

**TOWN OF ULYSSES  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
Wednesday, 7/20/2016  
7:00 p.m.**

*Approved: August 17, 2016*

**Present:** Chair George Tselekis, and BZA members Andy Hillman, David Means, and Steve Morreale; Environmental Planner Darby Kiley.

**Excused:** Robert Howarth and Cheryl Thompson were excused.

**Public Present:** Robert and Nicole Petrina, and Frank and Gail Flannery

**Call to Order:** 7:00 p.m.

**PUBLIC HEARING:** Appeal by Robert and Nicole Petrina for area variance(s) under Section 212-54 Lot Area and Yard Requirements of the Town of Ulysses Zoning Law. This is for the purpose of constructing a 5 ft by 13.5 ft addition to an existing single-family residence; the addition, to be used for storage, would be an enclosure on an existing open deck. The existing residence is approximately six (6) +/- feet from northern property line, and the existing deck appears be on the property line. The proposed addition would be one (1) +/- foot from the northern property line. Fifteen (15) feet is the required side yard setback in the LS-Lakeshore District. The property is located at 1155 Taughannock Blvd, Town of Ulysses, Tax Parcel Number is 31.-2-5.

Ms. Petrina told the BZA she and her husband have two small children and are looking to relocate a garage and tool shed. They have submitted an application to build a 5 by 13 foot structure on the north side of the property, adjacent to the house. The application proposes a shed to be built on the existing property line, but neighbors Frank and Gail Flannery have expressed concerns. The applicants understood they were not to build beyond the property line and enlisted a surveyor to determine the precise property line. Since then, in conversations with the applicants, the Flannerys have stated they are uncomfortable with the project in its entirety, she said. Knowing that, the Petrinas want to respect their relationship with the Flannerys and are willing to examine other locations for the storage shed.

Asked by the Flannerys if they were withdrawing their application, Mr. Petrina said they would not build the storage shed in the proposed location, regardless of the Board's decision. Mr. Tselekis asked the Flannerys to state their objections.

The Flannerys submitted the following letter to the BZA:

To the BZA:

Reasons we are opposed to a permanent addition to the house at 1155 Taughannock Blvd., Ithaca, NY.

1. This addition is substantially in the setback area as defined by the Town of Ulysses zoning law. It will sit within 6 inches of the line if there is no overhand on the building (unclear from diagram)
  - a. Petrina's submitted survey of 2013 shows the existing deck is 9.6 inches over the line on the east end of the deck. (See survey he submitted). He has 5.5 feet from the line (this was determined by taking the measurement of the deck width in three places and subtracting the .8 foot it is over the line per

Petrina's survey), not the 6.5 feet he claims for building purposes. This doesn't even make sense to try and cram this addition into such a small area.

b. The setback requirement is 15 feet, not 6 inches plus or minus with no overhang.

c. Please note the Petrina house is not square to the line, but is 6.6 feet south of the line on the west end of the building, and only 5.2 feet south of the line on the east or front of the building which explains why the front part of the deck is over the property line. When the building is attached to the house, the width will be limited to the more narrow width.

2. The benefit of a storage shed can be achieved by placing the shed in their substantial back yard, or off of their parking lot just above the back yard. I think it is disingenuous to say they have no room to build near the house. Their property is 1.3 acres. I enclose pictures of the backyard where it would make more sense to keep a mower and tools. There are certainly choices in the back of the house.

a. The septic, I believe, is on the south side of his house and should have no impact.

b. The power lines are elevated and come into the 2<sup>nd</sup> floor of Petrina's house and should have no impact.

3. This will be a lean-to addition attached to a lean-to addition-not very attractive. It is visible from the lake and visible from my house in the summer and completely in the fall and winter. Petrina does not have to look at it, but everyone else does.

4. This is a permanent addition that forever becomes part of the footprint of the house.

5. Petrinas have already cut back branches over the property line and dug out our land to provide access to the back corner of the deck. A setback prevents legal encumbrances and neighbor disputes from happening. We have had a good relationship in the past allowing them to trim trees to improve their view and use our driveway, but we really feel this is way too close to the line. We understand they want to store their tools, but they have many other options within the law.

6. We ask the BZA to reject this request which is substantially outside the zoning setback parameters. Thank you for your time.

Sincerely,

Gail and Frank Flannery, 1157 Taughannock Blvd., Ithaca.

July 19, 2016

Ms. Flannery said she does not think there is enough room to accommodate the structure. It is substantially in the setback area, which is 15 feet, not 6 inches. The storage shed can be placed in the backyard or in the upper parking lot, she said, adding it would not be attractive and would be a permanent addition.

Mr. Petrina said it was a surprise to him to learn that his deck was built on the property line. However the Board votes, the Petrinas will not build the shed in its proposed location, he said. Ms. Petrina said she was concerned about being blacklisted if the application were withdrawn. The BZA assured her that would not be the case and commended the applicants for being good neighbors. The Petrinas withdrew their application.

### **Meeting Minutes Review (3/16/16)**

Mr. Means MADE the MOTION to accept the March 16, 2016 meeting minutes, and Mr. Morreale SECONDED the MOTION. The minutes were accepted, 3-0, with Mr. Hillman abstaining from the vote.

Mr. Hillman MADE the MOTION to adjourn, and Mr. Morreale SECONDED the MOTION.

Meeting adjourned at 7:11 p.m.

Respectfully submitted by Louis A. DiPietro II on July 20, 2016.