

CITY OF AURORA  
**BOARD OF ZONING APPEALS**  
Meeting Minutes  
March 12, 2008

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, March 12, 2008 in the Council Chambers at city hall. The meeting was called to order at 7:30 p.m. by Chairman Don Arbuckle.

**ROLL CALL:** Present: Terese Fennell  
Peter French  
Don Arbuckle  
Bernard McCarrell  
Absent: Scott Friedler  
Tony Gramm  
Also Present: David Hirt, Legal Advisor  
Rich Wehrenberg, Director of Planning, Zoning & Building Div.  
Susan Dombeck, Clerk

**WORK SESSION:**

Mr. Arbuckle explained the work session procedures to those in attendance.

**OLD BUSINESS:**

**H & S COMPANY (FOR MARC'S), 300 AURORA COMMONS CIRCLE**

*Three variance requests:*

- [0801005] - from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances to allow a second business frontage*
- [0801001] - from Section 1159.16(b)(4)(B)(1)(c) of the Aurora Codified Ordinances to allow a second business identification wall sign*
- [0801006] - from Section 1159.16(b)(4)(B)(1)(a) of the Aurora Codified Ordinances to allow a sign with 60 square feet of area instead of the maximum allowed 50 square feet*

Mr. Arbuckle explained the requests and reminded the other members that this was tabled at the last meeting due to confusion about the information submitted.

**AURORA PREMIUM OUTLETS (FOR BANANA REPUBLIC), 549 S CHILLICOTHE**

*Two variance requests:*

- [0801007] - from Section 1159.16(b)(4)(B)(1)(c) of the Aurora Codified Ordinances to allow a second business identification wall sign*
- [0801008] - from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances to allow total signage of 95.50 square feet instead of the maximum total signage of 45 square feet*

Mr. Arbuckle described the variances requested.

**NEW BUSINESS:**

PATRICIA GOGGIN, 945 BARTLETT ROAD

[0802009] - *A variance from Section 1153.04(d)(2) of the Aurora Codified Ordinances to allow a barn to shelter animals to be constructed 70 feet from the east side line instead of the minimum required 100 foot setback*

[0802010] - *A variance from Section 1153.04(d)(2) of the Aurora Codified Ordinances to allow a barn to shelter animals to be constructed 54 feet from the west side line instead of the minimum required 100 foot setback*

Mr. Arbuckle reviewed the variance requests.

J RIZZOTTO, ITALIANO'S PIZZERIA, 14 NEW HUDSON ROAD [0802011]

*A variance from Section 1159.16(b)(4)(b) of the Aurora Codified Ordinances to allow a sign 19 square feet in area instead of the maximum allowed 9 square feet in area.*

Mr. Arbuckle explained the sign variance request.

**MEETING:**

Mr. Arbuckle explained the meeting procedure and asked Mr. Hirt to swear in staff and those in attendance that planned to speak.

**AMENDMENTS TO THE AGENDA:**

There were no amendments to the agenda.

**APPROVAL OF MINUTES:**

**MOTION: To approve the minutes of the February 13, 2008 meeting as printed.**

Mrs. Fennell moved for approval; Mr. McCarrell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mrs. Fennell, Mr. McCarrell, Mr. French, Mr. Arbuckle

Nays: None

**OLD BUSINESS:**

H & S COMPANY (FOR MARC'S), 300 AURORA COMMONS CIRCLE

*Three variance requests:*

[0801005] - *from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances to allow a second business frontage*

[0801001] - *from Section 1159.16(b)(4)(B)(1)(c) of the Aurora Codified Ordinances to allow a second business identification wall sign*

[0801006] - *from Section 1159.16(b)(4)(B)(1)(a) of the Aurora Codified Ordinances to allow a sign with 60 square feet of area instead of the maximum allowed 50 square feet*

**MOTION: To remove this item from the table.**

Mrs. Fennell moved for approval; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mrs. Fennell, Mr. French, Mr. McCarrell, Mr. Arbuckle  
Nays: None

Mr. Arbuckle explained the variance requests. Kirsten Lemasters, of Archer Signs, stated that the applicant removed the sign for maintenance and would like to place it back in the exact location, which is on the east elevation.

Mr. Arbuckle noted that the variance requests are for the north side of the building.

Tony Hamm, project manager for Marc's, said that the company has seen a decline in their pharmacy business and would like to draw attention to their pharmacy, which is why a sign is proposed on that elevation. There was a brief conversation on the proposal.

**MOTION: To grant to H & S Company Ltd. for the property at 300 Aurora Commons Circle in a C-3 Planned Community Shopping Center District a variance from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances which allows signage on only one frontage to allow the construction of business identification wall signs on the east and north elevations.**

Mr. French moved for approval; Mrs. Fennell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. French, Mrs. Fennell, Mr. McCarrell, Mr. Arbuckle  
Nays: None

**MOTION: To grant to H & S Company Ltd. for the property at 300 Aurora Commons Circle in a C-3 Planned Community Shopping Center District a variance from Section 1159.16(b)(4)(B)(1)(c) of the Aurora Codified Ordinances which allows only one business identification wall sign per business to allow the construction of a second business identification wall sign, being the pharmacy sign, on the building's north elevation as indicated on the applicant's site plan and sign drawings.**

Mr. French moved for approval; Mr. McCarrell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. French, Mr. McCarrell, Mrs. Fennell, Mr. Arbuckle  
Nays: None

Mr. Arbuckle wondered if the applicant tried to meet the code requirements for the size of the sign. Mr. Hamm replied that they are reusing the existing sign that was removed for the construction and was unaware of whether or not they obtained a variance for the original sign.

**MOTION:** To grant to H & S Company Ltd. for the property at 300 Aurora Commons Circle in a C-3 Planned Community Shopping Center District a variance from Section 1159.16(b)(4)(B)(1)(a) of the Aurora Codified Ordinances which limits business identification wall signs to 50 square feet to allow the construction of a business identification wall sign 60 square feet in area on the building's north elevation as indicated on the applicant's site plan and sign drawings.

Mrs. Fennell moved for approval; Mr. McCarrell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mrs. Fennell, Mr. McCarrell, Mr. French, Mr. Arbuckle

Nays: None

AURORA PREMIUM OUTLETS (FOR BANANA REPUBLIC), 549 S CHILLICOTHE

*Two variance requests:*

*[0801007] - from Section 1159.16(b)(4)(B)(1)(c) of the Aurora Codified Ordinances to allow a second business identification wall sign*

*[0801008] - from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances to allow total signage of 95.50 square feet instead of the maximum total signage of 45 square feet*

**MOTION:** To remove this item from the table.

Mr. French moved for approval; Mrs. Fennell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. French, Mrs. Fennell, Mr. McCarrell, Mr. Arbuckle

Nays: None

Gary Wilks represented the applicant. Mr. Wilks stated that they are replacing the signs with the same square footage that Mikasa, the previous tenant, had displayed. The signs would be on the east and north elevations. He added that they have the permit for the east sign, but need a variance for the north sign.

Per an inquiry by Mr. Arbuckle, Mr. Wilks reiterated that the signs are the same size and are to be in the same location as used by Mikasa. He mentioned that the signs cannot be seen from State Route 43 because the store is located in the back of the center.

Mr. Arbuckle asked about the need for the large sized sign, and Mr. Wilks explained that it is the same size as the other tenants' signs, not any larger, and is of the character as the others in that area.

Mrs. Fennell asked if any research was done to see how it would affect any residents. She said that a letter was received from a resident objecting to the request. Mr. Wilks did not understand how the sign could be seen by a resident since it is on the side of the building that faces Bass Shoes.

**MOTION:** To grant to CPG Partners LP for the property at 549 South Chillicothe Road under a Non-conforming Use Certificate granting permission in part to sell

**goods and merchandise at retail as permitted in a C-2 commercial shopping district, a variance from Section 1159.16(b)(4)(B)(1)(c) of the Aurora Codified Ordinances, which allows only one business identification wall sign per business to allow the construction of a second business identification wall sign as indicated on the applicant's elevations and sign drawings.**

Mrs. Fennell moved for approval; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mrs. Fennell, Mr. French, Mr. McCarrell, Mr. Arbuckle

Nays: None

**MOTION: To grant to CPG Partners LP for the property at 549 South Chillicothe Road under a Non-conforming Use Certificate granting permission in part to sell goods and merchandise at retail as permitted in a C-2 commercial shopping district, a 50.5 square foot variance from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances, which allows 1 square foot of signage for each 2 linear feet of business frontage, to allow the construction of two 44.25 square foot business identification wall signs and two 3.5 square foot canopy signs as indicated on the applicant's sign elevations and sign drawings.**

Mr. French moved for approval; Mr. McCarrell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. French, Mr. McCarrell, Mrs. Fennell, Mr. Arbuckle

Nays: None

**NEW BUSINESS:**

**PATRICK GOGGIN, 945 BARTLETT ROAD**

[0802009] - *A variance from Section 1153.04(d)(2) of the Aurora Codified Ordinances to allow a barn to shelter animals to be constructed 70 feet from the east side line instead of the minimum required 100 foot setback*

[0802010] - *A variance from Section 1153.04(d)(2) of the Aurora Codified Ordinances to allow a barn to shelter animals to be constructed 54 feet from the west side line instead of the minimum required 100 foot setback*

Mr. Arbuckle explained the variances requested. Patrick Goggin, the owner, and Mark Zaher, the contractor, were present.

Mr. Goggin stated that they have two horses which are being boarded. They would like to build a barn for them so they can be brought home. He explained that the original variance for a barn was granted to the previous owner, but it has since expired.

Referring to the plan, Mr. Arbuckle began a brief discussion on the setback amounts needed.

Mrs. Goggin said that the children are involved with 4-H and other activities, and they would like to keep the children involved with the horses as well to help keep them busy.

**MOTION:** To grant to Patrick Goggin for the property at 945 Bartlett Road in an R-1 district, a 30 foot variance from Section 1153.04(d)(2) of the Aurora Codified Ordinances which requires buildings used to shelter animals in residential districts to be at least 100 feet from all lot lines, to allow the construction of a barn to shelter horses 70 feet from the east side lot line as indicated on the applicant's plot plan.

Mrs. Fennell moved for approval; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mrs. Fennell, Mr. French, Mr. McCarrell, Mr. Arbuckle

Nays: None

**MOTION:** To grant to Patrick Goggin for the property at 945 Bartlett Road in an R-1 district, a 46 foot variance from Section 1153.04(d)(2) of the Aurora Codified Ordinances which requires buildings used to shelter animals in residential districts to be at least 100 feet from all lot lines, to allow the construction of a barn to shelter horses 54 feet from the west side lot line as indicated on the applicant's plot plan.

Mr. French moved for approval; Mrs. Fennell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. French, Mrs. Fennell, Mr. McCarrell, Mr. Arbuckle

Nays: None

J RIZZOTTO, ITALIANO'S PIZZERIA, 14 NEW HUDSON ROAD [0802011]

*A variance from Section 1159.16(b)(4)(b) of the Aurora Codified Ordinances to allow a sign 19 square feet in area instead of the maximum allowed 9 square feet in area.*

Mr. Arbuckle explained the request. John Rizzotto said that they are in the old Domino's building and want to put a sign in the same place that the Domino's sign was located. He stated that the sign is not the same as the previous one, and referred to the drawings to describe how the sign would fit on the building.

Mr. Rizzotto told the members that the sign that is in the window is just a temporary sign and will be removed. He said that the sign will be the same size as the temporary one. There will be an overhead light, which is existing, to be used on the new sign.

**MOTION:** To grant to Kraig Korner LLC for the property at 14 New Hudson Road in a C-1 district, a 9.66 square foot variance from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances which provides for a total sign area allowance of 1 square foot for each 2 linear feet of frontage, to allow the construction of a business identification wall sign 18.66 square feet in area as indicated on the applicant's sign drawings.

Mrs. Fennell moved for approval; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mrs. Fennell, Mr. French, Mr. McCarrell, Mr. Arbuckle  
Nays: None

**MISCELLANEOUS:**

Mr. Arbuckle read aloud a workshop invitation he received in the mail and asked Mr. Wehrenberg for any information on it. Mr. Wehrenberg explained the workshop and said that the city would pay the fee for any members that want to attend. He then gave a brief overview of some of the subjects that are to be covered. Mr. Arbuckle encouraged the members to attend if possible.

Mr. Wehrenberg explained that procedures are being reviewed and revised. Planning activities are ongoing. He mentioned that the department is reworking the sign code and may be bringing it to this board in the fall. He said that the code will go to the Planning Commission, who can then forward it to the other committees before sending it to City Council.

Mr. McCarrell asked about the proposed Chillicothe Commons, and Mr. Wehrenberg explained the current situation.

**ADJOURNMENT:**

Mrs. Fennell moved to adjourn at 8:20 p.m.; Mr. French seconded, and the motion carried, 4-0, on a voice vote.

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Don Arbuckle - Chairman

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Susan Dombeck - Clerk  
AUDIO TAPE ON FILE