

ZONING BOARD OF APPEALS
MONDAY, SEPTEMBER 28, 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:

APPLICATIONS DENIED:

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 10 Anderson Circle, 8 Button Street and 50 South Street.

10 Anderson Circle: Applicants are requesting an Area Variance for an addition to existing shed. Applicants: Sam and Alison Church.

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

Sam and Alison Church, 10 Anderson Circle. Would like to add an 8' x 12' addition on an existing shed so that the total shed size would be 12' x 20'. Mr. Anderson will be doing the work himself.

Board noted that it looked like the work has been already started.

Mr. Anderson advised that this was so as he wasn't aware that he needed a variance and stopped the work when he was advised by letter that he needed one.

Chairman asks if there is anyone present to speak for or against 10 Anderson Circle. Seeing none and hearing none, the public portion is closed.

Board discussion: Chair advised that quite a few neighbors had attached letters to the application and the Board thought that the shed addition was small, compared to the lot size, and that it would clean up the yard with respect to storing items.

Chairman will entertain a motion.

Mr. Tamburrino makes a motion to grant an area variance, seconded by Ms. Devito. All members vote in favor. Variance is granted.

8 Button Street: Applicant is requesting three area variances for a second shed and placement of second shed. Applicant: Andrea Vargason.

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

Andrea Vargason, 8 Button Street. Applicant advised that she built a 12' x 16' cold storage shed during the pandemic. She had called Codes multiple times and had no idea she needed variances. She did know that she needed a permit but didn't get one as she was waiting for the building to be open in order to get the permit.

Chair advised that she actually needed three variances. Chair also noted that there was also a detached garage and another approximately 12' x 12' shed on the property, besides the new shed that was built.

Eric Vargason, 8 Button Street: Mr. Vargason clarified the size of the existing smaller shed.

Board asked applicant to clarify what a non-permanent cold storage shed was.

Applicant advised that it was not affixed to the ground but erected on cinder blocks and could easily be picked up and moved if necessary.

Board questioned the plot plan and asked for more clarification. Applicant explained where the new shed was by way of producing pictures.

Board questioned the lot lines of the property and came to the consensus that the applicant's lot was rectangular and the small piece in question was owned by a property owner living on Lansing Street.

Chairman asks if there is anyone present to speak for or against 8 Button Street. Seeing none and hearing none, the public portion is closed.

Board discussion: The need was understood but again, we are dealing with "let's do it and then beg for forgiveness". Again, forms could have been downloaded off of the City's website; phones were being answered. Having said all that, being as the shed was on blocks, it should be easy to move it 3 feet from the property line. If it has an overhang or soffit, that has to be 3 feet from the property line as well. That variance could be avoided if it was moved. The issue, from the Board's point of view, is having multiple sheds on a property and this is not desirable.

Chairman will entertain a motion on the first variance.

Mr. Tamburrino makes a motion to grant an area variance of 144 square feet over the maximum allowed 144 square feet for a shed. Seconded by Ms. Marteney.

All members vote in favor. Variance is approved.

Mr. Tamburrino makes a motion to grant an area variance for the placement of a second shed. Seconded by Mr. Adessa.

All members vote in favor. Variance is approved.

Mr. Tamburrino makes a motion to grant an area variance of 1 foot 6 inches of the required 3 feet setback from the west property line. Seconded by Mr. Adessa.

All members vote in the negative. Third variance is denied. Permits can be issued but shed must be moved to 3 feet from the property line.

50 South Street: Applicant is requesting two area variances for the construction of a greenhouse. Applicants: Sarah Kelly and Dan Manning

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

Daniel Manning: 225 Wilkinson Street, Syracuse, representing Sarah Kelly, 50 South Street. Mr. Manning provided the Board with a handout showing the site layout.

Staff attorney, Nate Garland, updated the Board advising that the applicant had appeared before the Historical Resources Review Board and gives some background information on the matter before the Board.

Mr. Manning: Advised that Ms. Kelly would like to start her own home occupation business of growing and selling orchids. In order to do that, she would like to add on a Victorian Conservatory greenhouse to her residence with dimensions of 24' x 20'. The previous owner was a licensed Air B&B and was allowed four parking spaces in order to operate although the new owner isn't sure of renewing the license. He went on to explain what Ms. Kelly would like to do as to parking.

Chair pointed out that there is no application presented for a use variance for a home occupation. The only variances being heard before the Board are the area variances. Chair was advised that there already was approval, so therefore, no use variance is required. Chair advised that the presentation was very thorough.

Chair asks for questions from the Board. Board shared a concern about the flow of traffic and possible congestion. Board asked what the anticipated number of vehicles would be.

Sarah Kelly: 50 South Street. Ms. Kelly advised that she works full time and the orchid-selling business would only be by appointment as orchids take a long time to cultivate. The greenhouse is not a large commercial business but rather a small personal hobby. There would only be a

couple of potential clients invited at one time to view the collection and the mother plants. It's not a large commercial operation so there would be no constant traffic.

Chair asks Counsel to clarify the "home occupation" issue. Apparently it falls in a gray area.

Mr. Manning advised that at the present time, all she needs is a place to put her orchids. Chair advises that they are looking to the future of the use.

Board asks about if home occupations are allowed in certain zones. Board asks Ms. Kelly about noise and smells and was advised that there would be none. The greenhouse would have low-E glass so the plants would have plenty of light.

Board asks if future traffic flow should be taken into consideration. Should a traffic study be prepared as there is a lot of congestion in that area? Chair didn't believe that a traffic study would be warranted for only the maximum of 20 people a week visiting the premises and particularly if it's by appointment only and she could control the flow.

Board member Gagnier spoke to this and advised that these kind of places are never high traffic.

Counsel advised that the Board could only address the matters before them at this time, not future developments. Future developments would be addressed in the future.

Chair asks if there is anyone present wishing to speak for or against 50 South Street. Seeing none and hearing none, the public portion is closed.

Board advised it was a beautiful presentation. Chair asked that all variances be contingent on HRRB approval. After discussion, Board advised that the matter should move forward with no contingencies.

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.

Chair advised Board regarding a special item on the agenda and read aloud a letter from a resident requesting an extension on their permit due to Covid and financial hardship. Board granted the extension.

Deborah Brown, 19 Delevan Street. Asked if she received the 6-month extension and was advised that yes, she was given the extension.

Meeting adjourned.

Next meeting will be held on Monday, October 26, 2020 at 7:00 p.m.