

Zoning Board of Appeals
City of Cortland
Monday, April 13, 2015

A regular meeting of the Zoning Board of Appeals was held on Monday, April 13, 2015 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair Mary Kay Hickey, Commissioners David Funk, Christine Place, Phyllis McGinley, and Scott Steve

Absent: Comm. Dave Dovi

Staff: Deputy Fire Chief William Knickerbocker; Zoning Officer Bob Rhea; Secretary Shellie Blaisdell

The meeting was called to order at 5:00 pm

Item #1 – 8 Hill Street – (R2) – (Ruggiero) – Interpretation

Appeal: Denial of CZO

The applicant has asked the Board to have the application for Interpretation to be postponed to a future date indicating he has filed a lawsuit against the City of Cortland and in his opinion implicates the due process rights of the applicant in this meeting and does not feel he will get a fair hearing. There is nothing to be added to the application.

A motion was made by Comm. Funk to table the application for Interpretation for 8 Hill Street to a future meeting and was seconded by Comm. Place.

Approved: Ayes – 4
Nays – 0
Recused – 1 (Comm. McGinley)

Item #2 – 162 Homer Avenue (Sturdevent Signs) – (GB) – Area Variance

Replacing old sign within the front setback

Changing the sign on the canopy (new logo), front of the building and stand-alone. It was recommended by the Planning Commission and County Planning to “box” in with a planter to bring awareness the sign is there. The Area Variance is because the sign is in the front yard setback. (Clearly within the setback) 40 feet – 5 feet to be used with only landscaping-this is within the 40 feet.

A motion was made by Comm. Place to close the public hearing and was seconded by Comm. McGinley.

Approved: Ayes – 5
Nays – 0

A motion was made by Comm. Place to approve the sign request as presented and was seconded by Comm. Funk.

Approved: Ayes – 5
Nays – 0

Item # 3 – 1-2 Holley Terrace – (R4) – (Riker) – Request for Interpretation

Voluntary abandonment of nonconforming use

John DelVecchio – representing Gerald and Mary Rikers who own property. The applicant has reached out to the Zoning Officer for clarification who determined the pre-existing, non-conforming use has been terminated and felt it was a voluntary act which led to the vacancy.

MR. Rikers feels the vacancy was not voluntary- Mr. Riker didn't sit on property – they tried to rent it – flyer around campus – website, craigslist – price competitive (not unreasonable) could not rent the property. Overturn – 300-125 were governing section resume within 12 months. Pre-existing non-conforming use would resume. Overturn so application can rent before May 24th 2015 for 12 months. Lease already signed by tenants – commencing MR. Riker – offer on the property to sell. Because there is ambiguity in the code – following when there is something in question in code. Extenuating in location is truly college rental housing with different cliental.

A motion to close the public hearing was made by Comm. Funk and seconded by Comm. Place.

Approved: Ayes – 4
Nays – 0

A motion was made by Comm. Funk to find in favor of the applicant, citing a reasonable attempt to rent the property, exhausting all means (advertising in multiple services) and had rented the property one year prior to the vacancy. The motion was seconded by Comm. Place.

Approved: Ayes – 5
Nays – 0

Item # 4 – 107 Owego Street – (R1) – (Oliver) – Use Variance

Variance for construction of fifteen storage units in a residential zone

Applicant wants to build a 15 Unit mini storage building. The lot is too small in the City of Cortland – (it is on the line for Cortlandville) – the property is split in half – 79 feet in front and 27 feet in the back that is in the City of Cortland. Cannot really do anything on the property due to its small size. (Has looked into consolidating property but has been discouraged. Cortlandville is stated they will not give up the parcel. Zoned commercial on the Cortlandville and is in R1 for City of Cortland. Lot is too small to do something residential. Applicant lives on property and has business on the property as well. There are many commercial business in the area. To be zoned R1 – there is no residential (1 property) in the area. County Planning – did not consult them but they discussed with Dan Dineen who had no objections because they have it classified as commercial property. This property really cannot be used for residential. Paying taxes on property not being used.

Expansion of legal non-conforming use based on grandfathering it in and does need a use variance. Appropriate action is to consider a Use Variance.

Anything that is on the border of the City and County should be reviewed by County Planning.

A motion was made by Comm. Funk to table the application until County Planning reviews and processes their findings and was seconded by Comm. Place. The public hearing will remain open.

Approved: Ayes – 5
 Nays – 0

Minutes

The minutes from **October 20, 2014**. A motion by Comm. Place to accept the minutes of October 20, 2014 as amended and seconded by Comm. Funk.

Approved: Ayes – 5
 Nays – 0

The minutes from **January 12, 2015**. A motion by Comm. Funk was made to accept the minutes of January 12, 2015 as amended. The motion was seconded by Comm. Place.

Approved: Ayes – 5
 Nays – 0

The minutes from **February 9, 2015**. A motion by Comm. Funk was made to accept the minutes of February 9, 2015 as amended and seconded by Comm. McGinley.

Approved: Ayes – 5
 Nays – 0

The minutes from **March 9, 2015**. A motion was made by Comm. Funk to accept the minutes of March 9, 2015 and was seconded by Comm. Steve.

Approved: Ayes – 5
 Nays – 0

Adjournment

On the motion of Comm. Funk and seconded by Comm. McGinley, 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 13th DAY OF APRIL IN THE YEAR 2015.

MARY KAY HICKEY, ZBA MEMBER