

**TOWN OF ULYSSES
BOARD OF ZONING APPEALS
MEETING MINUTES
Wednesday, August 31, 2016
7:00 p.m.**

Approved: September 21, 2016

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

Public in Attendance: Thamora Fishel and Dawn Young

PUBLIC HEARING: Appeal by Thamora Fishel and Jennifer Mellott for area variance(s) under Section 212-40 Lot Area and Yard Requirements of the Town of Ulysses Zoning Law. This is for the purpose of constructing a 24 ft by 30 ft addition to an existing single-family residence. The existing residence is seven (7) +/- feet from the South St Extension right of way and the addition would also be fifteen (15) +/- feet from the right of way. Fifty (50) feet is the required front yard setback in the R1-Rural Residence District. The property is located at 4345 South St Extension, Town of Ulysses, Tax Parcel Number is 12.-4-29.

Ms. Fishel said her current house is adjacent to a nearby hill that slopes down to her barn. The hill is not super firm and stable and has eroded over time, despite previous grading efforts. Their current home lacks views to the backyard property, which entails 9.5 acres. Only downstairs windows in the laundry room and another by the back door look out onto the property, she said. The addition will provide more space and is designed to overlook the backyard. Building out from the current kitchen is the only logical location since the nearby hill is not adequate for development, she said, adding that layout and parking work best in the proposed design. Windows on the addition will face the backyard. A row of existing pines near the road screens views of the house, and, because of that, Ms. Fishel believes the addition will not have a negative impact on the neighborhood.

The Town received no correspondences in regard to this proposal. Ms. Young, a neighbor of Ms. Fishel's, requested to see the design. She said she has no problem with the proposal.

Mr. Howarth asked about a cabin on the property that appears to have been demolished. Ms. Fishel said the cabin was taken down, and the plan is to put in a non-roofed deck and rain catches. The driveway location was briefly discussed. Ms. Kiley provided information regarding whether a future deck would need additional approval. Ms. Fishel said the new deck would be level with the new addition; it would need only a two-step entry from the side yard and, given the downward grade from the house, a five or six-step entry would be needed to access the deck from the back yard. Ms. Kiley said roofless decks do not have to meet setbacks because they lack impervious surfaces.

Mr. Tselekis said the non-conforming setback fits with the character of the neighborhood; the addition is well screened from the roadway, and it does not make the existing non-conformance

any worse. For these reasons, he would vote in favor of granting the variance. Mr. Morreale said he agreed, as did Mr. Howarth.

Ms. Fishel provided additional historical information about her property.

Mr. Morreale MADE the MOTION to grant the variance, and Mr. Howarth 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 five statutory factors. Benefit sought by applicants is to build an addition on an existing house:

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 variances.

The addition is not likely to produce an undesirable change in the character of the neighborhood. The house is closer to the road than the proposed addition.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variances.

The addition to the north side of the house is the most logical location because there is a steep bank on the east side and the driveway/parking on the south side.

3. Whether the requested area variances are substantial.

The area variance for the front yard setback - 15 ft vs 50 ft - is substantial; however the existing house is seven feet from the right of way.

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 not likely that the variance will have an adverse impact on the physical or environmental conditions of the neighborhood. The houses across the street are also close to the road.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created because the applicant is choosing to build an addition; however the existing house and the topography limit the locations for an addition.

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows, **the addition will not have a negative impact on the character of the neighborhood, the location of the house and topography limit other options, the front yard setback variance is substantial, and the difficulty is 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 appeal for an area variance be granted.

The vote was as follows:

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

Result: Variance granted

Meeting Minutes Review (08/17/2016)

Mr. Howarth MADE the MOTION to accept the amended August 17, 2016 meeting minutes, and Mr. Morreale SECONDED the MOTION. The motion was unanimously approved.

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

Meeting adjourned at 7:17 p.m.

Respectfully submitted by Louis A. DiPietro II on September 1, 2016.