

**Zoning Board of Appeals
City of Cortland
May 13, 2013**

A regular meeting of the Zoning Board of Appeals was held on Monday, May 13, 2013 at 5:00 PM in the Mayor's Conference Room at City Hall.

Present: Comm. Stephen Brown, David Funk, Phyllis McGinley and Michael Stoll

Absent: Chair Mary Kay Hickey, Comm. Christine Place

Staff: Zoning Officer Bruce Weber, Deputy Chief William Knickerbocker

The meeting was called to order at 5:00 PM

Item #1 – 102 Maple Avenue – (Batson) – R2 – Area Variance – Convert to a 2-family

Keith Batson was present to explain what he would like to do. The dwelling had at one time been a three family dwelling, and converted to one family. Applicant purchased the home and would like to convert it to a two family and live there.

Zoning Officer Bruce Weber noted that the Board may want to consider the condition that the property be owner-occupied, as the applicant will be residing there.

There was no one further to speak.

On the motion of Comm. Stoll, seconded by Comm. Brown, the Public was closed.

Seconded By: Comm. Brown

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, there are several two family residences in that area.
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, an increase of 15 feet in width is substantial.

3. Whether the requested use variance, if granted, will not alter the essential character of the neighborhood. Yes, there will be no exterior changes.

4. Whether the alleged hardship has not been self-created. No, not self created.

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

RESOLVED TO APPROVE THE USE VARIANCE WITH THE STIPULATION THAT THE THIRD FLOOR BE USED AS BOARDING ROOMS AND NOT A DWELLING UNIT.

Approved: Ayes – 4
 Nays – 0

Item #3 – 16 Broadway - (Riley) – Area Variance – R1 – Lot coverage

Don Riley was present to explain what he wanted to do. Mr. Riley purchased the property about a year ago and currently rents to 3 college students. The two-story garage in the rear is not very good condition so he would like to take it down and create a 3 car parking area.

Zoning Officer Bruce Weber noted that Mr. Riley would maintain the four foot vegetative strip along the side.

Deputy Fire Chief William Knickerbocker informed the Board that parking behind the house, between the house and the barn has been an ongoing issue.

On the motion of Comm. Stoll, seconded by Comm. McGinley, the Public Hearing was closed.

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, it would be better.

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. Yes

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

RESOLVED TO APPROVE THE AREA VARIANCE AS PRESENTED.

Approved: Ayes – 4
 Nays - 0

Item #4 – 153 Tompkins Street – (Sumner) – SD – Area Variance – Conversion to non-owner occupied dwelling.

Rusdi Sumner explained what she wanted to do. After purchasing this property she was informed that the dwelling was previously approved for an owner-occupied dwelling and she has no intention of living there.

On the motion of Comm. Stoll, seconded by Comm. Brown, voted and carried to close the Public Hearing.

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. Yes

On the motion of Comm. Brown, seconded by Comm. McGinley, voted and carried
RESOLVED TO APPROVE THE AREA VARIANCE AS PRESENTED.

Approved: Ayes – 4
 Nays - 0

Item #5 – 52 Pomeroy Street – (St. Anthony's) – Use Variance – SD – Parking

Al Saracene, trustee for St. Anthony's Church was present to speak for the application.

On the motion of Comm. Stoll, seconded by Comm. McGinley, voted and carried to accept the minutes of the April 8, 2013 meeting, as amended.

New Business

Adjournment

On the motion of Comm. Stoll, seconded by Comm. McBrown, voted and carried to adjourn.

Approved:

Ayes – 4

Nays – 0

I, DAVID FUNK, 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 13th of May, 2013.

DAVID FUNK, ZBA MEMBER