

CITY OF AURORA  
OHIO  
**BOARD OF ZONING APPEALS**  
Meeting Minutes  
June 8, 2016

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, June 8, 2016 in the Council Chambers at City Hall. The meeting was called to order at 6:33 p.m. by Chairman Terese Fennell.

**ROLL CALL:** Present: Tom Carr, Alternate  
Terese Fennell, Chairman  
Tony Gramm  
Jeff lammarino  
Bernard McCarrell, Vice Chairman  
Absent: Tim Novotny  
Also Present: Matthew Vazzana, Legal Advisor  
Meredith Davis, Asst. Director Planning, Zoning, Building Division  
Marie Lawrie, Clerk

**DECLARATION OF OATH:**

Mr. Vazzana swore in those that planned to speak.

**AMENDMENTS TO THE AGENDA:**

**MOTION: To accept photos and nine letters from neighbors of 1124 Orchard Ave for consideration, as well as add Findings of Fact, Hickory River Smokehouse, 238 E Garfield Rd (1603017) – Parking Aisle Size Variance to the Miscellaneous portion of the agenda**

Mr. Gramm moved for approval; Mr. lammarino seconded, and the motion carried, 5-0, on a unanimous voice vote.

**APPROVAL OF MINUTES:**

**MOTION: To approve the minutes of the February 18, 2016 meeting**

Ms. Fennell moved for approval; Mr. Iammarino seconded, and the motion carried, 3-0-2, on a roll call vote.

Yeas: Ms. Fennell, Mr. Iammarino, Mr. McCarrell  
Nays: None  
Abstentions: Mr. Carr, Mr. Gramm

**MOTION: To approve the minutes of the March 9, 2016 meeting**

Mr. Gramm moved for approval; Mr. Iammarino seconded, and the motion carried, 3-0-2, on a roll call vote.

Yeas: Mr. Gramm, Mr. Iammarino, Ms. Fennell  
Nays: None  
Abstentions: Mr. Carr, Mr. McCarrell

**MOTION: To approve the minutes of the May 17, 2016 meeting**

Mr. McCarrell moved for approval; Mr. Gramm seconded, and the motion carried, 3-0-2, on a roll call vote.

Yeas: Mr. McCarrell, Mr. Gramm, Mr. Carr  
Nays: None  
Abstentions: Mr. Iammarino, Ms. Fennell

**NEW BUSINESS:**

**FRANK HOLUPKA, 1124 ORCHARD AVE (1605019) – ADDITIONAL 200 SQUARE FOOT OF ACCESSORY STRUCTURE TOTALING 776 SQUARE FOOT FOR THE PARCEL, WHERE THE LIMIT IS 576 SQUARE FOOT ON LESS THAN ONE ACRE**

Frank Holupka was present to answer questions. He had his house erected 38 years ago and 5 years later build a 24' x 24' two-car garage. He owns the wooded vacant lot next to his property. He does not intend to sell that parcel. He presented the Board with letters from 9 neighbors in favor of granting the variance. He stated that he has neighbors who store items outside and he would like to store his belongings in a 200 square foot shed. He further stated that the garage does not have room for these items. This project would require 3 variances. A property can have a maximum of two accessory structures totaling 576 square feet on less than one acre. The detached garage is 576 square feet. The accessory structure needs to be a minimum of 15 feet away from the garage. The applicant plans to place it 4 feet from the garage. The accessory structure needs to be a minimum of 10 feet from the side property line. He plans to erect the building 0 feet from the side lot line. The new structure will align with the current garage 8 feet from the rear property line. There was no one present at the meeting to make public comment about the variance requests.

The Board discussed the variance request among themselves. Mr. Iammarino stated that granting the variance request would not alter the character of the neighborhood. Mr. Gramm stated that the variance was not substantial. Ms. Fennell agreed, further stating that the lots in the area are very small. She agreed with the homeowner that it made sense to align the shed with the garage. Mr. Carr stated that the neighbors were in support of the project.

**MOTION: To grant a variance to allow a second 200 square foot accessory structure**

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

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

Nays:

**MOTION: To grant a variance to allow an accessory structure 0 foot from the side lot line**

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

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

Nays: None

**MOTION: To grant a variance to allow an accessory structure 4 feet from the existing accessory structure**

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

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

Nays: None

**TIRE MAX, AURORA COMMONS CIRCLE & THE MAPLE LANE EXTENSION (1605020) – 40 FOOT COMMERCIAL BUILDING SETBACK, WHERE 50 FOOT IS REQUIRED**

Robert Zarzycki of Zarzycki-Malik Architects along with Donald Lydon of LRI Property Services, Incorporated attended the meeting to represent the request. The parcel where the building will be erected is 152 foot wide. The building and parking will take 102 feet. There will be 50 feet left; however, the request of a ten foot variance will allow for a tree lawn and landscaping. Drainage swales will be installed along the Maple Lane Extension. This green space is a part of the storm water retention plan. This parcel is currently surrounded by commercial use. There was no one present to make public comment on this variance request.

The Board discussed the variance request among themselves. Mr. Gramm stated he was in favor of the landscape plan. He did not feel the variance was substantial. Mr. Iammarino agreed, further stating the variance would not affect governmental services. Ms. Fennell stated the area was commercial with a lot of asphalt in place. She was in

favor of the green space. Mr. McCarrell agreed. Mr. Carr asked if there was any opposition. The Building Department did not receive any calls or letters opposed to granting the variance.

**MOTION: To grant the variance as requested**

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

**RICHARD BEAUCHAMP, 1395 AURORA HUDSON RD (1605021) – ACCESSORY STRUCTURE IN A FRONT YARD**

Richard Beauchamp, property owner was in attendance. He started construction of a shed on his property and received a stop work order from the Building Inspector. He stated to Mr. Finch that he did not realize that a permit was needed to erect the structure. He explained to the Board that he started construction in this area because that is as far back on the property as he cleared. He further stated that he did not know that the zoning code does not permit an accessory structure on a property without a primary structure. He followed the stop work order and submitted plans for a house on the property. During this process, he made plans to erect the home behind the shed. He was seeking a variance to allow the shed to stay in the current location. The land where the shed sits is 29 feet above road level. The shed is not visible from the street even when foliage is vacant in the winter months. A drawing of the shed was viewed by the Board. A discussion ensued about how the structure could still be moved. There was no one present at the meeting to make public comment on the variance request.

The Board discussed the variance request among themselves. Mr. Iammarino did not feel the variance substantial given the amount of property with this parcel. Ms. Fennell stated there was no opposition to the structure, in person or in letter form. She also stated that the structure was not visible. Mr. McCarrell stated that he planned to vote against the variance request; however, after seeing the drawing he decided it was not your typical shed. He further stated that he wished the applicant had followed the rules, but realized that the applicant was not trying to do anything illegal.

**MOTION: To grant the variance as requested**

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

**MISCELLANEOUS:**

Fact of Findings, MDF Development – Hickory River Smokehouse, 238 E Garfield Rd (1603017) – 18.5 Foot Two-Way Aisle for Rear Parking Lot

**MOTION: To approve the Fact of Findings, as submitted**

Mr. McCarrell moved for approval; Mr. Gramm seconded, and the motion carried, 3-0-2, on a roll call vote.

Yeas: Mr. McCarrell, Mr. Gramm, Mr. Carr

Nays: None

Abstentions: Mr. Iammarino, Ms. Fennell

**ADJOURNMENT:**

**MOTION: To adjourn the meeting**

Mr. Gramm moved to adjourn at 7:03p.m. Mr. Iammarino seconded, and the motion carried on a unanimous voice vote.

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Terese Fennell - Chairman

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Marie Lawrie - Clerk