

Zoning Board of Appeals
City of Cortland
JUNE 10, 2013

A regular meeting of the Zoning Board of Appeals was held on Monday, June 10th, 2013 at 5:00 PM in the Mayor's Conference Room at City Hall.

Present: Chair Mary Kay Hickey, Comm. David Funk, Phyllis McGinley, Stephen Brown, Christine Place, Michael Stoll, Jr.

Staff: Zoning Officer Bruce Weber, Deputy Chief William Knickerbocker

The meeting was called to order at 5:00 pm

Item #1 – 40 Pearl Street – O'Donnell – R1 – Area Variance – Deck – Section 300-12C(1), to allow for a front yard less than allowed

Applicant Patricia O'Donnell was present to discuss the work wanting to be done at her property.

Area variance for lot coverage and front setback

Work wanted to be done:

- Build 8' by 14' deck on front of house, deck is 24" off the ground
- Improvements to the house
- Hand railings
- Open, no roof
- Set of steps towards driveway

Motion to close public hearing by Comm. Place and seconded by Comm. McGinley.

Criteria for Area Variance:

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.
 - a. No, residential in nature and character
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.
 - a. No, not enough room to pursue other options
3. Whether the requested area variance is substantial.
 - a. Yes, setback is substantial, lot coverage is minimal
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district.
 - a. No, not adverse but a positive effect is being achieved
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.
 - a. Yes, has existing stairs but wants an improvement

A motion was made by Comm. Funk and seconded by Comm. Place, to approve the area variance presented.

Approved: Ayes – 6
 Nays – 0

RESOLVED TO APPROVE THE AREA VARIANCE.

Item #2 – 8 Sunnyfield Drive – Rosato – R1 – Area Variance – Shed in side yard

Applicant Anthony Rosato was not present to discuss the work wanted to be done at his property. He had previously applied for permission to erect a shed in his side yard. The ZBA did not give permission, but he has since erected a structure. The original hearing was not closed because the applicant wanted to look into an alternate plan and seek legal advice.

Motion to close public hearing by Comm. Brown and seconded by Comm. Funk.

Area variance for structure in side yard and side yard setback.

Criteria for Area Variance:

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.
 - b. Yes, does not fit in neighborhood in regards to appearance and an attractive nuisance.
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.
 - c. Yes, structure could be located in rear yard.
3. Whether the requested area variance is substantial.
 - d. Yes, asking for something specifically prohibited
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district.
 - e. 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.
 - f. Yes, original proposal was self created and action taken was compounding self created problem

Motion made by Comm. Stoll and seconded by Comm. Place to **deny** the area variance based on the findings.

Denied: Ayes – 0
 Nays – 6

RESOLVED TO DENY THE AREA VARIANCE

Minutes:

Minutes of the May 13, 2013 meeting:

Changes:

- Item #1: no indication that public hearing was closed
- Item #2:
 - Criteria for Use Variance
 - 1. Add: Purchaser cannot afford to run business with the current model (Owner-occupied is enforced).
- Item #5:
 - Criteria:
 - 1. Add: Churches are considered to be an inherently good use and the city can't impose undue hardship
- Item #6
 - Change: 96 more square footage to 96 more square feet
- Minutes:
 - Motion by Comm. Stoll
 - Seconded by Comm. McGinley
- Adjournment:
 - Motion by Comm. Stoll
 - Seconded by Comm. Brown

On the motion of Comm. Funk and seconded by Comm. Stoll, voted and carried to accept the minutes of the May 13, 2013 meeting, as amended.

New Business

Adjournment

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

Approved:

Ayes – 6

Nays – 0

I, MARY KAY HICKEY, 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 10TH OF JUNE, 2013.

MARY KAY HICKEY, ZBA CHAIR