



The City of Cortland
Zoning Board of Appeals
June 13, 2022
City Hall, 25 Court Street

The meeting was called to order at 5:32 p.m.

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

Brett Barnes, Vice Chairperson
Kyle Davis
Tristan Laurore, Sr.
Juliene Ray

The following members were recorded absent:

Maria Manning
Thomas Larson
Ray Parker

Agenda Item No. 1: Area Variance for 1-3 Kinney Lane (Oliver)

Agenda Item No. 1 was tabled to the July 11, 2022 meeting on motion of Ms. Ray, seconded by Mr. Davis and approved by a vote of 4-0.

Agenda Item No. 2: Area Variance for 181 Madison Street (Burns)

A Public Hearing was opened at 5:34 p.m. regarding Agenda Item No. 2: Area Variance for 181 Madison Street relating to lot coverage in the front yard to widen the driveway by 5 feet.

Justin Burns, property owner was present to speak. The Variance is requested because there is only enough driveway width to park one car and there is no on street parking.

Mr. Davis made a motion to close the public hearing. The motion was seconded by Ms. Ray and approved 4-0. The public hearing was closed at 5:38 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.

- 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

Ms. Ray made a motion that the Zoning Board of Appeals approve the Area Variance. Mr. Laureore seconded the motion. The motion was approved by a vote of 4-0.

Agenda Item No. 3: Area Variance for 46 Alvena Avenue (Marho)

A Public Hearing was opened at 5:40 p.m. regarding Agenda Item No. 2: Area Variance for 46 Alvena Avenue relating to a front yard fence greater than 4 feet tall.

Nate Marho, property owner was present to speak. The Variance is requested because the owner wishes to erect a 6 foot tall fence in the front/side yard of a corner lot. The fence would match the height of the neighboring fence.

Ms. Ray made a motion to close the public hearing. The motion was seconded by Mr. Laureore and approved 4-0. The public hearing was closed at 5:48 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.

- 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. Barnes made a motion that the Zoning Board of Appeals approve the Area Variance. Ms. Ray seconded the motion. The motion was approved by a vote of 4-0.

Agenda Item No. 3: Area Variance for 107-109 Homer Avenue (Pierce)

A Public Hearing was opened at 5:50 p.m. regarding Agenda Item No. 2: Area Variance for 107-109 Homer Avenue relating to parking in front of the business and a gravel parking surface.

Andrew Pierce, the business owner was present to speak. The Variance is requested because the business structure sits in the rear of the property, requiring customer parking to be located in front of the business structure. A variance is also requested to allow for a gravel parking lot due to the effect the cost of paving the lot would have on a new business.

Mr. Laureore made a motion to close the public hearing. The motion was seconded by Ms. Ray and approved 4-0. The public hearing was closed at 6:00 p.m.

The Zoning Board of Appeals held a discussion on the matter, noting that the business is not open in the winter so there will not be an issue with plowing the gravel parking lot and that there is precedence for providing a variance for gravel parking lots.

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.

- 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

Ms. Ray made a motion that the Zoning Board of Appeals approve the Area Variance on condition that the parking lot be paved no later than two years from this date. Mr. Davis seconded the motion. The motion was approved by a vote of 4-0.

The minutes of the May 9, 2022 Zoning Board of Appeals meeting was approved as amended 4-0 on motion of Ms. Ray and seconded by Barnes.

The meeting was adjourned at 6:09 p.m. on motion of Mr. Laurore, seconded by Davis and approved 4-0.

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 MEETING OF THE ZONING BOARD OF APPEALS WERE APPROVED BY THE BOARD ON JUNE 13, 2022.

ANDREW T. JEWETT, CITY CLERK

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