

Zoning Board of Appeals  
City of Cortland  
**Monday, June 8, 2015**

A regular meeting of the Zoning Board of Appeals was held on Monday, June 8, 2015 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair Mary Kay Hickey, Commissioners David Dovi, Christine Place, Scott Steve, and Dave Funk

Absent: Comm. Phyllis McGinley

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

The meeting was called to order at 5:00 pm. Commissioner Place moved that Item #4 be moved up to #2 on the agenda. The Motion was seconded by Commissioner Funk.

Approved: Ayes – 5  
Nays – 0

**Item #1 – 124 Pendleton Street – (R1) – (Purves) – Area Variance**

*Install 10’x10’ shed  
Yard waiver*

Applicant (Derrick Purves) is installing a prefabricated 10’x10x shed placed 5 feet from the property line on the north side of the house. It is aligned with the front of the house. It will be painted the same color to blend in with the house. There is a side yard setback of 5 feet. The house is positioned in the rear corner of the lot so that there is no room in the rear or the south side.

A motion was made by Comm. Steve to close the public hearing and was seconded by Comm. Dovi.

Approved: Ayes – 5  
Nays – 0

A motion was made by Comm. Place to accept the plans as presented, for the shed aligned with the front of the existing house – maintaining a minimum distance of 4 feet from property line on the north side. The Motion was seconded by Comm. Funk.

Approved: Ayes – 5  
Nays – 0

**Item #2 – 107 Owego Street (Oliver) – (R1) – Area Variance/Use Variance**

*Area Variance for mini storage building  
Use Variance for mini storage building*

Applicant (Ray Oliver) is proposing to put in a mini storage building. He is trying to update and improve the property with intentions of putting in landscaping and mulch around the building with lighting (not affecting any neighbors-the light will be pointed down). The green space in the back is to remain green space with updated landscaping.

County Planning recommended that, because the property is located in a designated 100 year flood zone, the applicant should apply for a Flood Hazard District permit, and that Stormwater runoff from the roof be directed toward the lawn area. The applicant disagrees with the designation and has hired a surveyor to determine the actual height at the base flood elevation.

Although there is one deed for the property, it is half of it is in the City and the other half in Cortlandville. Corporation Counsel advises annexation, but the applicant says that he has consulted with both municipalities and has been told that consolidation is unlikely in this case.

ZBA members looked at the proposed structure and expressed concern about whether or not it would actually fit on the City portion of the property. Approval of the proposed structure could be given contingent upon a sign off from Cortlandville, if not applicant is prepared to shrink the proposal of the building by one (1) bay.

There is an overhead pole in the middle of the property. There is enough room to get around that pole. The applicant has made a request to National Grid to move the pole to the front of the building.

Applicant needs to provide financial hardship information to be considered.

A motion was made by Comm. Steve to table to this application for both Area Variance and Use Variance, keeping the public hearing open to give the applicant time to provide financial evidence of hardship. The motion was seconded by Comm. Funk.

Approved:     Ayes – 5  
                  Nays – 0

**Item # 3 – 37 Cleveland Street – (GI) – (Miller/Empire Construction) – Area Variance**  
*Temporary Wheelchair Ramp*

Applicant was unable to attend however application makes clear the need for a temporary wheelchair ramp and is placed appropriately.

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

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Place to grant the application for a temporary wheelchair ramp as proposed with the instruction the application requires annual renewal as stated in the Code. The motion was seconded by Comm. Dovi.

Approved:     Ayes – 5  
                  Nays – 0

**Item # 4 – 91 Lincoln, 112 Groton, 7 Woodruff Street – (R2/GB) – (Weber) – Interpretation**

*ZO has failed to require variances for project*

The City Planning Commission reviewed and approved the consolidation (re-division) of these properties. They are now a single parcel.

Applicant Bruce Weber indicates he disagrees with the findings of the City of Cortland Zoning Officer from a request he made in May 2015 asking for interpretation to questions (not specific to this property but to any in the City):

1. How many dwellings as defined by City Code are allowed by on single parcel?
2. Can a property in an R2 district be used as an accessory use in a GB district?
3. Can a multi-family dwelling be an accessory use to a single family residence, if not, what defines a single family residence?
4. Can a dwelling be considered an accessory use to another dwelling, if so, what is the criteria?

The Zoning Officer provided his interpretation to the Code and answers to these questions. The applicant, Bruce Weber disagreed with the answer to all four questions. [MK1]He cited sections of the that address the definition of a “lot” to be used for subdivision purposes (250-6), the expansion of use on a lot located in two zoning districts (300-63), and the requirement of a buffer strip between residential and non-residential lots that abut (300-92.B), among others.

The Applicant feels there are several violations that require both area and use variances for the consolidated property at 91 Lincoln/112 Groton/7 Woodruff. Mr. Weber asks the board to focus on the questions asked in the application and how it applies to this consolidation.

Jim Reeners, Owner of property, explained that their process included purchasing the Groton Avenue property (formerly 4 lots) before 2010 where they were advised by Planning Commission to get an area variance, use variance to tear down the building and put in the parking. The traffic from the GB district did cross over onto R2 property to exit. At that time, a special permit was approved for this purpose.

With the current consolidation, which was approved by the Planning Commission, there is a plan to utilize the property efficiently and meet the concerns of the neighborhood. “We have gone by the book on every step taken, there is obviously an agenda here”. The Zoning Officer explained that with the consolidation, the need for variances disappears.

The Zoning Officer (Bob Rhea) had made inquiries to field experts who stated the term “dwelling” and “Residence” has no difference. Zoning allows for consolidation with two zoning districts. City Planning Commission has approved this project. If it consolidated – it is one site.

At the recommendation of Corporation Counsel, the Board needs to determine what they are deciding on tonight-if it is simply on answers to the questions posed to the ZO, then there is nothing before you. If they feel they are not clear and they question whether it should have included variances, then they proceed to request the ZO go back and review and provide the board with advisory for this property.

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

Approved:       Ayes – 5  
                      Nays – 0

A motion was made by Comm. Place to have Zoning Officer Robert Rhea review the consolidated project to see if any variances were needed and conduct a new evaluation of the project to see if any were required prior to consolidation. The Motion was seconded by Comm. Dovi.

Approved:      Ayes – 5  
                     Nays – 0

**New/Old Business:** it was recommended to set a new date for the July 13, 2015 meeting because not enough Commissioners would be available to constitute a quorum. With agreement, the July meeting will be held on July 20, 2015. Public notice will be given.

**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 8<sup>th</sup> DAY OF JUNE IN THE YEAR 2015.**

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**MARY KAY HICKEY, ZBA MEMBER**