



CITY OF CORTLAND ZONING BOARD OF APPEALS

OCTOBER 9, 2023 MEETING

MINUTES

MAYOR

SCOTT STEVE

ZONING BOARD OF APPEALS

BRETT BARNES, CHAIR

KYLE DAVIS

THOMAS LARSON

RAY PARKER

JULIENE RAY

CITY CLERK

ANDY JEWETT

607-758-8331

cityclerk@cortland.org

ZONING & CODE ENFORCEMENT OFFICER

CAPTAIN ROY EVERETT

607-753-1741

reverett@cortland.org

CORPORATION COUNSEL

A.J. MELDRIM

DIRECTOR OF ADMINISTRATION & FINANCE

LISA HENTY

RECORD OF DECISIONS

RECORD NO. 2023.10-09 - 01

ADDRESS: 226 Central Ave.

APPLICATION: Area Variance

APPLICANT: 10-09

DECISION: Approved as submitted

RECORD NO. 2023.10-09 - 02

ADDRESS: 120 Groton Ave.

APPLICATION: Area Variance

APPLICANT: Jeffrey Constantino

DECISION: Approved with the condition that use of the building comply with Administrative Code §300-4 and §300-32 as they relate to head shops.

RECORD NO. 2023.10-09 - 03

ADDRESS: 15 Redwood Ave.

APPLICATION: Area Variance

APPLICANT: Carole Preston

DECISION: Approved as submitted



CITY OF CORTLAND ZONING BOARD OF APPEALS

OCTOBER 9, 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 5:31 p.m. in the Common Council Chambers of City Hall, 25 Court St. Cortland NY. The following ZBA members were recorded present:

Brett Barnes
Kyle Davis
Thomas Larson
Ray Parker

The following member was excused:

Juliene Ray

VARIANCE APPLICATIONS

Record of Decision 2023.10.09 - 01 Area Variance Application for 226 Central Ave.

The applicant, Brendan Byrnes, seeks a variance for a pervious surface driveway contrary to City Administrative Code Section 300-84 C (1). A public hearing was open at 5:32 p.m. 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: No

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, Davis, Larson, Parker]

Nays – 0

Record of Decision 2023.10.09 - 02 Area Variance Application for 120 Groton Ave.

A public hearing was open at 5:39 p.m. The applicant, Jeffrey Constantino, seeks a variance for the purpose of changing the use of the existing commercial building to a convenience store which will increase pedestrian and vehicular traffic density, thus increasing the non-conformity of lot dimensions. The public hearing was closed at 5:44 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: No

Decision: A motion was adopted to approve the Area Variance application with the condition that use of the building comply with Administrative Code §300-4 and §300-32 as they relate to head shops.

Motioned by: Board Member Parker

Seconded by: Board Member Larson

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

Nays – 0

Record of Decision 2023.10.09 - 03 Area Variance Application for 15 Redwood Ave.

A public hearing was open at 6:02 p.m. The applicant, Carole Preston, seeks a variance for the purpose of converting the garage into habitable space for use by the owner, thereby increasing the non-conformity due to lot size and side yard setback. The public hearing was closed at 6:06 p.m.

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 Barnes

Seconded by: Board Member Davis

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

Nays – 0

APPROVAL OF THE MINUTES

A motion was made and approved to accept the minutes of the September 11, 2023 ZBA meeting with a change.

Motioned by: Board Member Parker

Seconded by: Board Member Larson

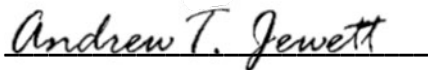
Approved: Ayes – 4 [Barnes, Davis, Larson, Parker]

Nays – 0

ADJOURNMENT

The meeting was adjourned at 6:13 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 OCTOBER 9, 2023.



ANDREW T. JEWETT, CITY CLERK