

CITY OF AURORA
OHIO
BOARD OF ZONING APPEALS
Meeting Minutes
December 9, 2009

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

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 told the others that there was a request by the applicant to keep this item on the table.

NEW BUSINESS:

AURORA BOARD OF EDUCATION, 102 EAST GARFIELD ROAD [0911023]

A variance from Section 1153.04(e)(2)(A)(2) of the Aurora Codified Ordinances to allow a fence 6 feet high instead of the maximum allowed 4 foot height.

Mr. Arbuckle explained the variance request.

H & S COMPANY (FOR PNC BANK), 251 WEST GARFIELD ROAD [0911024]

Two variances from the Aurora Codified Ordinances. They are:

- *from Section 1159.16(b)(4)(B) to allow four wall signs instead of the maximum allowed one wall sign*
- *from Section 1159.16(b)(4)(B) to allow the total square footage of sign area for five signs to exceed the maximum square footage allowed, which is 76.5 square feet, by 27.5 square feet for a total of 104 square feet.*

Mr. Arbuckle reviewed the two variances requested.

MISCELLANEOUS:

There was no miscellaneous discussion.

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 November 11, 2009 meeting as printed.

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

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

OLD BUSINESS:

CHELSEA PROPERTY GROUP, 549 SOUTH CHILLICOTHE [0909014]

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

- 3) *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*
- 4) *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*

This item was left on the table at the applicant's request.

NEW BUSINESS:

AURORA BOARD OF EDUCATION, 102 EAST GARFIELD ROAD [0911023]

A variance from Section 1153.04(e)(2)(A)(2) of the Aurora Codified Ordinances to allow a fence 6 feet high instead of the maximum allowed 4 foot height.

Russ Bennett, Superintendent of the Aurora schools, said that the previous request was withdrawn. This request is for a fence by the bus garage to replace a fence that was there for many years. It will help cover up the dumpster. The earlier wood fence was not in good shape and was removed. Mr. Bennett presented some photographs that show the location. The new fence will be a white vinyl fence to match a fence in another area, and he presented a photograph to show how it would look. He explained that the fence would also hide tires and other items until they were removed with the trash collection.

Mr. Arbuckle said that the views of the site from Willard Road and State Route 82 are a concern. There was a discussion on the site and some improvements to be considered for next year.

Mr. Arbuckle reminded everyone that the neighbors expressed concerns at the last meeting regarding some screening for the area. Mr. Bennett noted that a four foot fence would not completely hide the dumpster, so a six foot fence is really needed.

Resident George Mazzaro commented that this plan is completely different that the last one submitted. He felt it was a good plan and a beginning toward improving that area.

Referring to the checklist for variances, Mr. Arbuckle said that the property would still realize a benefit, but not necessarily an economic return. The request is to replace an existing six foot high fence. He stated that while some people may feel it is a large request, since it is 25% or more of what is allowed by the code, it is a replacement fence and that's an important fact.

Regarding the essential character of the neighborhood, Mr. Arbuckle said that he thinks that the neighbors would be happy to see a beginning of beautification for that area. Governmental services would not be affected except for trash removal, and Mr. Bennett explained how it would be collected.

Mr. Arbuckle stated that whether the owner purchased the property with knowledge of the zoning regulation is irrelevant since it is a school property that has been in existence for many years. The predicament could be solved by another method, which would be to do nothing, but the area would then remain unsightly. Mr. Arbuckle said that he believed the spirit and intent behind the zoning regulation would be observed and substantial justice done if the variance is granted. The other members made no comments.

MOTION: To grant to the Aurora Board of Education for the property at 102 East Garfield Road, in a R-3 district, a 2 foot variance from Section 1153.04(e)(2)(A)(2) of the Aurora Codified Ordinances, which limits front yard fence height to 4 feet, to allow the construction of a 6 foot high fence, as shown on the application.

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

H & S COMPANY (FOR PNC BANK), 251 WEST GARFIELD ROAD [0911024]

Two variances from the Aurora Codified Ordinances. They are:

- *from Section 1159.16(b)(4)(B) to allow four wall signs instead of the maximum allowed one wall sign*
- *from Section 1159.16(b)(4)(B) to allow the total square footage of sign area for five signs to exceed the maximum square footage allowed, which is 76.5 square feet, by 27.5 square feet for a total of 104 square feet.*

Mr. Arbuckle explained the two requested variances. Jerry Helsel, of Cicogna Sign Company, represented the applicant.

Mr. Helsel explained that PNC purchased National City Bank and is changing the brand identity, which is a very vital aspect to the identity of the bank and their business. He said that the location proposes some unique situations that the applicant felt were beyond what they would have in a normal package regarding signage. One item is the setback from Garfield Road, being that it is part of the entrance into the plaza. There is a low grade, so the building can be seen from all four sides. The building has a drive thru canopy on one end and an entrance on another side. Visibility for traffic is on the opposite ends of the canopy and entrance, and Mr. Helsel stated that there are a couple of ways to get to the parking area.

Mr. Helsel noted that the existing National City Bank has a sign on all four sides of the building and PNC just wants to replace them with the same type and size of sign. They will have the minimum to convey the image as it is now but while still informing the public of the change. He added that their intention at the purchase of the property was to replace the signs with like kind. Mr. Helsel explained that the owner did not go into the purchase looking into every situation as far as signage and then deciding to create their own hardship. He stated that the applicant assumed they could replace the signs with the same size, location, etc.

Mrs. Fennell asked how the signs would be made, and Mr. Helsel replied that the old letters would not be seen. A requirement of the applicant is for the sign to have the surface repaired behind the existing sign to like new condition. Prior to installation, it would be repaired to a likeness so that you would not see it at all.

Mr. Helsel said that the business would be listed on the monument sign in the front, which is part of the overall package.

Mr. Mazzaro said that three other banks, the Metropolitan, Huntington and Sky Bank appeared before this board for the signs that they wanted. This applicant wants less signage, and he felt that it should be approved since it was granted to the others.

Mr. Arbuckle said that both variances are intertwined, so the review of factors would be for both. Whether or not the property will yield a reasonable economic return if the variance is denied

was the first issue, and Mr. Arbuckle felt that the site was a very unique location. Due to that, he thought that having no signs or only one sign might be detrimental to the business. The variance may be considered substantial, but they are replacement signs for ones that have existed for many years. As for the essential character of the neighborhood, Mr. Arbuckle did not think it would be altered since it is a commercial area with other banks. He added that having the competing banks in the immediate area is another reason that the signs are needed.

Regarding governmental services, Mr. Arbuckle said that none would be affected if the variance is granted. He said that one mild concern he had was that such a sophisticated organization would not check out everything when purchasing property, but signage is not necessarily a significant point then.

Mr. Arbuckle raised the point of whether the predicament can be solved through some other method. He pointed out that if three of the signs were denied, it would put the applicant at a distinct competitive disadvantage if allowed only one sign. Regarding whether the spirit and intent behind the zoning regulation would be observed and justice done, Mr. Arbuckle felt that, because of the surrounding competition, having this applicant follow a different set of rules would be a gross injustice.

Mr. Arbuckle said that the sign is suitable and appropriate to the proposed location as well as the surrounding locations. He stated that he believed that the application demonstrated that the use to which the sign relates cannot be properly identified without the requested variance. He added that the sign complies with Section 1159 of the code other than the requirements to be varied.

MOTION: To grant to H & S Company (for PNC Bank) for the property at 251 West Garfield Road, in a C-3 district, a variance from Section 1159.16(b)(4)(B)(1)(c) of the Aurora Codified Ordinances, which limits wall signs to one per business, to allow the reconstruction of 3 additional wall signs (for a total of 4 wall signs at this business), as shown on the application.

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 (for PNC Bank) for the property at 251 West Garfield Road, in a C-3 district, a 27.5 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, which is a total of 76.5 square feet, to allow the reconstruction of 5 signs a total of 104 square feet, as shown on the application.

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

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

Nays: None

MISCELLANEOUS:

Mrs. Januska informed the members that the legislation regarding accessory buildings will be considered for action at the next Council meeting. She mentioned that they might also look at the dimension information.

Mr. French began a short conversation on the length of time an item appears on the agenda.

ADJOURNMENT:

Mrs. Fennell moved to adjourn at 8:10 p.m.; Mr. French seconded, and the motion carried, 4-0, on a voice vote.

Donald Arbuckle - Chairman

Susan Dombeck - Clerk
AUDIO TAPE ON FILE