

Zoning Board of Appeals
City of Cortland
Monday, June 13, 2016

A regular meeting of the Zoning Board of Appeals was held on Monday, June 13, 2016 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Vice Chair Scott Steve, Commissioners Juliene Ray, Dave Dovi, Phyllis McGinley, Beau Harbin, and Karen Leahy

Excused: Chair David Funk

Staff: Zoning Officer Bob Rhea; Deputy Chief William Knickerbocker, Administrative Aide Julie Gross

The meeting was called to order at 5:00 pm

Item #1 – 4 Monroe Heights. (Pace) – Area Variance – (R-4)

- Parking space width
- Rear buffer reduction
- Southern vegetative strip reduction

Brent Cross was present to talk about the application. The applicant was proposing a 3 story house with 6 dwelling units, the existing lot’s width is less than currently required. He will go back to the Planning Commission with a revised plan. The applicant reconstructed the project and reduced it from 3 story to 2 story building with 4 units. ZEO shared the new site plan. With the reduced amount of dwelling units, the 16ft driveway would be ok with the Planning Commission due to less traffic. This would leave 3ft on each side of the driveway. This would also leave 3ft in the South property line for a vegetative strip. (1ft less than required by code) This building would house 12 people. There are 3 possible area variances needed:

- 1: vegetative strip reduction (mentioned above)
- 2: the size of the spaces proposed to be 9x18 (10x18 is required by code)
- 3: they want to have parking spaces right up to the buffer along the property line. This would leave a 3ft buffer rather than 10ft required by code.

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

Approved: Ayes – 5
Nays – 0

The board members reviewed the test questions to determine whether the variance should be considered for granting or denial.

A motion to approve the 9x18 parking spaces was made by Comm. Harbin and seconded by Comm. Leahy.

Approved: Ayes – 5
 Nays – 0

A motion to approve the rear buffer of 4ft with a privacy fence to screen the parking area between the two lots was made by Comm. Harbin and Second by Comm. Ray.

Approved: Ayes – 5
 Nays – 0

A motion to approve the 3ft Southern vegetative strip was made by Comm. Dovi and seconded by Comm. Harbin.

Approved: Ayes – 5
 Nays – 0

Commissioner Steve wants to make sure that the Planning Commission does the SEQR for this property at the next meeting.

Item #2 – 145-147 Clinton Ave (DSK Realty) – Area Variance – (GB)

- Front yard setback
- High rise sign

The applicant would like a 50ft high rise sign, 882ft from the highway and code regulation is 800ft from the highway. This is to keep it on their property. They would like to have the building visible and in order to do that it needs to be 24ft from the property line. (40ft is required by code.) The drive through is designed that way to utilize the current driveway that is there.

Commissioner Dovi asked if they thought about moving the drive through back. Applicant stated that they could pull the “Thank You” sign back to help make visibility pulling out from the drive through better. There was discussion on the concern for the safety of cars pulling out onto Clinton Ave across the sidewalk.

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

Approved: Ayes – 5
Nays – 0

The board members reviewed the test questions to determine whether the variance should be considered for granting or denial.

A motion was made to approve the 24ft front yard setback with additional signage for pedestrians and no obstruction of view by Comm. Harbin and seconded by Comm. Ray.

Approved: Ayes – 5
Nays – 0

A motion was made to approve the high rise distance by Comm. Leahy and seconded by Comm. Harbin.

Approved: Ayes – 5
Nays – 0

Item #3 – 21 Reynolds Ave (DelVecchio) – Area Variance – (R2)

- Lot width
- Lot area
- Required Front Yard (Stewart Place)

Scott Chatfield was present to discuss the application. This was originally consulted for article 78 and denied. A request was made to reduce the lot frontage from 75ft to 57 1/2ft. The lot is 7,492 square feet and 8ft shy from required lot square footage. The applicant wondered why the variance was necessary on Stewart Place and not Reynolds Ave. They are not making any structural changes to the building or the lot. They would like to address both locations front yard square footage. There are 5 criteria's for an area variance. The applicant went through all the different criteria's needed. The County Planning Commission supplied the applicant with colored maps of the neighborhood and what properties are multifamily. Stewart Place currently has several 2 or more family houses. The front yard on Reynolds Ave. (19.8') is slightly larger than Stewart Place (7.4'). The Code states that a corner lot has 2 front yards. The ZEO states that they have to meet a 25ft setback off of Stewart and Reynolds is also considered front yard. The applicant feels they are entitled to the area variance and wants clarification on a few things.

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

Approved: Ayes – 5
Nays – 0

The board members reviewed the test questions to determine whether the variance should be considered for granting or denial.

A motion was made to approve the application as presented by Comm. Leahy and seconded by Comm. McGinley.

Approved: Ayes – 5
Nays – 0

Item #4 – 24 Parker Ave. – (McNeil) – Area Variance – (R-1)

- Rear setback
- Side setback

McNeil bought this property for his son. He wants to knock the garage down and put something nicer up. He has contracted with Morton buildings for a brand new garage and to make repairs to the house. He would like to straighten out the lot by moving the garage away from the neighbor's property and having at least 14-16ft from the rear lot. Current garage is tall, the new one will only be 11ft high. This garage will also have space that is not used for vehicle storage and is not considered a detached garage.

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

Approved: Ayes – 5
Nays – 0

The board members reviewed the test questions to determine whether the variance should be considered for granting or denial.

A motion to approve the 6 1/2ft setback on both of the side yards and the rear yard setback of no less than 14ft was made by Comm. Harbin and seconded by Comm. Dovi.

Approved: Ayes – 5
Nays – 0

Item #5 – 50 W. Main Street – (Dearie) - Area Variance – (R-1)

- Front yard fence height

The applicant is looking to put a 6ft stockade fence on the side front lot. This will give privacy and make a safe place for his children to play. There is currently a 4ft chain link fence on part of the property. The new fence would meet up to the current chain fence. The part of the fence by the driveway would be shorter to help with visibility.

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

Approved: Ayes – 5
Nays – 0

The board members reviewed the test questions to determine whether the variance should be considered for granting or denial.

A motion to approve a 6ft fence with the requirement of a 45 degree cut off by the driveway corner of at least 4ft. was made by Comm. Ray and seconded by Comm. Leahy.

Approved: Ayes – 5
Nays – 0

Minutes

Approval of May 9, 2016 minutes as amended, motion by Comm. Harbin and seconded by Comm. Ray

Approved: Ayes – 5
Nays – 0

New/Old Business

Adjournment

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

Approved: Ayes – 5
Nays – 0

I, SCOTT STEVE, 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 JUNE IN THE YEAR 2016.

SCOTT STEVE, ZBA MEMBER