

Village of Cayuga Heights
Zoning Board of Appeals
Application Form

ZBA Application Fee: \$100

Check All That Apply:

- Area Variance
 Use Variance
 Interpretation Request

For Office Use Only	
Date Received	10/26/16
Cash or Check	# 726638
Zoning District	RESIDENCE
Applicable Section(s) of Village Code:	LL# 1 of 2011 PORTABLE SHEDS

Property address: 211 W. REMINGTON RD Tax parcel: 7-3-1

Zoning Officer's determination: A NON REGULATED PORTABLE SHED HAS BEEN LOCATED IN THE FRONT YARD (ON REMINGTON RD)

Requested variance or interpretation: _____

Reason(s) that the requested variance or interpretation should be granted:

- See attached page for the criteria that the ZBA must use. Use additional sheets if necessary.

see attached application

Please attach any additional information that will help the ZBA to evaluate your appeal, such as a narrative, survey map, photos, building plans, etc.

By filing this application, you grant permission for Village of Cayuga Heights ZBA Members and Village Staff to enter your property for inspections related to your appeal.

Owner/Applicant: Drew M. Noden

Signature: Drew M. Noden Date: Oct. 26, 2016

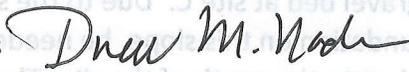
Phone number(s): 342-0953

Email address: drewnoden@gmail.com

DATE: August 30, 2016

TO: Brent Cross, Engineer for the Village of Cayuga Heights
Zoning Board of Appeals

FROM: Gertrude and Drew Noden, Owners
211 W. Remington Road



RE: Request for Area Variance

We are requesting an area variance for a recently installed 10x12' Amish shed that does not meet the required set-back guidelines. In this request, we detail the process by which the site was chosen. In support we are providing: (1) maps showing the location of trees, slopes, and other features of the property that limited our options, (2) evidence that we exercised due diligence in seeking information from the dealer and staff members of the Village of Cayuga Heights, including Mr. Cross, as well as discussing the site with our closest neighbor, and (3) photograph showing that this structure is not "a detriment" and does not produce an "undesirable change in the character" or negatively impact "conditions in the neighborhood."

The shed was ordered in late April from Mr. Chris Jordan, owner of *Thee Amish Structures* in Dryden. He told us that he had delivered many sheds to Cayuga Heights residents and also sold some to the Village. He stated that 10x12' was smaller than the size that would require a building permit. Also, he specified the following: (1) minimum 4" crushed gravel horizontal bed extending 6" beyond the frame supports, (2) not closer than 1 ft. to any tree, and (3) minimum of a 12-foot wide straight pathway for delivering and placing the shed, with a minimum of 14-foot width at a bend.

Because of the location of trees, topographical features (steep slopes), or stone retaining walls, there are only two locations along the property boundary that allow truck access to potential outbuilding sites. We identified two possible sites (A and B on Plate 1). Due to locations of trees that were too close together and the 3-foot steep rise beside North Sunset Road, we determined that site A was not accessible.

In early May I visited the Cayuga Heights Village Office and asked where to find the official guidelines. As they had been on several previous occasions, the office staff (Ms. Mangione and Ms. Podufalski) were very knowledgeable and helpful. Their information confirmed what Mr. Jordan had provided, and added the requirements of 3 feet from side and rear property lines and 25 feet from the front. Mr. Cross joined this conversation and verified their information. I subsequently found the 2011 the Village Zoning requirements pertaining to sheds. The information therein is the same.

We asked Mr. Jordan for an on-site evaluation. Due to the required bends in the access route, we were concerned about access site B, and had staked out an alternate site (1-foot to the south of C) for his inspection. His opinion was that the delivery truck would not be able to make the 2nd turn required to place a shed at site B (shown in detail on plate 2). I conferred with David Brown, the neighbor to the east, and he had no concern about a shed in the site C location (it is 10 feet from his property line). We were aware that the site was less than 3 feet from the north property line, but at 19-feet from the edge of the road it was well inside the established tree line. I did not try to determine the midline of

West Remington Road. The north neighbor's house across West Remington is set far back; their lot is heavily wooded, so the shed is not readily visible to them.

Based on these discussions I asked Caleb Scott, the subcontractor who in 2014 re-landscaped the property, to install a gravel bed at site C. Due to the slope, this required 7 tons of gravel. Also, to stabilize the gravel foundation on this slope, he needed to move the flatted bed surface 1 foot further from the tree located just to the south of the site. The shed was installed the last week in May.

In mid-July, Mr. Cross was driving by and noticed the location of the shed. He very politely informed us that this violated the 25 foot required set back from every FRONTAGE, which for a corner property is on two sides not one FRONT.

We had not previously been made aware of this distinction. When I purchased the property in 2013, both the house and yard had been neglected for over 40 years. The design drawings and work plans by our architect (Steve Gibian), contractor (Dean Shea of Sunny Brook Builders) and landscaper (Caleb Scott), all used the terms front (facing the west), rear, and north or south sides for home and yard projects. I taught Anatomy at the Cornell Veterinary College for almost 40 years, and in my mind houses and yards - like bodies - have only one front.

Variance Request considerations (1, 4): aesthetic concerns. Due to trees and shrubs, the shed is largely concealed when driving along West Remington Road (photograph), although it becomes clearly visible when approaching the upper driveway from the west. Hedges immediately to the north, between the shed and West Remington Road, were cut back to allow access by the delivery truck; these have already grown back to a height of 3.5 feet (and the ground level is 2 feet higher than the base of the shed). The shed is not visible from the house of the neighbor to the north, and the neighbor to the east has no concerns. Given the essentially ungroomed roadside/property edges along this stretch of West Remington Road, I do not believe that any aspect of "neighborhood character" is compromised.

Variance Request consideration (2): other feasible alternatives. From a technical point of view, the shed could possibly be moved several feet further from West Remington Road, to a site part-way between the current site C and inaccessible site B. This would require lifting and removing the shed, moving 7 tons of gravel, and re-positioning the shed. I have not asked Mr. Jordan how much greater off-set distance he could achieve, nor estimated the expenses. The initial installation costs were just under \$1000.

Variance Request consideration (6): due diligence. I am not faulting the office staff or Mr. Cross. These were informal conversations, and I did not think to mention that ours is a corner property. The written guidelines similarly use the terms rear yard, side yard, and FRONT yard, not FRONTAGE. I do not believe that this misunderstanding was "self-created," but rather a series of inadvertent – and it turns out incorrect – linguistic interpretations by several persons, all-of-whom acted in good faith on the information available.

West Remington Road

Noden
Plate 2.

18' 1"
Setback from
edge of road

17' 7"



Driveway

Pathway

C

B

Boundary marker

Property Boundary

103'

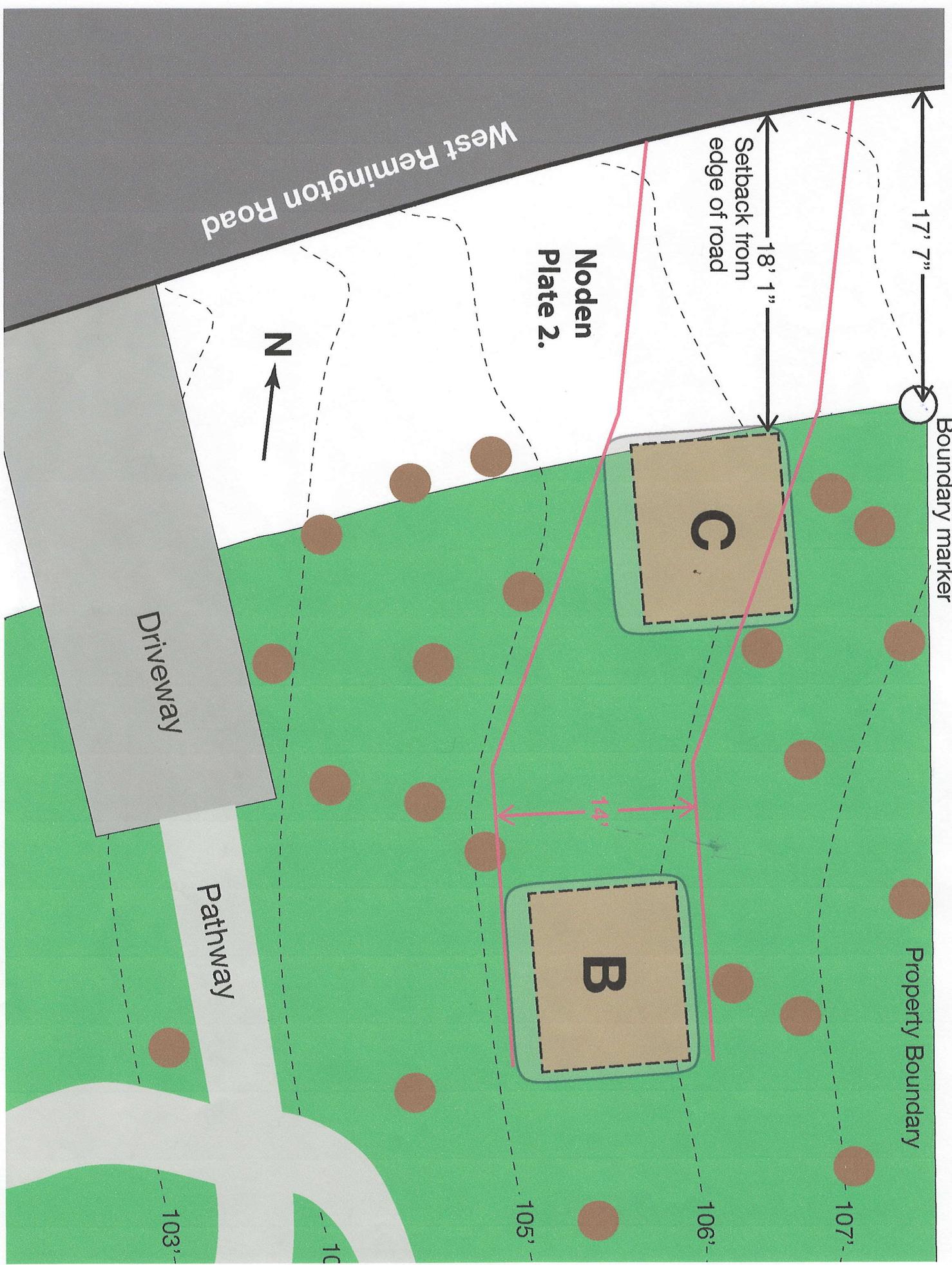
104'

105'

106'

107'

14'





View to the east (looking up hill), taken from beside the main house driveway along West Remington Road.