

ZONING BOARD OF APPEALS
MONDAY, APRIL 24, 2017

Members Present: Ed Darrow, Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Mario Campanello

Absent: Susan Marteney, Laurie Walter

Staff Present: Brian Hicks, Code Enforcement; Stacy DeForrest, Corporation Counsel

APPLICATIONS APPROVED: 23 Mary St.

Ed Darrow, Chair: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman, Edward Darrow. Tonight we will be hearing 23 Mary St. I ask you at this time to please silence all phones or put them in manner mode.

23 Mary St. R1A zoning district. Use variance to expand a pre-existing, non-conforming use of beauty/barber shop with the addition of 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 Dr., Weedsport: Would like a variance to add an art studio to the existing beauty shop.

Ed Darrow: This is a stand-alone building?

Julie Varno: Yes.

Ed Darrow: At last month's meeting you were asked to provide further proof of a financial hardship which seems to have been submitted.

Scott Kilmer: Questions where the \$300 is from.

Julie Varno: The beautician on staff there.

Ed Darrow: You submitted a Schedule C in 2015. Did you file one for 2016?

Julie Varno: No.

Ed Darrow: Questions Brian Hicks concerning parking. Noticed that there was some congestion on the street and parking for this establishment was directly across from someone's driveway.

Brian Hicks: It is a pre-existing, non-conforming use.

Ed Darrow: Yes, but are there no contingencies for parking for expansion?

Brian Hicks: I don't know of any parking conditions for that situation.

Steve Selvek: If it were brand new then yes.

Ed Darrow: So the fact that a non-conforming use is being expanded there are no parking concerns?

Steve Selvek: Concerns yes but no requirements.

Chair opens the public hearing.

David Skrobinski, Mary St.: Lives two doors down. Completely for it. Won't create more traffic. All for her trying to create more business.

Closes public hearing.

Ed Darrow: Are the members satisfied with the proof of hardship?

Stephanie DeVito: Asks Ms. Varno if she's planning to work at the shop?

Julie Varno: No, due to medical reasons.

Rick Tamburrino: According to the financials she doesn't seem to be making much profit. So she is asking for dual use as a beauty shop and an artist studio?

Scott Kilmer: The request for use is as a non-listed use for an art studio.

Ed Darrow: You can make that part of the motion.

Stephanie DeVito: I thought it was just going from one non-conformity to another but it is for an additional business.

Ed Darrow: Asks Ms. Varno for clarity.

Julie Varno: It will be used as both, the beautician tenant will be staying.

Ed Darrow: Questions how late the building will be open?

July Varno: No later than 8:00 p.m. The beautician leaves at 5:00 p.m.

Mario Campanello: Questions if her personal equipment and chair will be removed.

Julie Varno: Yes.

Rick Tamburrino: Concerned with the timing. If granted the hours of operation can change at any time.

Ed Darrow: I don't foresee that happening in this case due to the constraints of the property.

Stace DeForrest: You can put conditions on any approval.

Stephanie DeVito: Is there a limit to the number of employees and people occupying the space? Can they add other employees?

Ed Darrow: Codes can limit occupancy.

Scott Kilmer: I think the mechanism is in place to safeguard that.

Ed Darrow: Asks staff for SEQR comments.

Steve Selvek: Review SEQR. Recommends negative declaration for no significant environmental impacts.

Ed Darrow: Asks for a unanimous decision for a negative declaration. All board members approve.

Ed Darrow: Asks for a motion on the variance.

Scott Kilmer: Makes a motion to approve the addition of an un-listed use of an artist studio to the pre-existing, non-conforming use of the beauty salon with no contingencies.

Stephanie DeVito: Second.

Ed Darrow: Asks for roll call vote.

Stephanie DeVito: Aye because the hardship is not self-created, the business is maintained and does not become another empty building, and it is good for the community.

Mario Campanello: Aye.

Rick Tamburrino: Aye as there is no opportunity for further expansion due to size and there is no overlapping of the businesses.

Scott Kilmer: Aye because she has met all the criteria.

Ed Darrow: Due to four votes of approval being received, abstains due to not being present for the initial presentation.

Variance is granted. See Code Enforcement for all necessary permits.

Housekeeping

Ed Darrow: Next meeting is May 22, 2017 at 7:00 p.m. Meeting adjourned.