



The City of Cortland
Zoning Board of Appeals
May 9, 2022
City Hall, 25 Court Street

The meeting was called to order at 5:34 p.m.

The following members of the Zoning Board of Appeals were recorded present:

Maria Manning, Chairperson
Brett Barnes, Vice Chairperson
Kyle Davis
Thomas Larson
Tristan Laurore, Sr.
Ray Parker

The following member was recorded absent:

Juliene Ray

Agenda Item No. 1: Area Variance for 75 River Street (R-1) relating to the location of a shed in the front yard.

A Public Hearing was opened at 5:35 p.m. regarding Agenda Item No. 1: Area Variance for 75 River Street (R-1) relating to the location of a shed in the front yard.

Bradley Hill, owner of the property was present to speak. The Variance is requested because the shed is on the property's front yard, which due to it being a corner lot also serves as a side yard.

Mr. Barnes made a motion to close the public hearing. The motion was seconded by Mr. Parker and approved 6-0. The public hearing was closed at 5:42 p.m.

The Zoning Board of Appeals held a discussion on the matter.

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.

- 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?

No

- Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?
No
- Whether the requested area variance is substantial?
No
- Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?
No
- 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?
Yes

Mr. Parker made a motion that the Zoning Board of Appeals approve the Area Variance requested pursuant to Agenda Item No. 1. Mr. Barnes seconded the motion. The motion was approved by a vote of 6-0.

Agenda Item No. 2: Area Variance for 23 Clinton Avenue (CB) relating to additional signs on the building, and window signs covering more than 25% of the windows.

A Public Hearing was opened at 5:49 p.m. regarding Agenda Item No. 2: Area Variance for 23 Clinton Avenue (CB) relating to additional signs on the building, and window signs covering more than 25% of the windows.

Dominic Tutino, representative of the business owner was present to speak. Mr. Tutino said that the contractor who put up the signs was unaware of the code. Mr. Rhea, Zoning Officer explained the code which permits one sign on a building to advertise the business and up to 25% of windows being covered by signs. The variance requested is for a window sign that takes up more than 25% of the window and for a second sign on the building.

Mr. Larson made a motion to close the public hearing. The motion was seconded by Mr. Laureore and approved 6-0. The public hearing was closed at 5:57 p.m.

The Zoning Board of Appeals held a discussion on the matter.

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.

- 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?
Yes
- Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?
Yes
- Whether the requested area variance is substantial?
Yes

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

Mr. Barnes made a motion that the Zoning Board of Appeals deny the Area Variance. Mr. Parker seconded the motion. The motion to deny the Area Variance requested pursuant to Agenda item No. 2 was approved by a vote of 6-0.

Agenda Item No. 3: Area Variance for 1 Cleveland Street (R-2) relating to a garage encroachment into a 4 foot vegetative strip.

A Public Hearing was opened at 6:02 p.m. regarding Agenda Item No. 3: Area Variance for 1 Cleveland Street (R-2) relating to a garage encroachment into a 4 foot vegetative strip.

Ben Field, property owner was present to speak. He explained that he wants to remove an old garage and build a new garage, moving it forward towards the front of the property.

Mr. Parker made a motion to close the public hearing. The motion was seconded by Mr. Laureore and approved 6-0. The public hearing was closed at 6:09 p.m.

The Zoning Board of Appeals held a discussion on the matter.

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.

- 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?
No
- Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?
No
- Whether the requested area variance is substantial?
Yes
- Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?
No
- 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?
Yes

Mr. Larson made a motion that the Zoning Board of Appeals approve the Area Variance. Mr. Barnes seconded the motion. The motion was approved by a vote of 6-0.

The minutes of the April 25, 2022 Zoning Board of Appeals meeting was approved 6-0 on motion of Mr. Barnes and seconded by Mr. Parker.

The meeting was adjourned at 6:19 p.m. on motion of Mr. Parker, seconded by Ms. Barnes and approved 6-0.

I, ANDREW T. JEWETT, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT THE ABOVE MINUTES OF THE MAY 9, 2022 ZONING BOARD OF APPEALS MEETING WERE APPROVED BY THE BOARD ON JUNE 13, 2022.

ANDREW T. JEWETT, CITY CLERK

**MARIA MANNING, CHAIRPERSON
ZONING BOARD OF APPEALS**