

Village of Cayuga Heights
Zoning Board of Appeals Hearing
Held on 9/11/06

Board Present: Robin Cisne, Robert Powers, Joe Petrillose, Kenneth Robinson, Peter McClelland

Zoning Officer was excused.

Zoning Board Secretary: Mary Jane Neff

Guest: Martin Harms, Mr & Mrs. Stuart Phoenix, Alan Hatcher, Yolanda Tovar, John Henderson, Elaine Houck, Edna Michael, David & Candace Shoemaker, Tim Tietelbaum

ZBA Chairperson Cisne called the 1st public hearing to order at 7:10 PM

Mrs. Phoenix of 914 Highland Road stated that they had recently purchased the house and that the fence was very old, improperly installed and was falling down in areas. The Phoenix's stated that they wanted a nice back yard and a private back yard. They presented pictures of the old fence that was in disrepair and pictures of the new 6 foot fence that has been installed to show the board the improvement that the new fence made to their back yard. The owners had thought that it was OK to construct the new fence because the old fence was 6-foot tall. However, when the contractor came to start the installation they asked if the owners had gotten a permit to construct the fence. Mrs. Phoenix contacted Mr. Cross who informed them that they could not construct a fence taller than 4-feet without a zoning variance. Mrs. Phoenix stated that the lower portion of the fence was 4 ½ feet tall and it was her impression that it was OK to construct that portion of the fence since they had started the variance process. However, as long as the contractors were there, they had them place the lattice portion at the top of the fence which is 1 ½-feet thus making the fence a total of 6-feet tall. The board expressed confusion as to why the fence was constructed before the variance was granted. Residents expressed concern that 6 foot fences were being install throughout the Village and that they had thought that the Village wished to be an open area Village.

The public hearing was closed at 7:25 PM.

The board discussed. A motion was made by Robinson to grant the variance and the motion fail due to the lack of a second.

On a motion by Cisne, seconded by McClelland the following was passed:

RESOLVED, that this Board hereby tables the decision on the request to construct a 6-foot fence at 914Highland Road, tax parcel # 2-7-8, until the Zoning Officer is present to answer this Board's questions, and

BE IT FURTHER RESOLVED, that this Board also request research on the original fence ordinances, and

IT IS FURTHER RESOLVED, that Mr. & Mrs. Phoenix is invited to return to this Board's October 2, 2006 meeting.

The next public hearing was called to order at 7:34 PM

Martin Harms explained his proposal to construct a garage at the edge of his property to replace his existing car port. The placement of the proposed structure does not meet the side yard set back. However due to the lay of his property (various inclines), he has no other reasonably flat place to construct a garage. He further explained that constructing the garage where the car port is would mean pulling into the garage at an angle which would be difficult in the winter time. He presented a drawing of the proposed garage and layout of his property. There was no public comment on this request.

This public hearing was closed at 7:45.

The Board members discussed.

On a motion by Petrillose, seconded by Powers the following was passed:

RESOLVED, that a variance is hereby granted for a 4-foot side yard for the purpose of constructing a garage at 8 Highland Park.

The last public hearing was called to order at 7:48.

Yolanda Tovar and John Henderson requested a variance to construct a 6 foot fence around their property. They presented pictures of the existing iron fence which they wish to extend so that they can keep the deer from their plantings. They provided pictures of their yard and where the fence would be constructed. They further stated that they had investigated other alternatives like hedges, but that none would allow them to have a yard that would be protected from the deer. Again there were comments from the public regarding the Village's open space preference. They also expressed concern that if a 6-foot fence is constructed to keep the deer out of the Tovar & Henderson yard, that the deer would come onto the other residents' property in that area. The public stated that the deer was a problem throughout the Village and at the current time there was no available solution to the Village's deer problem. However, no one wanted to see 6-foot fences enclosing all of the Village residents' yards.

The public hearing was closed at 8:09 PM.

The Board discussed.

On a motion by Robinson, seconded by McClland the following was passed.

RESOLVED, that the variance request to construct a 6-foot fence at 210 Hampton Road, tax parcel # 6-11-1, is hereby denied.

The board meeting was closed at 8:19 PM

Respectfully submitted,

Mary Jane Neff, Secretary