

**TOWN OF ULYSSES  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
Wednesday, 06/17/2015  
7:00 p.m.**

*Approved: July 15, 2015*

**Present:** Chairperson George Tseleki, **BZA Members:** Bob Howarth, Stephen Morreale, David Means, Andy Hillman, and board alternate Cheryl Thompson; **Town Environmental Planner** Darby Kiley.

**Public Present:** Archie and Filomena Brown, and Kim Yeoh

**Call to Order:** 7:01 p.m.

**Public Hearing:** Appeal by Jason Hamilton and Kim Yeoh for area variance(s) under Article VIII Section 8.6 Lot Area and Yard Requirements of the Town of Ulysses Zoning Law. This is for the purpose of a two-lot subdivision, where one lot would not meet the lot width at the front lot line requirement of the R2-Moderate Density Residence District. The proposed lot with the existing residence would have 100 +/- feet of width of the front lot line, where 160 feet is required. The property is located at 3183 Van Dorn Corners Rd, Town of Ulysses, Tax Parcel Number is 34.-1-11.

Ms. Yeoh told BZA members that she and Mr. Hamilton are looking to sell the existing house and one acre of land to Mr. Hamilton's brother. She said the proposed subdivided lot is pretty much the same width of existing neighbors' lots, but does not meet current Zoning parameters. Ms. Yeoh and Mr. Hamilton will continue to own the remaining primary lot.

Ms. Kiley said she did not receive any correspondences from neighbors.

Mr. and Mrs. Brown expressed their concern about their 50-foot right-of-way at the back of their property. The couple was informed by Ms. Kiley and BZA members that the proposed variance request would not affect the Brown's right of way.

Mr. Morreale asked how far back the proposed 1-acre subdivision goes, and Mrs. Yeoh said the acre would follow the neighboring property line on the south side of the lot.

Mr. Howarth stated that he would have a problem with the variance request if the proposed subdivided property did not have an existing house already on it.

Responding to a question from Mr. Morreale about whether or not the property will be changing ownership or occupants, Ms. Yeoh said the couple currently rents the house to Mr. Hamilton's brother, who will purchase the subdivided lot and house and reside there. Mr. Morreale agreed with Mr. Howarth that he would have reservations if the subdivided parcel were an empty lot, with future development likely. However, an existing home is already located on the property,

and approving the variance request is unlikely to have any future affect on the character of the neighborhood. Mr. Means agreed.

Mr. Howarth MADE the MOTION, and Mr. Morreale SECONDED the MOTION as follows:

The BZA reviewed the record and weighed the benefits to the Applicants against the detriment to the health, safety and welfare of the neighborhood if the variance is granted by considering the following five statutory factors. Benefit sought by applicant is to subdivide the property where there is insufficient frontage between two existing lots:

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.

**No. There is no evidence that the land subdivision will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. There is an existing house on the lot where the frontage would be too narrow. Other properties in the vicinity have similar lot widths. In addition, the property has access to municipal water.**

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.

**Because of lots to the north and south, the applicant could not create a lot for the existing house that would have more than 100 feet of contiguous frontage.**

3. Whether the requested area variance is substantial.

**The lot width would be 62.5% of the required 160 feet, which is substantial, however, a house already exists on this portion of the lot. The BZA would not approve this variance request were the house not there.**

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

**It is unlikely that the variance will have an adverse impact on the physical or environmental conditions of the neighborhood.**

5. Whether the alleged difficulty was self-created.

**While the applicants are choosing to subdivide the parcel, the difficulty would not be considered self-created because 160 feet of contiguous frontage could not be created between the two existing lots.**

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows, **even though the variance is substantial, the subdivision will not create an undesirable change to the neighborhood because of the current existence**

**of the house, and the difficulty is not self-created; therefore the benefits to the applicants outweigh the detriment to the health, safety and welfare of the neighborhood.**

**For the reasons set forth above, and upon the evidence, law and facts, it is the opinion of the BZA that the application for area variance is granted.**

The vote was as follows:

Mr. Tselekis AYE  
Mr. Howarth AYE  
Mr. Morreale AYE  
Mr. Means AYE  
Mr. Hillman AYE

**Result:** Variance request approved

**Meeting Minutes Review (5/20/15)**

Mr. Means MADE the MOTION to approve the May 20, 2015 meeting minutes, and Mr. Howarth SECONDED the MOTION. The minutes were unanimously approved.

Mr. Tselekis MADE the MOTION to adjourn the meeting, and Mr. Means SECONDED the MOTION. The motion was unanimously approved.

Meeting adjourned at 7:19 p.m.

Respectfully submitted by Louis A. DiPietro on June 18, 2015.