



**Zoning Board of Appeals
City of Cortland
Regular meeting of January 8, 2018**

A regular meeting of the Zoning Board of Appeals was held on Monday, January 8, 2018 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Commissioners Scott Steve, Juliene Ray, Maria Manning, and Geoffrey Peppel

Excused: Commissioner Karen Leahy

Staff: Zoning Officer Bob Rhea, Chief William Knickerbocker, and Confidential Secretary Devon Rainbow

Item #1 – 19 West Court St. (DelVecchio) – Interpretation – (R4)

- 3 Unrelated

Attorney John Delvecchio was present for the meeting. On September 26, 2017 ZEO Bob Rhea issued a violation for apt #6 in the rear building. The violation was for more than 3 unrelated. Violation of Code 300-171B over occupancy. Mr. Delvecchio questions if code 300-171B is applicable due to the property being a multi-family dwelling unit not a single-family dwelling unit. That portion of the code applies to single-family dwelling unit. There are 6 units at this property and the property is classified as an apartment building under the Assessor’s office. If there is any ambiguity, the Courts usually rule against the municipality.

Mike Reeners was present for the meeting and spoke regarding apartments in an R4 renting to as many as they want if this gets approved. He questioned if the owner has a Rental Permit on file with the Code Office.

The Board members discussed if this should be looked at as individual units or a building as a whole. The definition for a multi dwelling unit and single dwelling unit are unclear. Definitions were reviewed and discussed.

A motion was made by Comm. Manning to close the public hearing and seconded by Comm. Peppel.

Approved: Ayes – 4
Nays – 0

A motion was made by Comm. Manning that the violation from ZEO is void due to the current Code being unclear and conflicting. The property is a multifamily dwelling and the violation was issued under the wrong section. Comm. Ray second the motion.

Approved: Ayes – 4
Nays – 0

Item #2 – 54 ½ East Ave. (Stafford) – Area Variance – (R4)

- New garage in side yard
- Expansion of driveway

Colleen Stafford was present for the meeting. She would like to add a 12'x24' garage next to her house. The current driveway is asphalt and she is willing to redo or put in a new driveway. It was discussed that the driveway could come straight out from the garage and the current driveway would be removed and turned into greenspace. There is a telephone pole at the end of the driveway that should be clear.

A motion was made by Comm. Ray to close the public hearing and seconded by Comm. Peppel.

Approved: Ayes – 4
 Nays – 0

The Board members reviewed the test questions to determine whether the variance should be considered for granting or denial.

A motion was made by Comm. Manning to approve the application with the conditions of moving the driveway to run in front of the garage and maintain 4' from the property line to the garage and 5' between the house and garage. The front of the garage will line up to the front of the house. Comm. Peppel seconded the motion.

Denied: Ayes – 4
 Nays – 0

Item #3 – Elect Chair of the ZBA

A motion was made by Comm. Ray to elect Scott Steve as the Chair for the ZBA and Comm. Manning seconded the motion.

Item #4 – Elect Vice-Chair of ZBA

A motion was made to elect Maria Manning as the Vice-Chair for the ZBA and Comm. Peppel seconded the motion.

Item #5 – Appoint Devon Rainbow as Secretary for the ZBA

A motion was made by Comm. Peppel to appoint Devon Rainbow as the secretary for the ZBA and Comm. Ray seconded the motion.

Minutes:

Approval of December 11, 2017 minutes as presented, motion by Comm. Manning and seconded by Comm. Ray.

Approved: Ayes – 4
 Nays – 0

New/Old Business:

The November 12, 2018 ZBA meeting will need to be moved to November 5, 2018 due to holiday and City Hall will be closed. Common Council is reviewing the Board dropping to 5 members rather than a 7 member Board.

Adjournment:

On the motion of Comm. Ray and seconded by Comm. Manning, voted and carried to adjourn meeting

Approved: Ayes – 4
 Nays – 0

I, SCOTT STEVE, CHAIR MEMBER OF THE ZONING BOARD OF APPEALS FOR THE CITY OF CORTLAND, NY, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE CITY OF CORTLAND, HELD ON THE 8th DAY OF JANUARY IN THE YEAR 2018.

SCOTT STEVE, ZBA CHAIR MEMBER