

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – March 4, 2009

PRESENT – Board Members

Conrad Ziarniak - Chairperson
Wade Radtke
Paul Dittman
Rick Sheffer
Jackie Smith

Support Board Members

Richard Olson, Town Attorney *
Chad Fabry, Code Enforcement *
Ursula M. Liotta, Building Dept. Coordinator

Excused *

CALL TO ORDER:

C. Ziarniak called the meeting to order at 7:00 pm, led all present in the Pledge of Allegiance, and reviewed the agenda.

PUBLIC HEARING: None

NEW BUSINESS:

1. Kyla Giles, Applicant – ZBA #2009-1

Selah Images Photo Studio – Customary Home Occupation
9094 Ridge Road, Tax Acct. #053.02-1-5.1

C. Ziarniak reviewed the materials submitted by the Applicant, including, an instrument survey, photographs of the home's front and back, a GIS aerial photograph, and the proposed floor plan for the CHO. He asked the Applicant to explain what she is trying to achieve.

K. Giles introduced herself and stated that she has been in business for two and one-half (2-1/2) years, and her intent is to obtain a special permit to allow her to work in a studio at her home, by appointment only. Discussion ensued between the Board members and the Applicant, including the following:

C. Ziarniak: he stated that the home is a one-story ranch home, with a walkout basement. The upper level living area is 1,232 sq. feet and the lower level mirrors the upper level.

C. Ziarniak: he asked the Applicant if she had reviewed the code as it pertains to a CHO.

K. Giles: she answered yes.

C. Ziarniak: he said that the Code states that a CHO cannot use more than 25% of the floor area of living space in the home; that Applicant's request is for a CHO that will not be part of the living space; that this situation will be referred to the Code Enforcement Officer for clarification.

W. Radtke: he asked the Applicant if the basement was finished when the home was purchased.

K. Giles: she answered, yes it was.

W. Radtke: he stated that there is currently ingress and egress, so that would deem the lower level to be livable space.

W. Radtke: he asked the Applicant if she knew if the basement was finished according to code.

K. Giles: she stated that she did not know.

C. Ziarniak: he stated that the Board would refer this question to the Code Enforcement Officer to check the property file for any permits.

W. Radtke: he asked the Applicant if she plans to develop film in the basement.

K. Giles: she stated no, there will be no chemicals, only digital.

P. Dittman: he asked the Applicant where the customers would enter the home.

K. Giles: she stated through the front door, and down the stairs to the studio on the lower level.

W. Radtke: he asked the Applicant about the sign for her business.

K. Giles: she stated that she is aware it can be no larger than two (2) square feet; that she intends the sign to be a permanent fixture marking her driveway entrance.

C. Ziarniak: he asked the Applicant to provide a rendering of the sign before the Public Hearing for the Board to review.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
March 4, 2009

R. Sheffer: he asked the Applicant if there would be lighting on the sign.

K. Giles: answered no.

C. Ziarniak: he asked the Applicant regarding parking.

K. Giles: she stated that while her car and her husband's car will be parked in the garage, there is ample parking in the driveway turn around to allow for two (2) customer vehicles.

C. Ziarniak: he asked the Applicant regarding her hours of operation.

K. Giles: she stated that the hours would be by appointment only from 9:00 am to 7:00 pm, Monday through Saturday, although she is often at different locations for shoots during those hours as well.

C. Ziarniak: he asked the Applicant if the bathroom on the lower level would be used by the customers.

K. Giles: she answered yes.

K. Giles: she inquired if she could take customer photos in her backyard.

C. Ziarniak: he read aloud Section 140-3 A(6) *Definitions of a Customary Home Occupation*, i.e.

It employs no exterior display, except a sign not to exceed two square feet, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the building.

After consideration, the Board deemed that this should not pose a problem, provided outdoor photo shoots were done in a low key manner in the rear of the yard.

C. Ziarniak called for motion to schedule a Public Hearing on April 1, 2009. W. Radtke seconded the motion; unanimously carried.

After consulting with the Code Enforcement Officer, the Board would notify the Applicant of its findings by email.

OLD BUSINESS: None

OPEN FORUM: None

OTHER:

The Board informally discussed the February 28, 2009 CE workshop, and agreed that it was very good learning experience for all of the boards.

Two matters for future discussion by this Board: (1) the Monroe County Department of Planning & Development Referral Form – review the form and situations when the ZBA may use the referral, and (2) matters of “Interpretation” per Attorney Olson – to be added as an option on the ZBA application and assign a suggested application fee of \$100.

REVIEW OF MEETING MINUTES: February 4, 2009

P. Dittman made a motion to accept the minutes; second by J. Smith; unanimously carried.

NEXT MEETING: March 18, 2009

P. Dittman stated that he will be out of town from March 9 – April 14, 2009, and will miss two meetings.

ADJOURNMENT:

W. Radtke made a motion to adjourn at 8:00 p.m.; seconded by J. Smith; unanimously carried.

Approved 4-1-09

Respectfully Submitted,

Ursula M. Liotta
Building Department Coordinator