

**Zoning Board of Appeals  
City of Cortland  
September 9, 2013**

A regular meeting of the Zoning Board of Appeals was held on Monday, September 9, 2013 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chairman Mary Kay Hickey, Commissioners David Funk, Michael Stoll, Jr., Stephen Brown

Absent: Commissioners Phyllis McGinley, Christine Place, Wayne Hansen

Staff: Fire Chief Charles Glover

The meeting was called to order at 5:00 PM by Chairman Mary Kay Hickey.

**Item #1 – 31 VanHoesen St – (McLorn) – R1 – Area Variance – Deck**

Applicant Patrick McLorn was present.

**Work to be done:**

- Attaching deck to the rear of the current home
- A motion was made by Comm. Funk and seconded by Comm. Stoll to close the public hearing.

Approved: Ayes – 4  
Nays - 0

**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.
  - No, residential use and does not project too far
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, not usable at a smaller size
3. Whether the requested area variance is substantial.
  - No, aligns with house which is over
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, because they want to add, but no because of uniqueness of corner lot means it would require 25 feet on 2 sides

A motion was made by Comm. Stoll and seconded by Comm. Brown to grant the area variance as presented.

Approved:                      Ayes – 4  
   Nays – 0

RESOLVED THAT THE AREA VARIANCE FOR ERECTION OF A DECK BE APPROVED AS SUBMITTED.

**Item #2 – 12 York St. – (Holtkamp) – R1 - Area Variance/Special Use Permit – Photo Studio**

Applicant Jennifer Holtkamp was present.

**Work to be done:**

- Operate photography studio in current residence
- Ms. Holtkamp was aware of the Planning Department recommendations and that she would have to comply with them
- The Board discussed the fact that the Code limits home occupations to the owner of the property. In this case, the owner is the parent of one of the occupants. The Code does allow occupant to employed in the business

**AREA VARIANCE**

A motion was made by Comm. Stoll and seconded by Comm. Brown to close the public hearing.

Approved:                      Ayes – 4  
   Nays – 0

SEQR was conducted ( review attached to the minutes)

A motion was made by Comm. Funk and seconded by Comm. Stoll, that the proposed action will have no significant adverse environmental impacts.

Approved:    Ayes – 4  
                         Nays - 0

**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.
  - No





**Minutes**

Minutes of the August 12, 2013 meeting.

**Changes**

- Minutes
  - July 8, 2013
    - Minutes of
      - Should read “Motion to approve”
      - Motion by: Comm. Funk
      - Seconded by: Comm. Hansen
      - Ayes – 5
      - Nays – 0

On the motion of Comm. Stoll and seconded by Comm. Funk, voted and carried to accept the minutes of the August 12, 2013 meeting, as amended.

Approved: Ayes - 4  
Nays - 0

**New Business**

**Adjournment**

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

Approved: Ayes – 4  
Nays – 0

**I, MARY KAY HICKEY, CHAIR 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 9<sup>TH</sup> OF SEPTEMBER, 2013.**

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**MARY KAY HICKEY, ZBA CHAIRPERSON**