

**TOWN OF ULYSSES  
BOARD OF ZONING APPEALS  
FINAL MINUTES  
Wednesday, June 17, 2020**

**This meeting was held via video conferencing due to COVID-19 virus.**

**Approved:** August 19, 2020

**Present:** Board Chair Steve Morreale, and members Andy Hillman, Robert Howarth, Cheryl Thompson, and David Tyler; Town Planner John Zepko.

**Public in Attendance:** Karen Meador, Tim Fallon, Patricia Moran, Clare Fewtrell, and Meaghan Walsh

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

**Review of Meeting Minutes:** December 18, 2019 and May 20, 2020

Mr. Howarth MADE the MOTION to accept the amended meeting minutes from December 18, 2019, and Mr. Hillman SECONDED the MOTION. The motion was approved, 4-0, with Mr. Tyler abstaining from the vote.

Mr. Hillman MADE the MOTION to accept the meeting minutes from May 20, 2020, and Mr. Howarth SECONDED the MOTION. The motion was approved unanimously.

**Discussion of letter from Patricia and Richard Moran:** Patricia and Richard Moran have requested that the Board of Zoning Appeals rehear the variance request decided 20 November 2019.

Mr. Morreale explained that the BZA may only rehear a variance request if a motion to rehear is put forward by a BZA member, seconded, and receives unanimous backing from all BZA members. No motion was put forward, thus a rehearing was not granted.

**Public Hearing – Appeal by Karen and Robert Meador,** for an area variance from Section 212-47 (N.) (Maximum building footprint in Lakeshore zone), of the Town of Ulysses Zoning Law, for the purpose of permitting construction of a building with a footprint of approximately 6,400 sf, where 2,000 sf is the maximum. The property is ~ 5.8 acres in size and is located at 1617 Taughannock Blvd, Tax Map # 16.-1-16

Ms. Meador gave an extended review of her project and updated the Board on its requests from last time. Since May, Ms. Meador has provided drawings of the home as well as renderings of how the home will look in the landscape.

Letters were sent to nearby property owners concerning the Meador project, Mr. Zepko confirmed, adding that the Town also received a letter from Bill Holtkamp, who supports the project.

Mr. Fallon spoke highly of Ms. Meador and her ambition in conserving the old Inn property. He read a statement in support of the project.

Ms. Fewtrell supports the project and added the Town should maintain its 2,000 square-foot maximum footprint in the Lakeshore Zone.

At this time, the BZA reviewed the drawings, and questions were raised concerning the impact on the viewshed and the building's height. Mr. Howarth asked Ms. Meador if she would object to a stipulation that no trees would be added along the roadway, so as to keep the view toward the lake unobstructed. She asked that no restrictions be placed on landscaping/gardening; her intent with the tree plantings along the roadway is to screen for privacy and road noise.

Ms. Thompson said she was surprised by the height of the home addition, specifically the cantilevered roof over the open-air patio. Was there any way to make it less obtrusive? she asked. This sparked further conversation on building height. Ms. Meador noted the building height remains within permissible zoning. Ms. Thompson asked Ms. Meador if a reduction in building height, from 14 feet to 12 feet, would limit functionality, to which Ms. Meador said the design is not conducive for a lower roof height and that such a reduction would limit functionality. Ms. Thompson did not agree.

Mr. Morreale gave his general support of the project – the proposed build is a property improvement, is friendly to the viewshed, and he appreciates the applicant's attempts to minimize environmental degradation. Mr. Howarth said he largely agreed with Mr. Morreale; his remaining concern was the viewshed. Both Mr. Tyler and Mr. Hillman were in favor of the variance.

### **Resolution**

**Whereas**, the appeal by Karen and Robert Meador, is for an area variance from Section 212-47 (N.) (Maximum building footprint in Lakeshore zone), of the Town of Ulysses Zoning Law at the property located at 1617 Taughannock Blvd, Tax Map # 16.-1-16; and

**Whereas**, the relief requested is for the purpose of permitting a building footprint of 6,400 square feet where 2,000 square feet is the maximum permitted; and

**Whereas**, the action is a Type II action under SEQR 617.5(c) (17) "*granting of an area variance for a single-family, two-family or three-family residence...*) and requires no further review and is exempted from 239 review per an inter-governmental agreement with Tompkins County, dated 24 November 2003.; and

**Whereas**, 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 variance is granted. The benefit sought by the applicant is for the purpose of permitting a building footprint of 6,400 square feet where 2,000 square feet is the maximum permitted.

**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.**

*The existing permitted home and garage are approximately 5,826 square feet in area. The construction of an additional 574 sf of building on a property that is approximately 5.8 acres in size, is unlikely to produce to an undesirable change to the character of the neighborhood or be a detriment to nearby properties.*

**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.**

*Section 212-47 (N.) of the zoning code sets the maximum footprint of a building in the Lakeshore Zone at 2,000 sf, and is independent of area considerations or other mitigating standards. There are no other means of relief available to the applicant, other than requesting a variance from the code.*

**3. Whether the requested area variances are substantial.**

*The variance request is substantial. By seeking to create an additional 574 square feet of building combining for a total of 6,400 square feet, the applicant is seeking to increase the footprint well beyond the maximum building footprint allowed by current zoning, which is 2,000 square feet. However, the existing permitted structure is 5,826 square feet.*

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

*The action is a type II action under SEQR and is considered to have no or small environmental impact. Furthermore, the applicant has planned or completed extensive work, such as removing the pre-existing asphalt parking area, the installation of landscape plantings, and the construction of a green roof on the home. The construction of an additional 574 sf of building is very unlikely 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.*

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS,**

Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes that;

Increasing the existing building footprint from 5,826 square feet to a building footprint of 6,400 square feet where 2,000 square feet is the maximum permitted will not have a negative impact on the character of the neighborhood or the environmental conditions of the neighborhood. The

variance is substantial and the difficulty is self-created. However, the benefits to the applicant do 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 variance requested by the applicant to permit a maximum building footprint of 6,400 square feet.

**Motion: TYLER**

**Second: HOWARTH**

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
<b>Morreale</b>	1		
<b>Howarth</b>	1		
<b>Tyler</b>	1		
<b>Hillman</b>	1		
<b>Thompson</b>	1		
<b>(alt) Butler</b>			

**Result:** Variance granted

**Public Hearing – Appeal by Meaghan Walsh (Brotherton Construction), acting as authorized agent on the behalf on Eric & Sheri DeGraw, for an area variance from §212-47 F.(side yard setback in the Lakeshore Zone).** The applicant is proposing an addition at the northwest corner of the existing residence, 13.9 feet from the side yard, where 15 feet is the required side yard setback. The property is 1.69 acres in size and is located at 1153 Taughannock Blvd, Tax Map # 31.-2-6

Ms. Walsh said the applicant wishes to expand the west side of the house to accommodate a one-floor, in-law suite. The addition will extend out 6.6 feet and will not require any digging into the nearby embankment.

The Town received no correspondences regarding this proposal, though Ms. Walsh said the northern neighbors at 1155 Taughannock Blvd. submitted a letter that day. There were no public comments offered during the hearing.

Mr. Howarth found the project straightforward – the proposal calls for a small addition that has no impact on the viewshed. The only minor concern, he added, is a slight increase of surface area. Mr. Morreale raised the topic of water retention. Ms. Walsh said gutters and foundation plantings were the plan thus far, but the contractors are open to suggestions. Mr. Hillman suggested a rain barrel or swale to mitigate run-off and erosion on the nearby steep slope; Mr. Zepko suggested a diverting spreader on the downspout, so as not to create any run-off channels. A condition was added to the resolution calling for a mechanism to diffuse extra run-off.

**Resolution**

**Whereas**, the appeal by Meaghan Walsh (Brotherton Construction), acting as authorized agent on the behalf on Eric & Sheri DeGraw, for an area variance from §212-47 F. (side yard setback in the Lakeshore Zone). The property is located at 1153 Taughannock Blvd, Tax Map # 31.-2-6 and is 1.69 acres in size; and

**Whereas**, the relief requested is for an addition at the northwest corner of the existing residence, 13.9 feet from the side yard, where 15 feet is the required side yard setback; and

**Whereas**, the action is a Type II action under SEQR 617.5(c)(16) “granting of individual setback and lotline variance...” and requires no further review; and

**Whereas**, 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 for the purpose of permitting an addition 13.9 feet from the Northern property line where 15 feet is the required setback.

- 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.**

*The new addition is in alignment with the orientation of the existing home. The neighborhood itself is residential in nature and is unlikely to be negatively impacted by this addition to the residence.*

- 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.**

*Sufficient room appears to exist on the property to construct an addition within the required 15' side yard setback area.*

- 3. Whether the requested area variances are substantial.**

*The variance is not substantial. The applicant is seeking a variance to infringe upon the side yard setback by 1.1 feet, from 15 feet to 13.9 feet. This is an approximately 7.3% reduction in setback.*

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

*The project is small in size (approximately 6.5' x 20.5') and is not in a Unique Natural Area or Steep Slope Overlay area. It is unlikely that the project will result in significant adverse environmental impacts.*

**5. Whether the alleged difficulty was self-created.**

*Yes, the difficulty is self-created.*

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS,**

Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes that;

Infringing on the side yard setback from 15 feet to 13.9 feet to allow an addition to the existing home will not have a negative impact on the character or environmental conditions of the neighborhood. The variance is not substantial and the difficulty is self-created. However, the benefits to the applicant outweigh the potential detriment to the health, safety and welfare of the neighborhood.

Approval of the variance is conditioned on the following: the project will include a mechanism to diffuse extra runoff to reduce potential for erosion.

For the reasons set forth above, and upon the evidence, law and facts, the BZA hereby does grant the area variance requested by the applicant to infringe upon the side yard setback on the North side of the property by 1.1 feet, from 15 feet to 13.9 feet.

**Motion** \_\_\_\_\_ **THOMPSON** \_

**Second** \_\_\_\_\_ **HOWARTH**

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
<b>Morreale</b>	1		
<b>Howarth</b>	1		
<b>Tyler</b>	1		
<b>Hillman</b>	1		
<b>Thompson</b>	1		
<b>(alt) Butler</b>			

**Result:** Variance granted

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

Meeting adjourned at 9:51 p.m.

Respectfully submitted by Louis A. DiPietro II on August 5, 2020.