

Party in Opposition
BZA Case 21157

Response to Item #4: Zoning determination letter or ZA Referral Memorandum that the requested relief is correct

It is not surprising that CYM does not have a zoning determination letter to enter into the record. They continue to hide behind the “self-certification” justification, but the law is clear. They need additional relief.

First, the Corner Store Regulations specify under U 254.10 that all trash must be stored inside. Not just at night. Not while the corner store is open or closed. The law is clear and says ALL trash must be inside and there is no external storage allowed. Yet, CYM has two large trash cans outside all day, every day, until their private hauler comes to empty them and store them (finally) in the basement, until CYM opens the next morning when the two large cans are right back outside.

The law states:

U 254.10

All storage of materials and trash shall occur within the building area devoted to the corner store. There shall be no external storage of materials or trash.

They need a use variance to be able to maintain this system.

The problem is the subject property is too small as they use the basement to prep their food and have no space to keep the cans inside while CYM employees are working in the basement. CYM brags about how they have a private hauler daily, how that hauler even empties the public can, how their employees pick up trash (shown once in a totally staged video). They discount the trash issue they have caused in the neighborhood by showing pictures and videos trying to shame neighbors for overflowing cans or using the public can. Not only is this not being the “good neighbor” they claim to be, it is also a total deflection of the fact they break the law every single day. By turning the spotlight on a small number of incidents over a 5 year period of the neighbors – who are neither on trial nor asking for zoning relief – they turn the spotlight away from their own problems.

They cannot store those two cans outside during the day. But they cannot fit them inside, which is further proof that this location is absolutely inappropriate for their business, no matter what unenforceable conditions they try to propose.

Please recognize this as yet another attempt to circumvent the law by CYM – like pretending they had a matter of right to open as a prepared food shop despite what the law says, or installing an air conditioning unit on the eave without getting the required approvals or inspections, or self certifying that they meet all the requirements.

Their lawyer is a zoning expert. He purposefully did not get a determination from DOB or a referral letter from the Zoning Administrator – as requested by the BZA – because such a letter would be contrary to the law.