

Zoning Board of Appeals  
City of Cortland  
**Monday, May 9, 2016**

A regular meeting of the Zoning Board of Appeals was held on Monday, May 9, 2016 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair David Funk, Commissioners Juliene Ray, Scott Steve, Dave Dovi, Phyllis McGinley, Beau Harbin

Excused: Commissioner Karen Leahy

Staff: Zoning Officer Bob Rhea; Deputy Chief William Knickerbocker, Secretary Devon Rainbow

The meeting was called to order at 5:00 pm

**Item #1 – 21 Reynolds Ave. (DelVecchio) – Interpretation – (R2)**

- Interpretation of ZEO’s request for an Area Variance.

This item was originally scheduled for January and has been tabled. The ZEO stated that the property had lost its grandfather status due to being vacant for a period of time. The owner states that the lot is a preexisting nonconforming and the lot width, square footage cannot be lost. Comm. Funk had shared an email with the members of the board between himself, Bob Rhea and Natasha Phillip from the Department of State regarding discussion on the lot. Corporation Counsel sent out his interpretation on March 9, 2016. Comm. Funk read the letter aloud to the board. Comm. Funk questioned that when applying 300-121, saying the lot was unlawful, did not become part of the ordinance until 2003. He feels when the lot was created, it was prior to Zoning so it became a conforming lot. The applicant feels the lot is conforming because of the Zoning ordinance back in 1977 because at the time the lot was not conforming. Comm. Harbin expressed his interpretation of the ordinance that differed from Comm. Funk. ZEO explained that a use is the same as a lot. The experts and lawyers have all stated they feel that an Area Variance is required for this case. There have been other similar cases recently that have been required to get an Area Variance. ZEO explained that once a place goes vacant it loses its right by use and grandfather status.

A motion to close the public hearing was made by Comm. Harbin and seconded by Comm. Ray

Approved: Ayes—6  
Nays—0

A motion to uphold the ZEO’s decision was made by Comm. Steve and seconded by Comm. Harbin

Approved: Ayes – 5  
Nays—1 (Comm. Funk)

**Item #2 - 4 Monroe Heights (Pace) – Area Variance – (R4)**

- Replace existing 4 unit residential building with a 6 unit one
- AV for width, parking spaces, buffer, drive lane width

Applicant apologized for missing the Planning Commission meeting. There is some slope on the property. They will adjust the floor levels to accommodate that. The lot currently does not meet the zoning requirements for lot width. The current building is not structurally safe and needs to be redone. The parking proposal requires a variance. The 12 spots that are required would be 9 ft. wide instead of the 10 ft. required. There is a buffer required between the parking and R1. The applicant would like to use the existing buffer of trees. The new building would move north away from the property line to make more room for the driveway. The driveway would be 12ft. with a 3 ft. buffer. The property requires a SEQR to be done. The area behind the parking spaces was widened. If the curb cut was widened, a car could pull off and wait for another car to pull out of the driveway.

Jim Reeners commented that the Planning Commission reviewed this application. Depending on what the ZBA approves, the Planning Commission would have concerns with the driveway and parking.

Comm. Steve suggested that the ZBA just focus on the number of units at this point then send the applicant to the Planning so they can work out the parking issue.

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

Approved: Ayes—6  
Nays—0

The applicant requested items 2-5 be removed from the application at this time.

A motion to approve was made by Comm. Steve and seconded by Comm. McGinley contingent on the property being 61ft wide for 4 or more units and it needs to go back to planning commission.

Approved: Aye – 4  
Nay – 2 (Commissioners Dovi and Harbin)

**It was requested that item #3 be moved to the end of the agenda due to the applicant not being present. All agreed.**

**Item #4 - 4 Joseph St. (Bushnell) – Area Variance – (R1)**

- Replacing front stoop with new deck
- AV for front yard setback

This application was discussed at the last meeting and tabled until this meeting. A public hearing was opened and closed at the previous meeting. The Commissioners had no further questions.

A motion to approve the application was made by Comm. Steve and seconded by Comm. Harbin.

Approved:   Ayes—6  
                  Nays—0

**Item #5 - 16 Fifth Ave. (Lynch) – Area Variance – (R1)**

- Install above ground pool
- AV for side yard setback
- AV for fence height

This application was presented last month but needed more variances. The applicant wants to extend the deck 9ft. 6in. It would be about 11ft. 7in. from the neighbor, as it exists currently. There will be a stockade fence put up along with the deck. This will replace the current chain link fence. The neighbors are ok with the fence and do not oppose it.

Comm. Steve suggested a different height for the fence.

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

Approved:   Ayes—6  
                  Nays—0

A motion to approve the pool location, the deck and stairs as per the drawing but reduce the fence height to 4ft (48in) above the surface of the deck was made by Comm. Steve and seconded by Comm. Ray.

Approved:   Ayes—6  
                  Nays—0

**Item #6 - 235 Port Watson St. (Carter) – Area Variance – (GB)**

- Addition to existing metal building in two sections (18x35 and 12x16)
- AV side and rear setbacks

This application was presented at the last meeting and talked about but was then tabled until this meeting.

A motion to approve the application was made by Comm. Steve and seconded by Comm. Ray.

Approved: Ayes—6  
Nays—0

**Item #7 – 17 Melvin Ave. (Cranfield) – Area Variance – (R-1)**

- Expanding driveway
- AV for vegetative strip on north side

Mr. Cranfield was present to talk about his application. He has a single lane driveway that they currently park 2 cars in. Even with getting the cars as close to each other as they can, it still blocks part of the driveway. In the winter it is unsafe and there is a tree root that is coming up at the end of the driveway. They would like to widen it so they can park next to each other and run the driveway all the way back to the fence.

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

Approved: Ayes – 6  
Nays – 0

A motion to approve the application was made by Comm. Steve and seconded by Comm. McGinley.

**Item #8 – 77 West Main St. (Johnson) – Area Variance – (R-1)**

- AV fence in front yard over 4 ft. high with closed panels

Mr. Johnson was present to talk about his application. He has lived here now for 3 ½ years. He currently has shrubs around his property line. They are a lot of work and there is no privacy. They also cause issues in the winter with snow removal. The neighbors have no issue with the fence going up. He wants the fence to replace the shrubs to keep his kids safe and create some privacy. The fence will be 2 ft. from the sidewalk with the finished side out. The shrubs in the front of the house will be staying. There was discussion on the distance from the front yard setback and the location of the fence on the West Main St. side.

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

Approved: Ayes – 6  
Nays – 0

A motion to approve the 6ft fence parallel to West Main St., along the garage with no fencing facing West Main St. was made by Comm. Dovi and seconded by Comm. Steve.

**Item #3 - 16 Harrington Ave. (Mwanika) – Area Variance – (R1)**

- Construction of single family residence on a nonconforming lot
- AV for width and lot area

This application was presented at the last meeting and discussed. The public hearing was closed. The item was then tabled until this meeting due to needing to go before County Planning. The applicant is selling the property and the buyer wants to build a single family home on the lot.

A motion to approve the lot width of 65ft and lot area of 5265ft for a single family residence was made by Comm. Steve and seconded by Comm. Harbin.

Approved: Aye – 6  
Nay – 0

**A SEQR was done for 235 Port Watson St. with declaration of no environmental impact.**

Motioned By: Comm. Funk  
Seconded By: Comm. Steve

Approved: Ayes – 6  
Nays – 0

**Minutes**

Approval of April 11, 2016 minutes as amended, motion by Comm. Steve and seconded by Comm. Ray

Approved: Ayes – 5  
Nays – 1 (Comm. Harbin)

**New/Old Business**

**Adjournment**

On the motion of Comm. Harbin and Seconded by Comm. Steve, voted and carried to adjourn meeting.

Approved: Ayes – 4  
Nays – 0

**I, DAVID FUNK, 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 9<sup>th</sup> DAY OF MAY IN THE YEAR 2016.**

---

**DAVID FUNK, ZBA MEMBER**