



ZONING BOARD OF APPEALS

June 3, 2024

Zoom Link ID 4118425407

Present: ZBA Chair: L. Staley, Members: R. Parker, S. Barnett, M. Friend, M. Tate, Attorney R. Marcus, Deputy Clerk A. Jacot, Applicants Pam and Mike Strausser along with their contractor, Jesse Norton of Pinnacle Building & Remodeling LLC

Zoom: Code Enforcement Officer B. Cross, Attorney R. Kawecki & Mayor L. Woodard

Absent: Alternate Member D. Szpiro

1. **Call to Order-** ZBA Chair, L. Staley calls the meeting to order at 7:12 p.m.

2. **Approval of Meeting Minutes:** January 8, 2024

BE IT RESOLVED THAT: The Village of Cayuga Heights Zoning Board of Appeals approves the January 8, 2024 minutes as presented.

Motion: R. Parker

Second: M. Tate

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

Nays: None

Abstentions: S. Barnett

Motion Carried

3. **Public Comment-** No members of the public wish to speak.

4. **Variance Request-** ZBA Chair, L. Staley introduced the 210 Comstock Rd. case to the public and explained the lawful procedural order in which the meeting will be conducted.

Code Enforcement Officer B. Cross was asked to describe the reason(s) in which the application for a 14'x 16' addition was denied, hence why an area variance was needed. Code Enforcement Officer B. Cross explained the addition would increase the lot coverage to 13.5%, which is greater than the 12% coverage allowed by the Village of Cayuga Heights Zoning Ordinance Section 305-20.A: Lot Coverage. This includes a treehouse, which according to the newest Village of Cayuga Heights Zoning Code needs to be included in the overall lot coverage.



Applicant M. Strausser explained that the addition, first, would be a recreation room for their grandchildren who recently moved to the Village of Cayuga Heights. Secondly, this addition would give additional room to allow him and his wife to age in place. Mr. Strausser also noted that although they have never had use for the treehouse, which was built prior to their purchase of the home, they would like the grandchildren to utilize it now.

ZBA Chair, L. Staley asked how far out the new addition and foundation jut out.

Code Enforcement Officer B. Cross answered that he has a drawing that shows it at 2 feet.

ZBA Chair, L. Staley asked about drainage?

Member, S. Barnett added that there is quite a slope towards the back of the house. Therefore will they build that up to make it level, then have a big drop off to accommodate this?

Contractor Jesse Norton explained there will be a full foundation under the structure. He also stated that he does not believe there will be any issue with drainage.

Code Enforcement Officer B. Cross agreed that he does not foresee any significant consequence on drainage.

Contractor Jesse Norton explained that they will soften the look of the addition, do a footer drainage system with gravel and gutters will be tied into the drainage system as well.

ZBA Chair, L. Staley asked, regarding the visual, if the roof line will go along with the garage?

The Applicant's Contractor said "Yes".

Member, S. Barnett asked what the setback is from the property line to the back of the new addition.

Code Enforcement Officer B. Cross answered, "*It is about 40 feet*".

Contractor Jesse Norton asked for clarification as to if this is two parts now, to include a variance for the tree house.

Attorney R. Marcus explained that the application is simply for an area variance to allow for excess lot coverage beyond the 12% limit. That the treehouse predates the current Zoning Law therefore would be considered a preexisting, nonconforming use.



Public Hearing: ZBA Chair, L. Staley opens the Public Comment at 7:29 p.m.

ZBA Chair, L. Staley stated there is no one present to speak.

ZBA Chair, L. Staley closes the Public Comment at 7:30 p.m.

Attorney R. Marcus explained, for the record, this is a Type 2 action under SEQR by virtue of section 617.5C 17 Granting of An Area Variance for a Single Family. The record should also acknowledge there is no 239M Review because the property is not within 500 feet of another municipal boundary.

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:

Addition is setback on all sides of the property. Not an unusual design, it matches the rest of the design of the house and character of the neighborhood. Only one neighbor will see it. No neighbors have made any complaints that it would be a detriment to their property. Only jutting out 2'. The roofline will remain the same.
Determination: YES _____ 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.

Findings:

They are already over the needed area. They can build upward to not increase the lot coverage. However, they would not accomplish their second need, which is to be able to age in place with a first floor space.
Determination: YES _____ NO

3. Whether the requested area variance is substantial.

Findings:

The size is well within the neighborhood parameters so as not to look out of place. 12.5% may sound substantial but given the design and location of the addition it does not appear to be a substantial change. Much of the overage is due to the existing treehouse.
Determination: YES _____ 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:

Drainage is not going to be a problem. Animals may still go around. No existing trees will be disturbed.

Determination: YES _____ NO _____

5. Whether the alleged difficulty was self-created.

Findings:

The building of the addition is self-created.

Determination: YES _____ NO _____

Motion made to approve variance is as follows:

WHEREAS: At its regular meeting on May 23, 2024, the Village of Cayuga Heights Zoning Board of Appeals has considered the application of 210 Comstock for an area variance for a 14'x16' addition that will increase the lot coverage to 13.5%, which would exceed the 12% which is allowed in the Village of Cayuga Heights Zoning Code Section 305-20.A. Lot Coverage.

WHEREAS: The Zoning Board of Appeals has conducted a public hearing at its May 23, 2024 meeting to seek comments from the public, and

WHEREAS: The Zoning Board of Appeals has determined that this variance request is a Type 2 action under SEQR by virtue of section 617.5C 17, Granting of An Area Variance for a Single Family. The Zoning Board has reviewed the SEQR Short Environmental Assessment Form in accordance with said regulations, and the Zoning Board has made a determination of no significant negative environmental impacts, now, therefore,

BE IT RESOLVED THAT: The Zoning Board of Appeals has made findings in accordance with NYS Village Law 7-712-b(3)(b) and Village of Cayuga Heights Code Section 305-132(E)(2)(b), and the Zoning Board has determined that the benefit to the applicant if the variance is granted is greater than the detriment to the health, safety and welfare of the neighborhood or community; and



BE IT RESOLVED THAT: The Zoning Board of Appeals grants the Area Variance requested by Michael & Pam Strausser at 210 Comstock Road, to be built substantially as proposed.

Motion: M. Friend

Second: S. Barnett

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

Nays: None

Abstentions: None

Motion Carried

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

6. Adjournment: ZBA Chair, L. Staley, adjourns the meeting at 7:47