

Circumventing Process and Law

- CYM and their expert zoning lawyer are self certifying
- Intentionally skirting the law
- They need more relief than they are asking for
- They say they self certify and that's their risk
- But this is wrong as the law is very clear
- BZA has right to interpret zoning laws and call them on this

They Need a Use Variance (harder than an area variance)

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.*
- Yet they store 2 big cans all day because they have no space in basement while they are open (Office of Planning told us this!)
- Other stores follow the law!
- They need a use variance or they are breaking the law

They Need an Area Variance

254.6. *A corner store shall only be located as follows:*

- *(c). Not within five hundred feet (500 ft.) of more than three (3) other lots with a corner store use defined as retail, general service, or arts, design, and creation uses;*
- They are within 500 ft of 4 or 5 other corner store USE stores
- They need an area variance or they are breaking the law
- They cannot get a referral letter from DOB

OPPOSITION TO ZONING RELIEF

- More neighbors oppose, mostly long term residents
 - We know the law better than the “zoning experts” and will appeal if the law is not upheld, again!
- This has been going on long enough, trying to please this business that belongs in the commercial district, every other location they have is in a commercial zone
- They are operating a streetery without a permit, without seating and without bathrooms (ADA accessible at that)