

CITY OF AURORA  
OHIO  
**BOARD OF ZONING APPEALS**  
Meeting Minutes  
February 10, 2016

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, February 10, 2016 in the Council Chambers at City Hall. The meeting was called to order at 6:28 p.m. by Chairman Terese Fennell.

**ROLL CALL:** Present: Terese Fennell, Chairman  
Tony Gramm  
Jeff Iammarino  
Bernard McCarrell, Vice Chairman  
Tim Novotny  
Absent: Tom Carr, Alternate  
Also Present: Meredith Davis, Asst. Director Planning, Zoning, Building Division  
Dean DePiero, Law Director  
Marie Lawrie, Clerk

**DECLARATION OF OATH:**

Mr. DePiero swore in those that planned to speak.

**AMENDMENTS TO THE AGENDA:**

None

**APPROVAL OF MINUTES:**

**MOTION: To approve the minutes of the January 13, 2016 meeting**

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

Yeas: Mr. Iammarino, Mr. McCarrell, Mr. Gramm, Mr. Novotny, Ms. Fennell

Nays: None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**MICHAEL SUDSINA, 213 RALEIGH CT (1601001) – 8’ FENCE WHERE A 4’ FENCE IS PERMITTED**

Michael Sudsina, homeowner was present to request a variance. He proposed to construct an 8 foot fence along the back property line of his parcel abutting North Aurora Road. Code allows for a 4 foot fence to be erected. He stated that North Aurora Road was widened and his property is now just 8 feet from the curb of the road. Road activity is active and loud. Vegetation is suffering from salt. When asked if the applicant had approval from his Homeowner’s Association, he reported that he was denied and is in the process of appealing that denial. He stated that the association rules allow for a fence only if you have a pool; however, he knows other residents have fences without having a pool. He hopes the association will exercise judgement with his appeal. He stated that he sees a path through the shrubbery; as if a fence was intended there. The fence will be screened by vegetation on each side. When asked if deer could be eating the vegetation, the applicant stated he has not seen deer in the time he has lived there. Mr. Iammarino questioned whether the applicant would entertain the idea of reducing the edges of the fence to the approved 4 foot tall? He stated he would possibly consider that. When asked if there was another way to feasibly solve this issue, Mr. Sudsina stated he talked with the City Engineer concerning raising the dirt mound in that area. There was a letter submitted from the next door neighbor at 211 Raleigh Court who was not in favor of the variance. There were no other letters submitted in favor or against the variance. No one present at the meeting had any comments for the Board about this variance. Ms. Fennell closed public comments. Mr. Sudsina was instructed to return when he has an approval letter from the homeowner’s association.

**MOTION: To table the variance request**

Mr. Iammarino moved for approval; Mr. Novotny seconded, and the motion carried, 5-0, on a roll call vote.  
Yeas: Mr. Iammarino, Mr. Novotny, Mr. Gramm, Mr. McCarrell, Ms. Fennell  
Nays: None

**SCOTT & JACKIE ANGELO, 787 NAUTILUS TR (1601002) – 18’ FRONT YARD SETBACK FOR AN ADDITION WHERE 25’ MINIMUM IS REQUIRED**

Scott Angelo, property owner was in attendance to address his variance request. He recently purchased the home with the intent to update the structure and put on an addition. His property is angled. His parcel extends into the water 40 feet on one corner and 34 feet on the other rear corner. He was asking for a 7 foot variance where the northeast corner of the garage addition would encroach upon the 25 foot front yard setback. When asked if he had approval from the homeowner’s association, he reported that he spoke with Madeline Osborne of The Coral Company who informed him that the project was approved. He did not have a letter stating this to be a fact. He stated that he could erect a detached garage; however, he did not feel that fit the neighborhood. There was discussion about the possibility of voting on the project contingent upon Mr.

Angelo forwarding that approval letter to the Building Department. It was decided to move on to the next applicant to give Mr. Angelo time to try to telephone a member of the homeowner's association to verify the approval. When discussion resumed with this variance request, the applicant was not able to reach any member for comment. Mr. Angelo stated that he did not know of this policy and was not in favor of his project being tabled because of it. Ms. Fennell stated that it is an unwritten policy of the Board to table projects that do not produce approval letters from their homeowner's association. Mr. DePiero stated that it is within the rights of the Board to have this policy. He also stated the policy could change. Mr. Angelo expressed concern over the amount of time that his project would be delayed. He asked the Board to hear from his neighbors on the subject. Steven Greenberger of 786 Nautilus Trail spoke on behalf of the project. He stated that this property was the worst house within the Association. He believes the project will bring the home to standard. He reported speaking with a neighbor who is currently in Florida who was also in favor of this project. He feels it will improve property values. He asked the Board to consider approving the project contingent upon the letter of approval being produced within 24 hours. Robert Elsas of 784 Nautilus Trail also commented on the project. He was in favor of the variance. He stated that Mr. Angelo would not have known that he would be required to bring an approval letter from the homeowner's association and asked for flexibility. The Board agreed to call a special meeting for the applicant so that he would not have to wait until the next scheduled meeting in March, if in fact he produced the approval letter within 24 hours. The Board would consider the comments of the neighbors, who were present at this meeting, without asking them to return.

**MOTION: To table the variance request**

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

Yeas: Mr. Gramm, Mr. Iammarino, Mr. McCarrell, Mr. Novotny, Ms. Fennell

Nays: None

**AURORA RECREATION LLC, 03-032-00-00-017-001 TRAILS END (1601003) – LOT SPLIT CREATING 2 PARCELS WITH 125.5 FOOT FRONTAGE EACH WHERE 250 FEET EACH IS REQUIRED**

J. Hunter Banbury of 329 Glengarry Drive attended the meeting. He owns a 6 acre parcel on Trails End which has been for sale for 2 years. He would like to divide the parcel into 2 separate properties. The properties that would be created by the lot split would have 125.5 foot frontages. Current code requires a minimum of 250 foot frontage in an R-2 district. The homes currently along Trails End are existing and non-conforming to the current zoning codes. Mr. Banbury has discovered that if the property remains a single lot of 6 acres, it doesn't fit the neighborhood. The house most likely to be erected would be much larger than the others. When asked how he thought he could sell 2 lots, when he hasn't been able to find a buyer for the property to date, he explained that he has a buyer under contract for one of the parcels currently contingent upon the lot split. Brandon Cole of Cleveland Heights stated that he was interested in buying one of the lots. He mentioned that he might return in front of the Board at a later date to request additional variances for the property. Ms. Fennell was in favor of tabling the variance until such time as the Board could review what would be constructed on the two sites, and where the

buildings would be erected. She wanted to consider all the variances at once, explaining to the potential buyer that if the variance was granted to split the lot, that in no way guaranteed future variances would be permitted. Mr. Cole stated that he would be interested in purchasing the property even if future variances would be turned down. A map was presented by Mr. Banbury explaining the current zoning codes as pertains to his lot split and demonstrating the buildable portions of the 2 proposed lots.

**MOTION: To accept the map for consideration**

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

Yeas: Mr. McCarrell, Mr. Novotny, Mr. Gramm, Mr. Iammarino, Ms. Fennell

Nays: None

With current zoning setback requirements the buildable portion of the lots would require homes to be erected on the rear portion of the properties. At this time Ms. Fennell opened the floor for public comment. Charles Galloway of 363 Trails End stated he was a resident for 30 years. His home is on the opposite side of the street from the property. He was not in favor of a home being erected directly behind the existing homes along Trails End. Ms. Fennell explained that whether the parcel was split or kept as one property, a house could be erected 50 feet from the property line, which would be in the area Mr. Galloway was not in favor of. Craig Baker of 354 Trails End was not in favor of the variance. If the variance was not granted, a home could be erected similar to the other houses on the street, closer to the street. He stated that he enjoyed the view of the meadow behind his property. He was unaware that the area behind his lot was not part of the former golf course property purchased by the City. Mr. Baker stated his preference that one home be erected near the street like other houses along Trails End. Ms. Fennell stated that if the parcel was not split, a very large residence and a 3,000 square foot accessory structure could be erected on the property. Stephen Ogonek of 317 Trails End spoke on behalf of the variance request. His comment was that just as Mr. Baker should have inquired about the buildable lots behind his property before he purchased the house, Mr. Banbury should have been aware of the required 250 foot frontage before he considered splitting the lot. Ann Ogonek of 317 Trails End stated that she has lived in the neighborhood over 20 years. The street is small and she preferred one new home/driveway across from her driveway over having two. She was concerned about the additional traffic and stated that zoning codes are in place for a reason. Ms. Fennell then closed the floor for public comment and proceeded to allow the Board to discuss the matter between the members. Mr. McCarrell stated that the variance was substantial. Mr. Gramm agreed. Mr. McCarrell further stated that the split would adversely affect the neighborhood. Mr. Iammarino agreed with both statements. Ms. Fennell stated that it might be more reasonable to build two smaller homes than one large home. She stated that it would be likely that a house would be erected on the back portion of the lot either way. Mr. Novotny agreed with the staff report. He felt whatever was built there will alter the neighborhood. He stated that one behemoth structure can ruin a neighborhood. It was stated that there is no limit on the square footage home that could be constructed on the 6 acre lot. There are setback requirements and a limit on the height of the structure only. To clarify, Ms. Davis stated that if the parcel was not split, a home could be built by the street. The current parcel conforms to zoning code. By splitting the parcel, this results in creating two non-conforming parcels. However,

the spirit and intent of the zoning regulation would still be observed. The split parcels would maintain the integrity of the neighborhood and the surrounding park land.

**MOTION: To approve the variance request**

Mr. Gramm moved for approval; Ms. Fennell seconded, and the motion carried, 3-2, on a roll call vote.

Yeas: Mr. Gramm, Ms. Fennell, Mr. Novotny

Nays: Mr. Iammarino, Mr. McCarrell

**MISCELLANEOUS:**

- ✚ There was a discussion pertaining to the policy of the Board to table applicants who do not show approval from their homeowner's association, if applicable. Although it is not in writing, it has been in practice to table the applicant and ask them to return to the next meeting with an approval in hand.

**ADJOURNMENT:**

**MOTION: To adjourn the meeting**

Mr. Novotny moved to adjourn at 7:44p.m. Mr. Gramm seconded, and the motion carried on a unanimous voice vote.

---

Terese Fennell - Chairman

---

Marie Lawrie - Clerk