

CITY OF AURORA  
**BOARD OF ZONING APPEALS**  
**MEETING MINUTES**  
June 12, 2019

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, June 12, 2019, in the Council Chambers at City Hall. Chairman Terese Fennell called the meeting to order at 6:29 p.m. A technical failure with the audio equipment occurred during this meeting. No recording of this meeting is available.

**ROLL CALL:**

Present: Tom Carr  
Terese Fennell  
Jeff Iammarino

Absent: Tony Gramm  
Steven Greenberger

Also Present: Matt Vazzana  
Meredith Davis, Asst. Director, Planning, Zoning & Bldg. Division  
Christine Gruttadauria, Secretary, Pro Tem  
Jack Burge, Director of Economic & Entrepreneurial Development

Mr. Vazzana swore in those in attendance who wished to speak this evening.

**AMENDMENTS TO THE AGENDA:**

**Motion: To accept for consideration two letters regarding 186 Chatham Drive.**

Mr. Carr moved; Mr. Iammarino seconded and the motion carried on a 3-0 roll call vote.

Yeas: Mr. Carr, Mr. Iammarino, Ms. Fennell

Nays: None

**Motion: To accept for consideration two letters regarding The Greens of Aurora, N. Chillicothe Rd.**

Mr. Iammarino moved; Mr. Carr seconded and the motion carried on a 3-0 roll call vote.

Yeas: Mr. Iammarino, Mr. Carr, Ms. Fennell

Nays: None

**APPROVAL OF MINUTES:**

There were not enough members present who attended the April 10, 2019 meeting to adopt the minutes. They will be considered at the next meeting.

**Motion: To adopt the meeting minutes of May 8, 2019 as submitted.**

Mr. Carr moved; Mr. Iammarino seconded and the motion carried on a 3-0 roll call vote.

Yeas: Mr. Carr, Mr. Iammarino, Ms. Fennell

Nays: None

**OLD BUSINESS:**

None

\*\* Ms. Fennell explained to the gallery that only three members of the Board were present this evening. Therefore, applicants would need a unanimous yes vote for approval of variance requests. She further explained that applicants could request to have their application postponed if they felt the vote would not be unanimous.

**NEW BUSINESS:****Kevin Snyder, 186 Chatham Drive – Accessory Structure 4 feet from residence and 4 feet from property line (1905008)**

Kevin Snyder of 186 Chatham Drive attended the meeting to represent the variance request and answer questions. Mr. Snyder is seeking two variances. One for an accessory structure 4 feet from the residence, and one for an accessory structure 4 feet from the property line. Ms. Fennell noted that the Board would discuss the variances together and vote on them separately. The applicant is seeking the variances to construct a 2-car detached garage. Mr. Snyder stated that the accessory structure would house his truck and boat. He stated that currently he manually pushes the boat into the existing garage. He stated that because of the incline on the driveway and his age this is becoming difficult. The applicant stated that he has water issues in the back yard and that is one reason why he cannot move the location of the proposed structure. Letters were received both in support of the variance and against the variance. Ms. Fennell opened the floor to the Board members, for questions and concerns.

Mr. Carr confirmed the vinyl siding and trim would match the existing house. He asked the applicant if he intended to re side the existing house if the sidings do not match. The applicant confirmed that if the siding did not match, he would paint the house, or install new siding.

Mr. Iammarino commented that the only way to avoid the variance would be to move the proposed structure south on the property. The applicant explained there is a drop off on the property and that area of the yard is wet.

No residents attended the meeting to make public comment. The Board members discussed the application. Mr. Iammarino stated that he visited the site and he found the petition to be factual. He stated the yard drops off and does appear to be wet. He also stated there does not seem to be an alternate location. Ms. Fennell agreed with his assessment. Ms. Fennell stated that the variance request seems to be in the best interest

of the applicant as well as the neighborhood. Mr. Iammarino questioned the front facing garage door. Ms. Davis noted that the applicant still had to get approval from the Architectural Board of Review, and that Board would look at the front facing garage. Mr. Carr stated that the variance request is substantial, but he did not see another way to accommodate the construction of an accessory structure.

Mr. Vazzana read the legal description of the variances.

**MOTION: To grant the variance request that would allow an accessory structure with a four (4) foot side yard setback. Where the code states a minimum side yard setback shall be ten (10) feet.**

Mr. Iammarino moved; Ms. Fennell seconded, and the motion carried, 3-0, on a roll call vote.

Yeas: Mr. Iammarino, Ms. Fennell, Mr. Carr

Nays: None

**MOTION: To grant the variance request that would allow an accessory structure with a four (4) foot setback from a residential structure, where the code states the minimum setback shall be fifteen (15) feet.**

Mr. Iammarino moved; Mr. Carr seconded, and the motion carried, 3-0, on a roll call vote.

Yeas: Mr. Iammarino, Mr. Carr, Ms. Fennell

Nays: None

**James & Melissa Skolaris – 290 S. Chillicothe Rd. – Side Yard Setback for an accessory structure (1905009)**

Melissa Skolaris of 290 S. Chillicothe Rd. attended the meeting to present the variance and answer questions. Ms. Skolaris is seeking a variance for a side yard setback. The applicant requires a variance to replace an existing accessory structure in the same location. The applicant stated the new accessory structure would be the same foot print and same square footage as the existing structure. Ms. Skolaris stated that the only variation would be to add a carport. Ms. Skolaris stated that to put the garage in a location that did not require a variance would be to locate the structure in the middle of the backyard. The applicant did not feel this was a feasible solution. She did not think it would add value to her property, and it would decrease the amount of usable outdoor living space. Ms. Fennell opened the discussion to the Board for questions and concerns.

Mr. Iammarino stated that if you look at the variance request by the numbers, the request is substantial. Mr. Iammarino also stated that because the location of the proposed structure is not changing, he does not have a problem with the variance. Ms. Fennell stated that the applicant provided signatures of approval from three of her neighbors. Mr. Carr asked if the proposed driveway would be installed. He also questioned if the sidewalk would be installed. Ms. Skolaris stated that she would like to move forward with the driveway, but had to go to the Landmark Commission first. She commented that she had concerns over the installation of the sidewalk, but is open to the idea providing the City address her concerns.

Ms. Fennell opened the floor for public comment.

Deb Conti of 234 S. Chillicothe Rd., Aurora attended the meeting to make a public comment. Ms. Conti stated that she is a neighbor of the applicant and has the same issues with her garage. She said she was told she would have to repair her structure and not rebuild it. Ms. Conti further stated that she was glad the applicant had the opportunity to rebuild, and is in favor of the variance.

Hearing no further public comment, Ms. Fennell closed the discussion to the public. The Board discussed the application. Ms. Fennell stated that if the applicant uses the same footprint the variance would not be substantial. She further stated that granting the variance would not alter the essential character of the neighborhood. Mr. lammarino agreed with her assessment. Mr. Carr stated that the variance did seem substantial, but also seemed to be the most viable solution.

Mr. Vazzana read the legal description of the requested variance.

**MOTION: To grant the variance request that would allow an accessory structure with a two (2) foot side yard setback where the code states that the minimum setback shall be ten (10) feet.**

Mr. Carr moved; Ms. Fennell seconded, and the motion carried, 3-0, on a roll call vote.

Yeas: Mr. Carr, Ms. Fennell, Mr. lammarino

Nays: None

### **Ken & Kaylen Diederich – 970 Moneta Ave – Side Yard Setback (1905010)**

Ken Diederich of 970 Moneta Avenue attended the meeting to present the variance and answer questions. The applicant is requesting a variance to build an addition three feet from the property line. Mr. Diederich stated that he has his neighbors support for the variance. Mr. Diederich stated that the addition would follow the existing walls. It would just extend the home 40 feet. He intends to add 3 bedrooms and move the kitchen. He stated the existing kitchen would be turned into a laundry room. Ms. Fennell opened the discussion to the Board for questions and concerns.

Mr. lammarino confirmed the addition would extend the house. He stated the lots are narrow and there does not appear to be an alternate location. Mr. lammarino also pointed out that the existing house is currently non-conforming. Ms. Fennell noted that if the addition were moved it would extend into the driveway, and block the garage access.

Ms. Fennell asked for public comment. No residents attended the meeting to make public comment.

The Board discussed the application. Ms. Fennell stated that the variance did seem substantial because of the lot size. She further stated that when you considered the property in relation to the variance it was not substantial. Mr. Carr agreed with the comments in the staff report, Mr. lammarino agreed as well.

Mr. Vazzana read the legal description of the variance.

**MOTION: To grant the variance request that would allow a residential addition with a three (3) foot side yard setback where the code states that the minimum setback shall be six (6) feet.**

Mr. Iammarino moved; Mr. Carr seconded, and the motion carried, 3-0, on a roll call vote.

Yeas: Mr. Iammarino, Mr. Carr, Ms. Fennell

Nays: None

**Elm Aurora Ltd./Greens of Aurora – N. Chillicothe Rd – Parking Space Dimensions 9X20 (1905011)**

Ms. Fennell noted that the mailing and advertisement that went out to the public listed two variance requests. One, which was previously approved for front setbacks, and the second for the size of the parking spaces. Ms. Fennell clarified the Board would only be discussing the size of the parking lot spaces, and not where they will be located, or the front setbacks. Ms. Davis confirmed that the issue of front setbacks was addressed and approved at a 2016 meeting.

Sam Canata of 30799 Pine Tree Rd, Suite 254, Cleveland, OH 44124 attended the meeting to present the variance and answer questions. Mr. Vazzana swore in the applicant, as he was not present at the start of the meeting. Mr. Canata is requesting a variance to allow parking spaces that are 9X20, rather than the required 10X20. The applicant stated he is in the final stages of satisfying the requirements for the Engineering Department. Mr. Canata gave a brief description of the property and noted that there is a conservation easement that will provide a buffer for the residents to the east. Mr. Canata stated that the conservation easement condenses the area of developable land. He noted this was the main reason for needing the parking size variance. He also stated that the proposed buildings would be constructed as tenants express an interest. He will not be building all at once. Mr. Canata stated that based on his proposed square footage, he is about 10 parking spaces over the required amount. Ms. Fennell opened the discussion to the Board for questions and concerns.

Mr. Iammarino stated that the applicant is in a hard spot. Giving land back for conservation, while trying to conform to required parking sizes. He confirmed with the applicant that the easiest solution would be to make the parking spaces smaller. Ms. Fennell asked if the parking would be along the conservation easement. Mr. Canata explained that the parking would not be along the easement, the buildings would back up to the easement. Mr. Carr asked for clarification as to the number of spaces requested. Mr. Canata confirmed he is requesting 146 spaces total. This number includes 108 spaces, plus an additional 38 spaces that will be used in the future. Mr. Iammarino clarified that if the variance were granted, the applicant would have ten spaces more than what the city requires. He questioned the need for the variance. Mr. Canata explained that eliminating the ten spaces would not completely satisfy the required 10X20 requirement. Some spaces would still require the variance.

Ms. Fennell asked for public comment.

John Findeisen of 95 Royal Oak Drive, Aurora asked for clarification regarding a letter from the Engineering Department that addressed minimum setbacks. Ms. Davis explained that GPD is the contractor that approves the Engineering plans. They did not have a copy of the resolution regarding the setback variance that was passed in 2016. Mr. Findeisen also questioned when the buildings would be built and where they would be located. Ms. Fennell explained that the issue in front of the Board was only for parking spaces. Future buildings would need to be presented to the Planning Commission. Mr. Canata stated that part of the delay is because he had a traffic study done to see if a traffic light was warranted. The study did support the use of a traffic light. The applicant stated that he still required several approvals from the City. Mr. Findesein spoke again and asked if there was a timeline for construction. He is concerned that the project will last for several years and the neighboring residents will have to listen to indefinite construction noise. Jack Burge, Director of Economic & Entrepreneurial Development for the City of Aurora addressed the Board. Mr. Burge stated that the discussion was getting off track. Mr. Burge stated that he feels for Mr. Canata. He stated that it is difficult to bring retail to the City due to the fact that Aurora does not have the density, rooftops, or population to support retail. Mr. Burge stated that the variance request for smaller parking spaces is the issue being discussed, and this same type of variance has been granted in the past.

Hearing no further public comment, Ms. Fennel closed the discussion to the public. The Board discussed the application. Mr. Iammarino stated that speaking solely to the parking space size; the variance request does not seem substantial. Mr. Iammarino stated the same type of variance has been granted in the past. Ms. Fennell stated that the proposed parking area would be in the middle of the buildings, similar to Barrington Square. The variance does not seem substantial. Mr. Carr agreed with the assessment of the other members. He added that when consideration was given to Starbucks for the same type of variance there were no issues. He further added that the staff report indicated the variance was not substantial. Lastly, he noted that the central character of the neighborhood would not be altered by granting the variance.

Mr. Vazzana read the legal description of the requested variance.

**MOTION: To grant the variance request that would allow 9-foot by 20-foot parking spaces in a C-2 commercial district, where the code states the minimum parking space size shall be 10 feet by 20 feet.**

Mr. Iammarino moved; Ms. Fennell seconded, and the motion carried, 3-0, on a roll call vote.

Yeas: Mr. Iammarino, Ms. Fennell, Mr. Carr

Nays: None

**Meggon & Andy Hauptner – 400 Regal Oaks Circle – Fence exceeding 6 feet in height (1905012)**

Mark Barker of H&M Landscaping 10389 Kinsman Road, Newbury, OH 44065, attended the meeting to represent the applicants. The applicants are requesting a variance for an eight-foot fence, rather than a six-foot fence. The fence will provide privacy for a newly installed hot tub. Mr. Barker will install the fence. He stated that there is a thirteen-foot change in elevation from the street to the back of the patio. Mr. Barker stated that the neighbor has an elevated deck and the extra feet of privacy fence for the applicants would be beneficial. Ms. Fennell stated that three letters in support of the variance had been received from neighbors. Ms. Fennell opened the discussion to the Board for questions and concerns.

Mr. Carr asked if there is any other way to create the desired privacy. Possibly by using landscape materials. Mr. Barker stated that they considered the use of trees and tall bushes. He stated that evergreens would eventually outgrow the allotted space and the use of arborvitae is not desirable as it attracts deer. He stated that minor landscape would be used to soften the proposed fence. Mr. Barker stated the fence would be a Board on Board Cedar fence.

Ms. Fennell asked for public comment. No residents attended the meeting to make public comment.

The Board discussed the application. Ms. Fennell stated that a fence around a hot tub is not unusual. She understands the need for privacy and the variance is not substantial. Mr. Carr agreed and stated that there did not seem to be an alternative with plantings. Mr. Iammarino noted that the location of the hot tub and fence is 6-8 feet below grade.

Mr. Vazzana read the legal description of the requested variance.

**MOTION: To grant the variance request that would allow an 8 foot fence in an R-3 residential district, where the code states the maximum height of a fence shall be 6 feet.**

Mr. Iammarino moved; Ms. Fennell seconded, and the motion carried, 3-0, on a roll call vote.

Yeas: Mr. Iammarino, Ms. Fennell, Mr. Carr

Nays: None

**Hakka Wok – 1077 N. Aurora Road – Monument Sign 6 feet from R.O.W (1905013)**

Mark Bailin of Diamond Signs and Graphics, 4516 Renaissance Parkway, Warrensville Heights, 44128 attended the meeting to present the variance and answer questions. Mr. Bailin is representing Hakka Wok in a request for a variance for a ground sign. The proposed sign would be placed six feet from the Right-of-Way. Ms. Fennell opened the discussion to the Board for questions and concerns.

Ms. Fennell asked if the sign could be installed in any other location. Mr. Bailin explained

that the requested location is ideal as the building is close to the road. Ms. Fennell also asked if a sign on the building was ever discussed. Mr. Bailin stated that the possibility was discussed with the applicants, but not with the owner of the building. Mr. Bailin also explained that a ground sign would have information on both sides and would provide better visibility for the business. Lastly, Ms. Fennell asked if the ground sign would affect site distance for drivers. The applicant explained the sign would not affect drivers. The sign would be located on the far side of the sidewalk. Mr. Carr stated that the proposed sign would be in line with other signs in the immediate area.

Ms. Fennell asked for public comment. No residents attended the meeting to make public comment.

The Board discussed the application. Ms. Fennell stated that a wall sign would be difficult to see. She also stated that the variance was not substantial and would help with economic return. She stated the proposed sign was in line with other signs on the street. Mr. Iammarino stated the variance was not substantial and fit with the character of the neighborhood. Mr. Carr agreed with both assessments.

Mr. Vazzana read the legal description of the requested variance.

**MOTION: To grant the variance request that would allow a monument sign 6 feet from the Right of way, where the code states the minimum setback shall be 10 feet.**

Mr. Carr moved; Mr. Iammarino seconded, and the motion carried, 3-0, on a roll call vote.

Yeas: Mr. Carr, Mr. Iammarino, Ms. Fennell

Nays: None

**MISCELLANEOUS:**

None

**ADJOURNMENT:**

Mr. Carr moved to adjourn at 7:34 p.m. Mr. Iammarino seconded, and the motion carried on a unanimous voice vote.

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Terese Fennell - Chairman

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Chris Gruttadauria – Secretary, Pro Tem