



Minutes
Marcham Hall

VILLAGE OF CAYUGA HEIGHTS
ZONING BOARD OF APPEALS

Monday, April 04, 2022
Zoom Link ID 91711360874

Present: ZBA Chair: L. Staley, Members: R. Parker, M. Friend, S. Barnett, M. Tate, Code Enforcement Officer B. Cross, Clerk J. Walker

Absent: Attorney R. Marcus, Member D. Szpiro

1. Call to order

ZBA Chair, L. Staley calls the meeting to order at 7:08 p.m.

2. Approval of Meeting Minutes: March 7th, 2022

BE IT RESOLVED THAT: the Village of Cayuga Heights Zoning Board of Appeals approves the March 7th, 2022 minutes as presented.

Motion: R. Parker

Second: M. Tate

Ayes: Chair L. Staley; Members: R. Parker, S. Barnett, M. Tate

Nays and Abstentions: M. Friend

Motion carried

3. Public Comment: No members of the public wish to comment

4. Variance Application: A permit application to build a deck addition on the existing house located at 506 Hanshaw Road has been denied because the proposed 12.5' side yard setback is less than the 15' setback required by Cayuga Heights Zoning Ordinance Section 305-38: Building Setbacks. The owner/agent of this property is seeking a variance to allow the deck to be built with the reduced setback.

- Code Enforcement Officer B. Cross further states that it should be noted that the proposed deck is intended to align with the side of the existing house that is already located at 12.5' from the side property line. Since the original house was constructed in 1960, this is a pre-existing non-compliant condition that was legally in existence prior to the Village of Cayuga Heights Zoning being changed in 1962 from a 12' min side yard setback to a 15' side yard setback.

- Village resident and applicant K. Murry and contractor M. Martinek from Green Scene Lawn and Garden are present via Zoom.

- M. Martinek states that the goal of this project is to align the new deck to the edge of the existing house. Another factor to consider is that a new sliding glass door has been installed and with the current Zoning ordinance on side yard setbacks the railing for the new deck would be about 8 inches into the sliding glass door.

- ZBA member R. Parker asks if this will be a second-story deck. The applicant responds that yes, it is.

- Applicant K. Murray states that the current steps from the living level to the backyard are the basement steps and they are very steep. She visions this deck having several platforms and wider runs to preserve the

use of the backyard as she gets older.

- ZBA Chair L. Staley confirms that the new step is not on the side that involves the 15' setback. Applicant K. Murry states that is correct. They will be built on the other side.
- ZBA Member R. Parker states that making the deck smaller would eliminate the need for this variance.
- Contractor M. Martinek states that making the deck smaller does not change the fact that the sliding glass door access is affected. The newly installed sliding glass door is replacing a window that was the same dimensions.
- ZBA Member M. Tate shares the application pictures showing the header and sliding glass door as presented to the Board before the meeting and exhibited on the Villages website.
- ZBA Member M. Friend inquires about what will be under the new deck.
- Contractor M. Martinek states that there is an existing flagstone patio and will be open for use.
- ZBA Chair L. Staley opened the Public Hearing at 7:24 p.m.
- No members of the public wished to speak.
- Code Enforcement Officer B. Cross states that Board did receive 3 emails in support of the project and requested that they be entered into the minutes:

To Whom It May Concern:

We are the neighbors of Kathy Murray's to the South at 508 Hanshaw Rd. We understand that Kathy is applying for a variance of the zoning setback distance for a new deck structure of 15'. We are giving our ok of the variance request. The deck structure will follow the line of the existing home.

Thank you,

Stephen C. G. P.
SAS

Hi Brent,

I own the house at 504 Hanshaw, right next door to 506, where the deck variance is being sought. I am in Florida for the winter and won't be attending the hearing, but I wanted to go on the record that my husband and I have no problem whatsoever with the planned deck construction. Kathy is a great neighbor and has been doing very nice work on the house, and we support the issuance of a variance.

best,

Beth

Beth Saulnier



Dear Brent,

Thank you for the plans for the proposed new deck at Kathy Murray's house 506 Hanshaw Rd.

We have no objections.

Best regards,

Tim & Tara Riley

507 Hanshaw Rd.

• Code Enforcement Officer B. Cross States that In accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act (SEQR), and specifically 6 NYCRR Section 617.5 (c) (17), the Village of Cayuga Heights Zoning Board of Appeals determined that the proposed action is a Type II action, and thus may be processed without further review under SEQR; and In accordance with Section 712-b of the Village Law of the State of New York and Village of Cayuga Heights Zoning Law Article 20, the Village of Cayuga Heights Zoning Board of Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;

- ZBA Chair L. Staley closes the Public Hearing at 7:28 p.m.
- The Zoning Board of Appeals then considered each of the five required questions:

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.

Finding: The closest neighbor impacted by this variance request supported the project as well as two other neighbors. The new deck follows the existing home line. The closest house affected by this new deck is far enough away that it does not produce an undesirable change.

YES NO X

Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

Finding: Moving the deck will impose a problem with the previous existing window as well as the newly installed sliding glass door. Moving the deck would cause structural changes and increase expenses.

YES NO X

Whether the requested area variance is substantial.

Finding: This variance request is only affecting a small portion of the side yard.

YES NO X

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

Finding: The deck is above the ground, drainage is not affected and the existing footprint will remain the same since they are keeping the flagstone patio.

YES NO X

Whether the alleged difficulty was self-created.

Findings: But, the project is following preexisting side yard setback that was in place before the zoning law was changed.

YES X NO

THEREFORE BE IT RESOLVED THAT: the Village of Cayuga Heights Zoning Board of Appeals grants the Area Variance request of Kathy Murray owner of 506 Hanshaw Rd. Ithaca, N.Y. 14850 and,

BE IT FURTHER RESOLVED THAT: The Board determines that through the five findings the benefit to the homeowner would be greater than the detriment to the neighborhood and, the ZBA Board requires that the deck be built substantially as described in the application and maintained as such.

Motion: S. Barnett

Second: M. Friend

Ayes: Chair L. Staley; Members: R. Parker, S. Barnett, M. Friend, M. Tate

Nays and Abstentions:

Motion carried

4. New Business: No new business

5. ZBA Chair L. Staley adjourns the meeting at 7:43 p.m.