

ZONING BOARD OF APPEALS
MONDAY, AUGUST 24, 2020

Members Present: Edward Darrow, Robert Gagnier, Rick Tamburrino, Stephanie Devito, Tom Adessa, Susan Marteney and Mario Campanello.

Staff Present: Brian Hicks, Code Enforcement, Nate Garland, Corporation Counsel.

APPLICATIONS APPROVED: 181 Cottage Street; 205 S. Hoopes Avenue; 197 South Street; 108 Genesee Street; 251 North Street

APPLICATIONS DENIED: 21 Grove Avenue; 76 N. Lewis Street

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 181 Cottage Street, 197 South Street, 108 Genesee Street, 251 North Street, 76 N. Lewis Street, 205 S. Hoopes Avenue and 21 Grove Avenue.

Chair asks if there are any deletions, additions or corrections to be made to the July 27, 2020 meeting minutes. There were no additions, corrections or additions so the minutes stand approved.

181 Cottage Street. Applicant is requesting two Area Variances for placement of a second shed. Applicant: Michael Bertonica.

Chair invites applicant to approach, give name and address and explain what they would like to do. Chair asks for questions from Board members. As there is no plot plan, Board questions where the new shed will be. Mr. Bertonica advises that it will be at the very end of the driveway where it widens out.

Chairman asks if there is anyone present to speak for or against the requested variance. Seeing none and hearing none, the public portion is closed.

Board discussion:

It was agreed that the property is large and well-kept. The property is large enough to accommodate a second shed without it looking out of place.

Chairman will entertain a motion.

Mr. Tamburrino makes a motion to grant the two variances, seconded by Ms. Devito. All members vote in favor. Variances are granted.

197 South Street: Applicant is requesting two area variances to allow a monument sign in the R1 zone. Applicant: White Chapel Funeral Home.

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

Matt Ferguson representing A&M Graphics and White Chapel Funeral Home. They are looking to fabricate and install a replacement sign on the property.

Chair asks for questions from the Board.

Board notes that the new monument sign would be about the same size as the existing one and Mr. Ferguson advised that it will actually be smaller. He went on to explain the differences between the existing sign and the new one. Board questioned the area of the sign. Mr. Ferguson said he thought the new one would probably equal out. Board questioned if the new sign would be in the same place as the old one. Mr. Ferguson confirmed and also said that there was to be some roadwork done and if they had to move the sign back, the setback would be fine. Board asked what the sign would be made of and Mr. Ferguson described the fabrication. Board again questioned the size of the sign and Mr. Ferguson explained the dimensions. Board inquired if the sign would be lit and Mr. Ferguson said it would not be lit. Board asked if the adjacent neighbor had been notified of the change and Chair advised that the standard notification letter would have gone out.

Chair asks if there is anyone present to speak for or against the requested variances. Seeing none and hearing none, the public portion is closed.

Board discussion: They thought the new sign would actually be an improvement

Chairman will entertain a motion.

Mr. Tamburrino makes a motion to grant two area variances. Seconded by Ms. Devito. All members vote in favor. Application is approved.

108 Genesee Street: Applicant is requesting three area variances for the placement of a projecting sign. Applicant: Café 108/Auburn Public Theater

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

Matt Ferguson representing A&M Graphics and appearing on behalf of Auburn Public Theater and Café 108 for their sign variance for their new café on Genesee Street. He pointed out that that he would be happy to amend his request regarding the third variance in order to eliminate it.

Chair questioned the application for a projecting sign as he was under the assumption that they were no longer allowed in the business district. Brian Hicks, Senior Code Enforcement Officer advised that it is allowed and clarified the issues.

Chair asks for questions from the Board.

Board asks if the rendering in the applicant's packet is to scale and Mr. Ferguson confirms it is. Board asks if the sign will be lit and Mr. Ferguson confirms it will be internally lit and that the sign is double-sided. Mr. Ferguson speaks to the square footage of the sign and says that the allowed square footage is very small, therefore, the applicant is looking for a bit larger sign so that it can be seen and read.

Chair asks if there is anyone present to speak for or against the requested variances. Seeing none and hearing none, the public portion is closed.

Board advises that the variances requested are not substantial, all things considered. Board commented on the very nice packet that Mr. Ferguson submitted. Board also thought that if the sign was any smaller, it would look peculiar in relation to the sign above it.

Chairman will entertain a motion.

Mr. Tamburrino makes a motion to grant two area variances. Seconded by Ms. Devito. All members vote in favor. Application is approved.

251 North Street: Applicant is requesting two area variances to install a monument sign. Applicant: Prison City Brewing Company.

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

Matt Ferguson representing A&M Graphics and appearing on behalf of Prison City Brewery who, with their new build-out on North Street, is requesting a variance for the size of the signage allowed in that commercial district. What they are looking to do is maximize with one sign instead of putting up multiple signs on the property. Chair asks if they are looking to turn the silo into the sign. Mr. Ferguson confirms this. The silo will be painted and it will just be drilling large PVC outdoor letters to it. Chair observed that the application was for a monument sign so he was confused as to where the monument sign would go. Mr. Ferguson advised that the entire silo is the monument sign and would be painted black. There would also be no other signage on the property.

Dawn Schultz, owner of Prison City Brewing: Board asked what other uses were planned for the property. Ms. Schultz advised that a restaurant and tasting room is planned for the facility and has been approved by the Planning Board. Chair asked if there was any future intent to place any more signage on the gable end of the building where the entrances are. Ms. Schultz assured the Board that the only signage there would be on the silo. Board questioned the integrity of the silo due to age and Ms. Schultz advised that a structural engineer had been engaged and everything is in good shape. Letters of support were entered into the Record.

Chair asks if there is anyone present to speak for or against 251 North Street. Seeing none and hearing none, the public portion is closed.

Board expressed concern that it was a very substantial variance but that it is so unique that it's understandable. The Board liked the "beer can" idea and the fact that there will be no requests for additional signage. The Board thought it was a brilliant marketing idea.

Mr. Tamburrino makes a motion to grant two area variances. Seconded by Mr. Campanello. Ms. Devito recused herself as Ms. Shultz is President of the BID Board. All remaining members vote in favor. Application is approved.

76 N. Lewis Street: Applicant is requesting a variance for pool and deck at 76 N. Lewis Street. Applicants: Julie and Allan Patterson.

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

Allan Patterson, 76 N. Lewis Street. He's requesting a variance to put a pool and a deck on his eastern property line. Chair asks if it's a new pool or the one that's already there. Mr. Patterson confirmed that it was the one that was already there and was installed during the COVID shutdown. Permits were applied for in June once City Hall was reopened. Chair asked how big the pool was. Mr. Patterson said it's a 12 foot pool. Board asks if Mr. Patterson was aware of the setback before he installed the pool. Mr. Patterson advised that "yes, he was aware". Board asked if the deck went around the majority of the pool and Mr. Patterson advised that it only went on the north-east side. The pool and deck were installed at the same time. Board asked if there was a list of individuals who agreed with the renovations and where they lived. Mr. Patterson advised that they lived all around their adjoining property. Board commented that all of the residents who consented lived on the odd side of the street but were concerned about a letter received from the neighbor behind him. Board expressed the concern that he knew what the rules were and that he was taking a chance but went ahead and did it anyway. Board also advised that he could have called City Hall to find out what he needed to do but he didn't do that. He had plenty of time to put it up and Board noted that people were in City Hall and he could have made a phone call at the very least. Brian Hicks advised that the Codes Office closed down on March 17th but remained staffed throughout the shutdown in order to answer phone calls and to receive packets by drop box and U.S. mail. Board advised that there was an area on the Ketchell side

where they could have built the pool and it would have been no problem. It was noted that Mr. Patterson was a former contractor and was aware of the rules and procedure.

Chair asks if there is anyone present to speak for or against 76 N. Lewis Street.

Sandy Rabuano, 77 N. Lewis Street: Spoke saying that the Pattersons have improved the property immensely since they moved in. Previously, the house had been a rental and the renters were bad people. She inquired as to the issue with the pool being there and Chair advised that it had to be 10 feet from the property line. Chair informed the speaker regarding the need for a variance and the requirements for doing so. She went on to praise the applicants for their efforts in improving the neighborhood.

Chair asks if there is anyone else present who wants to speak for or against 76 N. Lewis Street.

Maria Roof, 4 Ketchell Street: Advised that the Pattersons never told her what they were doing even though she had asked on two occasions. She felt that the pool was too close to her property according to the guidelines and it's too close to her living room and back spare room. She feels that they didn't go through the proper process in order to erect the pool.

Willis Smith, 71 Mutton Hill Road: Spoke as a consultant regarding the permit project.

Chairman asks if there is anyone else present to speak for or against 76 N. Lewis Street. Seeing none and hearing none, the public portion is closed.

Board Comments: Board commented that the property owners have done a great job maintaining their property, however the pool was erected knowing that he needed a variance but went ahead and did it anyway and is now asking for forgiveness rather than permission. Board reiterated that the Code Enforcement Office was staffed during the shutdown and were reachable. The Board thought it was unfortunate that the property owners didn't check with the Codes Department prior to installing the pool, being as they knew that a variance was required.

Mr. Tamburrino makes a motion to grant an area variance for a deck.

Two Board members vote in favor; five Board members vote no.

Mr. Tamburrino makes a motion to grant an area variance for the pool. Seconded by Sue Martiney. All vote to deny the variance.

Application is denied.

205 S. Hoopes Avenue: Applicant is requesting an area variance to install a carport. Applicant: JoAnn Robbins.

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

JoAnn Robbins, 205 S Hoopes Avenue: Applying for a variance for carport. It's wide open and supported to keep the snow and sun off of her car. She is well-liked in the neighborhood and would not erect anything that detracted from the beauty of her home. Board questioned what the top was made of and the answer is aluminum. There was a question of how close to the property line that the supporting posts are and it was determined that the posts are about a foot from the property line.

Chair asks if there is anyone present wishing to speak for or against 205 S Hoopes Ave. Seeing none and hearing none, the public portion is closed.

Board Discussion: There was a question raised why the 5-foot variance was required. Chair answered that the overhand constitutes the carport as well which will be right on the property line. There was a concern as to where the snow and the rain that's going to come off the roof of the carport was going to go. There was concern that it was going to go on the neighbor's fence or bushes. Mr. Hicks advises that the runoff from the roof is going to be an issue and suggested that a gutter be installed so that it could perc onto her property according to the drainage classes in the City Charter. Ms. Robbins agrees that she will install a gutter to control runoff, if they are not already built in.

Mr. Tamburrino makes a motion to grant an area variance. Seconded by Ms. Devito. All members vote in favor. Application is approved.

21 Grove Avenue: Applicant is requesting an area variance to create a front yard parking pad. Applicant: Catherine Murray.

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

Catherine Murray, 21 Grove Ave.: Would like to enclose the grass area where the driveway is with more stampcrete to create a wider driveway to eliminate off-street parking and also to accommodate her elderly parents if they need handicap accessibility, which is likely.

Chair advises that this property was before the Board a few years ago for front-yard parking and it's one of the things the Board is not fond of. The small green space in front of the house is what makes front-yard parking bearable. He is afraid it would change the character of the front of the house if front-yard parking was allowed. Board asks how much room is in front of the red Jeep, before you get to the little bump out. They were advised that any cars can go up quite a bit further in the driveway.

Chair asks if there is anyone present wishing to speak for or against 21 Grove Ave. Seeing none and hearing none, the public portion is closed.

Board: The driveway is a bit odd but the grass is a saving grace from front yard parking. However if you take that away, you're going to have a sea of concrete in the front. Her frustration is understood when she looks in the neighborhood and sees people parking across the sidewalk and parking in their front yards but Code Enforcement or APD should be notified in those cases.

Mr. Tamburrino makes a motion to grant an area variance. Seconded by Ms. Marteney. All members vote to deny the variance. Application is denied.

Meeting adjourned.

Next meeting will be held on September 28, 2020 at 7:00 p.m.