

**CITY OF AURORA, OHIO**  
**BOARD OF ZONING APPEALS**  
Meeting Minutes  
November 11, 2009

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

*Tabled 09-09-09.*

**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 that this item needs to be removed from both the table and agenda.

**CHELSEA PROPERTY GROUP, 549 SOUTH CHILLICOTHE [0909014]**

*Two variances from the Aurora Codified Ordinances. Those variance requests are:*

- 1) From Section 1159.08(c)(5)(B) which requires that the sign may only be posted on the wall of the principle building and not on a light pole*
- 2) From Section 1159.08(c)(5)(D) which requires that the proposed sign may only be displayed for fourteen (14) consecutive days, four (4) times a year with at least thirty (30) days between displays, not continuously.*

Mr. Arbuckle stated that the applicant requested that this remain on the table.

**NEW BUSINESS:**

AURORA PREMIUM OUTLETS (FOR GYMBOREE), 549 SOUTH CHILLICOTHE [0910019]  
*A variance from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances to allow two signs with a total area exceeding the maximum allowed square footage by 10.5 square feet*

Mr. Arbuckle reviewed the variance request.

GANLEY AURORA REAL ESTATE (FOR GANLEY CHEVROLET), 310 WEST GARFIELD [0910020] - *A variance from Section 1159.16(b)(3)(B)(1)(a) of the Aurora Codified Ordinances to allow a monument sign with 31.12 square feet of area instead of the maximum allowed 25 square feet*  
[0910021] - *A variance from Section 1159.16(b)(3)(B)(2)(c) of the Aurora Codified Ordinances to allow a third wall sign for the property*

Mr. Arbuckle explained the requested variances.

CUSTOM PULTRUSIONS, 1331 SOUTH CHILLICOTHE [0910022]  
*A variance from Section 1159.16(c)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign within 6 feet of the minimum required 10 foot setback from the public right-of-way*

Mr. Arbuckle reviewed the variance requested.

**MISCELLANEOUS:**

There was no miscellaneous business.

**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 October 14, 2009 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  
Abstentions: Mr. Gramm

**OLD BUSINESS:**

*Tabled 09-09-09.*

**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 stated that a new submittal has been received for the next meeting and that this item should be removed from both the table and agenda.

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

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

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

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

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

**CHELSEA PROPERTY GROUP, 549 SOUTH CHILLICOTHE [0909014]**

*Two variances from the Aurora Codified Ordinances. Those variance requests are:*

- 1) *From Section 1159.08(c)(5)(B) which requires that the sign may only be posted on the wall of the principle building and not on a light pole*
- 2) *From Section 1159.08(c)(5)(D) which requires that the proposed sign may only be displayed for fourteen (14) consecutive days, four (4) times a year with at least thirty (30) days between displays, not continuously.*

There was no discussion since this item is to remain on the table at the applicant's request.

**NEW BUSINESS:**

**AURORA PREMIUM OUTLETS (FOR GYMBOREE), 549 SOUTH CHILLICOTHE [0910019]**

*A variance from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances to allow two signs with a total area exceeding the maximum allowed square footage by 10.5 square feet*

Mr. Arbuckle announced the variance request. Brian Tello, of Signature Signs, represented the applicant. Mr. Tello said that the original proposal they received from the applicant was too large, so they decided to go to the maximum allowed signage, and in doing so had to forego their 1' by 3' blade sign. That sign had been installed and is currently in place. After the sign was installed,

they stated that the visual impact of their signage was not what they had hoped it would be.

Mr. Tello said that the applicant asked him to evaluate the site, and in doing so he found that the business has visually less impact than the other tenants nearby. They spoke with the outlet's owner and others involved and reached a compromise to bring their visual impact in line with what the outlet's owner and others require. He explained that they are asking for a 6.5 square foot variation on the building sign and allowing the applicant to also include the blade sign, which is 1' x 3', the same as other tenants have. Mr. Tello stated that the outlets have agreed to the plan.

Mr. Arbuckle asked if they really feel that the presence of the blade sign is important enough to cause the variance request. Mr. Tello replied that the inclusion of the blade sign is important because of the foot traffic on the walkway. Per an inquiry by Mr. Arbuckle, Mr. Tello said they have received approval from the Architectural Board of Review.

Mrs. Fennell wondered how long the current sign has been in place, and Mr. Tello responded that it has been there for about a month. He explained that the store had an opening but did not achieve the sales there were hoping for, and felt that a larger sign in the front along with the blade sign would help the business. Mr. Tello referred to the plans submitted and explained some of the information shown and how it would help the business.

Mrs. Fennell asked if it is one variance for both, allowing two signs as well as having a larger sign on the building. Mr. Murdock explained that the variance is a square footage issue.

Resident George Mazzaro stated that the sign is on the interior portion of the site and would not be seen from the road. He said that the sign needs to be seen by the customers and asked that the members consider approving it.

Mrs. Januska said that the blade sign is allowed and is within the size requirements. Due to a question by Mrs. Fennell, Mrs. Januska explained that the blade sign can be erected without the variance approval, but then the building sign would have to be 6.5 square feet smaller to meet the requirements. She added that both signs are allowed, and the blade sign is within the size requirement, but the total square footage for both signs is not within the total allowed because of the building sign's size.

Mr. Tello mentioned that the applicant did originally agree to eliminate the blade sign to allow for the larger building sign, but with the need for the blade sign, the building sign would then have to be smaller. The building sign proportions would then look odd, and they would like to make sure it is more uniform with other business signs in the area. He said that the outlet's owner agreed that the sign for this business has a lower impact than the rest. The goal is to have this business with a sign that has the same impact as others while having a blade sign for the foot traffic. Per an inquiry by Mr. Gramm, Mr. Tello explained how the measurements were done on the sign while including the logo.

Reviewing the checklist of variance factors, Mr. Arbuckle stated that the applicant claimed a need for the blade sign, but without the variance there would not be a significant economic impact on the business. He raised the subject of how substantial the variance is, and Mrs. Fennell commented that she felt that they could leave the building sign as is and request a variance for the

blade sign. Mr. Arbuckle said he was not convinced that there would be an economic effect, but he noted that the appearance of the sign is important. He felt that all of the signs for that area are about the same, and to have the blade sign, the building sign would have to be considerably smaller than the others and would look strange.

Referring to the character of the neighborhood, Mr. Arbuckle did not feel that it would be altered, nor would the delivery of governmental services, if the variance were granted. Regarding whether the property owner had knowledge of the zoning regulations, he stated that the applicant is a tenant, one of many, and they were probably not informed of the code requirements.

Whether the problem can be solved with another method, Mr. Arbuckle noted that it could if a smaller sign was installed, but then there would be an aesthetic issue.

Mr. Arbuckle then said that the spirit and intent of the zoning regulations would be observed. He added that the sign is suitable and appropriate to its proposed location.

Regarding whether the applicant demonstrated that the business cannot be properly identified without the variance, Mr. Arbuckle commented that the look of the sign for that area is more important than the sign being a panacea for increased business. He stated that the sign does comply with all other aspects of the code.

**MOTION: To grant to Aurora Farms Premium Outlets (Gymboree) for the property at 549 South Chillicothe Road, a nonconforming use in an R-3 district, a 10.5 square foot variance from Section 1159.16(b)(4)(B) of the Aurora Codified Ordinances, which allows one square foot of signage for each 2 linear feet of business frontage, to allow the construction of one 22.5 square foot wall sign and one 3 square foot canopy sign, as shown on the application.**

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

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

GANLEY AURORA REAL ESTATE (FOR GANLEY CHEVROLET), 310 WEST GARFIELD

[0910020] - *A variance from Section 1159.16(b)(3)(B)(1)(a) of the Aurora Codified Ordinances to allow a monument sign with 31.12 square feet of area instead of the maximum allowed 25 square feet*

[0910021] - *A variance from Section 1159.16(b)(3)(B)(2)(c) of the Aurora Codified Ordinances to allow a third wall sign for the property*

Mr. Arbuckle mentioned that the applicant took over for Serpentine Chevrolet. Amy Yelling, Project Manager for Ellet Sign, represented the applicant. She explained that the applicant wanted two things: 1) a sign on the wall with letters to conform to Chevrolet and GM's specifications; and 2) a free standing sign with their name on it, with the design to be kept as simple as possible. The proposal was to reface the existing monument sign and to replace the existing name letters in the style for GM dealers. The sign square footage was kept under what is currently on the site.

Ms. Yelling stated that with the two minimal sign changes they can effectively identify the facility. The two signs will be located at the exact location of the previous signs.

Per an inquiry by Mr. Arbuckle, Ms. Yelling said that the proposed monument sign is the same dimensions as the existing one. Using a drawing, she reviewed the measurements for the members. She added that it is conforming based on the face dimensions; however, the existing structure would need a variance, which has been allowed in the past.

Mr. Arbuckle raised the subject of a letter received from a resident complaining about the loud level of the public address system used by the applicant. He remarked that the business might want to consider looking into that.

Mr. Mazzaro asked how this sign came to the Board of Zoning Appeals. Mr. Arbuckle replied that any change to a sign needs to be reviewed for compliance with the zoning code. Mrs. Januska cited 1159.08, which states that any time a name change or sign face change takes place, a new permit must be applied for and re-evaluated. Due to an inquiry by Mr. Arbuckle, Ms. Yelling explained the procedure she went through to appear at this meeting.

Reviewing the checklist of factors, Mr. Arbuckle said that if the variance is denied, it could be considered an economic hardship since the applicant wouldn't have the proposed signs. Since the signs are an exact replacement of the existing signs, the variance request is really not substantial. He stated that the character of the neighborhood would not be changed since it is a commercial area.

Mr. Arbuckle noted that there would be no effect on governmental services if the signs were approved. He said that if the owner did not have knowledge of the zoning regulations when the property was purchased, they learned soon after when they submitted for the sign permit and learned that the city did not grandfather sign variances.

Mr. Arbuckle said that the applicant's predicament could not be solved without the variances because they need signs. Mrs. Fennell commented that the applicant is doing the least amount of variance possible. With regard to the spirit and intent behind the regulation, Mr. Arbuckle felt that it would be observed.

Mr. Arbuckle stated that the signs would be suitable and appropriate to the proposed locations. They are in a commercial area and needed to identify new ownership of the business. He added that the applicant demonstrated that the business could not be properly identified without the variances. As for other requirements of the code, Mr. Arbuckle thought the signs were in compliance.

**MOTION: To grant to Ganley Aurora Real Estate LLC for the property at 310 West Garfield Road, in a C-2 district, a 6.12 square foot variance from Section 1159.16(b)(3)(B)(1)(a) of the Aurora Codified Ordinances, which limits ground signs to 25 square feet in area, to allow the reconstruction of an existing ground sign of 31.12 square feet, as shown on the application.**

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

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

Nays: None

**MOTION: To grant to Ganley Aurora Real Estate LLC for the property at 310 West Garfield Road, in a C-2 district, a variance from Section 1159.16(b)(3)(B)(2)(c) of the Aurora Codified Ordinances, which limits business identification wall signs to 1 per business, to allow the reconstruction of 2 existing wall signs (for a total of 3 wall signs at this business), as shown on the application.**

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

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

Nays: None

CUSTOM PULTRUSIONS, 1331 SOUTH CHILLICOTHE [0910022]

*A variance from Section 1159.16(c)(3)(B)(1)(b) of the Aurora Codified Ordinances to allow a sign within 6 feet of the minimum required 10 foot setback from the public right-of-way*

Mr. Arbuckle explained that this sign is also a replacement sign. Jack Burge, of Holsman Sign Services, represented the applicant. Mr. Burge said that there were two previous businesses on the site. It was recently purchased by Anderson Windows, who kept almost all of the employees from the former business as well as adding some employees.

Mr. Burge stated that the applicant wants to reface an existing ground sign with a new logo. The Architectural Board of Review already approved the proposed sign conditional on approval of the variance. He stated that the sign is just a few feet into the right-of-way and has been for three previous businesses. Mr. Burge said that it would be a hardship to have to move it since the sign, base, landscaping and existing lighting would all have to be moved. He told the members that it is 23 feet back from the edge of the pavement, but unfortunately was placed too far forward and encroached into the right-of-way.

Mr. Arbuckle asked if moving the sign was considered since it really looks so basic and could be in compliance for the future. He asked if the cost of the move is known, and Mr. Burge responded that it is a center pole sign and has a steel pole of about 3 to 4 inches in diameter imbedded into a concrete base. Mr. Burge said it would be a challenge to remove the base and/or the pole. He stated that, in an earlier discussion with the applicant, they did not think that the sign is a safety hazard or traffic problem. He noted that he met at the site with the city's zoning inspector, Al Hall, to check the sign's location and found that it was a little too close to the right-of-way. Mr. Burge used a drawing to show the final design of the sign.

Mr. Arbuckle began a review of the checklist. He stated that regarding a reasonable economic return, the business would likely not fail if the variance is denied. He mentioned that the variance is not really substantial, nor would the character of the neighborhood be changed or altered.

Regarding governmental services, Mr. Arbuckle said that none would be adversely affected by the variance. He said that the applicant may have seen the signs when purchasing the business and thought that the existing signs were allowed as is.

Mr. Arbuckle continued to list the factors, the next being whether the applicant's predicament can be solved through another method. He said that that if there is no sign the business would not be identified and there would be an impact. He stated that the spirit and intent of the code would be observed if the variance was approved

Regarding the additional factors for signs, Mr. Arbuckle said that the sign would be suitable for the site. Referring to the use being identified without the variance, he added that the sign is needed to identify the company. Also, the sign does comply with all of the other requirements of the code.

**MOTION: To grant to Customs Associations LP for the property at 1331 South Chillicothe Road, in an I-1 district, a 4 foot variance from Sections 1159.16(c)(3)(B)(1)(b) and 1159.01(a) of the Aurora Codified Ordinances, which prohibits signs within the public right-of-way, to allow the reconstruction of an existing ground sign 6 feet from the right-of-way of South Chillicothe Road, as shown on the application.**

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

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

**MISCELLANEOUS:**

There was no miscellaneous discussion.

**ADJOURNMENT:**

Mrs. Fennell moved to adjourn at 8:25 p.m.; Mr. Gramm 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