

CITY OF AURORA
OHIO
BOARD OF ZONING APPEALS
Meeting Minutes
September 14, 2016

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, September 14, 2016 in the Council Chambers at City Hall. The meeting was called to order at 6:31 p.m. by Chairman Terese Fennell.

ROLL CALL: Present: Terese Fennell, Chairman
Jeff Iammarino
Bernard McCarrell, Vice Chairman
Absent: Tom Carr, Alternate
Tony Gramm
Tim Novotny
Also Present: Matthew Vazzana, Legal Advisor
Meredith Davis, Asst. Director Planning, Zoning, Building Division
Corinne Craine, Clerk Pro Tem

DECLARATION OF OATH:

Mr. Vazzana swore in those that planned to speak.

AMENDMENTS TO THE AGENDA:

There were none.

APPROVAL OF MINUTES:

There were not enough members present at the meeting who were in attendance at the August 10, 2016 meeting to adopt the minutes. They will be considered at the next meeting.

There were not enough members present at the meeting who were in attendance at the August 18, 2016 meeting to adopt the minutes. They will be considered at the next meeting.

NEW BUSINESS:

PAUL & NICOLE MALIE, 199 KINGSTON DR (1608034) – HOT TUB WITH A 6 FOOT SETBACK WITHOUT AN ENCLOSING FENCE, WHERE A MINIMUM 15 FOOT SETBACK AND AN ENCLOSING FENCE OF AT LEAST 48 INCHES IS REQUIRED.

Paul Malie, property owner was present to answer questions. He was seeking a variance to allow the hot tub 6 feet from the property line. He has a second story deck and would like to erect the structure on a patio underneath. If he complied with code, the hot tub would be in the center of his backyard. He was seeking a second variance to allow the hot tub to have a locking lid in place of the 4 foot required enclosing fence. He explained that the hot tub will be enclosed on 2 sides by the house and a 3rd side by the patio which has a wall and deck. Due to topography of his yard, it will not be seen by the neighbors. There was a letter signed by 7 neighbors in favor of the variance requests.

There was no one present to make public comment on this variance request. The Board discussed the application among themselves.

Mr. Iammarino stated that with the locking lid in place, the Board has approved a number of previous variance requests. Mr. McCarrell visited the property and felt it would enhance the neighborhood. Ms. Fennell stated that having a hot tub in the center of your yard defeats the purpose of the hot tub. Having the unit closer to the house is less bothersome to neighbors. She further stated that she is much more in favor of a locking lid over a fence.

MOTION: To grant the setback variance as requested

Mr. Iammarino moved for approval; Mr. McCarrell seconded, and the motion carried, 3-0, on a roll call vote.
Yeas: Mr. Iammarino, Mr. McCarrell, Ms. Fennell
Nays: None

MOTION: To grant a locking lid in place of the enclosing fence as requested

Mr. McCarrell moved for approval; Mr. Iammarino seconded, and the motion carried, 3-0, on a roll call vote.
Yeas: Mr. McCarrell, Mr. Iammarino, Ms. Fennell
Nays: None

JOHN RASEL, 266 PARKVIEW DR (1608035) – SHED WITH A 1.5 FOOT SIDE YARD SETBACK, WHERE A 10 FOOT SIDE YARD SETBACK IS REQUIRED

John Rasel and Krystn Hood, homeowners were present. They were seeking approval to replace the existing shed with a new 54 square foot shed. The intent was to use the same concrete pad. To erect a shed in compliance with code would be difficult with the drainage issue they have on the parcel. There are also large tree roots that would have to be disturbed. The proposed shed would be smaller. When asked why the shed is outside of the fence that they erected, the applicants stated that there is vegetation on the property line. In order to maintain the fence and keep the vegetation from growing

through the fence, they chose to erect the fence several feet away from the property line. Having the shed outside of the fence does not pose a difficulty for them, as they mow the front yard much more often than the rear yard. The applicants had letters of support from 3 neighbors that border their parcel.

There was no one present to make public comment on this variance request. The Board discussed the application among themselves.

Ms. Fennell stated that it made sense to erect the new shed on the same concrete pad. The existing shed is very dilapidated and the neighbors will appreciate the new one. Mr. Iammarino stated that normally he would consider a shed outside of the fence as detracting from the neighborhood, however with the current shed already outside of the fence, a new shed would detract less. Mr. McCarrell stated that the neighbors are not against it and the new shed will look much better than the existing shed.

MOTION: To grant the variance as requested

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

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

Nays: None

SVETLANA NARINSKY, 03-001-21-00-037-000 MONETA AVE (1608037) –
RESIDENCE WITH 5 FOOT SIDE YARD SETBACKS

Svetlana Narinsky of Bainbridge, property owner was in attendance. She explained that she has to move her parents from Illinois. She owns 1074 Moneta next door to this vacant lot. It is a split level, which is not appropriate for her parents. She stated that she plans to build a 1,200 square foot ranch home on the property.

Lorraine Safranek of 1075 Moneta Avenue was present to make public comment. She reported that the property floods when there are heavy storms. She further stated that she gets sewage back up in her basement when it rains heavily. She wondered how they would address this issue. Ms. Davis stated that the Engineering Department is aware that drainage may be an issue for this parcel. They will review it when the applicant submits building plans. There is a 25 foot setback from the stream.

Public comment was closed. The Board discussed the application among themselves.

Mr. Iammarino stated that a new house would enhance the community. Mr. McCarrell stated that the homes in that area were constructed prior to the current zoning codes. By granting this variance, the home will be erected consistent with the existing neighborhood layout. Ms. Fennell stated that this neighborhood has come before the Board many times. The lots are non-conforming and some are oddly shaped. It is likely that a variance would be needed to build any type of home on this parcel. This variance request is reasonable. She could be asking for a larger variance.

MOTION: To grant the variance request as submitted

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

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

Nays: None

MISCELLANEOUS:

Findings of Fact, Christina Schwed, 884 Colony Dr (1606027), Chickens on than 3 acres and Chicken Coop less than 100 feet from the property line

MOTION: To approve the Findings of Fact, as submitted

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

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

Nays: None

ADJOURNMENT:

MOTION: To adjourn the meeting

Mr. Iammarino moved to adjourn at 6:54p.m. Ms. Fennell seconded, and the motion carried on a unanimous voice vote.

Terese Fennell - Chairman

Corrinne Craine – Clerk Pro-Tem