

Zoning Board of Appeals
City of Cortland
February 14, 2011

A regular meeting of the Zoning Board of Appeals was held on Monday, February 14, 2011, at 5:00 p.m. in the Mayor's Conference Room at City Hall.

Present: Chair Dailey, Comm. Brown, Decker, Hickey and Wickman

Staff: Zoning Officer Bruce Weber, Asst. Fire Chief William Knickerbocker and Cheryl Massmann, Deputy City Clerk

Minutes – December 13, 2010

On the motion of Comm. Wickman, seconded by Comm. Decker, voted and carried.

RESOLVED THAT THE MINUTES OF DECEMBER 13, 2010 BE APPROVED.

Item No. 1 – 31 Hamlin St. – (Mulhern)(R1) – Area Variance – Front Yard Setback – Porch (Public Hearing)

Dan Wheaton was present. He stated that this was going to be a covered porch and would not be closed in. It would be six (6) feet out. He noted that right now the existing concrete slab was four (4) foot by five (5) foot that they come out to with steps out to the six (6) foot mark. Basically they are planning to make the deck six (6) foot with another set of stairs off of that that would make it three (3) feet past what the Code allowed. Mr. Wheaton noted that the houses on either side extend out further with their porches.

Comm. Hickey noted that this porch should not be enclosed.

There was no one further to speak; therefore the public hearing was closed.

On the motion of Comm. Hickey, seconded by Comm. Brown, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Hickey	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE AREA VARIANCE – 31 HAMLIN ST. – (MULHERN)(R1) – AREA VARIANCE - FRONT YARD SETBACK – PORCH BE PLACED ON THE TABLE FOR DELIBERATION.

The criteria for an area variance were reviewed.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. No, other than not building a porch.
3. Whether the requested area variance is substantial. Yes, significant, but it was already out of compliance and grandfathered to begin with.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. No.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. Yes

On the motion of Comm. Hickey, seconded by Comm. Decker, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Hickey	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE AREA VARIANCE - 31 HAMLIN ST. – (MULHERN)(R1) – AREA VARIANCE - FRONT YARD SETBACK – PORCH BE APPROVED.

Item No. 2 – Area Variance and Special Use Permit - 162 Tompkins St. – (ExpressMart)(SD) – Area Variance and Special Use Permit – Signage, Dumpster and Front Yard Setback (Referral to City and County Planning)

On the motion of Comm. Hickey, seconded by Comm. Decker, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Hickey	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE AREA VARIANCE AND SPECIAL USE PERMIT - 162 TOMPKINS ST. – (EXPRESSMART)(SD) – AREA VARIANCE AND SPECIAL USE PERMIT – SIGNAGE, DUMPSTER AND FRONT YARD SETBACK BE REFERRED TO THE CITY PLANNING COMMISSION AND COUNTY PLANNING.

Item No. 3 – Special Use Permit – 55 Tompkins St. – (Ruggiero)(R4) – Special Use Permit) – Sorority – (Referral to City and County Planning)

There was discussion with the Mr. Ruggiero with regards to the number of parking spaces required.

On the motion of Comm. Hickey, seconded by Comm. Wickman, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Hickey	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE SPECIAL USE PERMIT – 55 TOMPKINS ST. – (RUGGIERO)(R4) – SPECIAL USE PERMIT) – SORORITY – BE REFERRED TO THE CITY PLANNING COMMISSION AND COUNTY PLANNING.

New Business

Election of Chairperson and Vice Chairperson (Two (2) year term)

Comm. Mary Kay Hickey was nominated for Chairperson.

On the motion of Comm. Wickman, seconded by Comm. Decker, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Hickey	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE NOMINATION OF COMM. MARY KAY HICKEY AS ZONING BOARD OF APPEALS CHAIRPERSON BE APPROVED.

Comm. Steve Brown was nominated for Vice Chairperson.

On the motion of Comm. Decker, seconded by Comm. Hickey, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Hickey	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE NOMINATION OF COMM. STEVE BROWN AS ZONING BOARD OF APPEALS VICE CHAIRPERSON BE APPROVED.

Adjournment

On the motion of Comm. Dailey, seconded by Comm. Brown, voted and carried.

I, MARY KAY HICKEY, CHAIRPERSON OF THE ZONING BOARD OF APPEALS FOR THE CITY OF CORTLAND, NEW YORK, 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 14TH DAY OF FEBRUARY 2011.

MARY KAY HICKEY, CHAIRPERSON