

**ZONING BOARD OF APPEALS  
MONDAY, AUGUST 24, 2015**

Members Present: Mario Campanello, Matthew Quill, Stephanie DeVito, Scott Kilmer, Ed Darrow

Absent: Susan Marteney

Staff Present: Brian Hicks, Code Enforcement; Chad Hayden, Corporation Counsel

**APPLICATIONS APPROVED:** 105 Grant Ave

**APPLICATIONS TABLED:** None

**APPLICATIONS DENIED:** None

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman, Edward Darrow. Tonight we will be hearing 105 Grant Ave

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**105 Grant Ave. C-3 zoning district. Area variance for addition on the north side.  
Applicant: Ioannis Gotsis.**

Ed Darrow: Has everyone had the chance to review and become familiar with the application for 105 Grant Ave? (yes)

105 Grant Ave please approach, give your name and address for the record and tell us what you'd like to do.

Michael Palmieri, architect for the project, representing Kosta's Restaurant: We applied for this addition back in the spring of 2009 and we went through Planning and Zoning Board and we were approved. Since then it was put on hold and never got kicked off. Since then now we're just coming back again for basically the same site, the same addition, there's been no changes to it, the floor plan stays basically the same. Just to get you up to par we are basically taking over the patio section of the parking lot, we're not taking any parking spaces, about twelve feet of the outdoor patio and that's where the addition is going. This past spring we did get approved and are currently under construction for a 20 space parking lot on Catlin St. The house has been removed, we've been back filling and in the process of finishing that project. So we've added additional parking to help the restaurant. At that point I don't, I think that's about it. We really don't have anything more to say on that.

Ed Darrow: I have one question. Back in the original application was it going to be handicapped bathrooms back in that corner then too?

Michael Palmieri: Yes. As far as the floor plan goes, what we're doing is adding twelve feet to the bar space. Right now it's a very tight space. If you've been in the building and

facing the bar it's a horseshoe style bar. The left hand side is open with tables. The right hand side is about a three foot space that gets very congested and tight. It becomes a bottleneck type of spot that's tough to get to or out of. What we're doing is extending that north wall approximately the twelve foot and to be as symmetrical to the bar as the other space. At the end of that space we're adding two handicapped toilet rooms and behind that will be storage for the restaurant. Right now the only toilet rooms in the building are off the dining room and are not handicapped accessible. This will be a good addition to the property as far as having the handicapped accessible facilities.

Ed Darrow: That's one thing I'd always noticed, the building is handicapped accessible yet there were no handicapped accessible bathrooms.

Michael Palmieri: Exactly. We have handicapped accessibility through the bar entrance to the north side that'll remain the same, at grade. But there are no handicapped accessible toilet rooms right now. We've done the best, the client has done the best he could as far as to make them but if we really get technical with this thing and measured them, it just doesn't meet the code. This is an opportunity to upgrade to code.

Ed Darrow: It makes complete sense. Any other questions from board members? No other questions? Everything has stayed the same from our original granting of the variance.

Scott Kilmer: I've got a question for Brian. On the second area variance of 50 feet and 140 planting units, with the addition the north boundary of the building to Catlin St. is going to be 45 ½ feet?

Brian Hicks: Yes.

Scott Kilmer: Wouldn't that be an area variance of 4 ½ feet because you still have 25 feet from the edge of the building?

Brian Hicks: The parking lot encroaches into the required buffer.

Scott Kilmer: Okay, so the buffer shouldn't include the parking lot.

Brian Hicks: That's correct.

Ed Darrow: Any other questions from board members? Any other questions? Mr. Palmieri: You may be seated but we reserve the right to recall you. Is there anyone present wishing to speak for or against 105 Grant Ave? Anyone present wishing to speak for or against 105 Grant Ave? Mr. Palmieri, please re-approach. Give your name again for the record.

Michael Palmieri: Let me hand this out, it's a floor plan, actual floor plan. It makes it clear that there's a front entrance here about 60 square feet. Right now, after looking at the redesign here the past month I've looked at it and we're just going to create that a vestibule. Right now it just shows a door right off the outside of the building, the east side,

there is no vestibule. There is a 5 x 12 area there that we're just going to roof over and that's going to be a vestibule. As far as square footage I'd like to have that in the record as being added to the building.

Ed Darrow: Okay, we'll keep this (floor plan) and make it part of the record.

Michael Palmieri: That was the original design in '09. Since then we've been looking at it, doing different things, seeing how we can make some improvements. And that was a preliminary basis at that time. We'd like to have that added in as part of it and not just something that pops up later.

Matt Quill: You're talking about a door and a vestibule where the door to the patio is right now?

Michael Palmieri: No. It would be on the east side facing Grant Ave. It's hard to read but there's a five foot by twelve foot area that the door comes out on, it's the exit, and we'd just like to include that as part of the building. Carry the roof over and make that a vestibule so the door would go, you'd come out and go to the north and go toward Catlin St. Basically for a wind break.

Matt Quill: Okay, thank you.

Ed Darrow: Than you, Mr. Palmieri. Is there anyone else wishing to speak for or against this application? Anyone else wishing to speak for or against 105 Grant Ave? Hearing none and seeing none I shall close the public portion so we may discuss this amongst ourselves. Thoughts, concerns, considerations?

Scott Kilmer: In the past I've always had a problem with whether the variance is substantial and this is a substantial variance. Number two with 50 feet basically being eliminated. However, I think the exception for that would be that if we didn't allow the variance it could be a bigger issue with the American with Disabilities Act so I think in this case, personally, I'm willing to overlook the fact that there's no doubt it's substantial by trying to eliminate the whole buffer but the other end of the equation could be a bigger problem.

Ed Darrow: I agree. I think two very important parts here are that a) it is making the restrooms ADA compliant which I think is very, very needed there and b) when you look at the 30 foot variance for the rear, there's only twelve foot of it that's actually being bothered by it, of the building. It's not like it's a large amount and the fact that we're not taking out parking, we're not putting cars to the road. And the fact that even since this variance was first granted in '09 more parking has been created across the street. I think this establishment has always tried to be a good neighbor and that's something that's so important and as you see there's nobody present to speak for or against so I think that speaks volumes about what kind of a neighbor he is. It was advertised and it went out. Any other thoughts or concerns?

Mario Campanello: I agree that it's not really changing the parking and it's pretty much the same footprint now with the deck, if you will, or the patio area so they're definitely not changing a lot.

Stephanie DeVito: I agree as well especially with the added parking across the street where the house used to be.

Ed Darrow: If there's no other discussion the chair will entertain a motion.

Scott Kilmer: I'd like to make a motion to approve an area variance for Ioannis, Inc. operating as Kosta's Bar and Grill at 105 Grant Ave, two area variances: one area variance of 30 feet of the required 50 foot rear yard setback and the second area variance of 50 feet and 140 planting units because the applicant has proven five elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.
- The applicant's difficulty was not self-created.

Ed Darrow: We have a motion, do we have second?

Stephanie DeVito: Second.

Ed Darrow: We have a second. Roll call please. All members vote approval. Motion carried.

Scott Kilmer: Although it is a substantial request I think it's appropriate. I vote yes.

Ed Darrow: I vote aye. I feel this will not change the character of the neighborhood, it will not have a negative impact combined with the fact that there has been no testimony from any neighbors to the negative impact to the neighborhood. Congratulations, your variance has been granted. Be sure to see Code Enforcement for necessary permits before any work is done.

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Ed Darrow: Any housekeeping? None.

I was letting Scott know that at the next meeting I may be away to another function but if it looks to be a complicated agenda the Chairman of that committee, I've let him know I must attend here first. Scott is aware he may be stepping in for Chair. We're going to look at the agenda and decide at that point whether or not Scott wants to fill in or not.

Other than that is everyone available for our next meeting?

Matt Quill: I will not be available due to an out of city conference.

Ed Darrow: We will only have four members at that meeting if I'm not here and Debbie's position is not filled. I have someone interested and I will be speaking with the mayor. He is a former board member and will be up to speed quickly.

Matt Quill: Could we consider postponing the meeting for a week?

Ed Darrow: That's something I'll discuss with the mayor and Code Enforcement. But probably not as if it looks that bad I will not go to the audit and be here.

Next meeting is 9/28. Meeting adjourned.

Recorded by Alicia McKeen