



REGULAR MEETING OF THE VILLAGE OF WATKINS GLEN  
ZONING BOARD OF APPEALS  
HELD WEDNESDAY, FEBRUARY 5, 2020

### PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:07pm by Stacy Gray who led the assembled in the pledge of allegiance. Present were Stacy Gray, David Hertel, Colleen Chavchavadze, Roger Hugo, Sue Olevnik, Code Enforcement Officer Darrin Stocum, Attorney Bill LaForte and Deputy Clerk Barbara Peterson.

### APPROVAL OF MINUTES

David Hertel moved to approve the minutes of October 28, 2019. Roger Hugo seconded, and the motion passed unanimously.

Sue Olevnik moved to open the public hearings. Colleen Chavchavadze seconded and the motion passed unanimously.

6:08 pm          Public Hearings opened.

#### Holy Cow (410-412 S. Franklin) – Sign Variance

Ryan Van Horn and Jeremy Hogan of J&H Design were present on behalf of Holy Cow. Mr. Hogan presented the request for a twelve (12) foot freestanding sign to be placed in a parking spot located in the south portion of the lot. Other locations such as on the roof, or hanging from the roof would hinder maximum visibility, and/or may only be seen from one direction. Freestanding signs are allowed in the business district, but not in zone BT-Business Transitional. The current sign is non-conforming and back lit. Owners could continue to use that sign. Board went through the Use Variance Findings: 1) No financial hardship evidence was presented, 2) Alleged hardship is unique, 3) The requested variance would not alter the essential character of the neighborhood, and 4) the alleged hardship is self-created. David Hertel moved to approve the Holy Cow sign variance as presented. Roger Hugo seconded and the motion passed 4-1 with Colleen Chavchavadze voting “nay”.

#### D&L Miscellany (1004 N. Decatur) – Use Variance

Dawn Lewis, Lori Elliott, and Amanda Rodriguez were present. Ms. Elliott presented the plan to open a miscellaneous gift shop in the main floor of their home. The applicants would prefer to not have a storefront as it would defeat the purpose of a quaint, homey atmosphere and keeping overhead to a minimum. Discussion regarding cottage industries ensued. Colleen Chavchavadze read the exceptions. There would be no modifications to the structure. The Board and Attorney LaForte determined that the applicants meet the requirements for a Cottage Industry. David Hertel moved to deny the variance with the understanding the applicants will move forward as a Cottage Industry. Colleen Chavchavadze seconded and the motion passed unanimously.

### Seneca Long View (TBD Lakeside Lots) – Area (Setback) Variances

Steven Welliver of Seneca Long View and Amanda Ratchford of Hunt were present on behalf of Seneca Long View. Ms. Ratchford noted the setbacks for this zone are thirty (30) feet from the edge of the sidewalk, and they are requesting a variance for twenty (20) feet. The shorter setbacks are not on the edge of the property and would not affect any neighbors. Colleen Chavchavadze moved to grant the area (setback) variance as requested. David Hertel seconded and the motion passed unanimously.

### Watkins Glen, Inc. (326 S. Madison) – Use Variance

Kirk Sorenson and Nathan Caplan were present. The applicants want the property to revert back to a duplex, like it was originally. The house was built in 1790. The footprint is not being changed, nor are ingress/egress points. One unit will have 3 bedrooms and the other will have 2 bedrooms. The property was listed on prior year tax rolls as a duplex. The site lends itself to two (2) smaller units, rather than one (1) large unit due to long term rental prices. Discussion regarding restrictions ensued. David Hertel moved to approve the use variance as presented. Roger Hugo seconded and the motion passed unanimously.

### Wojcik (6 Orchard) – Use and Area Variances

Martin Wojcik, owner, and George Welch, Attorney were present. Attorney Welch presented the history of the property noting the small porch area was permitted to build out as a seasonal residence in 1965 on a preexisting foundation. The structure has been on the tax rolls since 1986. The building envelope has not changed. Code Enforcement Officer (CEO) Stocum noted that when the kitchen was added, it became a principle structure. CEO Stocum informed the Board that the only permit on file for the structure was for three (3) new windows and a door. Area of the second structure is 1356 square feet. It has its own water and electric meters. Owners were told it did not need a dedicated sewer line as it was acceptable to branch off the main structure. Owners maintain that the Building Official at the time was privy to all information as it was happening on the property, and that they were in compliance. Attorney LaForte noted that even if a former Village official allowed something, it does not make it legal. Any permit bestowed does not vest any legal rights. The property could still be used as single-family dwelling such as a mother-in-law apartment. The structure must comply with existing zoning. Owner would like to be able to use as a long-term rental or a short-term rental with limitations in order not to lose \$100,000.00 investment. After discussion regarding district intent and setbacks, David Hertel moved to not accept the proposed use variance for a second principle structure. Sue Olevnik seconded, and the motion passed 4-1 with Roger Hugo voting “nay”. Request denied.

### Menio (107 Eleventh) – Area Variance

Lorraine Menio was present. The Planning Board had previously approved the restaurant project. The Menio’s are requesting an addition which changes the site plan. Owners are requesting an area variance for setbacks. The Planning Board had approved the setbacks at 16 feet and this request is change them to 4 feet. On the original site plan, the area for the addition was just an existing concrete pad. A new enclosed addition will make the area neater and cleaner in appearance. After brief discussion, David Hertel moved to approve an area variance for a setback variance for the addition as presented. Roger Hugo seconded and the motion passed unanimously.

### Shoreline Home Development (148 S. Monroe) – Use and Area Variances

Lori Bernagozzi and Attorney Amy Churchill were present on behalf of Shoreline Home Development. Chairman Stacy Gray recused herself. Colleen Chavchavadze moved to nominate David Hertel as Acting Chairman. Sue Olevnik seconded and the motion passed unanimously.

Attorney Churchill noted that Ms. Bernagozzi has submitted 2 short-term rental applications – one for the main structure and the other for the accessory structure which are connected with plumbing and a porch, maintaining that the connecting deck makes it an addition. CEO Stocum noted that if the accessory structure can exist as a principle structure, then it is out of compliance. The second structure is not winterized and has separate cooking facilities. Sue Olevnik read from realtor.com where the property is currently being advertised as 2 homes, which are not permitted on 1 lot. Applicant withdrew all variance requests. Discussion regarding the kitchen, overnight stays and compliance issues ensued. Acting Chairman Hertel closed discussion on the variances due to the withdrawal. Colleen Chavchavadze seconded and the motion passed unanimously.

Acting Chairman Hertel closed all public hearings. Sue Olevnik seconded and the motion passed unanimously.

## BOARD CONCERNS/NEW BUSINESS

### ADJOURNMENT

With no further business to come before the Board, Colleen Chavchavadze moved to adjourn the meeting at 8:55pm. Sue Olevnik seconded, and the motion passed unanimously. Meeting Adjourned.

Respectively Submitted,

Barbara J Peterson  
Deputy Clerk/Treasurer