

CITY OF AURORA
OHIO
BOARD OF ZONING APPEALS
Meeting Minutes
October 12, 2011

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, October 12, 2011 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: Bernard McCarrell
Don Arbuckle
Peter French
Terese Fennell
Absent: Tony Gramm
Jeff Iammarino
Also Present: Doug Paul, Legal Advisor
Denise Januska, City Planner
Susan Dombeck, BZA Clerk

WORK SESSION:

Mr. Arbuckle explained the procedure for the work session.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Mr. Arbuckle briefly reviewed each item and explained their requests.

JAMES VACA, 1104 MONETA AVENUE [1109013]

A variance is requested from Section 1153-04(b)(2) of the Aurora Codified Ordinances to allow an accessory building of 1200 square feet when the code only allows a maximum of 576 square feet

WALDEN CO., BISSELL ROAD & WALDEN DRIVE [1109014]

A variance is requested from Section 1159(a)(5)(B) of the Aurora Codified Ordinances to allow a sign to be located at the right-of-way line on Walden Drive instead of having the required minimum setback of ten feet from the right-of-way line

MEETING:

Mr. Paul 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 September 14, 2011 as printed.

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

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

Nays: None

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

JAMES VACA, 1104 MONETA AVENUE [1109013]

A variance is requested from Section 1153-04(b)(2) of the Aurora Codified Ordinances to allow an accessory building of 1200 square feet when the code only allows a maximum of 576 square feet

Mr. Arbuckle mentioned that one letter was received from a property owner that said they had no objection to the request. Six letters in favor of the request were distributed at the beginning of this meeting and must be accepted for the record since they were not submitted seven days before the meeting.

MOTION: To accept the six letters recently received for the record.

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

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

Nays: None

Jim Vaca owns the site and lives across the street from the property. He said that the house was built in the 1940's and is only 576 square feet. The single car garage that was on the site has been removed. The proposed garage would set back about 140 feet from the road and would be in line with other buildings on the street. Mr. Vaca told the members that he plans to store equipment, the jeep he uses to plow and a few antique vehicles in the new garage.

Mr. Vaca stated that the two lots that make up the site have been consolidated into one lot. He mentioned that there is plenty of room to add to the house if that is ever needed,

and a conversation on code requirements followed. Mr. Vaca explained the timeline for the construction and described how it will be built.

Resident George Mazzaro was in favor of the request and commended Mr. Vaca for the work he is doing to improve the site.

Richard Gunthrie, of 1100 Moneta Avenue, said that the applicant always took care of his properties and felt this plan was a plus for the neighborhood.'

Mr. Arbuckle began a review of the variance checklist and noted that the applicant would still enjoy the benefits of the property even if the variance is denied. Mrs. Fennell said that without any type of garage, it would be more difficult to sell the property in the future. Mr. Arbuckle responded that they would have to determine if there would be a reasonable economic return, and if the variance is denied the economic return may not be as much, but it would still be reasonable.

As for how substantial the variance is, Mr. Arbuckle said it is more than twice than what is allowed, but to be considered are the efforts of the property owner, the consolidation of the lots, the removal of the previous garage and the surrounding neighborhood, which has many large buildings.

According to Mr. Arbuckle, the character of the neighborhood would be improved. Mr. French noted that many in the neighborhood have come out in support of this project. As to government services, Mr. Arbuckle stated that there would be no real affect to those services.

Regarding the property owner's knowledge of the zoning regulations, Mr. Arbuckle pointed out that the applicant stated he was here well before any of the new codes were approved so there would have been no way of knowing what the future would do to the zoning.

Whether the owner's predicament can be solved through some other method was the next item to consider. Mr. Arbuckle pointed out that the board could insist that the building meet the code, but then there would be another small building that would not accommodate the property owner or increase the value of the property. He felt that the predicament could be solved but the solutions would be in the negative.

Mr. Arbuckle thought that the improvement and maintenance of the property was well within the spirit and intent of the code and a move in the right direction.

MOTION: To approve the application of James Vaca for a variance from Section 1153.04(b)(2) of the Aurora Codified Ordinances for the property known as 1104 Moneta Avenue where the code allows for a maximum accessory building of 576 square feet to allow for an accessory structure of 1200 square feet.

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

WALDEN CO., BISSELL ROAD & WALDEN DRIVE [1109014]

A variance is requested from Section 1159(a)(5)(B) of the Aurora Codified Ordinances to allow a sign to be located at the right-of-way line on Walden Drive instead of having the required minimum setback of ten feet from the right-of-way line

Jack Burge represented the applicant and said that there are existing signs at both the north and south entrance of Walden. The sign that needs the variance is the one at the south entrance. He added that the project is to get rid of some old, rotted and unsightly signs at both entrances and to bring the signs current with a new logo.

Mr. Burge said that the new sign will be smaller than the existing sign. He said they had planned to locate the sign about 40-50 feet from the road to meet the right-of-way setback, not realizing that Walden Drive has an 80 foot right-of-way and not 50, like Bissell Road does.

Mr. Burge explained that the sign will be located in the same spot as the existing sign and will be a ground lit sign. He stated that it would be a hardship if they had to relocate the sign because the other side of the street would require the same setback but is also part of the golf course. He said that the problem with moving the sign ten feet back from its current location is that there is a very fine stand of trees right behind it which would have to be taken down.

Mr. Arbuckle noted that the board received one letter with no objection to the request. No letters against the request were received. Mr. Arbuckle commented that he is glad to see someone proposing to replace a sign with something smaller instead of larger.

Per an inquiry by Mr. Arbuckle, Mr. Burge explained that they are installing a sign at both entrances, but the sign at the north entrance does not require a variance.

Mr. Mazzaro said that Walden has kept up with the code regulations and, like others, must get variances when the code changes. He spoke of the problems code changes can cause and suggested the city consider "grandfathering" certain issues in the future.

Mr. Arbuckle began the checklist review and said that if the variance were denied there would not be an economic affect, but it would cause the old sign to deteriorate even further.

Mr. Arbuckle stated that the variance is not substantial, especially since the replacement sign will be smaller than the existing one. He said the character of the neighborhood would not be altered in any way, nor would the government services be affected.

Mr. Arbuckle noted that the sign was installed long before the code requirements came into effect and it is a replacement sign, so whether or not the owner was aware of the zoning when he purchased the property is not really a factor.

Whether the property owner's predicament could be solved through another method was considered, and Mr. Arbuckle pointed out that there really is no other reasonable way to do it.

As for the spirit and intent of the zoning regulations, Mr. Arbuckle said that this is a replacement sign and really has no bearing on that. He thought that the proposed location is suitable and appropriate for the sign.

Mr. Arbuckle stated that the sign is very important for those looking to enter the Walden development. The sign does comply with all other aspects of the code requirements.

MOTION: To approve the application of Walden Co. for a variance from Section 1159.16(a)(5)(B) of the Aurora Codified Ordinances for the property know as the northwest corner of Bissell Road and Walden Drive where the code requires a sign to have a minimum setback of 10 feet from the right-of-way line to allow for a sign to be located in the right-of-way line on Walden Drive.

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

MISCELLANEOUS:

There was no miscellaneous discussion.

ADJOURNMENT:

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

Don Arbuckle - Chairman

Susan Dombeck - Clerk
AUDIO TAPE ON FILE