

**TOWN OF ULYSSES
BOARD OF ZONING APPEALS
FINAL MINUTES
Wednesday, August 21, 2019**

Approved: October 30, 2019

Present: Board Chair Bob Howarth, and members Thomas Butler and Cheryl Thompson; Town Planner John Zepko.

Andy Hillman, Steve Morreale, and David Tyler were excused.

Public in Attendance: Margot McClure

Call to Order: 7 p.m.

Review of Meeting Minutes (6/19/19): Board members reached a consensus to postpone action on meeting minutes until its September meeting.

Public Hearing - **Appeal by Margot McClure** for an area variance from Section 212-47 G. (Lot Area and Yard Requirements of the R2 zone), of the Town of Ulysses Zoning Law, for the purpose of decreasing the allowable side setback to 14 feet, where 15 feet is the minimum required at the property located at 3159 Van Dorn Corners Rd, Town of Ulysses, Tax Map # 34.-1-16

Ms. McClure briefly described her project, saying her property line runs at an angle from the roadway. To have a straight driveway to the new garage, she has to encroach into the setback by a little, she said. She cannot site the garage on the other side of the yard because that is where the septic system is located.

The Town received no correspondences from the public, according to Mr. Zepko.

Ms. Thompson said she has no problem with the request; it is the smallest variance request the BZA has addressed. If she were a builder, she would want an extra foot. Mr. Howarth and Ms. Thompson suggested allowing McClure another foot into the setback, if needed, to allow the builder some wiggle room.

Resolution

This is for the purpose of decreasing the allowable side setback to 13 feet, where 15 feet is the minimum required at the property located at 3159 Van Dorn Corners Rd, Town of Ulysses, Tax Map # 34.-1-16

Ms. Thompson MADE the MOTION, and Mr. Butler SECONDED the MOTION as follows:

The action is a Type II action under SEQR, 617.5(c) (16) “*granting of individual setback and lot line variances and adjustments*” and requires no further environmental review.

By considering the five statutory factors, the BZA reviewed the record and weighed the benefits to the Applicant against the detriment to the health, safety and welfare of the neighborhood if the variances are granted. The benefit sought by the applicant is to reduce the side yard setback on the Northern side from 15 feet (required) to 13 feet (proposed).

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.

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 applicant could change the orientation of the structure to meet the setback requirement.

3. Whether the requested area variances are substantial.

The variance is not substantial, encroaching into the required side setback by two feet at one portion of the building.

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

Decreasing the side yard setback by two feet is not likely to have an adverse impact on the physical or environmental conditions of the neighborhood.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created because the applicant is choosing to encroach in the side yard setback area rather than reorient the addition.

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows;

Constructing an addition 13 feet or more from the side yard lot line will not have a negative impact on the character of the neighborhood, nor on the environmental conditions. The variance is not substantial, but the difficulty is self-created. However, the benefits to the applicant outweigh the potential detriment to the health, safety and welfare of the neighborhood.

For the reasons set forth above, and upon the evidence, law and facts, the BZA hereby does grant the area variances requested by the applicant for the construction of an addition 13 feet or more from the side yard lot line on the Northern side of the property.

Motion: Thompson

Second: Butler

Ayes: Howarth, Butler and Thompson Nays:

Result: Variance granted

Regarding the July meeting minutes, Ms. Thompson suggested the addition of a statement she made during deliberations on the CARS project that was not included in the minutes. A neighbor to the CARS facility had expressed problems they have had with facility guests coming onto their property. The neighbor also said a nearby road ditch is a drop-off spot for drugs. Ms. Thompson stated she would like to have the neighbor's concerns addressed as part of the permitting process for the new CARS building.

Mr. Howarth MADE the MOTION to adjourn the meeting, and Ms. Thompson SECONDED the MOTION. The motion was unanimously carried.

Meeting adjourned at 7:22 p.m.

Respectfully submitted by Louis A. DiPietro II on September 17, 2019.