

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
December 21, 2022**

Present: A. Coates, J. Wright, K. Kucinski, B. Natoli, D. DuFour, M. Hepfer

Staff: Amy Donnison

Also Present: Ald. E. Warren

* Alternates with voting power are noted in **bold**.

I. Call to Order

Chairperson A. Coates called the meeting to order at 7:02 PM. Chairperson A. Coates stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. (If the County 239 committee denies the request, the ZBA must have a majority plus 1, or 5 votes in order to approve.) The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance. The Common Council has the authority to change the Zoning and Sign Ordinance. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There are 3 cases before the Zoning Board this evening: 2 Area Variance requests and a Sign Variance request.

II. Public Hearing: Christ Lutheran Church – 94 North Broad Street

The public hearing was opened at 7:03 PM. The following exhibits were entered into evidence:

1. Application from Christ Lutheran Church dated December 13, 2022.
2. Community Development report dated December 20, 2022.
3. Photographs of property with existing signage.
4. Property drawings showing proposed location on parcel.
5. Copy of tax map of property
6. No correspondence or phone calls received in support or opposition.
7. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or correspondence received regarding the proposal.

K. Kucinski asked if there had been any stipulations placed on the 2 previous LED sign requests that had been before the board – GHS Credit Union and St. Barts – no there were no stipulation nor condition attached to the approval of those 2 requests.

J. Wright asked if any member felt that there was any imminent danger to the community in approving these LED signage requests as she feels there will be more to come as this seems to be the ay signage is heading. A. Coates noted that this church is right at the edge of the business zone. B. Natoli asked if the sign would change every few minutes. Robin DeBrita said yes but not very often. R. DeBrita also noted that this new sign would be placed inside of the brick framework of the existing sign and so no bigger area is needed. The proposed new sign would also be two sided and would be 10 square feet smaller in size than the existing signage. R. DeBrita noted it is becoming more difficult to get parts for the existing signage as well as it is difficult to make the changes to it on a timely basis.

Chairman A. Coates asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:17 pm.

A. Coates mad a motion to approve the request as submitted. J. Wright seconded. Ayes All.

III. Public Hearing: Scott Sutton – 109-111 Canasawacta Street

The public hearing was opened at 7:18 pm. The following exhibits were entered into evidence:

1. Application from Scott Sutton dated November 20, 2022.
2. Community Development report dated December 20, 2022.
3. Photographs of property
4. Copy of tax map of property
5. Petition of support signed by neighbors (20)
6. Floor Plan of house indicating the area and square footage of the proposed office space.
7. No correspondence or phone calls received in support or opposition.
8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or correspondence received regarding the proposal.

S. Sutton stated that his chiropractic office had previously been located on North Broad Street and his plans for this area of his home were originally to be a formal library. His office on North Broad Street had to shut down during COVID but would now like to relocate it in his current home on Canasawacta St. there will be no employees – only himself and one patient at a time.

M. Hepfer noted there seemed to be adequate off-street parking – are there any plans to strip it? S. Sutton stated no. A. Coates asked if there were any plans for signage. S. Sutton said maybe a small sign on the house that only states Dr. Sutton. There are no plans for a larger sign that would require a variance request. A. Coates also asked how many patients he expected to see in a week? S. Sutton it would be a trickle, 20 to 30 per week and by appointment only. A. Coates asked if the property is sold can a stipulation be made to any approval that the property reverts back to owner occupied dwelling? A. Donnison said yes.

K. Kucinski verified that the office square footage was less than 700 square feet. S. Sutton said yes, M. Hepfer asked what the hours would be. S. Sutton stated he would only be seeing patients on Mondays and Wednesdays and that the average appointment is approximately a half hour long. A. Coates noted he was happy to see the neighbors were in support of the proposal. B. Natoli noted that this is a practice that has already been well established in the city and was now only looking to relocate.

Lazarus Breidenbach, in the audience for the next public hearing, voiced his support of the proposal.

Chairman J. Wright asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:43 pm.

IV. Findings & Determinations for S. Sutton – 109-111 Canasawacta Street

- Applicant has had a well-established practice for several years on North Broad Street prior to COVID.
- This property is located in an R-1
- This parcel is single family owner occupied.
- Any signage would meet current sign dimensions allowed in an R-1 zone.
- There is no staff and only 1 patient at a time will be seen.
- Applicant contacted neighbors to sign a petition regarding proposal.
- No exterior modifications will be made.
- It would not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.
- The requested variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
- The alleged difficulty was self-created.

Motion made by A. Coates to approve the request for a professional office to be located at 109-111 Canasawacta Street as long as it is owner occupied and the office area does not exceed 700 square feet as well as there are no employees on site. K. Kucinski seconded.

Motion Approved: 6 ayes; 0 nays. Ayes All.

Ayes – A. Coates, J. Wright, B. Natoli, D. Dufour, K. Kucinski, M. Hepfer

IV. Public Hearing: Birdsall Street, LLC – 112-114 South Broad Street

The public hearing was opened at 7:50 pm. The following exhibits were entered into evidence:

1. Application from L. Breidenbach dated December 12, 2022.
2. Community Development report dated December 20, 2022.
3. Photographs of property
4. Copy of tax map of property
5. Floor Plan of building indicating the area and square footage of the proposed office spaces and dwelling units.
6. Site plan indicating area proposed for parking.
7. Minutes from ZBA dated October 24, 2011 for reference purposes.
8. No correspondence or phone calls received in support or opposition.
9. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or correspondence received regarding the proposal. A. Donnison reminded the board members that this parcel has been before the ZBA in the past for very similar requests and had included the minutes from those meetings as a reference point from previous owners.

L. Breidenbach wished to state that the proposed plans are not for a homeless shelter. The proposed dwelling units will be on the higher end scale, would not be low income units. This structure would also include 2 professional office spaces. The property owner lives in NYC, however L. Breidenbach would reside here in one of the units.

A. Coates asked why wait 10 years before asking to do something with it? L. Breidenbach stated the owner has been busy with other projects and that until now, pending approval of this request, there has not been a financial incentive to move forward sooner. This property owner also owns the dance studio building on the corner of Front Street and Birdsall St which has been in the process of

getting a new roof as well as having all the brickwork repointed yet the rent has not increased.

A. Coates noted that the grass and weeds are often high and the sidewalks in the winter are often not cleared. A. Coates he doesn't like the use of so much green space on a corner lot being used for parking. B. Natoli asked where all the snow would go when the parking area had to be plowed. L. Breidenbach said if need be, it would be hauled away.

B. McCracken of 139 North Broad Street stated he supports the use of the building for housing but believes 13 units is too many, especially when none of them have closets meaning the units could be larger and less of them and parking surrounds the building where there are school age children every morning and afternoon. A. Donnison noted that for any building with parking such as this in an R1 zone where parking is in front of the building there must be screening. This screening may be in the form of a fence or hedges or if the ZBA wishes to dictate the screening materials they may.

B. McCracken also stated that if there were a max of 3 units on each floor perhaps the required parking would then not use the green space at the front of the building and the south side of the building by the sidewalk along Beebe Ave.

Ald. R. Jeffrey, Ward 6, stated that he has concerns with the office/retail space. He is aware the same property owner owns 38-40 Birdsall Street and that recently there was a fight among some of his workers in the basement – aggravated assault charges were pressed on some. Also does not want to see the loss of so much green space for parking. R. Jeffrey noted that he does not like the idea of any of this building being used for retail space as there is retail space available in the downtown district and it would require too much parking for a retail business to be located at this busy intersection.

Ald. E. Warren, Ward 1, noted that parent pickup at the school causes severe traffic congestion. Not knowing what business will occupy this space is unknown and because of that it is also unknown if it will change the character of the neighborhood.

A. Coates asked what the amount per month the dwelling units would be, and did they really believe there was a need? L. Breidenbach stated between \$900 and \$1,000 per month and yes, the need seems to be there. D. DuFour asked if there had been any consideration of a plan without the commercial spaces. L. Breidenbach said no. D. DuFour also noted that there are vacant retail spaces available downtown, which seems more appropriate than in a residential area.

M. Hepfer also wished to note that he knows from personal experience that at 8am traffic at that corner is a mess. This will only make it worse if there are commercial spaces located here. K. Kucinski agreed with fellow board members on the number of units requested so the required parking for same is too high and

added that the way the windows are in the building now they are an eyesore.

A. Coates asked each member what their main concerns were with the proposal. B. Natoli was concerned with the amount of parking needed as well as the snow removal for same. D. DuFour also was concerned about the amount of loss of green space and wasn't in favor of the commercial space and could not see how this space benefited the building or the residential area in any way. K. Kucinski also doesn't like the amount of parking that is required for the dwelling spaces and the commercial spaces combined. Would like to see the number of units reduced. M. Hepfer is opposed to any parking in the front as well as parking along the sidewalk where children going to and from school are walking right next to it. J. Wright stated she is concerned with the increase in traffic in an already busy area if this many units and commercial space should be located here. Stated she is definitely opposed to any parking in the front as well as along the sidewalk. A. Donnison noted that if commercial space was eliminated, and there was a reduction in the number of dwelling units, the required parking spaces would also be reduced. L. Breidenbach said that he would need to speak with the owner as the request submitted is what they most wanted.

A. Coates made a motion to table the decision on this proposal, the board has up to 62 days to make a decision. This will give the applicant time to review the discussion tonight to the owner and come back with a modified offer. Seconded by K. Kucinski. Ayes All.

V Adjournment:

There being no further discussion, the meeting was adjourned at 9:15 pm on a motion made by D. DuFour. Seconded by J. Wright. Ayes All. Carried.