

Zoning Board of Appeals
City of Cortland
October 15, 2012

A regular meeting of the Zoning Board of Appeals was held on **Monday, October 15, 2012 at 5:00 p.m.** in the Mayor's Conference Room at City Hall.

Present: Chair Hickey, Comm. Brown, Funk, Place, and Wickman

Staff: Corporation Counsel Kelly Colasurdo, Zoning Officer Bruce Weber, Asst. Chief William Knickerbocker and City Clerk Judith Chamberlin

Item #1 – 13 Lansing Avenue – (MacHenry) (R1) – Area Variance – Driveway

Chair Hickey noted that the Board had received a request from the applicant to table this until the November meeting.

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

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE AREA VARIANCE – 13 LANSING AVE. – (MACHENRY) (R1)-AREA VARIANCE – DRIVEWAY BE TABLED FOR THE NOVEMBER MEETING.

Item #2 – 4 VanHoesen Street – (VanDonsel) – (R1) Area Variance – Garage Addition

RESOLVED THAT THE AREA VARIANCE – 4 VANHOESEN STREET – (VANDONSEL) – (R1) – AREA VARIANCE - GARAGE ADDITION BE APPROVED AS SUBMITTED.

For the record Comm. Stoll arrived.

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

On the motion of Comm. Brown, seconded by Comm. Place to close the public hearing and put it on the table for deliberation, voted and carried.

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 Area 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, yes. Moving it just a few inches would make it compliant.

3. Whether the requested Area Variance is substantial, no.

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. It is self-created.

On the motion of Comm. Place, **no second to deny** the area variance based on the criteria findings.

On the motion of Comm. Funk, seconded by Comm. Brown to approve the Area Variance as submitted, voted and carried with Comm. Place opposed.

Chair Hickey	Aye	Comm. Funk	Aye
Comm. Wickman	Aye	Comm. Brown	Aye
Comm. Stoll	Aye	Comm. Place	Nay

Item # 3 – 108 Groton Avenue – (Fox) – (GB) – Interpretation.

Chair Hickey asked Ms. Fox if her application could be placed later on the agenda in consideration of Corporation Counsel’s arrival, which Ms. Fox stated was fine.

Item # 4 – 131-141 Homer Avenue – (NYSEG) – Area Variance – rear yard.

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

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

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

Chair Hickey	Aye	Comm. Wickman	Aye
Comm. Brown	Aye	Comm. Funk	Aye
Comm. Place	Aye	Comm. Stoll	Aye

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 Area 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.
3. Whether the requested Area Variance is substantial, no.
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, no.

On the motion of Comm. Stoll, seconded by Comm. Place, voted and carried.

RESOLVED THAT THE AREA VARIANCE – 131-141 HOMER AVENUE - (NYSEG) – BE APPROVED AS ON THE UPDATED PLAN.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

Item #5 – 160 Clinton Avenue – (Bennett) – Area Variance – (GB) Signs

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

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

Chair Hickey	Aye	Comm. Wickman	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Brown	Aye

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 Area 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.
3. Whether the requested Area Variance is substantial, yes
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, it was self created.

On the motion of Comm. Place, seconded by Comm. Funk, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. Place	Aye	Comm. Funk	Aye

RESOLVED THAT THE AREA VARIANCE – 160 CLINTON AVE – BOTH SIGNS BE APPROVED AS PRESENTED PROVIDED THAT THE SIGNS SHALL ONLY BE LIT DURING BUSINESS HOURS.

Chair Hickey noted that the attorney for the City arrived and the Board will proceed with 108 Groton Ave.

Item #3 – 108 Groton Avenue – (Fox) – (GB) – Interpretation

On the motion of Comm. Stoll, seconded by Comm. Wickman, voted and approved

Chair Hickey	Aye	Comm. Place	Aye
Comm. Funk	Aye	Comm. Brown	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

RESOLVED TO GO INTO EXECUTIVE SESSION IN ORDER TO OBTAIN LEGAL ADVICE.

On the motion of Comm. Place, seconded by Comm. Stoll, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

RESOLVED TO COME OUT OF EXECUTIVE SESSION.

On the motion of Comm. Place, seconded by Comm. Stoll, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

A very lengthy discussion ensued.

On the motion of Comm.

RESOLVED THAT THE ITEM OF 108 GROTON AVENUE – (FOX) BE TABLED AND SCHEDULED FOR A SPECIAL MEETING IN 2 WEEKS.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

Minutes of September 10, 2012.

RESOLVED TO APPROVE THE MINUTES OF THE SEPTEMBER 10, 2012 MEETING, AS AMENDED.

Adjournment

On the motion of Comm. Stoll, seconded by Comm. Place, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

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 10th DAY OF SEPTEMBER 2012.

MARY KAY HICKEY, CHAIRPERSON