

Minutes
For the
Village of Cayuga Heights
Zoning Board of Appeals Public Hearing and Meeting
Held on February 2, 2009

Meeting was called to order at 7:07 PM

Present: Chairman John Young; Members Fred Cowett, Peter McClelland, Bob Powers, and Alternate Member Sally Grubb

Absent: Member Sarah How and Alternate Member Alison Smith; Brent Cross, Code Enforcement Officer

Others: Mary Jane Neff, Secretary

Guest: Pamela Quirk and Bonnie MacDougall (120 Sunset Dr.)

Due to Code Officer Cross's absence from tonight's meeting, Chairman Young asked if the Board wished to proceed. The consensus of the Board was to proceed.

Chairman Young opened the meeting and explained the procedures to the applicant and guest. The public hearing is open and the applicant presents the justification for requesting a variance. Board and guests may ask questions of the applicant. The public hearing is closed and the Board will discuss the request and ask the applicant additional questions, if deemed necessary. A decision may be rendered at that time; however, the board can request additional information from the applicant or the code officer and adjourn for up to 62 days before making a decision.

Pam Quirk explained that she had been a long time resident of the Village and that her house had been built in the 1950s. She explained that she has had most of the rooms updated, but to update the master bath and bedroom an addition would be needed to increase the size of the bathroom and allow for a walk-in closet both of which are desirable to her. To add an addition of appropriate size will increase lot coverage from 11.9% to 12.7% which exceeds the zoning requirement of 12% lot coverage.

Bonnie MacDougall commented that all of the houses in the Sunset Park area have been updated and most have had additions. She did not feel that the request was out of line in comparison to the neighboring properties.

Chairman Young stated that a letter from the neighbors at 200 Sunset Park had been received and the Board reviewed and discussed this neighbor's opposition to granting a variance.

The public hearing was closed at 7:30 PM.

The ZBA discussion was opened at 7:30 PM. The applicant and guests were requested to not comment at this time unless a Board member asks the applicant a question.

The Board considered the criteria set by New York State Laws which is to consider the benefit to applicant if granted and to consider the detriment to the neighborhood and the community if the area variance is granted. To reach a decision the Board discussed the following:

Can the applicant benefit by another feasible means? It was the consensus of the Board that other than adding a second story to the structure which would affect the neighborhoods' lake-view even more that an increase in lot coverage would have the least effect on the neighborhood.

Would the granting of an area variance to this property change the character of the neighborhood or nearby properties? The consensus of the Board was that granting an area variance would not change the character of the neighborhood or nearby properties.

Is the request for a .7% increase in lot coverage substantial? After some discussion, it was the consensus of the Board that it was not a substantial request.

Will this request of this area variance have an adverse physical or environmental effect on the community? The consensus of the Board was that this request would not have an adverse physical or environmental effect on the community.

Was this request self-created by the applicant? It was noted that most area variance requests are self created by the applicant. This request is self-created because the applicant would like to increase the size of the master bathroom and closet space. It was also noted that, since this answer was a "yes" consensus of the Board, it would not be the final determination of this Board in granting or denying the applicant's request.

On a motion by Peter McClelland, seconded by Bob Powers the following was passed with 4 ayes and 1 abstention:

RESOLVED, that area variance for 112 Corson Place, tax map #13.-5-1, to increase the lot coverage from 11.9% to 12.7% is hereby granted.

There being no other business to be brought before the Zoning Board of Appeals this meeting was adjourned at 7:47 PM.

Respectfully submitted,

Mary Jane Neff