

Zoning Board Public Hearing
3-31-2021

Members Present: Mark Connolly, chair, Charity Donnan, Scott Hulburt,

Others: Donna Falkner, Carl Peter, Kirk Richenberg, Gene McMaster III, Gene McMaster, Jen Scaccia and Pat

7 pm – Chairman Connolly opened the public hearing for Gene McMaster

**Town of York Zoning Board of Appeals
Public Hearing**

On **Wednesday, March 31, 2021**, at 7:00 p.m. at the York Town Hall, the Zoning Board of Appeals will hold a public hearing for an area variance for Eugene McMaster to build a pole barn for personal storage forward of the primary structure and 35 feet from the edge of the right-away on his property, tax map 32-1-38.21. All are welcome to attend.

Donna Falkner
Zoning Board of Appeals Clerk
3-5-21

Mr. Connolly said that he needs an area variance because according to Article 4 of our Zoning he is not meeting the minimum set back requirements and because he wants to put the garage in front of the house.

Mr. McMaster – asking for the front of house because in back there is a creek and doesn't want to place the building on the tree line of the creek with a drop off. It won't infringe on line of sight from the road.

7:15 pm – Mr. Connolly closed the McMaster Public Hearing and opened Twisted Stitches Public Hearing for a use variance

**Town of York Zoning Board of Appeals
Public Hearing**

On **Wednesday, March 31, 2021**, at 7:15 p.m. at the York Town Hall, the Zoning Board of Appeals will hold a public hearing for a use variance for the Bank of Castile & Twisted Stitches to change the use from banking to embroidery business and seasonal ice cream shop at 3768 Main St., Wadsworth. All are welcome to attend.

Donna Falkner
Zoning Board of Appeals Clerk
3-11-21

Mrs. Donnan asked what the zoning was where the Bank of Castile building is.

Mr. Peter said hamlet residential and that the bank was preexisting, non-conforming (before Zoning code). Pat asked why it wasn't changed to commercial then and Mr. Peter said because they didn't want spot zoning .

Mr. Richenberg asked what the standards were for use variances.

Mr. Connolly read the 4 state guidelines

1. Applicant must prove property unable to achieve a reasonable return for any use
2. Prove unique circumstances apply to the property for which variance is requested
3. Must prove that hardship is not self-created
4. Must prove the essential character of the neighborhood will not be altered

Mr. Richenberg asked how do you prove hardship.

Mrs. Donnan said it could be physical hardship, not monetary

Mr. Hulburt said to convert to residential would be more costly

Mr. Peter said you could probably convert it to two apartments but the bank has had it for sale for several years with no buyers. He thought the property next door (Bucci's offices) had been there a long time.

Mr. Connolly said it's strongly recommended using the guidelines but his personal opinion is it's already a pre-existing business, and doesn't have a problem with the use variance.

Mr. Richenberg asked if there were any similar situations in York.

Mr. Connolly said the bike shop across the road used to be a gym and they weren't changing anything but the sign out front.

Mr. Richenberg asked if the gym had come after the Zoning Code.

Mr. Peter said it became a gym in 2005 before the Zoning Code and they would have to come back to change the use. He asked if there would be any seating inside.

Ms. Scaccia said no, just outside ice cream and no ATM

7:30 pm – Mr. Connolly closed the Twisted Stitches Public Hearing and opened the Zoning Board meeting.

Resolution:

Mrs. Donnan moved to approve the January 14 minutes, Mr. Hulburt seconded, carried.

Aye – 3 Nay - 0

Resolution:

Mr. Hulburt moved to grant the area variance to Mr. McMaster, Mrs. Donnan seconded, carried.

Aye – 3 Nay - 0

Ms. Scaccia said that the window for ice cream would be where the drive-thru ATM is now and Twisted Stitches would be the other side of the building.

Mr. Connolly said that because it is on the Main Road, it has to go to county planning for review. When we get the county recommendation back we will make our decision on April 21, when we schedule two more public hearings.

Resolution:

7:42 pm Mr. Hulburt moved to adjourn, Mrs. Donnan seconded, carried.

Aye – 3 Nay - 0

Respectfully submitted,
Donna K. Falkner