

**ZONING BOARD OF APPEALS  
MONDAY, MARCH 27, 2017**

Members Present: Susan Marteney, Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Mario Campanello, Laurie Walter

Absent: Ed Darrow

Staff Present: Brian Hicks, Code Enforcement; Stacy DeForrest, Corporation Counsel; Steve Selvek, City Planning

**APPLICATIONS APPROVED:** 127 Capitol St. Ext., 72 Prospect St.

**APPLICATIONS TABLED:** 23 Mary St., 81 Owasco St.

Scott Kilmer: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm acting board chairman, Scott Kilmer. Tonight we will be hearing 127 Capitol St. Ext., 23 Mary St., 81 Owasco St., and 72 Prospect St. I ask you at this time to please silence all phones or put them in manner mode.

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**127 Capitol St. Ext. R1 zoning district. Area variances to build garage larger than maximum allowed and closer to property line than allowed. Applicant: Mark McLaughlin.**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Mark McLaughlin, Evans St. – Would like to remove the existing garage/carport which is in dilapidated condition and install a new garage that will encroach on the side line required setback. The property next door is vacant at this time. It's only 45' wide so don't think anything will be built there.

Scott Kilmer: Reviews variance needed.

Rick Tamburrino: Asks who owns the vacant lot and if there were any comments from neighbors.

Scott Kilmer: Will get comments during public hearing.

Mario Campanello: Asks what will be in the garage besides the obvious.

Mark McLaughlin: Need 4' x 8' for entrance stairs including the landing. 12' for each bay. The existing garage used to be a carport that was poorly enclosed.

Susan Marteney: Asks if he will be living there.

Mark McLaughlin: Yes.

Chair opens the public hearing.

Bob Breschue, Drummond St.: Asks if garage will look similar to house.

Scott Kilmer: According to the submitted plans it will blend in with the house.

Rick Tamburrino: Asks is the siding will match.

Mark McLaughlin: Yes.

Chair closes the public hearing and asks for a motion. So moved as submitted by Rick Tamburrino, seconded by Mario Campanello.

All members vote approval. Motion carried.

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**23 Mary St. R1A zoning district. Use variance to change a pre-existing, non-conforming use from a barber/beauty shop to an unlisted use as an artist studio. Applicant: Julie Varno.**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Julie Varno, Dodier Ln., Elbridge: No longer able to do hair due to injury so has retired. Daughter is moving back to Auburn and wants to install an art studio at the site. Will be taking own beauty equipment out of the building. No other changes will be made.

Scott Kilmer: Reads e-mail into record in favor of the plan.

Rick Tamburrino: Questions what is being taught at the art studio.

Julie Varno: She has programs for children and adults.

Rick Tamburrino: Questions if there will be evening classes.

Julie Varno: Children's classes would be during the day.

Rick Tamburrino: So it's undetermined?

Scott Kilmer: Will this be exclusively an art studio or will the hair salon still be there?

Julie Varno: Would like to keep both.

Brian Hicks: It's an expansion. Will defer to Corporation Counsel.

Stacy DeForrest: It is an expansion of a non-conforming use.

Stephanie DeVito: How many people will be there?

Julie Varno: No more than now.

Stephanie DeVito: Is the stylist full time?

Julie Varno: Yes.

Mario Campanello: Daughter only be there when the stylist is gone.

Stacy DeForrest: An element of a use variance is the need to show financial evidence. So if it's still being used as a salon also it begs that question. The applicant must show why they can't realize a return on their investment.

Mario Campanello: Are you charging your daughter for rent?

Julie Varno: My daughter will be paying rent.

Mario Campanello: So she will be paying rent to cover what you are losing by retiring?

Scott Kilmer: That is not clear. We need more financial information to justify granting any variances.

Stephanie DeVito: You need to show the hardship that you will realize if the variance is not granted.

Stacy DeForrest: It also cannot be a self-created hardship.

Julie Varno: So retirement would be self-created?

Stacy DeForrest: Yes.

Scott Kilmer: You need to prove financial hardship to move forward. Matter tabled until April for further information.

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**81 Owasco St. R1 zoning district. Use variance to allow a two-unit dwelling in an R1 (single-family) zoning district and area variance for driveway wider than maximum allowed. Applicant: James Hutchinson**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Jim Hutchinson, South St.: The property was originally a single-family that was illegally converted to a two-unit. It was reduced to a single again by the City. I purchased it as it was adjacent to another property I owned to have control over it. Zoning on the street is mostly commercial or multi-unit. There is one small strip that is R-1. Apparently this may be changed to be zoned commercial in the future.

Rick Tamburrino: Why didn't you wait for the change in zoning?

Jim Hutchinson: Did not know about it at the time.

Steve Selvek: The zoning change is part of the new zoning ordinance that is being considered.

Chair opens the public hearing. There are no speakers so the public hearing is closed.

Chair asks for board comments.

Scott Kilmer: Asks if the board is satisfied with financial information. There doesn't seem to be much there.

Rick Tamburrino: He purchased it knowing it was a single but is now asking for a variance. So it's a self-created hardship. It's a gamble.

Stacy DeForrest: The court would agree with that assessment.

Rick Tamburrino: So I don't see a financial hardship.

Steve Selvek: The zone change would allow the use there. At that point it might need an area variance for parking.

Scott Kilmer: So any decision we make would be superseded by a proposed change?

Steve Selvek: Yes but I can't guarantee it will be passed.

Rick Tamburrino: Also concerned with the population density.

Laurie Walter: Doesn't matter if it's all self-created.

Stacy DeForrest: You can ask for additional information.

Scott Kilmer: To move forward we would need more financial information.

Jim Hutchinson: As a single it would probably hold a large family versus a couple professional people as a two-unit.

Motion to table for more information made by Stephanie DeVito, seconded by Rick Tamburrino.

Item tabled.

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**72 Prospect St. R1 zoning district. Area variance for a driveway wider than maximum allowed.  
Applicant: Timothy and Ellen Wilson.**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Tim Wilson, Prospect St.: We would like to widen the drive at the top to create a turn around to avoid backing onto Prospect St.

Rick Tamburrino: Questions the drive length.

Tim Wilson: About 80'.

Scott Kilmer: It looks slightly flared in one area.

Tim Wilson: Yes, just room to turn around.

Chair opens the public hearing. There are no speakers so the public hearing is closed.

General consensus from the board that it is a good idea to avoid backing onto Prospect St.

Motion to approve as submitted made by Rick Tamburrino, seconded by Stephanie DeVito.

All members vote approval. Motion carried.

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**Housekeeping**

Stacy DeForrest: Asks for thoughts, concerns or ideas about using tablets. They would be provided by the City to avoid paper packets.

Steve Selvek: We would provide the tablets at the meetings. Information would be distributed electronically to board members.

General consensus is to keep receiving paper packets except for Mario Campanello who has been using his own tablet for over a year.

Susan Marteney: Will not be at April meeting.

Scott Kilmer: Next meeting is April 24, 2017 at 7:00 p.m. Meeting adjourned.