

Zoning Board of Appeals  
City of Cortland  
**Monday, September 14, 2015**

A regular meeting of the Zoning Board of Appeals was held on Monday, September 14, 2015 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair Mary Kay Hickey, Commissioners David Dovi, Christine Place, Dave Funk, and Scott Steve (arrived at 5:10pm)

Absent: Comm. Phyllis McGinley

Staff: Zoning Officer Bob Rhea; Secretary Shellie Blaisdell

The meeting was called to order at 5:00 pm.

**Item #1 – 48 Clayton Avenue – (R1) – (Seales) – Area Variance**

*Eliminate 4 ft. Vegetative strip*

*Allow shared driveway*

Applicant requested this item be postponed until the October meeting.

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A motion was made by Comm. Funk to revise the order of the agenda as #3 moved to #1; #4 moved to #2, and #2 moved to #3. The motion was seconded by Comm. Dovi.

Approved: Ayes – 4

Nays – 0

**Item # 3 – 39 Port Watson Street – (Gallow) – (CB) – Area Variance**

*Display a wall sign on existing billboard*

Applicant is looking to only have the sign for a specific period of time of September 17<sup>th</sup> – November 6<sup>th</sup> and is downsized from the original size. It is a “just once” sign. The Applicant, Paul Heider has permission from the owner to use the billboard and is responsible for putting it up and taking it down. It is a political sign and is within ordinance. There are lights there but will not be used.

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 approve the application as submitted with the stipulation to post from September 17, 2015 to November 6, 2015, with no lighting. The Motion was seconded by Comm. Steve.

Approved:   Ayes – 4  
              Nays – 0

**Item # 4 – 14 Sunnyfield Drive – (R1) – (LaVancha) – Area Variance**

*Area Variance for vegetative strip reduction*

*\*Note: this application is “post” project.*

Applicant is looking to put in a ground level deck in the front of the house 19’ wide by 11’ feet deep. There are steps to the deck. (Deck would be below the stairs). The difference between a porch and a deck was discussed. There is no difference according to the code – it was written as such for uniformity. The setbacks on all streets are uniform and have posts that mark the property line. Sidewalks may have been planned at one time but never put in.

Going from the street line, owner has enough front yard. The green space is okay at 60%. The front yard setback is the only thing to look at which is 20 feet to the street (5 feet to his lot line).

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

Approved:   Ayes – 4  
              Nays – 0

A motion was made by Comm. Steve to accept the application as presented and was seconded by Comm. Place.

Approved:   Ayes – 4  
              Nays – 0

**Item #2 – 91 Lincoln, 112 Groton, 7 Woodruff (Weber) – (R2/GB) – Interpretation**

*Regarding decision of Zoning Officer*

The applicant, Kiera Weber, states the zoning district line is not removed and general use for GB and R2 buffers should be reinstated –there should not be an overlap of use. With the application of the Interpretation – she feels this should have gone to the Zoning Board. The Planning Commission should have recommended variances for this consolidation.

The property owner disagrees that a use variance would be required. When the (Groton Ave) property was purchased, the fencing was already bought, with the removal of part of the fencing from the R2 lots, the parking and improved lot to cut the foot traffic. You cannot even see where the property line was. There is privacy fencing and the building has maintained the 15 foot buffer. Bruce Weber (speaking for applicant) states there should have another fence

there – for a continuous buffer and vegetation. There is not a continuous buffer – the driving lanes cross the zoning line. Owner Reeners states that stipulation does not exist-only in the special permit use area. There is NO PROPERTY LINE ANYMORE with the Consolidation. There is nothing to refer to the property line. Applicant feels there were steps missed in the Consolidation Application process.

There was mention of the location of the trash receptacle which has been moved to an area of compliance.

Mr. Weber feels the concept of the lot lines disappearing is a misunderstanding of the code. The buffer of the GB lot does not go away. Those lines still exist.

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

Approved:     Ayes – 4  
                  Nays – 0

Comm. Funk does not feel the Planning Commission processed the Consolidation application appropriately and feels it is a technicality. A motion was made by Comm. Funk to reverse the decision of the Zoning Officer. The motion was seconded by Comm. Steve.

Clarification needed and the application is being returned for review to the Planning Commission.

Approved:     Ayes – 4  
                  Nays – 0

**Item # 5 – 54 Lincoln Avenue – (R2) – (Shank) – Area Variance**  
*Lot size Variance*

This is a vacant property where the applicant is looking to allow square foot use with 60.3 foot lot granted to be restored to a two-family use. The width of the lot is standard down the street. It is too small of a house, non-conforming lot is too small. The law says you cannot prevent a person for allowed use because it is too small as long as it meets the setback. The plan is to improve the property and owner is looking to sell it “only as a two-family”. It has 6 bedrooms, 2 kitchens and is set up to be a duplex. It is a use by right. It was an R1 when built and became an R2. The owner/buyer does not intend to expand the footprint.

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

Approved:     Ayes – 4  
                  Nays – 0

A motion was made by Comm. Place to approve the Area Variance as a two-family lot Use by Right.

Approved: Ayes – 4  
Nays – 0

**Item # 6 – 16 Owego Street – (R2) – (Barden) – Area Variance**

*Lot width and lot size*

The applicant is requesting an Area Variance for lot width/size to complete what has already been started. It is set up with two electric meters and has the appearance of a two-family home. It is a non-conforming house on a non-conforming lot. Applicant states it does not financially or economically make sense for a one-family. It is a deep lot and would accommodate the 4 required parking spaces without exceeding the lot coverage.

Richard Downing, property owner next door at 18 Owego, is present to object to the application. He indicates the house has been a single family for 50+ years. He has concerns regarding the shared driveway.

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 grant the Area Variance contingent of a Site Plan Review with the Planning Commission. The motion was seconded by Comm. Steve.

Approved: Ayes – 4  
Nays – 0

**Item # 7 – 17 Pearl Street – (R1) – (Burns/Beames) – Area Variance**

*Front yard green space*

Mike Burk is the contractor for the applicant and explains the owner wants to expand the porch to width of the house. It is 6 feet deep having less than 65% green space. (Inset of 30'x6')

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

Approved: Ayes – 4  
Nays – 0

A motion was made by Comm. Place to approve the Area Variance as presented. The motion was seconded by Comm. Funk.

Approved: Ayes – 4

Nays – 0

**Minutes**

Minutes of April 13, 2015 – a motion was made by Comm. Steve to approve the minutes of April 11, 2015. The motion was seconded by Comm. Place.

Approved:   Ayes – 4  
                  Nays – 0

Minutes of May 11, 2015 – a motion was made by Comm. Steve to approve the minutes of May 11, 2015 as amended. The motion was seconded by Comm. Place.

Approved:   Ayes – 4  
                  Nays – 0

**Adjournment**

On the motion of Comm. Funk and seconded by Comm. Place, 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 14<sup>th</sup> DAY OF SEPTEMBER IN THE YEAR 2015.**

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**MARY KAY HICKEY, ZBA MEMBER**