



ZONING BOARD OF APPEALS MEETING MINUTES

October 2, 2023

Zoom Link ID 4118425407

Present: ZBA Chair: L. Staley, Members: D. Szpiro, M. Friend, S. Barnett, M. Tate & Deputy Clerk A. Jacot

Zoom: Code Enforcement Officer B. Cross, Attorney R. Kawecki, Mayor L. Woodard & Applicant's Architect Claudia Brenner

Absent: Member R. Parker

1. Call to order: ZBA Chair, L. Staley calls the meeting to order at 7:02 p.m.

2. Approval of Meeting Minutes: August 7, 2023

BE IT RESOLVED THAT: The Village of Cayuga Heights Zoning Board of Appeals approves the August 7, 2023, minutes as presented.

Motion: M. Tate

Second: M. Friend

Ayes: ZBA Chair, L. Staley Members: D. Szpiro, M. Tate & M. Friend

Nays: None

Motion carried

ZBA Chair, L. Staley introduced the 501 Hanshaw Road. garage setback variance application to the public and explained the lawful procedural order in which the meeting will be conducted.

Code Enforcement Officer B. Cross presented details as to the variance application for 501 Hanshaw Road. The permit was denied for the freestanding garage due to not meeting the required 25' front yard setback on Klinewoods Road. Explaining that the village's definition of "frontage" is that each side of a property that has frontage on a public street is regulated as if it were a front yard. Therefore, in this case, they have two fronts and two side/rears. The variance application is requesting a reduction of the 25' setback to 17.5'. Code Enforcement Officer B. Cross also clarified that Option C is the one that needs a variance, not the others, as they were deemed unacceptable. He is hoping for more clarity from the architect, Claudia Brenner, tonight.



ZBA Chair, L. Staley asked the applicants if there is anything they would like to share with the board.

Applicant Geoff Callander reiterated what was written in the application.

ZBA Chair, L. Staley asked the applicants to explain the garage size and materials.

Applicant Geoff Callander explained the garage will be 2 stories, with the first being stone to match the house. The second story will be cedar shingles. The roof and windows will match the roof and windows on the house. He also says the garage will sit farther back than where they are currently parking. He explains that part of the reason to seek the variance is because where they will build the garage will eliminate the need for extensive excavating. If they went with a different plan (one that would not require a variance), "There is a lot of land that would have to be excavated that would greatly change and alter the environment of the house". He describes the location and size of the pine trees on the property and how they would have to trim them if they had to go with a different building plan. The applicants would prefer to not alter the environment as much as possible.

Applicant Beth Plocharczyk explained the driveway location and design. Keeping it perpendicular to the house they are able to back in and out of the garage. "It was challenging to try to get it to fit, keeping it perpendicular to the house and being able to pull in and out.

ZBA Chair, L. Staley asked the applicants if there had been a garage there previously.

Applicant Beth Plocharczyk says there had been a one car attached garage previously. When they remodeled it became part of the entrance to the home.

Member S. Barnett asked, "You expanded the house at the expense of the garage and now you need a new garage?".

Contractor John Putnam explained that it was not really a garage because he does not believe it would be wide enough for modern day cars due to the house being built so long ago.

ZBA Chair, L. Staley asked Code Enforcement Officer B. Cross to clarify if a shed can be anywhere on your property.

Code Enforcement Officer B. Cross explained for a shed to be considered an exempt structure it has to meet a number of conditions such as; Needs to be portable, unoccupied, no larger than 12' in any dimension, no closer than 3' to the side yard & limited to front yard setback. He further explains that to be portable it must be able to



move without disturbing the ground beneath it. He suggests all sheds to be built on the ground or slab, nothing that requires poles being dug into the ground that would have to be cut off to move.

Architect Claudia Brenner shared the C1 design via Zoom, explaining the design in detail. This showed the garage extends into the setback 91sf. in total. The other 2 layout/designs, that do not require a variance, are also shared. They show how significant the excavation and amount of blacktop there would need to be.

Member M. Friend asked for clarification on the tree removal.

Applicant Beth Plocharczyk explained they know they must move at least one tree, possibly two. However, they are hoping they do not have to move more. The applicants intend to relocate any trees they must move, rather than discard. They are described as approximately 6-8" in diameter and 25' tall.

Architect Claudia Brenner shared drawings of the garage via Zoom.

3. Public Comment: ZBA Chair, L. Staley opened the Public Comment at 7:30pm.

Letter submitted to Code Enforcement Officer B. Cross via email.

Dear Mr. Cross,

October 2, 2023

My husband and I absolutely support our neighbor's zoning variance application. Beth & Geoff are excellent neighbors who have done meticulous work on their property, and we are confident that their planned garage will only enhance the neighborhood. We hope the board will approve their application.

Thank you,

Beth Saulnier (Miller) & Scott Miller

504 Hanshaw Road (directly across the street from 501)

A neighbor, Mr. Szekely stated he came to the meeting as he was concerned the garage would obstruct his view when exiting his driveway. He saw that will not be a problem, however, he is concerned about the height of the garage. It was explained the garage height was not something put before the ZBA as it was within its legal limits.

ZBA Chair, L. Staley closed the Public Comment at 8:14pm.



VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS RESOLUTION ADOPTED ON October 2, 2023

4. Request by Geoff Callander & Beth Plocharczyk (owners) of a residence at 501 Hanshaw Road (tax parcel 6-8-8), to construct a new garage located within 17.5' of the front property line (on Klinewoods Rd), which is less than the 25' required by the Village of Cayuga Heights Zoning Ordinance Section 305-19.A.1 Yard Requirements. The applicant is seeking an area variance to allow the garage to be built as proposed.

The Village of Cayuga Heights Zoning Board of Appeals hereby makes the following findings with respect to the criteria for an area variance as set forth in Village Law of the State of New York Section 712-b and Village of Cayuga Heights Zoning Ordinance Section 21:

1. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.

Findings: No neighbor concerns raised and with this design, rather than the design that does not require a variance, less blacktop is required, keeps the roofline lower and less trees disturbed.

Determination: YES _____ NO X

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.

Findings: Yes, but the design that does not require a variance would have a much bigger impact on the neighborhood. More blacktop, more trees disturbed and a higher elevation with more visual impact.

Determination: YES X NO _____

3. Whether the requested area variance is substantial.

Findings: Substantial but only on one corner of the garage.

Determination: YES X NO _____



4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Findings: Less disturbance to land, trees & water than the design that would meet the setback requirement.

Determination: YES _____ NO

5. Whether the alleged difficulty was self-created.

Findings: Could be smaller or set back further.

Determination: YES NO _____

RESOLUTION:

WHEREAS: On October 2, 2023, the Village of Cayuga Heights Zoning Board of Appeals held a public hearing regarding the action described above, and thereafter thoroughly reviewed and analyzed the materials and information presented by and on behalf of the applicant in support of this appeal, all other information, and materials rightfully before the Board, and all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations, and

WHEREAS: On October 2, 2023, in accordance with Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQR), and 6 NYCRR Section 617.5 (c)(16), the Village of Cayuga Heights Zoning Board of Appeals determined that the proposed action is a Type II action, and therefore is exempt from and may be undertaken without further review under SEQR; and

WHEREAS: On October 2, 2023, in accordance with State of New York Village Law Section 712-b and Village of Cayuga Heights Zoning Ordinance Section 21, the Village of Cayuga Heights Zoning Board of Appeals, during its deliberations, took into consideration the benefit to the applicant if the area variance were to be granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community if the variance were to be granted.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: It is hereby determined by the Village of Cayuga Heights Zoning Board of Appeals that the following variance is GRANTED AND APPROVED. Being further determined that such variance is the minimum necessary and adequate to grant the relief sought and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community:



Description of Variance: The Zoning Board of Appeals determined that through the five SEQR findings, the benefit to the homeowners, Geoff Callander & Beth Plocharczyk, of 501 Hanshaw Road, Ithaca, N.Y. 14850, would be greater than the detriment to the neighborhood. Conditions of Variance: The Village of Cayuga Heights Zoning Board of Appeals grants the Area Variance request of Geoff Callander & Beth Plocharczyk, owners of 501 Hanshaw Road, Ithaca, N.Y. 14850.

Motion: S. Barnett

Second: M. Friend

Ayes: ZBA Chair, L. Staley Members: M. Friend & S. Barnett, D.Szpiro & M. Tate

Nays: None

Abstentions: None

5. New Business: No new business at this time.

6. Adjournment: ZBA Chair, L. Staley, adjourns the meeting at 8:01