**Zoning Board of Appeals Regular Meeting Minutes January 13, 2016**

The meeting was held at the Aurora Firehouse at 7:00 pm

**Present:** Chair John Dentes, Karen Hindenlang, Marie Taylor, and Jeri Vargo

**Absent:** Ann Tobey

**Others Present:** Village Clerk Ann Balloni, Village Trustee Grace Bates, ZBA Alternate Laura Holland, and Village Residents Barbara Blom, Peggy Dupee, Barbara Dugan, and Steven Hanson

**Call to Order:** Chair Dentes called the meeting to order at 7:00 pm and welcomed all visitors.

**Changes to the Agenda:** No changes were made to the agenda.

**Approval of Minutes:** On motion by Vargo, seconded by Taylor, the ZBA voted to approve the December 9, 2015 minutes with the following corrections:

Regarding the measurements of Ms. Dugan’s proposed pole barn, clarify:

1. that the additional 206 sq ft exceeds the allowed 514 sq ft by 40%.
2. 720 sq ft represents 28% of the principle structure square footage and the code allows for 20%.

AYES: Dentes, Hindenlang, Taylor, and Vargo

NAYS: None

Motion carried unanimously.

**Announcements:** Clerk Balloni reminded the committee of the upcoming Planning and Zoning conference in April. Ms. Taylor expressed interest in attending.

**Old Business**

**Application #15-40 from Barbara Dugan for an Area Variance for a new pole barn at 42 Dublin Hill Road (Tax Map #182.17-1-58.3)**

Ms. Dugan submitted an application to construct a 24’ x 30’ pole barn on her property. An unattached accessory structure, per the Village of Aurora Zoning Law Section 405.P1.A.3d & e, limits the height to no more than 16’ and the total area may not exceed 20% of the floor area of the principal structure. Ms. Dugan’s building plan is for a 19’ tall pole barn, with dimensions of 24’x 30’ (720 sq. ft.) which is 28% of the floor area of the principle structure.

Ms. Hindenlang noted that she was not in attendance for the public hearing, but she did review the application and the tape recording of the public hearing, and attended the December 11, 2016 site visit.

Chair Dentes explained that the committee is tasked with weighing the benefit to the applicant against the health, safety, and welfare of the neighborhood and reminded the ZBA that they are considering two variance requests; one for the height of the accessory structure and one for the area. The criteria is set forth in the village zoning law section 1103.1.a.1-5.b and the height variance was considered first.

1. The ZBA determined that the request did not create an undesirable change to the neighborhood or a detriment to nearby properties. A complaint from a neighbor prompted ZBA members to review the village master plan regarding view sheds. Mr. Dentes and Ms. Hindenlang interpreted the master plan as referring to public views, not private, and Mr. Dentes also noted that there is precedence in the village of new construction obstructing existing views.
2. The ZBA could not determine if the height variance is necessary for the installation of solar panels, per the applicant, as no supportive documentation was submitted.
3. The ZBA all agreed that the height variance request for 18% (16’ -> 19’) is substantial.
4. The ZBA all agreed that the proposed variance creates no negative impact on the physical environment of the neighborhood.
5. The ZBA determined that the alleged difficulty is not self-created.

John Dentes moved and Marie Taylor seconded the following resolution:

**Whereas**: Barbara Dugan submitted application #15-40 dated 11/19/20515 to construct a barn at 42 Dublin Hill Rd. (Tax Map #182.17-1-58.3 drawing dated 11/13/2015; and

**Whereas**: said application was denied by the Zoning Code Enforcement Officer on 11/16/2015; and

**Whereas**: an appeal of said determination was filed on 11/19/2015; and

**Whereas**: a public hearing was conducted on 12/9/2015; and

**Whereas**: all available materials were reviewed and considered by the ZBA at its meetings on 12/9/2015 and 1/13/2016;

**Now, therefore, be it resolved**: To grant a 3’ height variance for a structure not to exceed 19’ in height, for the purpose of constructing a barn exactly as described in plans dated 11/13/2015.

AYES: None (0)

Nays: Four (4)

Motion denied

The ZBA then considered the area variance request using the criteria noted above.

1. The ZBA determined that the request did not create an undesirable change to the neighborhood or a detriment to nearby properties as the proposed accessory structure is a pole barn in a rural setting zoned agricultural/residential.
2. The ZBA noted that no alternate plans were presented and made no determination regarding the necessity of the variance.
3. Ms. Taylor and Ms. Vargo determined that the 8% variance is substantial and Mr. Dentes and Ms. Hindenlang believed that 8% is not substantial.
4. The ZBA all agreed that the proposed variance creates no negative impact on the physical environment of the neighborhood.
5. The ZBA acknowledged that the alleged difficulty is self-created, but not determinative.

John Dentes moved and Karen Hindenlang seconded the following resolution:

**Whereas**: Barbara Dugan submitted application #15-40 dated 11/19/20515 to construct a barn at 42 Dublin Hill Rd. (Tax Map #182.17-1-58.3 drawing dated 11/13/2015; and

**Whereas**: said application was denied by the Zoning Code Enforcement Officer on 11/16/2015; and

**Whereas**: an appeal of said determination was filed on 11/19/2015; and

**Whereas**: a public hearing was conducted on 12/9/2015; and

**Whereas**: all available materials were reviewed and considered by the ZBA at its meetings on 12/9/2015 and 1/13/2016;

**Now, therefore, be it resolved:** To grant a 208 square foot area variance for a structure not to exceed 24’ by 30’, for the purpose of constructing a barn exactly as described in plans dated 11/13/2015.

AYES: Four (4)

Nays: None (0)

Motion approved

**Adjournment:** On motion by Vargo, seconded by Hindenlang, the ZBA voted to adjourn the meeting at 7:50 pm.

AYES: Dentes, Hindenlang, Taylor, and Vargo

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni

Village Clerk