

CITY OF AURORA  
OHIO  
**BOARD OF ZONING APPEALS**  
Meeting Minutes  
April 14, 2010

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, April 14, 2010 in the Council Chambers at City Hall. The meeting was called to order at 7:30 p.m. by Vice Chairman Terese Fennell.

**ROLL CALL:**

Present: Scott Friedler  
Peter French  
Bernard McCarrell  
Terese Fennell  
Absent: Don Arbuckle  
Tony Gramm  
Also Present: Chad Murdock, Legal Advisor  
Denise Januska, City Planner  
Susan Dombeck, Clerk

**WORK SESSION:**

Mrs. Fennell explained the procedure for the work session and meeting.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**BRIAN & MELISSA POZNIAK, 282 SOUTH CHILLICOTHE [1003004]**

*Four variances from the Aurora Codified Ordinances:*

- 1) *From Section 1153.04(b)(2) to allow the proposed shed, in addition to an existing detached garage, exceed the total square footage area allowed for accessory structures by 96 square feet*
- 2) *From Section 1155.04(c) to allow the proposed shed to be located one foot from the north side property line*
- 3) *From Section 1155.04(c) to allow the proposed shed to be located one foot from the south side property line*
- 4) *From Section 1155.04(c) to allow the proposed shed to be located five feet from the rear property line*

Mrs. Fennell briefly reviewed the variance requests.

**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 February 10, 2010 meeting as printed.**

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

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

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**BRIAN & MELISSA POZNIAK, 282 SOUTH CHILLICOTHE [1003004]**

*Four variances from the Aurora Codified Ordinances:*

- 5) *From Section 1153.04(b)(2) to allow the proposed shed, in addition to an existing detached garage, exceed the total square footage area allowed for accessory structures by 96 square feet*
- 6) *From Section 1155.04(c) to allow the proposed shed to be located one foot from the north side property line*
- 7) *From Section 1155.04(c) to allow the proposed shed to be located one foot from the south side property line*
- 8) *From Section 1155.04(c) to allow the proposed shed to be located five feet from the rear property line*

Melissa Pozniak was in attendance to request the variances. She explained that there was a shed in the exact location which was larger than the proposed shed. She added that a tree fell on the old shed and it then became a hazard, which is why they plan to replace it.

Mrs. Fennell asked if there is another location on the site to place the shed. Mrs. Pozniak replied that there really is no other location because it is the most convenient spot and the rest of the yard would have other uses inhibited because the shed would be in the way. She explained that there is a large apple tree on the other side of the yard, and Mr. French noted that there are two large

trees on the site.

Mr. Friedler, referring to the shape of the property, wondered if the area where the shed is located was carved out specifically because of the building when the property was reconfigured and sold. Mr. McCarrell asked about the neighboring property and was told that there was a new house built on the site.

Resident George Mazzaro commented that he didn't see a problem with the plan but mentioned that there should be enough space to cut the grass around the shed. He noted that residents don't always know the code requirements when they purchase a home.

Reviewing the checklist, Mrs. Fennell said that the property would yield a reasonable economic return and have beneficial use even if the variances were denied. Mr. McCarrell agreed.

Regarding whether the variance is substantial, Mr. French noted that if there was never a shed there, the variances could be viewed as substantial. But since the existing shed is being replaced with a smaller one, he felt that the owner was moving in the right direction to make the variances less substantial.

Mrs. Fennell then spoke about whether the essential character of the neighborhood would be altered or whether adjoining properties would suffer a detriment if the variance is granted. She did not feel that the neighborhood's character would be altered as many other houses there have sheds. One of the adjoining parcels is a park owned by the city, which would not be affected. Mr. French began a brief conversation on liabilities if a neighboring tree fell on the shed.

Mrs. Fennell did not think government services would be affected if the variances are granted. Additionally, she did not think that the owners were aware of the need for variances since the existing shed was already in place when the property was purchased.

Referring to the owner's predicament being solved through another method other than a variance, Mrs. Fennell noted that it probably could not be because of the apple tree. The members felt that the spirit and intent behind the zoning regulations would be observed if the variances were granted.

**MOTION: To grant to Brian and Melissa Pozniak for the property at 282 South Chillicothe Road in an R-3 district a 96 square foot variance from Section 1153.04(b)(2) of the Aurora Codified Ordinances which allows a lot having less than one acre a maximum accessory building area of 576 square feet to allow the construction of a 192 square foot accessory building in addition to their existing 480 square foot garage as shown on the applicant's plan.**

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

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

Nays: None

**MOTION: To grant to Brian and Melissa Pozniak for the property at 282 South Chillicothe Road in an R-3 district a 9 foot variance from Section 1155.04(c) of the Aurora Codified Ordinances which requires a ten foot (10') sideyard setback to allow**

**the construction of an accessory building one foot (1') off the north property line as shown on the applicant's plan.**

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

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

Nays: None

**MOTION: To grant to Brian and Melissa Pozniak for the property at 282 South Chillicothe Road in an R-3 district a 9 foot variance from Section 1155.04(c) of the Aurora Codified Ordinances which requires a ten foot (10') side yard setback to allow the construction of an accessory building one foot (1') off the south property line as shown on the applicant's plan.**

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

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

Nays: None

**MOTION: To grant to Brian and Melissa Pozniak for the property at 282 South Chillicothe Road in an R-3 district a five foot (5') variance from Section 1155.04(c) of the Aurora Codified Ordinances which requires a ten foot (10') rear yard setback to allow the construction of an accessory building five feet (5') off the west property line as shown on the applicant's plan.**

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

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

Nays: None

**MISCELLANEOUS:**

There was no miscellaneous business.

**ADJOURNMENT:**

Mr. Friedler moved to adjourn at 7:50 p.m.; Mr. French seconded, and the motion carried, 4-0, on a voice vote.

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Terese Fennell – Vice Chairman

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Susan Dombeck - Clerk  
AUDIO TAPE ON FILE