

CITY OF AURORA
OHIO
BOARD OF ZONING APPEALS
Meeting Minutes
November 9, 2011

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, November 9, 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
Tony Gramm
Absent: Jeff Iammarino
Also Present: Doug Paul, Legal Advisor
Denise Januska, City Planner
Susan Dombeck, BZA Clerk

Mayor McGill was in attendance to present Mr. Arbuckle a plaque from the city thanking him for his service on the Board of Zoning Appeals. Mrs. Fennell then read aloud a resolution that was unanimously approved by the board thanking Mr. Arbuckle for the time and hard work that he gave while on the board.

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.

RYAN & LISA BORROWY, 180 HANES ROAD [1110015]

Two variances are requested from the Aurora Codified Ordinances. Those variances are:

- 1) from Section 1153.04(b)(2) to allow a new accessory structure and the existing accessory structure to have a total of 3,000 square feet, which is 1,000 square feet over the maximum allowed total of 2,000 square feet; and*
- 2) from Section 1155.06(e)(2) to allow a new accessory building with a height of 28 feet 1 inch instead of the maximum allowed height of 25 feet.*

JAMES SEGA, 1229 WEST GARFIELD ROAD [1110016]

A variance is requested from Section 1153.04(b)(2) of the Aurora Codified Ordinances to allow a new accessory structure and the existing accessory structure to have a total of 1,578 square feet, which is 578 square feet over the maximum allowed.

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 October 12, 2011 as printed.

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. McCarrell, Mr. Gramm, Mr. Arbuckle
Nays: None

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

RYAN & LISA BORROWY, 180 HANES ROAD [1110015]

Two variances are requested from the Aurora Codified Ordinances. Those variances are:

- 1) *from Section 1153.04(b)(2) to allow a new accessory structure and the existing accessory structure to have a total of 3,000 square feet, which is 1,000 square feet over the maximum allowed total of 2,000 square feet; and*
- 2) *from Section 1155.06(e)(2) to allow a new accessory building with a height of 28 feet 1 inch instead of the maximum allowed height of 25 feet.*

Mr. and Mrs. Borrowy introduced themselves and Joe Calderwood, their architect. Mr. Arbuckle stated that a revised site plan was received in the last few days and it must be accepted into the record by a motion.

MOTION: To accept the revised site plan for 180 Hanes Road for the record.

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

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

Mr. Borrowy explained the change on the site plan to show the correct rear setback. He stressed that it has nothing to do with the variance, but they wanted to show the correct measurement for the rear setback.

Mrs. Borrowy said that there is no basement or extra storage space in the house. Because of that, they use the attached garage for storage and must keep their vehicles in the driveway. They are also paying for two storage units for tools, sports equipment, etc. She stated that they would like to have the convenience of storing items on site. Mrs. Borrowy mentioned that when they purchased the home two years ago they were aware that they would need to deal with the storage issue in the near future.

Mr. Arbuckle said that it seems like an extreme variance request, but when you see the entire amount of property it doesn't seem as much. Mr. Arbuckle announced that five letters supporting the requests were received from surrounding neighbors.

Mr. Borrowy explained that they have a storage unit at Freedom Self Storage in Aurora as well as a pod on their property.

Mr. Arbuckle noted that the proposed building is two stories. He asked why it was necessary to have a two-story building that exceeds the height variance. Mr. Borrowy responded that the second story will have his wood shop. He plans to have it higher up to keep items out of the way. One reason for the height is to have a twelve foot ceiling on the ground floor to park a boat that they hope to acquire in the near future. They also hope to have the building heated in the future.

Per an inquiry by Mr. Gramm, Mr. Borrowy noted that they do not plan to have any living area in the building. As to his woodworking, it is only a hobby and not a business now or in the future.

According to Mr. Borrowy, the garage doors will be facing the rear yard, and he then explained how an existing driveway will be used for access. Mr. Borrowy stated that the small shed is a newer structure and they use it as more of a gardening shed. There are no plans to remove it.

Resident George Mazzaro stated that he has no problem with the variance request. He felt that the property is very large and this request is not out of line.

Referring to the checklist, Mr. Arbuckle said that the applicant would still enjoy their property if the variances were denied. He stated that, under normal circumstances, the variance well exceeds the allowed square footage, but because of the size of the property it seems less severe. Regarding the essential character of the neighborhood, because of the size and location of the lot the adjoining properties would not be altered if the variance is granted.

Mr. Arbuckle said that the applicant admitted that they purchased the property knowing that they would have to address the storage problem in the future, and in this case request a variance. He mentioned the spirit and intent behind the zoning regulation and

stated that it has to do with safety factors, beautification of the area and compatibility. Mr. Arbuckle then reiterated that, again, it has to do with the size, area and location of the site and it would be well within the spirit of the zoning regulation. He did not see anything that would significantly impact that area.

MOTION: To grant the application of Ryan and Lisa Borrowy for a variance from Section 1153.04(b)(2) of the Aurora Codified Ordinances for the property know as 180 Hanes Road, where the code allows a maximum of accessory structures to total 2,000 square feet to allow for an accessory structures total of 3,000 square feet.

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

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

Regarding the height variance, Mr. Arbuckle asked the applicant if they had anything to add to their presentation. Mrs. Borrowy pointed out that it would not be as high as the house and would not really stand out because of the additional height.

Again referring to the checklist, Mr. Arbuckle stated that the property would still yield a reasonable economic return and have beneficial use if the variance is denied. The variance request is not substantial based on the size of the building. It would have no real impact on the character of the neighborhood and is designed to fit in with the architectural design of the house.

Mr. Arbuckle said that the governmental services would not be impacted at all. About the owners knowing of the zoning regulations when purchasing the property, Mr. Arbuckle stated that they may not have known about the height restriction. He noted that the primary hurdle was having the size of the building approved, and if the building were designed to be lower it would not be an attractive structure.

Regarding the situation being solved using another method, Mr. Arbuckle said that the board could deny the request, but that would not be common sense. Whether the request is within the spirit and intent of the zoning regulation, Mr. Arbuckle stated that aesthetically it is the right height for the size of the proposed building for that area.

MOTION: To grant the application of Ryan and Lisa Borrowy for a variance from Section 1155.06(e)(2) of the Aurora Codified Ordinances for the property know as 180 Hanes Road, where the code allows an accessory structure to be no higher than 25 feet, to allow for an accessory structure to be 18 feet 1 inch high.

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

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

JAMES SEGA, 1229 WEST GARFIELD ROAD [1110016]

A variance is requested from Section 1153.04(b)(2) of the Aurora Codified Ordinances to allow a new accessory structure and the existing accessory structure to have a total of 1,578 square feet, which is 578 square feet over the maximum allowed.

Mr. Arbuckle explained the variance request. Mr. Sega explained that they need extra storage space. The existing garage is already full since they have three automobiles and a tractor. They did some extensive landscaping on the property and have equipment to maintain it that needs to be stored. In the summer the structure will be used as a potting shed and in the winter it will be used for storage. He said the building is 192 square feet.

Mr. Arbuckle told the members that a letter was received from a neighbor who approves the request, but since it was not received beyond the seven day requirement he asked for a motion to accept the document for the record.

MOTION: To accept the letter regarding 1229 West Garfield for the record.

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

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

Mr. Arbuckle asked how the building was constructed before obtaining a permit or a variance. Mr. Sega explained that he was not aware that a temporary structure would need a permit. When he had his concrete driveway installed and had the building inspector there to check it, he was in the middle of building the shed. The inspector then informed him that he needed a permit. He reiterated that since it doesn't have a permanent foundation he did not realize a permit was needed.

Mr. Sega explained that he built it using much of the materials left over from the garage construction in 2008.

Mr. Arbuckle asked about the wetlands, and Mr. Sega replied that the Westerly treatment plant was across the street and wetlands surround their property in the rear and on the sides. There is no buildable lot adjoining his, and the other neighbors cannot see his house from theirs.

Mr. Arbuckle explained the checklist to the applicant and continued the review. He said if the variance was denied, the applicant could still enjoy the property. The variance is substantial only in that it was built before a permit was obtained, otherwise the lot is large and surrounded by wetlands.

Regarding the character of the neighborhood, Mr. Arbuckle noted that the site is isolated with no other house nearby. He said that there would be no impact on any of the government services. He pointed out that the owner admitted not knowing a permit was needed and it was discovered when the city's inspector was there for another project.

Whether the predicament can be solved through another method was the next item to consider. Mr. Arbuckle said that they board could insist that the building be removed, but it would not be the best decision. Regarding the spirit and intent of the zoning regulations, Mr. Arbuckle reiterated that the lot is isolated and surrounded by wetlands with nobody close by, so he felt it was a minor point.

MOTION: To grant the application for James Sega for a variance from Section 1153.04(b)(2) of the Aurora Codified Ordinances for the property known as 1229 West Garfield Road where the code allows a maximum accessory structure of 1000 square feet to allow for an accessory structure of 1578 square feet.

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. McCarrell, Mr. Gramm, Mr. Arbuckle

Nays: None

MISCELLANEOUS:

Mr. Mazzaro praised Mr. Arbuckle for his professionalism and fairness and thanked him for his dedication and service on the board and to the community.

ADJOURNMENT:

Mrs. Fennell moved to adjourn at 8:20 p.m.; Mr. Gramm seconded, and the motion carried, 5-0, on a voice vote.

Don Arbuckle - Chairman

Susan Dombeck - Clerk
AUDIO TAPE ON FILE