

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

February 13, 2008

7:00 PM

Present:	Dan Castle, Chairman Lowell Dewey Laura Mehl Patrick McBurney	Code Enforcement Officer, Bill Kramer Deputy Clerk, Sue Wolff Others Present: Julianne Kostelny
Absent:	Stacy Oar Randolph West	

Chairman Dan Castle called the meeting to order at 7:05 PM

After a grammatical error was corrected Patrick McBurney moved the minutes for the December 15, 2007 meeting be approved. Laura Mehl seconded the motion, which was then followed by a unanimous vote to approve.

**REQUEST FOR RECLASSIFICATION/REZONING OF
45 SOUTH GROVE ST. FROM RG TO C ZONE**

Chairman, Dan Castle asked the petitioner, Julie Kostelny to explain what is being requested and why.

Julie Kostelny explained the reasoning behind her request to change the zoning from RG to C at 45 S. Grove Street. There is a detached building (Garage/Barn) behind the apartments, that has been used as a commercial art studio and also serves as a one-bedroom residence upstairs, which is non compliant in the RG zone, but would be allowable in a C zone. Julie also mentioned that the Roycroft Campus Corp. has shown interest in purchasing the property in its entirety or only a portion of land to the rear of the parcel for additional parking. Rezoning would allow for a reduction in rear yard setback from the existing structure increasing the amount of allowable parking and generally allow for parking. Julie would really like to keep the buildings and sell the back yard portions only, which she would like to see rezoned before any sale takes place. Julie also told the Planning Commission members the rest of the property surrounding the Roycroft Campus is currently zoned C so by rezoning this parcel it would fit in with the rest of the zoning for the area.

Dan Castle asked Julie to clarify the property location, is it located next to the former Power House to which Julie answered yes.

Member, Lowell Dewey asked Code Enforcement Officer, William Kramer what the rear yard setback would be in a RG zone to which Bill replied 50'. Lowell also inquired about the mature trees that were located in the yard, and what would happen to them. Julie answered Lowell by explaining to him that the trees that were there would most likely remain, and if the RCC would develop the land, the existing trees could be left intact because most of them are around the perimeter of the lot.

Lowell Dewey questioned Julie about her plans for the existing structures. Lowell feels that as long as the residential building were guaranteed to remain unchanged, in their

current uses, it would be fine to rezone but he doesn't want to see the C zone encroach into more residential zone areas. Lowell stated that basically the Kostelnys are requesting the rezoning, to bring the art studio, to the rear of property, into compliance with current legal use. If the rear yard was sold any changes to it would be subject to a Development Plan review.

Bill Kramer went on to explain that the Art Studio/Residence was put into use without the proper zoning for the property. Dan Castle thought that this was a grandfathered use, but was informed by Bill that the Garage/Barn to Art Studio/Residence was a recent conversion.

Dan Castle questioned Bill Kramer if the Kostelnys would be granted the reclassification or rezoning and the studio then becomes a legal use for the zone, what would happen if someone else purchases the property such as the RCC. Would the RCC have to come back to the Planning Commission if they decided to demolish the front apartment building or if a parking lot was installed? Bill answered by saying yes, the new purchaser would have to come to the Planning Commission with a Development Plan showing changes or any demolition request.

Dan questioned Julie if she was proposing any changes to the two existing buildings, (apartments or studio) to which Julie replied no.

Lowell Dewey feels that it would be alright to rezone as long as the Planning Commission can make it clear to the Village Board to continue the use of the building and keep the residential character in that area. The Planning Commission would also like to note to the Village Board that the RG district will continue on from 53 South Grove St. to the corner of Oakwood Ave. if rezoning is allowed for 45 South Grove Street.

Member Patrick McBurney would like to make a suggestion that rezoning not be allowed, doesn't want to see the C zone encroaching any further into the RG district.

Suggestions from the Planning Commission for the Village Board on the rezoning of 45 South Grove Street:

1. Request that the Village Board rezone to C only with a permanent condition that the apartment building remain its current use with no application to demolish.
2. The Village Board should not allow a reclassification or rezoning of the property and recommend the Kostelnys go to the Zoning Board of Appeals for a use variance to allow the continuance of the Barn/Garage as an Art Studio and residence.

A motion was made by Patrick McBurney to adjourn the meeting at 8:10 PM, seconded by Lowell Dewey. Motion carried.

Respectfully submitted,

Susanne M. Wolff
Deputy Clerk