

May 1, 2019
Village of Hammondsport
Zoning Board of Appeals
Meeting Minutes

The Village of Hammondsport's Zoning Board of Appeals held a Public Hearing Wednesday May 1, 2019 at 7:00 p.m. on Use Variance Application 2019-13.

PRESENT: Chairman Tim Atwood; Members: Deb Robbins, Linda Carl and John Hoch

ABSENT: Member Herbie Matthewson

OTHERS PRESENT: Carla Perri

Chairman Atwood called the meeting to order at 7:00 p.m.

Chairman Atwood asked applicant Carla Perri to give a narrative of the proposed application before the board. Ms. Perri is seeking relief from Village Code Section 22.12A(1)(j), Living space is not allowed on any first floor of the Business Districts. Chairman Atwood explained that the applicant was given an Area Variance Application and not a Use Variance application. Some of the questions on the application are different.

Ms. Perri explained that she purchased the property located at 64 Shethar Street last fall and hopes to rent on side to a business but has not been able to do so yet. The back space she is applying for the variance for is a 225 square foot space that was rented to Real estate Company by the previous owners. She has advertised to rent this space to a business and has not been able to do so. Therefore, she wanted to be able to rent the space as a short-term rental. The space has a bathroom and its own designated parking space. There is a back entrance off the street. She explained that she sees other rentals on the street.

NO Public Comment

Questions from the Board Members to the applicant on the Use Variance Application

1. Have you looked at other uses for the space that are allowed in a Business District?

Yes, Howard Hanna Real Estate office has been helping with getting the word out for possible renters for the larger space as well as the back smaller space proposed for a short-term rental.

2. Is the building and space in question any different from any other storefront in the Business District?

No, but there are rentals in the Business District.

3. Will the proposed use as a short-term rental alter the character of the neighborhood?

No, the apartment is in the back with a separate side entrance. Proposing to remove a fence in the back to make a parking area.

3. Why are you seeking relief?

Need to rent the space for income to pay the mortgage.

Discussion of the Board Members:

The Board discussed the property and does not see the property as different from any other storefront in the business district. All other rentals are on the second floor. The board sees this as more of a want than a need.

Part 1 of the Short Environmental Assessment Form was reviewed and Part 2 was completed by the Board.

John Hoch made a motion, seconded by Linda to accept the Short Environmental Assessment Form and after review the Board has determined based on the information and analysis of the answers that the proposed action will not result in any significant adverse environmental impacts.

ROLL CALL VOTE: Tim Atwood – Aye
 Deb Robbins – Aye
 Linda Carl – Aye
 John Hoch – Aye
 Herbie Matthewson – Absent

Motion Carried

In making its determination the Board considered the following:

1. The applicant can seek renting the space for other than a short-term rental as allowed in the business District.
2. The hardship is self-created by purchasing the property with no tenant in place.
3. The granting of the Use Variance would alter the character of the Business district since no other property rents on the first floor.
4. The property is no different than any other storefront. The property is not unique to allow for a first floor space to be rented short-term.

Based on the above Findings and discussions John Hoch made a motion, seconded by Deb Robbins that the Zoning Board of Appeals does hereby approve the Area Variance Application 2018-52 submitted by Jeff Yanick, property owner Joanne Thomas, for the Timber Stone Grill, 70 Shethar Street, Hammondsport. Granting relief from the Village Maximum Lot Coverage Including all Accessory Buildings in a B-2 Core District of 60% and giving an Area Variance to include the additional 144 sf for a total of 800.6 sf over the maximum allowed lot coverage. With the following conditions:

1. The placement of the concrete pad be inspected with relationship to the septic system and verify that it does not hinder any of the components.
2. That the current structure be inspected for code compliance and safety, any corrections made and moving forward it meets all Code Requirements.

ROLL CALL VOTE: Tim Atwood – Aye
 Deb Robbins – Aye
 Linda Carl – Aye
 John Hoch – Aye

Herbie Matthewson – Absent

Motion Carried

Linda Carl made a motion seconded by Deb Robbins to adjourn the meeting at 6:15 p.m.

Respectfully Submitted,

Tammie Nelson
Village Clerk