

Zoning Board of Appeals
City of Cortland
Monday, April 14, 2014

A regular meeting of the Zoning Board of Appeals was held on Monday, April 14, 2014 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair, Mary Kay Hickey, Commissioners David Funk, Christine Place, Wayne Hansen
Absent: Phyllis McGinley, Dave Dovi
Staff: Deputy Fire Chief; William Knickerbocker

The meeting was called to order at 5:00 pm

Item #1 – 20 Reynolds Street – (Baccile) – Area Variance/Use Variance

This application was postponed due to the fact that City Planning has not yet made a recommendation.

Item # 2 – 5-7 Wheeler Ave – (Cute) – R2 – Use Variance

Sharon Sulimowicz, attorney for the applicant, was present to answer questions from the board. Stated client (Cute) entered into an agreement to house approximately 50 cats, but the other party is not honoring that agreement. Since the SPCA is having difficulty in the City of Cortland, her client would like to offer shelter to stray cats and assist with the overflow. Pointed out the garage in the back was formerly in use as a veterinary clinic years ago. This is a two-family house, (Cute) lives in one half and the cats are housed in the other half. They are fed well, and cared for well. Ms. Sulimowicz has been there and has seen firsthand the care of these cats. The applications were submitted; Planning denied the application citing that harboring animals it is not a permitted use in R2. Ms. Sulimowicz made note of the past history and said that it is not to be considered with the decision. She also wanted to point out, there are many commercial properties directly around 5-7 Wheeler; P&C building, gas station on corner and auto garage. Given the location and the nature of the property when it was a vet clinic, feels there is substantial verification for a positive outcome.

How is there a hardship? From client perspective, the way the property is, the (cat) half cannot be used for personal occupancy. With the agreement currently in place, the other party is backing out of and they are trying to enforce the agreement in court. Client agreed to take in the cats and the other party was to pay for their boarding through 2018. They stopped paying. (Cute) took in approximately 50 cats. ~~They are currently in the house at 5-7 Wheeler. She (Cute) was not aware that she was not allowed to take these cats in. When asked if there were currently cats at the property the response was “yes, she has these 50 cats in one-half of the house”.~~

Ms. Sulimowicz stated she (Cute) is trying to do a good thing in the community and would ask the board to grant this use variance. Cute owns the property but does not have a current appraisal/value of the property.

Information from the City indicates that the vet clinic was in operation prior to 2006. From an enforcement standpoint, that use lapsed long ago. At this point, the applicant is living in one of the buildings and the use is considered to be a single family dwelling.

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

Approved: Ayes – 4
Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Hansen to deny the Use Variance application on the basis that the financial evidence doesn't show that you cannot get a return on a single family or two family dwelling which are both allowable uses in the neighborhood, it is a unique situation to the neighborhood because there is pre-existing non-conforming vet clinic on the property, it will alter the essential character of the neighborhood, and it is a self created hardship.

Motion to deny was Approved: Ayes – 4
Nays – 0

Item # 3 – Cortland Rural Cemetery – (Hoeschele) – Use Variance

John Hoeschele, board of trustees for cemetery. Superintendent's house is part of the compensation package but the cemetery has been financially unable to hire a superintendent, even with housing provided. It costs \$6,000 per year for the upkeep and utilities, with no income from it. The property is in good shape, not for profit, and the Cultural Council is looking for a new home. It is not a money maker but would help bridge the cost by charging \$200 per month in rent. The Cultural Council could potentially rent the second floor if this proves successful. This is all regulated by the State and they have given approval. The state would frown upon if profitable. It is a public trust and historic district as well. This is the least invasive and least altering option. The applicant provided evidence of both annual costs associated with the house and decreasing revenues for the cemetery due to increasing numbers of cremations rather than burials. The use of the property is also restricted by the NYS agency that governs cemeteries.

Can this be granted and restricted to a specific tenant?

There is plenty of parking and staffing in the building is part-time people. Scheduling process has been worked out so there would be no conflicts (funerals etc).

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

Approved: Ayes – 4
Nays – 0

~~SEQR Review was conducted. A motion by Comm. Funk finds that there is no significant adverse environmental impact. Seconded by Comm. Place.~~

Approved: Ayes – 4
Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Place to grant the Use Variance Application as presented on the grounds that the financial evidence shows that there is a hardship and that it will increase over time, that the cemetery is unique, that the use will not alter the character of the neighborhood, and that this is not a self-created hardship. It is created by the agencies that govern cemeteries in New York State.

Approved: Ayes – 4
Nays – 0

Item # 4 - 11 Tompkins Street – (Crawford) – Area Variance

Jessica Crawford was in attendance to support her business and to speak for Joel O’Haver.

The sign in the window is slightly more than the allowable 25%. It is at about 33%. Has prior approval from Historic Board. Identified the four pane separations of one large window. Not looking at the space over the doors. Making changes to conform would not be as aesthetic and apportioned correctly due to the nature/size and style of the window. Ms. Crawford and Mr. O’Haver share space, which has one entrance and one area of window space for both businesses.

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

Approved: Ayes – 4
Nays – 0

To clarify, board will be deciding on both signs (for both businesses) together.

A motion was made by Comm. Place and seconded by Comm. Funk to grant the Use Variance of both businesses for the 33% signs Application as presented and in accordance with the recommendation from the Historic Commission.

Approved: Ayes – 4
Nays – 0

Minutes

The minutes from March 10, 2014. A motion by Comm. Funk to accept the minutes of March 10, 2014 as amended and seconded by Comm. Place.

Approved: Ayes – 4
Nays – 0

Adjournment

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

Approved: Ayes – 4
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 14th DAY OF APRIL IN THE YEAR 2014.

MARY KAY HICKEY, ZBA MEMBER