

**Village of Hamilton
Zoning Board of Appeals
November 23, 2010
7:00pm
Village Courthouse**

APPROVED MINUTES

Present: Chairman Michael Clough; CEO Paul McGinnis; Members: Morgan Davies, Marilyn Upton, Tim Trueworthy, Corey Landstrom.

Public Present: Gregor MacKinnon; Sandra MacKinnon; Suzanne Collins.

Call to Order: Chairman Clough called the meeting to order at 7:00pm

Approval of Agenda: Approved as written.

Approval of Minutes: A **motion** was made by Member Upton to approve the minutes of the **September 28, 2010**, meeting as written. The **motion** was seconded by Member Landstrom and carried.

New Business

Public Hearing, Sandra MacKinnon, 40 Milford St., Appendix A-Schedule I, Land Use #45(a) and #50

The Board Members received a copy of the application, a letter of intent from Ms. Sandra MacKinnon, and plans dated Nov. 10, 2010, designed by Bruce Ward, architect.

Property being discussed falls in the B3 Zone.

Section #45(a) includes studios or similar activity. Member Upton requested the definition of a studio. CEO McGinnis stated it is “ a work space for an artist”. Member Landstrom questioned if there is a distinction for personal space or one being leased out. Member Davies expressed his displeasure with this definition.

Section #50 includes retail stores. Member Davies stated John’s Shoe Shop and Jaquay Feeds, both who occupied this space, were retail business’ until two years ago.

Ms. MacKinnon read her letter aloud to the Board. She referenced Section #56-furniture sales, Section #55-interior decorating, Section #46-hobbies and crafts, Section #31-social and recreational activities, all allowed uses. Chairman Clough stated all sections referred to by Ms MacKinnon were from Schedule A.

The Board requested an updated copy of Appendix A.

Suzanne Collins, representing the neighborhood, stated she has no concerns with the proposed project. She believes it will be an asset to the neighborhood.

The Board discussed traffic. There is the potential for an increase in traffic, although it would be a less intrusive, low key type of traffic. Ms. Collins stated there is already a high volume of traffic on this street from the DPW and Powerhouse vehicles.

Parking spaces by definition is 180 sq. ft. Plans now show a 9'x15' space which will need to be changed.

CEO McGinnis reported he only heard from one neighbor who had no concerns.

The regulations of a Use Variance were read aloud by Chairman Clough.

Concerns:

A large, vacant property, which left vacant will deteriorate and has the potential to become a Village problem.

Member Davies stated the combination of uses permitted and not permitted made the ones not permitted arbitrary restrictions.

Chairman Clough stated the definition of retail is questionable and it is the Boards responsibility to maintain what we have in the Village.

A **motion** was made by Member Upton to grant the Use Variance due to the consideration that the type of business attracted to this space would be rather low volume, it would not change the character of the area, it would be improving the area because it will be using a vacant building that was previously used as a retail establishment, and would not generate heavy traffic as prior business'. The **motion** was seconded by Member Landstrom and unanimously carried.

There being no further business to come before the Board, Member Upton made a **motion** to adjourn. The **motion** was seconded by Member Trueworthy and carried. The meeting adjourned at 7:33pm.

Respectfully submitted,

Kim Taranto