



CITY OF CORTLAND ZONING BOARD OF APPEALS

AUGUST 14, 2023 MEETING

MINUTES

MAYOR

SCOTT STEVE

ZONING BOARD OF APPEALS

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DIRECTOR OF ADMINISTRATION & FINANCE

LISA HENTY

RECORD OF DECISIONS

RECORD NO. 2023.08.14 - 01

ADDRESS: 57 Wheeler Ave.

APPLICATION: Area Variance

APPLICANT: Lyndsey Clark

DECISION: Approved with the condition that the 6 foot fence will end at the southern end of the front of the home structure and continue thereafter as a 4 foot fence.

RECORD NO. 2023.08.14 - 02

ADDRESS: 32 Wheeler Ave.

APPLICATION: Area Variance

APPLICANT: Kevin O'Brien

DECISION: Approved as submitted

RECORD NO. 2023.08.14 - 03

ADDRESS: 65 Pomeroy St.

APPLICATION: Area Variance

APPLICANT: Steven Brown

DECISION: Approved as submitted

RECORD NO. 2023.08.14 - 04

ADDRESS: 146 Groton Ave.

APPLICATION: Area Variance

APPLICANT: Grace Goyal

DECISION: Approved with the conditions that a 6 foot floodplain compliant fence may not be installed within four (4) feet of the sidewalk, and must be no more than four (4) feet in height when within four (4) feet of sidewalk.

RECORD NO. 2023.08.14 - 05

ADDRESS: 71 Homer Ave.

APPLICATION: Area Variance

APPLICANT: Brianna Meyka

DECISION: Approved with the conditions that that stormwater run-off remain on applicant's property and the concrete area not be used for parking.

RECORD NO. 2023.08.14 - 06

ADDRESS: 98 Owego St.

APPLICATION: Area Variance

APPLICANT: Paul Mikowski

DECISION: Approved as submitted

RECORD NO. 2023.08.14 - 07

ADDRESS: 156 Clinton Ave.

APPLICATION: Area Variance

APPLICANT: Moxy Properties

DECISION: Approved as submitted

RECORD NO. 2023.08.14 - 08

ADDRESS: 187 Homer Ave.

APPLICATION: Area Variance

APPLICANT: Andy Fox

DECISION: Approved as submitted



CITY OF CORTLAND ZONING BOARD OF APPEALS

AUGUST 14, 2023 MEETING MINUTES

CALL TO ORDER AND ROLL CALL

The regularly scheduled meeting of the City of Cortland Zoning Board of Appeals (ZBA) was called to order at 5:30 p.m. in the Common Council Chambers of City Hall, 25 Court St. Cortland NY. The following ZBA members were recorded present:

Brett Barnes
Thomas Larson
Ray Parker
Juliene Ray

The following members were recorded absent:

Kyle Davis

VARIANCE APPLICATIONS

Record of Decision 2023.08.14 - 01 Area Variance Application - 57 Wheeler Ave.

A public hearing was open at 5:31 p.m. The applicant, Lyndsey Clark, seeks a variance for a 6' fence in the front yard of a corner lot. There being no one present to speak, 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: 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

Decision: A motion was adopted to approve the Area Variance application with the conditions that the 6' fence will end at the southern end of the front of the home structure and continue thereafter as a 4' fence.

Motioned by: Board Member Larson

Seconded by: Board Member Ray

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

Record of Decision 2023.08.14 - 02 Area Variance Application - 32 Wheeler Ave.

A public hearing was open at 5:39 p.m. The applicant, Kevin O’Brien, seeks a variance for paving a second driveway. There being no one present to speak, the public hearing was closed at 5:51 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: 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

Decision: A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Barnes

Seconded by: Board Member Parker

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

Record of Decision 2023.08.14 - 03 Area Variance Application - 65 Pomeroy St.

A public hearing was open at 5:55 p.m. The applicant, Steven Brown seeks a variance for enlargement of a driveway. Mr. Brown explained the application is for a rental property and in response to a request by the tenant to provide room for a walkway on the pavement. The public hearing was closed at 5:58 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

Decision: A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Parker

Seconded by: Board Member Larson

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

Record of Decision 2023.08.14 - 04 Area Variance Application - 146 Groton Ave.

A public hearing was open at 6:03 p.m. The applicant, Grace Goyal, seeks a variance for a fence in the front yard of a corner lot. Doug Bentley was present to learn about the plans and conditions for the fence. The public hearing was closed at 6:16 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

Decision: A motion was adopted to approve the Area Variance application with the conditions that a 6 foot floodplain compliant fence may not be installed within four (4) feet of the sidewalk, and must be no more than four (4) feet in height when within four (4) feet of sidewalk.

Motioned by: Board Member Barnes

Seconded by: Board Member Parker

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

Record of Decision 2023.08.14 - 05 Area Variance Application - 71 Homer Ave.

A public hearing was open at 6:24 p.m. The applicant, Brianna Meyka, seeks a variance for a concrete patio in the rear yard. There being no one present to speak, the public hearing was closed at 6:26 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

Decision: A motion was adopted to approve the Area Variance application with the conditions that stormwater run-off remain on applicant's property and the concrete area not be used for parking.

Motioned by: Board Member Barnes

Seconded by: Board Member Ray

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

Record of Decision 2023.08.14 - 06 Area Variance Application - 98 Owego St.

A public hearing was open at 6:31 p.m. The applicant, Paul Mikowski, seeks a variance for an additional driveway. The property owners explained the intent to create a driveway that accommodates the mobility needs of a co-owner of the property. The public hearing was closed at 6:35 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

Decision: A motion was adopted to approve the Area Variance application as submitted

Motioned by: Board Member Parker

Seconded by: Board Member Larson

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

Nays – 0

Record of Decision 2023.08.14 - 07 Area Variance Application - 156 Clinton Ave.

A public hearing was open at 6:40 p.m. The applicant, Moxy Properties, seeks a variance for a 10' privacy fence, and a sign that exceeds the limit allowed in a General Business 1 (GB-1) district. Moxy Properties' representative Fran Casullo explained the privacy and security intent of the fence and that the proposed sign is consistent with other signs in the commercial plaza. The public hearing was closed at 6:44 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

Decision: A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Parker

Seconded by: Board Member Barnes

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

Record of Decision 2023.08.14 - 08 Area Variance Application - 187 Homer Ave.

A public hearing was open at 6:48 p.m. The applicant, Andy Fox, seeks a variance for front and side yard setback, and lot width. Mr. Casullo, a representative of the owner, explained that the application is made to enable construction to accommodate a walk-in cooler which is a necessary aspect of the business' operations. The Code Enforcement Officer explained that approval of the application would be contingent on approval by the County Planning Board and City Planning Commission. The public hearing was closed at 6:54 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: No

Decision: A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Larson

Seconded by: Board Member Ray

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

APPROVAL OF THE MINUTES

A motion was made and approved to accept the minutes of the July 10, 2023 ZBA meeting.

Motioned by: Board Member Larson

Seconded by: Board Member Barnes

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

ADJOURNMENT

The meeting was adjourned at 6:58 p.m. on motion of Mr. Parker.

I, ANDREW T. JEWETT, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT RECORD OF THE MOTIONS AND PROCEEDINGS OF A REGULARLY SCHEDULED MEETING OF THE CITY OF CORTLAND ZONING BOARD OF APPEALS HELD ON AUGUST 14, 2023.

Andrew T. Jewett

ANDREW T. JEWETT, CITY CLERK