

CITY OF AURORA
BOARD OF ZONING APPEALS
MEETING MINUTES
July 10, 2019

Prior to the start of the meeting, Mr. Vazzana administered the oath of office to new member Kevin Krane.

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, July 10, 2019, in the Council Chambers at City Hall. Chairman Terese Fennell called the meeting to order at 6:30 p.m.

ROLL CALL:

Present: Tom Carr
Terese Fennell
Kevin Krane, Alternate

Absent: Tony Gramm
Steven Greenberger
Jeff Iammarino

Also Present: Matt Vazzana
Meredith Davis, Asst. Director, Planning, Zoning & Bldg. Division
Marie Lawrie, Secretary

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

AMENDMENTS TO THE AGENDA:

Motion: To accept for consideration a letter from Grace E. Johnson of 310 N Bissell Road regarding Lord Properties LLC, 300 N. Bissell Road.

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

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

Nays: None

APPROVAL OF MINUTES:

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

There were not enough members present who were in attendance at the June 12, 2019 meeting to adopt the minutes. They will be considered at the next meeting.

Ms. Fennell explained that with just a quorum present at this meeting, each variance would need all three members to vote in favor of the variance in order for it to pass. She further explained that applicants could poll the members, if necessary to see how they might vote on the request. They also had the ability to ask for their project to be postponed until the next meeting.

NEW BUSINESS:

Jesse Busby, 1270 E Garfield Road – Square Footage and Height Variances for an Accessory Structure (1906014)

Jesse Busby, homeowner attended the meeting to answer questions. He stated that he was seeking a variance to erect a 40' x 60', 2400 square foot pole barn to store his cars, mowers, and personal items in a covered space. He mentioned that he has a few hobbies such as woodworking and metal working that require additional space. Code would permit a 2000 square foot pole barn on this property. He is seeking a variance to allow a height of 23 feet, where code would allow for a 15' maximum on this project. He stated that the request for additional height was necessary for a building of that size to accommodate a pitched roof. He stated that there would not be living space on the upper level.

There was no one present at the meeting to make public comment.

The Board members discussed the application. Mr. Carr stated that with 5 neighbors in favor of the variance request and the staff report indicating that the request was not substantial or impacting the neighborhood in a negative fashion, he was in favor of approving the variance requests. Ms. Fennell agreed that 400 extra square feet was not substantial on a property of this size. She was in favor of the extra height for the roof, which would make the structure resemble a barn and not a square shaped building with a flat roof. She did not think the variances would change the look of the rural area. Mr. Krane stated that the character of the neighborhood would not be affected and that 400 extra square feet was not substantial. He also stated that the peaks of the roof would be more aesthetically pleasing.

MOTION: To grant the variance request that would allow a 2,400 square foot accessory structure where the code limits the square footage to 2,000

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

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

Nays: None

MOTION: To grant the variance request that would allow an accessory structure with a 23 foot height, where the code limits the height to 15 feet

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

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

Nays: None

Lord Properties LLC – 300 N Bissell Rd. – Side Yard Setback Variances for a New Residence (1906015)

Kim Cahaus, potential property owner was in attendance to answer questions. She was seeking side yard setback variances to build a new residence. The same setback variances were approved in 2015, however; the variances expired when the project did

not move forward after one year. Ms. Cahaus stated that the property is 53' wide by 450' deep. Ms. Cahaus stated that with 15' side yard setbacks per code, she would be limited to building a house that is just 23' wide. She asked that the 8 foot side yard setbacks, which were previously approved be granted to her. When she inquired about the property, the listing real estate agent stated that the variances were in place to build on this parcel. She was later informed that the variances had expired. Mr. Carr inquired about where the applicant intends to erect the structure. She explained that she intended to build the home farther back than the previous house was positioned.

Ms. Fennell opened the floor for public comment.

Doug & Kelly Cox of 290 N Bissell Road were present to make comment. They were not in favor of granting the variances. They stated that they moved here in 2014 from Cuyahoga Falls where homes were very close together and were not in favor of losing their privacy. They did not remember receiving a letter pertaining to the previous variance request, nor did they remember seeing any signage. He stated that where the applicant intends to build the house would be essentially in the middle of his backyard. When asked, they stated that when they purchased their property, there was, in fact, a home on that parcel. It was positioned in line with the homes on either side of the property.

Ms. Cahaus stated that the property was for sale for 3 years and if the neighbor was concerned about privacy, he could have purchased this lot. She stated that she approached these neighbors to discuss her plans and they stated that they did not want her to build in line with their home. They later stated that they were not in favor of her erecting the new home farther back. Mr. Vazzana asked for front setback clarification. The answer was 50' and it was confirmed that the homes on either side of the property were constructed on that setback line. It was also confirmed that so long as the applicant conformed to the front and rear setbacks, she could position a home anywhere within the building portion of the lot. Ms. Cahaus stated that she is planning to build a French Normandy home and would like a longer approach constructed to the home. When asked about her purchase agreement, she explained that it is contingent upon approval of the variances.

There was a discussion about the fact that the previous home was demolished without a permit. Ms. Cahaus was aware that she would need to have the previous septic system removed and indicated that she would like to build on the property far enough back to remediate this situation.

Ms. Fennell asked the applicant if she would consider a privacy fence. The answer was yes. Ms. Fennell explained the difficulty approving the variance request for 8-foot side yard setbacks with the neighbors on both sides against the variance. She asked if there was a way to revise her plans and request a smaller variance. Ms. Cahaus answered that it would not be possible with the plans that she has chosen, however; she would be happy to put up privacy fencing on both sides.

Mr. Carr questioned the homeowners of 290 N Bissell about their knowledge of the

previous variance request. They stated they did not have knowledge of that request. Ms. Davis had the records from the last variance request with her. She confirmed to the chairman that records indicate that a letter was mailed to their address about the previous request and meeting date. Mr. Cox stated that he was not debating that fact, but stated that he did not remember being informed. He said he saw the sign associated with this new request. The board assured Mr. Cox that a sign was in place at the time of the previous request. Mr. Cox did not remember the sign, as the property was extremely overgrown at that time. Mr. Cox stated finally, that he would have liked to purchase the property but did not have the funds.

Mr. Carr explained to this neighbor that if the applicant was to build a narrow home that did not need a variance, that the home could be longer than the house proposed, which would block even more of his view. In order to condense the living space, this applicant is asking for side yard setback variances. Mr. Carr asked Mr. Cox if he would consider planting a screen of vegetation on his property. The answer was no. Ms. Fennell asked which was more concerning to this neighbor, the rear placement of the home or the side yard setback variance. Mr. Cox stated that he did tell the applicant initially that he did not wish the home to be erected in line with his home. He later considered where the home was proposed and was not in favor of how that would affect his rear yard. He finally stated that if the applicant would agree to move the home closer to the road, and vegetative screening was part of the approval, he may be in favor of the request.

Hearing no further public comment, Ms. Fennell closed the discussion to the public.

The Board discussed the application. There was a conversation about how this same variance request was unopposed the last time. This time the neighbors on both sides have expressed that they are against granting this variance a second time. Mr. Vazzana asked if the footprint of the project matched the last variance request. The answer was that a site plan was not provided last time. Finally, Mr. Carr asked if the current property owner was the owner on record when the home was demolished without a permit. The answer was that Property Dreams LLC owned the property when the variance was given the first time. At this time Thomas & Sviatlana Korte own the property. It is not known exactly when the house was demolished. Mr. Carr and Ms. Fennell agreed that this was a difficult dilemma. All members indicated that at this time they were inclined to turn down the request. The applicant asked the board to postpone her application.

MOTION: To postpone the variance request

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

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

Nays: None

Joseph Kozsey – 940 Moneta Ave – Side Yard Setback & Square Footage Variances for an Accessory Structure (1906016)

Joseph Kozsey, homeowner was on hand to answer questions. He was seeking side yard setback and square footage variances to replace a storage building that was

destroyed by a fire. He intends to erect the new building in the same place. He explained that if it was constructed according to the zoning codes; it would be difficult to pull into the garage. It was stated that the proposed replacement garage is smaller than the old garage because the old building was deeper. The building would continue to be erected with a 3 foot side yard setback.

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 not seem substantial. She further stated that the character of the neighborhood would be changed for the better. Mr. Carr agreed.

MOTION: To grant the variance request that would allow a 750 square foot accessory structure where the code limits this structure to 576 square feet

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

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

Nays: None

MOTION: To grant the variance request that would allow an accessory structure with a 3 foot side yard setback where code requires a minimum setback of 6 feet

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

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

Nays: None

MISCELLANEOUS:

There was a discussion about the unexcused absence of Steven Greenberger and the difficulty this presents to applicants when members are not present. A letter to Mr. Greenberger may be necessary or a phone call to the Mayor.

ADJOURNMENT:

Mr. Carr moved to adjourn at 7:00 p.m. Ms. Fennell seconded, and the motion carried on a unanimous voice vote.

Terese Fennell - Chairman

Marie Lawrie – Secretary