



The City of Cortland
Zoning Board of Appeals
August 8, 2022
City Hall, 25 Court Street

The meeting was called to order at 5:30 p.m.

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

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

The following members were recorded absent:

Maria Manning
Juliene Ray

Agenda Item No. 1: Area Variance for 52 Church St. (R-1) – Area Variance (Slater)

A Public Hearing was opened at 5:31 p.m. regarding Agenda Item No. 1.

Mr. Slater, owner of the property was present to speak, explaining his intent to create privacy from neighboring commercial properties. The Variance is requested for lot coverage in the front yard for a deck expansion.

The public hearing was closed at 5:35 p.m.

The Zoning Board of Appeals held a discussion on the matter, noting that the reduction in green space would be offset by 16 square feet of sidewalk being replaced by grass.

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. Laurore made a motion that the Zoning Board of Appeals approve the Area Variance as requested. Mr. Larson seconded the motion. The motion was approved by a vote of 5-0.

Agenda Item No. 2: Area Variance for 34 South Ave. (R-2) – Area Variance (Bennedy)

A Public Hearing was opened at 5:39 p.m. regarding Agenda Item No. 2. _ relating to an Area Variance for 34 South Ave.

Michael Bennedy, property owner was present to speak. The Variance is requested for an existing driveway expansion into front yard. Mr. Bennedy explained the need for expanded parking to accommodate a resident of the multi-unit property. It was noted that the driveway expansion had already taken place and that a permit was not obtained. Mr. Rhea, the Zoning Officer stated that the property constitutes a non-conforming use and that approval of the Area Variance would expand the non-conforming use. Mr. Rhea recommended the Board deny the Area Variance request.

The public hearing was closed at 5:54 p.m.

The Zoning Board of Appeals held a discussion on the matter. Mr. Larson expressed concern over the non-conforming use. Mr. Davis and Mr. Larson noted that other options to expand parking are available to the property owner. Mr. Barnes stated that the Board had denied all similar Area Variance applications over the past several years.

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?
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. Larson made a motion that the Zoning Board of Appeals deny the Area Variance. Ms. Ray seconded the motion. The motion to deny the Area Variance was approved by a vote of 5-0.

Agenda Item No. 3: Area Variance for 67, 69 Lincoln Ave. (R-2) Area Variance (Wood)

A Public Hearing was opened at 6:06 p.m. regarding Agenda Item No. 2.

Brian Wood, property owner was present to speak. The Variance is requested for an existing driveway to be expanded into a 4 foot vegetative strip. Mr. Wood stated that the area of requested expansion currently has gravel and that the area is used by others to go from Lincoln Ave. to Groton Ave.

The public hearing was closed at 6:17 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.

- 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. Laurore made a motion that the Zoning Board of Appeals approve the Area Variance as requested. Mr. Parker seconded the motion. The motion was approved by a vote of 5-0.

The minutes of the July 11, 2022 Zoning Board of Appeals meeting was approved 5-0 on motion of Mr. Larson and seconded by Mr. Laurore.

The meeting was adjourned at 6:24 p.m. on motion of Mr. Parker, seconded by Mr. Laurore and approved 5-0.

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

ANDREW T. JEWETT, CITY CLERK

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