**Zoning Board of Appeals Public Hearing and Regular Meeting Minutes April 9, 2014**

**Present:** Chair Dentes, Karen Hindenlang, Cathy Patella, Ann Tobey, and Jeri Vargo

**Absent:** Patty Mattingly

**Others present:** Clerk Ann Balloni,CPP member Ed Easter,Bob Cerza, Robin Driskel, and Laura Holland

On motion by Vargo, seconded by Tobey, the ZBA voted to open the Public Hearing at 7:00pm.

AYES: Dentes, Hindenlang, Patella, Tobey, and Vargo

NAYS: None

Motion carried unanimously.

Chair Dentes recused himself and requested that Cathy Patella chair the Public Hearing.

**Application #14-06 from John and Marie Dentes for an Area Variance at 425 Main Street (Tax Map #181.12-1-11.2)**

Application #14-06, for a barn alteration and a new garage, was denied by the Village Code Enforcement Officer, Michael Piechuta, due to the north boundary of the proposed garage not meeting the Village of Aurora Zoning Law setback requirements (Section 503, Table 2).

Mr. Dentes presented his proposed plans which include adding a garage to an existing barn near the north boundary of his property. The current barn is between 1.3’ and 1.6’ from the property line and the proposed garage would be 1.7’ from the property line. Mr. Dentes explained that if he adhered to the 10’ setback requirement, the roots of 2 significant trees would be damaged and a brick shed would have to be removed. Mr. Dentes also noted that he considered building the garage on the south side of his property but rejected the idea because:

* It would require the removal of three trees.
* 3-4 parking spaces would be lost
* The garage would block the view of the lake from Main St.

Included in Application #14-06 is an email from Jack Whalen and Heather Hillman, Mr. Dentes neighbors to the south, expressing their support for the project. Mr. Dentes informed the ZBA that he also had verbal support from his neighbor to the north, Sue Edinger of The Inns of Aurora, but she had not replied in writing.

Acting Chair Patella asked if there was any public comment and Mr. Dentes indicated that the garage addition would add 576 sq. ft. and bring the total lot coverage to approximately 3,200 sq. ft. or 10% of the total lot area. There were no further comments.

On motion by Hindenlang, seconded by Vargo, the ZBA closed the public hearing at 7:09pm.

AYES: Patella, Hindenlang, Tobey and Vargo

NAYS: None

ABSTAIN: Dentes

Motion carried.

**Call to Order:** Chair Dentes called the regular meeting to order at 7:10pm.

**Approval of Minutes:** On motion by Vargo, seconded by Hindenlang, the ZBA voted to approve the minutes of January 29, 2014.

AYES: Dentes, Hindenlang, Patella, and Vargo

NAYS: None

ABSTAIN: Tobey

Motion carried.

**Announcements:** Chair Dentes informed the ZBA that the video recording of the January 29, 2014 Public Hearing was received from Jacci Farlow.

Clerk Balloni reminded the ZBA members of their 4 hour/year training requirements and will keep everyone updated on future trainings.

**Changes to the Agenda:** The annual safety training will be conducted following the review of Application 14-06.

**Visitor Recognition:** There were no comments.

**Old Business**

**Application #13-35 from Bob Cerza for an addition to his property at 13 Main St. (Tax Map #181.12-1-11.2)**

Upon denial of Application #13-35 at the January 29, 2014 ZBA meeting, Mr. Cerza wrote to Chair Dentes requesting another review. As Mr. Cerza was not able to attend the public hearing when his application was reviewed, he argued his case was not accurately presented.

Chair Dentes cited Section 1103.D.8 of the Village of Aurora Zoning Law regarding a rehearing of an application. The ZBA members present must agree to the rehearing by a unanimous vote and, if that occurs, approval of any change to the original decision of the Board must also be unanimous. Chair Dentes strongly recommended that, in the future, applicants be present for the review process.

Discussion ensued regarding the requirement for a rehearing of “all board members then present”. Clerk Balloni was instructed to confer with counsel if “then present” meant that only the ZBA members present at Mr. Cerza’s first public hearing could rule on the rehearing.

On motion by Patella, seconded by Dentes, the ZBA voted to rehear a review of Application #13-35 due to the absence of the applicant at the January 29, 2014 public hearing.

AYES: Dentes, Hindenlang, Patella, and Vargo

NAYS: None

ABSTAIN: Tobey

Motion carried unanimously.

On motion by Patella, seconded by Dentes, the ZBA voted to schedule a Public Hearing to rehear Application #13-35 on May 14, 2014.

AYES: Dentes, Hindenlang, Patella, Tobey, and Vargo.

NAYS: None

Motion carried unanimously.

**New Business**

**Application #14-06 from John and Marie Dentes for an Area Variance at 425 Main Street (Tax Map #181.12-1-11.2)**

Chair Dentes recused himself from the discussion.

The ZBA members considered the criteria for Area Variances set forth in the Village of Aurora Zoning Law, section 1103.F.1a.1-5 as follows:

1. The members agree that there will be no undesirable change to the character of the neighborhood and noted that the neighbors on the north and south sides of the property expressed no objection to the project.
2. The members agree that the placement of the new garage is the most logical site on the property.
3. The members agree that there are no acceptable alternatives for the garage’s location. Further, the Area Variance request is not substantial due to the existing barn’s location and that the proposed garage falls within the property borders. Ms. Hindenlang also observed that, historically, outbuildings in the village often abutted or extended across neighboring property lines.
4. The members agree that, by placing the proposed garage in the preferred location, there is no need to remove significant trees or another outbuilding on the property.
5. The members agree that the request for the Area Variance is not a self-created hardship.

On motion by Vargo, seconded by Tobey, the ZBA voted to approve the Area Variance for Application #14-06 as submitted.

AYES: Hindenlang, Patella, Tobey, and Vargo

NAYS: None

ABSTAIN: Dentes

Motion carried unanimously.

**Safety Training:** At 7:50pm, Ed Easter conducted the annual Safety Training for Municipal Officials, including Workplace Violence and Sexual Harassment updates. The training concluded at 8:25pm.

**Video Recording Policy:** All ZBA members received a copy of the new Village Video Recording Policy which is also posted on the east entrance door. Chair Dentes reiterated that all ZBA public hearings must be recorded, whether audio or video, and the public also has the right to record public meetings though municipal officials may set reasonable limits for recording as outlined in the policy.

The ZBA members discussed having the Village Attorney present for public hearings when it is believed the applicant will also be represented by counsel. Committee members agreed that it will likely be difficult to ascertain when appellants will be represented by counsel, but village counsel will be asked to attend when it is apparent that the appellant will be represented. Mr. Dentes noted that it is within the Committee’s authority to suspend its deliberations or delay a decision if input or representation by from Village Counsel is desired.

 Clerk Balloni reported the guidelines for ZBA applicants are included in the committee member’s packets and reminded the Board of Policy and Procedure materials emailed previously. Copies of all materials are available upon request.

On motion by Tobey, seconded by Vargo, the ZBA voted to adjourn the meeting at 8:45pm.

AYES: Dentes, Hindenlang, Patella, Tobey, and Vargo

NAYS: None

Motion carried unanimously

Respectfully submitted,

Ann Balloni

Village Clerk