

ZONING BOARD OF APPEALS:

MODIFICATION OF EXISTING RESTAURANT USE VARIANCE TO INCLUDE FUNERAL HOME

SITE:

2 Beekman Street; currently retains a restaurant use variance in an existing R1-10 zone. Site has been vacant for almost 2 years and has had three failed restaurants over the last decade. Applicant is seeking to add "funeral home" to the existing "restaurant" use variance to allow the relocation of the Halvey Funeral Home of Beacon. Building is in contract for purchase, subject to approval of use modification by zoning board.

APPLICANTS:

Crossix LLC, owned by Joseph Guarneri, lifetime resident at 50 Simmons Lane, construction manager of project and party of contract of sale.

Patrick Halvey and Kayla Guarneri Halvey. Mr. Halvey will be the owner and operator of the funeral home and is the third generation Halvey in the existing business.

The existing Halvey Funeral Home has been located since 1933 at the corner of Willow and Oak streets. The business was founded in Beacon by Patrick's grandfather.

NEED:

There are currently two funeral homes in Beacon. Both are in the original, traditional residence converted buildings they have occupied for over eighty years. People are seeking a less traditional, updated, and larger facility to provide services for their loved ones. Currently, the City of Beacon is not equipped to fill that need. Mr. Halvey understands he has a responsibility to serve the entire community fully. Unfortunately, the current Willow Street building is not equipped for this. The citizens of Beacon deserve a larger, more modern funeral home to honor their loved ones.

To summarize the specific zoning board standards for a use variance:

- 1- The applicant cannot realize a reasonable rate of return under the existing zoning variance.
 - a. The project cannot move forward without the requested modification.
 - b. The attached financial analysis sheet demonstrates that conversion to a single family residence will yield a net loss of \$627,000 on the project.
 - c. The lack of alternate financial viability is evidenced by the zoning condition in the contract of purchase. Without zoning approval, the contract will be voided as not financially viable.
 - d. Without approval, the site will revert to a vacant building with a history of restaurant business failures.
- 2- This hardship is unique and does not apply to the rest of the neighborhood.
 - a. The property is a commercial building and the site has always been a commercial location.

- b. The financial analysis demonstrates that commercial is the only practical use for this site.
- c. It is the only commercial building in this R1-10 district. Its construction and commercial use has always been and will continue to be unique to the neighborhood.
- d. A funeral home is a unique use.

3- Granting this modification will not alter the essential character of the neighborhood.

- a. The modification is more in character with the essential character of the neighborhood than a restaurant use and will strengthen the essential character of the neighborhood.
- b. A funeral home is a less intensive use of the location than a restaurant.
- c. The modification will more closely align the site with existing zoning.
- d. There will be fewer hours of operation and less noise.
- e. The applicants personally visited the six adjoining neighbors and received unanimous support of the proposed change of business. Comments from neighbors were critical of noise and the need for police response when the site was an active restaurant.
- f. Topographically, the building lies at the bottom of a ridge separating it from the residences. The building is physically isolated from the neighborhood. The topography indicates the site is more closely connected to the LB (Local Business) district across the street. The zoning map could have more correctly followed this ridge line, including the site in the LB district, if the shape of the land was factored instead of traditional methods of following street lines.
- g. This modification will bring the City of Beacon, as a whole, closer to its zoning plan. The non-conforming use of the existing Willow Street funeral home will be eliminated when the old building is sold as a single family residence. This simple modification of use will result in the ending of a non-confirming use in another part of the city.

4- The hardship has not been self-created.

- a. Applicants are not current owners and have contracted for this building subject to Zoning Board approval. The building will return to its previous status as an empty, unsold restaurant if our modification is denied.
- b. By definition, the conditional nature of our contract of purchase means the hardship is not self-created.
- c. This historic grandfathered use variance was not created by the applicant and the modification will more closely align the site with the current zoning.

5- Applicant is asking the board to grant the minimum variance required.

- a. The applicants are not asking for a change of use. They are asking that the existing variance be modified to include a funeral home. This is an extremely narrow and limited zoning relief appeal.

FINANCIAL ANALYSIS FOR SINGLE FAMILY RESIDENCE: 2 BEEKMAN

Lot Purchase		\$725,000
Closing Costs		\$25,000
Interior Demolition		\$20,000
Parking Lot Removal		\$15,000
Conversion to Residence	2400 SF @ \$100/SF	\$240,000
Landscaping/Driveway		\$20,000
TOTAL: Acquisition/Construction		\$1,045,000
Financing	5%	\$52,250
A/E Fees		\$20,000
CM Fees		\$45,000
TOTAL: Development Costs		\$1,162,250
Market Sale Value	Small, 2400SF, 3BR, Ranch	\$385,000
Riverview Location Premium		\$150,000
Home Sale Value		\$535,000
NET LOSS:		-\$627,250