



CITY OF CORTLAND
ZONING BOARD OF APPEALS
MAY 8, 2023 MEETING MINUTES

CALL TO ORDER AND ROLL CALL

The regularly scheduled meeting of the Zoning Board of Appeals was called to order at 5:30 p.m. The following members of the Zoning Board of Appeals were recorded present:

Brett Barnes, Chairperson
Kyle Davis
Thomas Larson
Ray Parker

The following members were recorded absent:

Julienne Ray

VARIANCE APPLICATIONS

Record of Decision 2023.05.08 – 1 Area Variance Application for Property Located at 130 Clinton Ave.

A public hearing was open at 5:31 p.m. The applicant, Derek Higham spoke, explaining that he seeks a variance relating to minimum front yard requirements and house setback. The public hearing was closed at 5:33 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?
Answer: No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?
Answer: No
3. Whether the requested area variance is substantial?
Answer: No
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?
Answer: Yes
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?
Answer: No

An Area Variance was approved as requested.

Motioned by: Board Member Larson
Seconded by: Board Member Parker

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]
Nays – 0

Record of Decision 2023.05.08 - 2 Area Variance Application for Property Located at 2 Parker Ave.

A public hearing was open at 5:37 p.m. The applicants, Sally and Roger Horak spoke, explaining that they seek a variance relating to minimum lot size as part of a home addition. The public hearing was closed at 5:45 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?
Answer: No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?
Answer: No
3. Whether the requested area variance is substantial?
Answer: Yes
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?
Answer: No
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?
Answer: Yes

An Area Variance was approved as requested.

Motioned by: Board Member Barnes
Seconded by: Board Member Davis
Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]
Nays – 0

Record of Decision 2023.05.08 - 3 Area Variance Application for Property Located at 32 N. Greenbush St.

A public hearing was open at 5:52 p.m. The applicant, Bob Allen explainED that he seeks a variance for front yard parking; and minimum lot, front and side yard requirements. The public hearing was closed at 5:59 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?
Answer: No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?
Answer: No

3. Whether the requested area variance is substantial?

Answer: No

4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Answer: No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?

Answer: Yes

The Area Variance was approved with the condition that the driveway is to be paved with impervious material and a curb cut made to a width corresponding with the driveway.

Motioned by: Board Member Parker

Seconded by: Board Member Davis

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]

Nays – 0

Record of Decision 2023.05.08 - 4 Area Variance Application for Property Located at 150 Tompkins St.

A public hearing was open at 6:07 p.m. The applicant, Keith Pace explained that he seeks a variance relating to minimum lot width, and side yard requirements, and to replace a temporary awning with a permanent, wood-supported awning. The public hearing was closed at 6:12 p.m.

It was noted that a Minor Site Plan Review will also be required.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Answer: No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

Answer: No

3. Whether the requested area variance is substantial?

Answer: No

4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Answer: No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?

Answer: Yes

An Area Variance was approved as requested.

Motioned by: Board Member Barnes

Seconded by: Board Member Parker

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]
Nays – 0

Record of Decision 2023.05.08 - 5 Area Variance Application for Property Located at 12 Homer Ave.

A public hearing was open at 6:15 p.m. No one was present to speak. The applicant, 5 Sawan LLC seeks a variance for side yard and lot size requirements, and front yard parking with an expansion of the driveway width by four (4) feet. The property is a corner lot with what the Administrative Code considers two front yards. The public hearing was closed at 6:22 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Answer: No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

Answer: No

3. Whether the requested area variance is substantial?

Answer: No

4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Answer: No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?

Answer: Yes

The Area Variance was approved with the condition that the driveway is to be paved with impervious material and a curb cut made to a width corresponding with the driveway.

Motioned by: Board Member Barnes

Seconded by: Board Member Larson

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]
Nays – 0

Record of Decision 2023.05.08 - 6 Area Variance Application for Property Located at 88 Evergreen St.

A public hearing was open at 6:27 p.m. The applicant DelVecchio Family LLC seek to remove a portion of the home and replace it with a larger addition, and bring the lot size into compliance with current requirements. The public hearing was closed at 6:31 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Answer: No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

Answer: No

3. Whether the requested area variance is substantial?

Answer: Yes

4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Answer: No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?

Answer: Yes

An Area Variance was approved as requested.

Motioned by: Board Member Parker

Seconded by: Board Member Davis

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]

Nays – 0

Record of Decision 2023.05.08 - 7 Area Variance Application for Property Located at 60-62 N. Main St.

A public hearing was open at 6:33 p.m. The applicant Rikki Bishop seeks a variance for the placement of a sign on a commercial building in an R-4 district. The public hearing was closed at 6:40 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Answer: No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

Answer: No

3. Whether the requested area variance is substantial?

Answer: No

4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Answer: No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?

Answer: Yes

A motion was approved to grant a variance as a blanket Area Variance to allow a wall sign on the building, as long as it does not exceed parameters stipulated in Section 300 and/or criteria listed in Site Plan Review.

Motioned by: Board Member Barnes

Seconded by: Board Member Davis

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]
Nays – 0

Record of Decision 2023.05.08 - 8 Area Variance Application for Property Located at 11 Pomeroy St.

A public hearing was open at 6:46 p.m. The Applicant Jeffrey West seeks a variance relating to minimum lot and front yard size. The public hearing was closed at 6:51 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV, Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Answer: No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

Answer: No

3. Whether the requested area variance is substantial?

Answer: No

4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Answer: No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?

Answer: Yes

An Area Variance was approved as requested.

Motioned by: Board Member Barnes

Seconded by: Board Member Parker

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]
Nays – 0

Record of Decision 2023.05.08 - 9 Area Variance Application for Property Located at 134 Main St.

A public hearing was open at 6:54 p.m. The Applicant Maher Ahmed seeks a variance to exceed maximum allowable square footage of a front façade sign. The Planning Commission approved a Site Plan on condition of the ZBA granting a variance. The public hearing was closed at 7:06 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV, Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Answer: No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

Answer: No

3. Whether the requested area variance is substantial?

Answer: No

4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Answer: No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?

Answer: Yes

A motion was approved to grant an Area Variance subject to the following conditions:

1. Background of sign must be a solid color that matches the color of the remaining façade;
2. Must remove illustrations from the sign leaving only current illuminated channel letters;
3. Other storefronts cannot expand current coverage beyond allowable sign footage without an additional Area Variance.

Motioned by: Board Member Larson

Seconded by: Board Member

Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]
Nays – 0

ADJOURNMENT

The meeting was adjourned at 7:19 p.m. on motion of Board Member Larson and approved 4-0.