architectural Board. Mr. Holecek was present before the meeting was called to order but had to leave because of an emergency.

ORGANIZATIONAL:

MOTION: To nominate Chris Holecek as Chairman for the year 2010

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang

Nays: None

MOTION: To close the nominations for Chairman

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a voice vote.

MOTION: To nominate Greg Barrow as Vice Chairman for the year 2010

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a roll call vote.

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Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang
Nays: None

MOTION: To close the nominations for Vice Chairman

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a voice vote.

APPROVAL OF MINUTES:

The minutes of December 10, 2009, could not be approved; not enough members from that meeting were present this evening.

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

OLD BUSINESS:

PNC BANK

PNC Bank
(Tabled 12/10/09)

251 West Garfield Road

Tenant Panel Sign

MOTION: To remove the tenant panel sign from the table

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang
Nays: None

Mr. George Dragon, Cicogna Sign Company, presented a revised rendering of the tenant panel sign which will be red lettering on a white background as requested by the Board. Mr. Barrow noted the sign has zoning approval.

MOTION: To approved the revised tenant panel sign as submitted

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a voice vote.
Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang
Nays: None

DUTCH HERITAGE HOMES

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Dutch Heritage Homes

625 Markus Lane

Residence

Ms. Susan Wiesel, representing Dutch Heritage Homes, presented plans for a single-family residence in the Hawthorn of Aurora Development. Mr. Barrow noted the plans have been approved by the City Architect and have zoning approval.

Mr. Barrow stated the watertable stone on the front elevation should be wrapped around to the first door jamb of the garage. He also referred to the right elevation which shows shakes on the right side of the garage as it turns back to the main body of the house. Following a brief discussion, Mr. Barrow requested that the stone wrap on the right elevation be carried up to the same height as the watertable stone on the front of the house.

Mrs. Lavy pointed out that the right elevation shows a large expanse of siding. After reviewing the floor plan of the house, it was determined windows would not be feasible on this elevation. Mr. Barrow further noted the chimney on the right elevation does provide some relief. All colors and materials were approved as noted on the plans.

MOTION: To approve the plans as noted with stone wrap to the garage door jamb on the left elevation and stone wrap along the shakes on the right elevation to the watertable level

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang

Nays: None

DUTCH HERITAGE HOMES

Dutch Heritage Homes

620 Markus Lane

Residence

Ms. Wiesel, representing Dutch Heritage Homes, presented plans for a single-family residence in the Hawthorn of Aurora Development. The plans have zoning approval and have also been approved by the City Architect.

Mr. Barrow referenced the stone veneer which needs to be to grade. Since the house has shutters on the front elevation, shutters are also required on the left elevation. The colors and materials were approved as noted on the plans.

MOTION: To approve the plans as noted with the conditions that the stone veneer be to grade and shutters be installed on the left elevation windows

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Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang

Nays: None

SCOTT HASELTINE

Scott Haseltine

332 Eggleston Road

Addition

Mr. Ted Rusnak, Architect, and Mr. Scott Haseltine, property owner, were in attendance to present plans for an addition on the rear of the residence. All colors and materials will match the existing residence. Mr. Rusnak pointed out the plans depict a breezeway attached to the rear of the residence; the breezeway connects the residence to the addition.

Mr. Barrow noted the plans have zoning approval and have been approved by the City Architect.

MOTION: To approve plans as noted with all colors and materials to match the existing residence

Mrs. Lavy moved; Mr. Riedel seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mrs. Lavy, Mr. Riedel, Mr. Barrow, Mr. Liang

Nays: None

RICK SHAW

Rick Shaw

300 Duneden Drive

Detached Garage

Mr. Ed Wurm, Jr., Classic Homes, presented plans for a detached garage which will be constructed across from the existing garage on the other side of the turn-around. All colors and materials will match the existing residence. The plans have been approved by zoning and the City Architect.

Mr. Barrow noted the header detail and shutters on the windows are to match the residence. Mr. Riedel noted that the foundation brick is to also match the house foundation brick.

Mr. Wurm stated he will submit an approval letter from the homeowners association for the record.

MOTION: To approve plans with shutters on the right elevation (first and second floors), and all exposed foundation brick is to match the foundation brick on the residence

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang

Nays: None

MARK GRIPPI

Mark Grippi

1280 Surfside Circle

Additions

Mr. Mark Horne, Artistic Design Homes, presented plans for additions to the existing residence. The plans have been approved by zoning and the City Architect.

Mr. Horne stated that the existing addition on the rear elevation will be demolished and reconstructed. A discussion ensued regarding the cupola element which is designated as "optional" on the plans. Mr. Horne noted it is a nonfunctional element to break up the roof line. Following discussion, the Board determined that "optional" is not acceptable because the Board needs to provide solid direction to the building department. Mr. Horne agreed to strike the word "optional" from the plans and will return to the Board if the homeowner wishes to eliminate the cupola.

Mr. Horne noted the roof will be slate gray except for the areas over the garage bump-out and the gable on the front porch which will be an ocean blue standing seam roof. Mr. Barrow stated that the standing seam roof is a complete departure from any other materials on the residence. Mrs. Craine commented that there are no metal roofs on any houses in Aurora Shores; the only metal roof elements are copper roofs over bay windows. Mr. Horne agreed to eliminate the standing seam roof; if the homeowner wishes to pursue this, he will return to the Board. The materials and colors were approved as noted on the plans.

MOTION: To approve plans as noted with a brick veneer chimney and the cupola marked as "non-optional" on the drawings

Mr. Riedel moved; Mrs. Lavy seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Riedel, Mrs. Lavy, Mr. Barrow, Mr. Liang

Nays: None

MISCELLANEOUS:

Discussion of ABR Procedures & Guidelines

Mr. Rich Wehrenberg, Director of Planning, Zoning & Building, reported that he will now be the staff person for the Board in place of Mrs. Cavanaugh. Also, Mrs. Craine has been assigned as Planning Commission Clerk; Mrs. Conkling will serve as secretary to Architectural Board.

Mr. Wehrenberg stated this item was placed on the agenda for general discussion as a result of the Courtad situation. Council had commented that the Architectural Board procedures were not sufficient.

Mr. Wehrenberg noted that some of the other City boards produce findings of fact, especially when a submittal is denied. He referred to Code Section 1321.03 which provides standards for Architectural Board. The Board may need to expand its motions and/or develop findings of fact for decisions which may be appealed to City Council. For example, instead of simply denying the siding on the Courtad residence, the Board may have produced a findings of fact stating the siding does not meet Aurora standards and may detract from the property values of other homes in the neighborhood. Mr. Wehrenberg proposed scheduling a meeting between Law Director Alan Shorr, Mr. Holecek, Mr. Barrow and himself to obtain legal advice for ABR procedures and guidelines.

Mr. Wehrenberg further complimented the Board on its good work; the influence and impact of the Board can be seen by driving through the community. He pointed out he does not believe the Board is doing anything procedurally wrong; the procedures just need to be more legally correct. Mr. Barrow concurred it is always best to have good solid ground upon which to stand.

In summation, Mr. Wehrenberg stated that the Board could produce a findings of fact document when it is known that a denial by the Board will be appealed. The Board should also carefully draft a motion so the record is very clear. For example, the Board could determine a certain type of “unorthodoxed” siding would be of such design, material and location that it would be a substantial impairment in value to neighboring properties which is one of the standards in the code. Mr. Barrow mentioned this approach would result in a denial ruling being objective rather than subjective.

Mr. Barrow noted one of the issues the Board struggled with was that the applicant applied an unapproved product irregardless of City ordinances. He questioned how this type of situation could be prevented.

In addition, Mr. Wehrenberg talked briefly about the ABR guidelines which need to be stronger and more legally defensible. For example, the guidelines could include a list of approved siding materials. The more concrete, the more specific the guidelines are, the less challengeable the Board’s decisions will be.

Mr. Barrow noted the current ordinance authorizes the Board to develop guidelines from time to time which seem to be a continually changing situation. However, development of substantial guidelines which are specific but leave some leeway would be the way to go. Mr. Wehrenberg pointed out that the current trend is to develop design standards which are incorporated into the zoning law, thus providing a much more defensible case in court.

Mrs. Lavy mentioned that signage seems to be more of a problem for the Board. Mr. Barrow asked if the same guidelines would apply to signage. Mr. Wehrenberg responded that signage is somewhat different given the U. S. Supreme Court ruling on sign content which is protected by the First

Amendment. It's questionable whether the Board can deny a phone number or email address on a sign. The Board can control the sign design, colors, placement and size but sign content is more of a gray area. Mr. Barrow pointed out that including a website address on a sign may present a fine line whereby it crosses into a public safety issue for someone traveling thirty-five miles per hour while trying to read a two-inch website address on a sign.

Mr. Riedel noted some rulings of the Board are made based on whether a particular element is deemed attractive by the Board. Mr. Wehrenberg suggested a scenario whereby the board could determine a certain element does not fit the style; e.g., a widow's walk does not fit the style of a ranch house. An element could be turned down based on whether or not it fits a particular architectural style.

ADJOURNMENT:

Mr. Riedel moved; Mrs. Lavy seconded, and the meeting was adjourned at 8:38 p.m.

Greg Barrow, Vice Chairman

Transcribed by Judy Conkling