

CITY OF AURORA
BOARD OF ZONING APPEALS
Meeting Minutes
September 9, 2009

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, September 9, 2009 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: Scott Friedler
Peter French
Terese Fennell
Bernard McCarrell
Don Arbuckle
Absent: Tony Gramm
Also Present: Chad Murdock, Legal Advisor
Denise Januska, City Planner
Susan Dombeck, Clerk

WORK SESSION:

Mr. Arbuckle explained the procedure for the work session and meeting.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

AURORA BOARD OF EDUCATION, 102 EAST GARFIELD ROAD [0908012]

Two variance requests:

- 1. A variance from Section 1153.04(e)(2)(A)(2) of the Aurora Codified Ordinances to allow a fence eight feet high rather than the maximum allowed four foot height*
- 2. A variance from Section 1153.04(e)(2)(A)(2) of the Aurora Codified Ordinances to allow a solid stockade fence instead of a fence with uniform openings aggregating at least 50% of the surface*

Mr. Arbuckle explained both variance requests. Mr. McCarrell asked if he could vote on this item since his wife is an employee of the schools. After a brief conversation, Mr. Murdock announced that he did not see a problem with the situation and that Mr. McCarrell could vote on the requests.

SHEL & ADEL PROPERTIES, 1021 NORTH AURORA ROAD [0908013]

A variance from Section 1163.02(d)(1) of the Aurora Codified Ordinances to allow a 13 foot wide aisle for one-way traffic instead of the minimum required 18 foot wide aisle for parking turned at a 60° angle.

Mr. Arbuckle briefly reviewed the request.

MISCELLANEOUS:

CHAPTER 1155, DIMENSION REGULATIONS

Mr. Arbuckle reminded the members that the proposed revisions were forwarded to them in an earlier packet.

MEETING:

Mr. Murdock gave the oath to the staff and audience members that planned to speak during the meeting.

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of the July 8, 2009 meeting as printed.

Mrs. Fennell moved for approval; Mr. Friedler seconded, and the motion carried, 4-0-1, on a roll call vote.

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

OLD BUSINESS:

There is no old business.

NEW BUSINESS:

AURORA BOARD OF EDUCATION, 102 EAST GARFIELD ROAD [0908012]

Two variance requests:

- 1. A variance from Section 1153.04(e)(2)(A)(2) of the Aurora Codified Ordinances to allow a fence eight feet high rather than the maximum allowed four foot height*
- 2. A variance from Section 1153.04(e)(2)(A)(2) of the Aurora Codified Ordinances to allow a solid stockade fence instead of a fence with uniform openings aggregating at least 50% of the surface*

Mr. Arbuckle reviewed the requests. Russ Bennett, superintendent for the schools, represented the Board of Education. He stated that the proposed fence is to be 8 feet high to help block the view of the buses on the site. He described the location of the fence and said that they preferred the solid fence to help hide the buses. Mr. Bennett explained that they have received complaints from residents and decided that the fence would help block the view. He added that the fence would be a white vinyl type.

Mr. Arbuckle explained that the 8 foot high fence is over the maximum height limit by 4 feet. He asked Mr. Bennett if thought had been given to erecting a 6 foot fence instead, and Mr. Bennet replied that they prefer the highest fence to have a better barrier and help create a much better sight line.

Mr. Arbuckle wondered if consideration was given to mounding or landscaping the area. Mr. Bennett responded that they looked into having some plantings done but it would take a long time for them to grow and mature. Referring to the map, Mr. Arbuckle mentioned that it does not show any fencing planned for Hurd Road. Mr. Bennett explained that there is a large drop in grade there and a fence would be so low that it would not block the view. Also, the fence would be much closer to the road in that area.

Speaking about the driveway on Willard Road, Mr. French asked if it was used much. Mr. Bennett stated that it is and confirmed that there is enough room for a vehicle to exit from that drive and be able to see traffic in the road after a fence is installed. Per an inquiry by Mr. Friedler, Mr. Bennett explained that a bond issue for a bus garage failed several years ago. He then explained some of the work that has been done to the building and site to try to improve both. He added that there is already some fencing on the site but it is not in good condition.

Mr. McCarrell began a short conversation on having a fence completely around the buses. Mr. Bennet stated that he would like to have the buses enclosed but there isn't an area for that.

Due to a question by Mr. Arbuckle, Mrs. Januska told the members that a fence in the front yard should have spacing between the slats for safety reasons. There was a brief discussion on the different types of fences allowed and where they would be allowed.

Mr. Bennett reiterated that their main concern is the height of the fence more than the type of fence used.

Resident George Mazzaro commented that, since the fence is not planned for safety reasons, he felt that planting arborvitaes would look nicer and last longer. Mr. Bennett replied that some greenery would look good but there are a few problems to address. One is the type of soil in that area and the long growing time necessary for plantings.

Resident Jim Harko, who resides at the corner of Willard and Hurd Road, said he did not think the fence is a good idea. He said they would only be masking the area, not solving the problem. He felt that an eight foot wall with a roof would be a better plan since it could be used to store the trucks, trailers and items that are stored in the two stationary buses. Referring to the wood fence by the dumpster, he said the old batteries, tires, etc. could be placed there rather than sitting out in the open until they are disposed of. Mr. Harko stated that the area needed to be cleaned up and asked that the right thing be done to solve the problem once and for all.

Mr. Bennett said that there has not been additional conversation about an enclosed area because of the cost factor.

Mrs. Fennell asked if the fence was to be reviewed by the Architectural Board of Review. She

wondered if it should be tabled so the applicant can consider other options. Mrs. Januska told her that fences are not reviewed by that board, but it could be sent to the Architectural Board of Review by the Director, who has that option.

Mr. Friedler commented that the situation has been ongoing for quite some time. He felt that, if the area were cleaned and the debris was removed, there was no need to rush to a decision. He thought the arborvitae option may be the best one to consider as long as the site is managed better.

Mr. Arbuckle explained the choices to the applicant. Mr. Bennett chose to have the item tabled so they can review and consider other options.

Mr. French wondered how many residents were sent notices on this request. Ms. Dombeck replied that approximately 105 notices were sent and no responses were received.

Resident Katie Monroe, of 224 Hurd, said that she lived in the area for 15 years. In the beginning, the bus garage was painted and maintained quite well. Now there are two buses stuffed with items being stored. She said that the stored items nor the buses are being used and wanted to know why they are being kept. She said that a clean up is better than just putting up a fence and asked that other solutions be considered.

Mr. Arbuckle said that the issue is more than just the existence of a fence. He reiterated to the applicant the choices of a vote or having the item tabled. Mr. Bennett again chose to have the request tabled to consider other options.

MOTION: To table both requests.

Mrs. Fennell moved for approval; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

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

Nays: None

SHEL & ADEL PROPERTIES, 1021 NORTH AURORA ROAD [0908013]

A variance from Section 1163.02(d)(1) of the Aurora Codified Ordinances to allow a 13 foot wide aisle for one-way traffic instead of the minimum required 18 foot wide aisle for parking turned at a 60° angle.

Mr. Arbuckle reviewed the request. Ted Rusnak, the project's architect, represented the applicant. He explained that the owner is attempting to purchase adjacent land for additional parking area. Mr. Nicholas, owner of Nicky & Smitty's, one of the businesses on the site, was also in attendance.

Mr. Rusnak said that this business does need additional parking. He said that the 60° angle parking, which is to be designated for compact cars only, is the best solution. He explained how the measurement was determined. He said that they are asking for a variance of five feet for the aisle width, from the required 18 feet to 13 feet. The intent is to have the striping of the lanes done carefully and to have the signs more prominent to allow them to have the additional parking.

Mr. Rusnak stated that the variance would not affect one of the requirements placed on the applicant during the review of the center, that being the requirement that emergency service vehicles could get around the area. He explained how they would travel that site. He described the details of a 10' wide driveway easement for the area. Mr. Rusnak stated that the variance request is because of existing conditions and the need for additional parking.

Mr. Arbuckle wondered if this whole process was worth gaining just four parking spaces. Mr. Rusnak said that there is a problem with people using the existing parallel parking spots as they should be used.

Mr. Friedler asked why the parking was changed during the site renovation from the original angled parking. Mr. Rusnak answered that he was instructed to make it a two lane road around the building by the Utilities Committee. He said the applicant wanted to keep the parking as it was, but the committee wanted the two lane road to circle the building, so they had to change the parking. Mr. Friedler asked if it was done at the request of one of the city's committees, and Mr. Rusnak confirmed that it was.

Mr. Nicholas, the applicant, said that large semi-trucks travel the site without problems. He described some of the parking problems his customers have had due to the layout and said he would prefer to go back to the original parking layout. There was a conversation on parking signs and spaces.

Mr. Mazzaro suggested the board approve this request with the condition that it is pending the purchase of the additional adjacent property. Mr. Arbuckle felt that, if the property is purchased, the condition probably wouldn't be necessary because the owner would eliminate this plan and broaden into another area for his own self interests. Additional discussion on the adjacent sites and parking issues followed.

Referring to the checklist, Mr. Arbuckle said the variance would have no effect on the applicant's economic condition. He stated that whether or not the variance is substantial is subjective, since opinions differ on whether a five foot variance for an eighteen foot requirement is large. He added that, in this unique situation, he did not think it was a large amount.

Change to the neighborhood was the next item to consider, and Mr. Arbuckle noted that it is a commercial area and there would be no change. Mr. Arbuckle did not see how it would interfere or have any adverse affect on government services. He said that they have to assume that the applicant did not have knowledge of the regulations at the time. He added that solving the problem with another method is not feasible since the layout and configuration of the site is difficult, and other alternatives are not really available.

Mr. Arbuckle commented that if the variance were granted, he did not think it would violate the spirit and intent of the zoning regulation. He said the applicant is trying to do the best he can with the property dimensions allowed.

There were no comments or questions from the other members.

MOTION: To grant to Sheldon November for the property at 1021 North Aurora Road, in

a C-1 District, a 5 foot variance from Section 1163.02(d)(1) of the Aurora Codified Ordinances, which requires at least an 18 foot aisle for one-way traffic between a structure and a parking space, to allow 60° parking spaces with a 13 foot aisle, as shown on the application.

Mr. Friedler moved for approval; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

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

MISCELLANEOUS:

CHAPTER 1155, DIMENSION REGULATIONS

Mr. Arbuckle stated that most of the changes are to clean up the code. The only substantial change is that having to do with a building's height, particularly in the commercial district. Mr. Murdock said he reviewed the proposed changes and had no problems with the revision. Mrs. Januska told the members that she wrote the purpose statement, and just tried to clarify the rest of the section. She said that the Architectural Board of Review did review it and wanted to have the Office District buildings at three stories.

Mr. Mazzaro said the important thing is that this board is being informed of the proposed changes before they happen.

Mr. French raised the subject of the sign by Heinen's in Barrington, which had its variance request denied. He wondered why it was still there and not removed. Mrs. Januska said the city has called them and sent letters.

ADJOURNMENT:

Mrs. Fennell moved to adjourn at 8:35 p.m.; Mr. French seconded, and the motion carried, 5-0, on a voice vote.

Don Arbuckle - Chairman

Susan Dombeck - Clerk
AUDIO TAPE ON FILE