

**Zoning Board of Appeals  
City of Cortland  
Monday, March 10, 2014**

A regular meeting of the Zoning Board of Appeals was held on Monday, March 10, 2014 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair, Mary Kay Hickey, Commissioners David Funk, Phyllis McGinley, Christine Place, Wayne Hanson

Staff: Zoning Officer; Bruce Weber, Deputy Fire Chief; William Knickerbocker

The meeting was called to order at 5:00 pm

**Item # 1 – 4 – 4 ½ Salisbury Street – (Anderson) – R2 – Area Variance**

Glenn Anderson stated he bought the house in October, one side was renovated and one was not. Followed the abandoned rule (more than 1 year) – built as a two family dwelling. It was 2 bedroom apartment, will be converting to a one bedroom apartment.

Stacking issue, 2 curb cuts – (variance for curb cuts) – 2<sup>nd</sup> variance 744 sq. foot needs to meet 750 sq. foot therefore asking for the Area Variance for the 6 sq. foot shortage and a variance to allow both sides of yard to be used for driveways.

A motion was made to close the Public Hearing by Comm. Place and seconded by Comm. McGinley.

Approved: Ayes – 5  
Nays – 0

A motion was made by Comm. Funk and seconded by Comm. McGinley to approve the Area Variance application as submitted.

Approved: Ayes – 5  
Nays – 0

**Item # 2 – 93-95 Lincoln Ave – (Reeners) – R2 – Use Variance**

Subdivision granted contingent upon receiving necessary variances – 181 feet of end Lincoln Ave move property line of 91 Lincoln west to increase the size of 91 Lincoln and decrease size of 93 Lincoln (to become 7 Woodruff) making the lot a conforming two family lot. Needs to be 7500 sq ft will now be 10,000 sq. ft. second lot will shrink to 12,000 still within requirements.

Applicant explained proposal is for the single family home intended to raze. (Tear down and build new 2-family home 1 three bedroom down and 1 three bedroom up) and build an attached garage-for the use variance. Request this attached garage be used for seasonal storage of landscaping and snow removal equipment – business use. Two family home is a business by nature. Business use – accessory use for the business of this property a portion thereof. Owns adjoining properties on Groton Ave – so four corner property-owner. Neighborhood concern – detached maintenance building – is now designed to southern most extreme of property – visible is a parking lot, a convenience store, a strip mall, tire sales and repair business, student housing (3).

The applicant argued this would cause unnecessary economic and time hardship due to: three options if cannot put equipment in this building:

1. Purchase or rent property in commercial district with storage building or build one
2. Purchase separate equipment for each property – 6 all together
3. Subcontract all landscaping, snow removal etc. to independent contractor.

Have always taken care of own properties for more than 30 years.

All above options represent significant amount of time and money and otherwise not be necessary; Loading and unloading of equipment, provide out of sight storage and have little or no impact to neighborhood. Designed in a six foot privacy fence so garage door is more concealed.

This will help to continue to maintain properties as always have done. Currently being stored in personal garages.

\*Driveway – curb cuts to continue property to property – one way traffic with these lots. Designed Deliberate with diagonal parking to make it difficult to get in the wrong way. Back out and exit just one way.

Floodway line – overnight parking in the flood way is illegal. Designed to fit above the floodway line – results in a new curb cut.

One way driveway – we really don't want people to enter from Lincoln Ave. One way traffic is difficult to gain parking – it will deter traffic. 90% of traffic will go up-left to Woodruff, Groton Ave to college. The other way does not make any sense. There is no affect to the traffic on Lincoln Ave.

The ability to have use of one-way is very effective, it makes it difficult to come in and use the wrong way. We are looking to discourage traffic from Lincoln Ave.

Parking spaces are 9x16; 19 feet long with 20 feet behind it. – driving lane smaller.

Asking for 9 instead of 10 – average car is 5'2" wide and 13 feet long not enough to abuse but plenty of room to take care of based on three people in each apartment. Asking board to trade width of parking spaces for additional parking spaces. 2 are required per unit but that would be asking for less parking than the potential occupancy. The one way traffic into lot is "not a concern of the board". However, it is a concern of the neighborhood (as noted in public hearing of November ZBA meeting".

Per J. Reeners: "We are trying to keep an upper level of housing for students. How you control who gets into your property and how they get into your property is the purpose of the proposal".

Garage – The garage is not an accessory use for the people that live there, that is why the use variance is needed. You are trying to put a business use on the residential property. It is not defined in the code that way and is a self created hardship.

We are asking the board to consider all the reasons why – denying the variances would create problems we would rather not have.

The ZBA said this parcel – garage is not an accessory use for people that live there. Equipment – proposing in a residential neighborhood. The direction of the City is to preserve the R2 district. Additional building in area. Not another detached area.

Define – members of the board – do you feel you have enough information to make this decision on the use variance – garage-yes – understand the drive through – how do you show financial evidence. Don't know how to show financial hardship for the driveway.

A motion was made to close the Public Hearing by Comm. Funk and seconded by Comm. Place.

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Place to deny the use variance due to lack of financial evidence and a hardship, the garage is not unique, and the garage would alter the character of the neighborhood and in both cases (driveway and garage), is a self created hardship.

Comment: No matter how much we like it, we have to follow the criteria.

Approved:     Ayes – 4  
                  Nays – 1 (McGinley)

**Item # 3 – 93-95 Lincoln Ave – (Reeners) – R2 – Area Variance**

314C 1 – Front yard Variance – Woodruff. 65 A Vegetative, 71 size parking spaces, 76D 2 side yards for driveway. Front yard variance. Area we are asking to be used as an architectural feature (a stoop). 300-62A – it allows for architectural feature as long as it does not protrude more than 2 ft into yard.

False gable – protrudes 2 ft. – 4 columns under that gable to support it – concrete below column. See as one architectural unit. There is a step up first floor level 2 ft. above grade-could potentially be another step.

300.64 – in residential districts where the average front yard of buildings existing on contiguous lots on either side, is less than the minimum specified the building may be built to this lesser but not less than 20 feet. Vacant lots are considered to have 25 ft, minimum requirement for front yard; following the “street line” and taking the average – would fall into the requirements of the 75 ft minimum. This is the straight line.

Applicant said the 4 ft. vegetative strip = no longer applies with the denial of the use variance.

Driveway and 2 side yards. Cover 35% only covering 12%. Lincoln and Woodruff-green area is front yard, side yard coming from Woodruff is distance from front yard to the back of the building (including the decks), side yard from Lincoln Ave – starts at building line to back building line-what remains is the back yard. What we are contending is we do not have driveways and two side yards – we have a driveway and one side yard – services the parking area with existing curb cuts; and the second driveway and front yard leads to a parking aisle and parking spaces. Cover 35% and only covering 12%. Is it necessary? If it is considered a driveway then asking for a variance, but a drive isle – not necessary. Definitions include the parking area. Advertised for the variance so not necessary.

Size of Parking space – 20 ft driving aisle – reapportion to now becomes 24 foot driving isle -

Planning will determine what the driving isle needs to be.

A motion was made to close the Public Hearing by Comm. McGinley and seconded by Comm. Hansen.

Approved:     Ayes – 5  
                  Nays – 0

Front yard Variance – could design it differently –

Parking Spaces – could put the size they are required but without getting variance – not required to have 6 spaces although desirable – Non standard parking spaces – there are other options.

A motion was made by Comm. Place and seconded by Comm. Funk to approve the area variances as submitted with the exception of the modification of the parking space size for a minimum of 9 ft wide by 19 ft long; and a maximum of 6 parking spaces per property.

Approved:     Ayes – 5  
                  Nays – 0

**Item # 4 – 91 Lincoln Ave – (Reeners) – R2 – Area Variance**

Same applies as other site – discussing the parking spaces – standard access parking (rather than angle) All we are talking about is the dimensions of the parking spaces – goes back to Planning; and will be contingent on approval.

A motion was made to close the Public Hearing by Comm. Funk and seconded by Comm. Place.

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Funk and seconded by Comm. McGinley to approve the Area Variance based on the size of 9ftx18ft to and set at 6 parking spaces max; End space to southeast exception can be shorter than 18 ft if necessary to clear floodway line.

Approved:     Ayes – 5  
                  Nays – 0

**Item # 5 – 13 Cherry Lane – (Richards-Fingerlakes Construction) – R2 – Area Variance**

Don Richards (FLC) and Anne (Owner of property); adding a garage at the end of the house. It is not in compliance – so here to ask for an Area Variance – for Rear and side yard variance. Proposal of a one car garage with a little extra room for storage.

A motion was made to close the Public Hearing by Comm. Place and seconded by Comm. Hansen.

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Place to approve the application for the Area Variance as submitted.

Approved:     Ayes – 5  
                  Nays – 0

**Minutes**

The minutes from December 9, 2013. The minutes from December 9, 2013 were corrected. A motion by Comm. McGinley to accept the minutes of December 9, 2013 as amended and seconded by Comm. Hansen.

The minutes from January 13, 2014. A motion by Comm. Funk and seconded by Comm. McGinley to accept the minutes from January 13, 2014 with noted changes.

Approved:     Ayes – 5  
                  Nays – 0

**New Business**

Planning symposium

**Adjournment**

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

Approved:     Ayes – 5  
                  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 13<sup>th</sup> DAY OF JANUARY IN THE YEAR 2014.**

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**MARY KAY HICKEY, ZBA MEMBER**