

CITY OF AURORA  
**BOARD OF ZONING APPEALS**  
Meeting Minutes  
June 11, 2008

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, June 11, 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  
Scott Friedler  
Don Arbuckle  
Bernard McCarrell  
Absent: Peter French  
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:**

**WOODVIEW ESTATES HOMEOWNERS' ASSOC., COCHRAN & SOUTH SUSSEX**

[0804020] - *A variance from Section 1159.10(a) of the Aurora Codified Ordinances to allow a sign 9 feet **into** the right-of-way on South Sussex instead of the minimum required 10 foot right-of-way setback.*

Mr. Arbuckle reminded the other members what took place at the last meeting with regard to this item.

**NEW BUSINESS:**

**GERALDINE McCLAMY, 835 EAST GARFIELD ROAD**

[0805023] - *A variance from Section 1153.04(b)(1) of the Aurora Codified Ordinances to allow a third accessory structure instead of the maximum allowed two accessory structures*

Mr. Arbuckle explained that this variance is for a third accessory building. A brief conversation on the site ensued.

**JONATHAN FIELDS (FOR RUGTIME), 220 SOUTH CHILLICOTHE ROAD**

[0805024] - *A variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign with a 0 foot setback from the right-of-way instead of the minimum required right-of-way setback of 10 feet.*

Mr. Arbuckle reviewed the request.

JUNE EDWARDS KOSTAL (FOR THE BABY & KIDS SHOP), 178 SOUTH CHILLICOTHE

[0805025] - *A variance from Section 1159.05(j) to allow a sign off premises, which is prohibited*

[0805026] - *A variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign with a right-of-way setback of 4 feet instead of the minimum required right-of-way setback of 10 feet*

Mr. Arbuckle stated that the building is set far back from the street, and that the owner feels there is a great need for advertising.

JUNE EDWARDS KOSTAL (FOR CHET EDWARDS), 182 SOUTH CHILLICOTHE

[0805027] - *A variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign with a right-of-way setback of 0 feet instead of the minimum required right-of-way setback of 10 feet*

Mr. Arbuckle did a quick review of the 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 May 14, 2008 meeting as printed.**

Mrs. Fennell moved for approval; Mr. McCarrell seconded, and the motion carried, 3-0-1, on a roll call vote.

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

Nays: None

Abstained: Mr. Friedler

**OLD BUSINESS:**

WOODVIEW ESTATES HOMEOWNERS' ASSOC., COCHRAN & SOUTH SUSSEX

[0804020] - *A variance from Section 1159.10(a) of the Aurora Codified Ordinances to allow a sign 9 feet **into** the right-of-way on South Sussex instead of the minimum required 10 foot right-of-way setback.*

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

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

It was discovered that there was no representative in attendance to discuss this request. The members decided to re-table it until the next meeting.

**MOTION: To table this item.**

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

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

Nays: None

**NEW BUSINESS:**

**GERALDINE McCLAMY, 835 EAST GARFIELD ROAD**

*[0805023] - A variance from Section 1153.04(b)(1) of the Aurora Codified Ordinances to allow a third accessory structure instead of the maximum allowed two accessory structures*

Mr. Arbuckle announced that one letter against the variance was received.

Ms. McClamy stated that the house does not have a basement. Storage was always in the attic, but now that she is retired it is not as easy to access that area and she would rather have a shed to store items in. She explained that it would be to the northeast if entering the site on the drive. There was a short discussion on the layout using the map.

Mr. Arbuckle asked about expanding the barn and Ms. McClamy responded that the barn is about 1600 feet to the rear, which is too far back from the house to be convenient. Some additional conversation on what is to be stored followed.

Referring to the letter received that stated objections to the request, Mr. Friedler noted that it did not have the name or address of the author, so he asked the other members to disregard it.

Per an inquiry by Mr. Arbuckle, Ms. McClamy said that her site consists of 10.5 acres. Mr. Friedler wondered about using the garage for additional storage, and Mr. McClamy explained that she is unable to as it is a two car garage and there are two vehicles that use it.

[0805023]

**MOTION: To grant to Geraldine McClamy for the property at 835 East Garfield Road in an R-1 district, a variance from Section 1153.04(b)(1) of the Aurora Codified Ordinances, which allows no more than two accessory structures on a residential lot to allow the construction of a storage shed as a third accessory structure as indicated by the applicant's shed drawing.**

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

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

Nays: None

JONATHAN FIELDS (FOR RUGTIME), 220 SOUTH CHILLICOTHE ROAD

*[0805024] - A variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign with a 0 foot setback from the right-of-way instead of the minimum required right-of-way setback of 10 feet.*

Mr. Arbuckle quickly reviewed the variance request.

Mr. Fields stated that they are asking to be allowed to replace the existing sign with a new one. He explained that, going north to south, it could be seen, but that going in the reverse direction it could not be seen easily. He said that, since the sign is old, they would replace the materials used. Mr. Fields added that they have received approval from both the Landmark Commission and the Architectural Board of Review.

Mr. Fields told the members that the sign would be under the maximum size allowed and would be exactly in the same location as the existing sign.

Mr. Arbuckle announced that one negative letter and one positive letter regarding the variance was received. There was a brief conversation on the plan.

Resident George Mazzaro said that he travels by the site every day and is glad that someone is fixing it up. He felt that the variance should be granted.

[0805024]

**MOTION: To grant to Rugtime Holdings of Aurora LLC for the property at 220 South Chillicothe Road in a C-1 district a 10 foot variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances which require ground signs to be at least 10 feet from the right-of-way, to allow the construction of a ground sign 0 feet of the right-of-way associated with South Chillicothe Road as indicated on the applicant's sign drawing.**

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

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

Nays: None

JUNE EDWARDS KOSTAL (FOR THE BABY & KIDS SHOP), 178 SOUTH CHILLICOTHE

*[0805025] - A variance from Section 1159.05(j) to allow a sign off premises, which is prohibited*

*[0805026] - A variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign with a right-of-way setback of 4 feet instead of the minimum required right-of-way setback of 10 feet*

Diane Trescott and Mary Sensibello introduced themselves to the board. Ms. Trescott said that she purchased the business one year ago, and that approximately 50% of customers have commented that the business is hard to find. She stated that having a sign is very important if she is to have her business known.

Mr. Arbuckle began a short conversation on the building sign and its location.

Mr. Arbuckle mentioned that 9 positive letters and one negative letter regarding the request have been received.

Ms. Trescott told the members that the signs have received Architectural Board of Review approval.

Barb Sinkhorn, an employee of the shop, said that many customers mention that it is important to have a sign visible so it can be easily located.

Mr. Mazzaro stated that signs do make a difference and are important to a business. He did not feel that these signs were a detriment to the area.

Ms. Sensibello said that people regularly come to the barn and ask for Sergei's (*tailor shop*), so signs really are necessary there.

[0805025]

**MOTION:** To grant to June Edwards Kostal for the property at 178 South Chillicothe Road in a C-1 district, a variance from Section 1159.05(j) of the Aurora Codified Ordinances which prohibits off premises signs to allow the construction of an off premises sign as indicated on the applicant's sign drawing.

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

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

[0805026]

**MOTION:** To grant to June Edwards Kostal for the property at 178 South Chillicothe Road in a C-1 district, a 6 foot variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances which requires ground signs to be at least 10 feet from the right-of-way to allow the construction of a ground sign 4 feet from the right-of-way associated with South Chillicothe Road as indicated on the applicant's plot plan and sign drawing.

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

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

JUNE EDWARDS KOSTAL (FOR CHET EDWARDS), 182 SOUTH CHILLICOTHE

*[0805027] - A variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign with a right-of-way setback of 0 feet instead of the minimum required right-of-way setback of 10 feet*

Ms. Sensibello stated that the sign is just being replaced, with the only difference being the font. The members briefly reviewed the plan.

[0805027]

**MOTION:** To grant to June Edwards Kostal for the property at 182 South Chillicothe in a C-1 district a 10 foot variance from Section 1159.16(b)(3)(B)(1)(b) of the Aurora Codified Ordinances which requires ground signs to be at least 10 feet from the right-of-way to allow the construction of a ground sign 0 feet from the right-of-way associated with South Chillicothe Road as indicated on the applicant's plot plan and sign drawing.

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

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

Nays: None

**MISCELLANEOUS:**

Regarding the sign for the Woodview Homeowners' Association, Mr. Wehrenberg offered to try to contact their representative regarding their absence and an appearance at the next meeting.

Mr. Hirt announced that he will be moving on to a different law firm, and then thanked the members for helping make his service with the board a good experience. Mr. Arbuckle expressed his gratitude for Mr. Hirt's help and, on behalf of all of the members, wished him well.

Mr. Hirt then introduced Chad Murdock, who will replace Mr. Hirt as the legal advisor. Mr. Arbuckle welcomed Mr. Murdock and invited him to give his background and experience.

**ADJOURNMENT:**

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

Don Arbuckle - Chairman

Susan Dombeck - Clerk  
AUDIO TAPE ON FILE