

Zoning Board of Appeals  
City of Cortland  
**Monday, October 17, 2016**

A regular meeting of the Zoning Board of Appeals was held on Monday, October 17, 2016 at 5:00 PM in the City Court Room at City Hall.

Present: Chair Scott Steve, Commissioners Dave Dovi, Karen Leahy, Beau Harbin, and Maria Manning

Absent: Commissioner Phyllis McGinley

Excused: Commissioner Juliene Ray

Staff: Zoning Officer Bob Rhea, Confidential Secretary Devon Rainbow

**Item #1 – 33 Vanhoesen St (Peake) – Area Variance – (R1)**

- Area Variance for front yard setback on Joy St

William Peake was present for questions. He stated that they need to replace the current porch and would like to make the new one a little bigger. The current porch is 4ft 3in x 4ft 3in and the proposed new porch will be 6ft x 12ft. There would be a shed style roof ending at the 6ft.

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

Approved: Ayes – 4  
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. Harbin and seconded by Comm. Dovi.

Approved: Ayes – 4  
Nays – 0

**Item #2 – Oliver Blaise of Coughlin & Gerhart LLC**

- Roles and Responsibility of the ZBA

Oliver Blaise was present to talk with the board on their role as the City’s ZBA. The Board’s function is part Legislative and part Judicial. He explained the process for variances and interpretations. These are things the ZBA handles. ZBA meetings are formal and open to the public. A record has to be kept of what is done. They are however not formal to the law as judicial which gives leeway on procedures. People will present their case and the board reviews. The Board does set precedence and should be consistent with making decisions on similar applications and apply the same rules. Even precedence that has been set in the past, must be respected currently unless new laws and regulations forbid you to. The Board must abide by the current Zoning laws within the City. Once a nonconforming use becomes conforming, it has to comply with the current Zoning regulations. An applicant must prove they have a non-conforming use in effect. The job of the Board is to interpret the law and apply the facts. A violation must meet 1 of 5 criteria before being issued. An applicant can come to the Board for an interpretation after being denied a permit from ZEO/Code Office. After a permit has been issued and then a violation is given, it has to then go to court, not ZBA.

**Minutes**

Approval of September 12, 2016 minutes as presented, motion by Comm. Leahy and seconded by Comm. Harbin

Approved:     Ayes – 4  
                  Nays – 0

**New/Old Business**

- ZEO to check in on 77 West Main St.
- ZEO to check in on the fence on Groton Ave.
- We need to make sure the certificate of compliance is attached to each permit and kept together. Projects need to be followed through with and made sure they are completed.

**Adjournment**

On the motion of Comm. Dovi and Seconded by Comm. Leahy, voted and carried to adjourn meeting.

Approved:     Ayes – 4  
                  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 17<sup>th</sup> DAY OF OCTOBER IN THE YEAR 2016.**

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**SCOTT STEVE, ZBA MEMBER**