



Memorandum

To: Jeff Fern, Chairman
Cc: ZBA members, Town Clerk, Town Attorney,
From: Planning Department
Subject: Front yard setback encroachment - 52 Turkey Road
Date: December 1, 2017

You may recall, from last month's hearing, that stated within the definition of an accessory use (see Article III: Definitions - Use, Accessory) is a prohibition against locating an accessory structure in a front yard: 'unless otherwise permitted in this Law, an Accessory Structure shall not be permitted in the front yard of a Principal Use'.

Carol Whitlow, 52 Turkey Hill Road, wishes to construct a 360 square foot carport in her front yard. The proposed carport will be located 18 feet from the highway Right-of-Way (the setback was determined by the Planning Department).

Ms. Whitlow, denied a Zoning Permit for the carport, is seeking a variance from the prohibition found in the 'accessory use' definition as well as relief from the 50' front yard setback requirement set forth in Article VI: Area and Bulk Regulations, Section 600: Area and Bulk Table – Neighborhood Residential (NR) District.

Ms. Whitlow wishes to protect her automobile from the elements, particularly from ice and snow. Ms. Whitlow has Raynaud's disease, which causes numbness and pain in cold temperatures. A carport will help reduce the time Ms. Whitlow has to spend in the cold, clearing her vehicle. It will allow for safer driving.

In her appeal, Ms. Whitlow points out that her proposed carport will be further from the road than the existing carports on the adjacent properties, that it will be consistent with the neighborhood character, and that the proposed location is the most practical due to site constraints.

SEQR, County Review, Ag & Market

The construction, expansion or placement of accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes,

fences, barns, storage sheds or other buildings not changing land use or density are Type II exempt actions (SEQR - 617.5c10). Because the Whitlow property abuts County Road 161 (Turkey Hill Road), Tompkins County Planning GML 239 review is required. Tompkins County Planning is in receipt of the application. The property is outside of Agricultural District 1.

Department Comments/Recommendations

A public hearing will be scheduled for Tuesday, January 2, 2017, at 7PM.

APPEAL TO

ZONING BOARD OF APPEALS
TOWN OF DRYDEN
(Area Variance)

Having been denied permission to build a carport

At 52 Turkey Hill Rd Dryden, N.Y. as shown on the accompanying Application and/or plans or other supporting documents, for the stated reason that the issuance of such permit would be in violation of

Section or Section (s) G00 Area & Bulk Table Neighborhood Res Front yard setback; Definitions - use accessory location on lot
of the Town of Dryden Zoning Ordinance

the UNDERSIGNED affirms that the benefit to the undersigned if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant in that:

- it will match neighbors' carports on N and S sides
- it will allow owners cars to be free of ice & snow for safer driving
- owner has Reynolds and cannot be in cold to clear car
- owner is over 65 and would benefit from protection from ice

If you have additional supporting details of information, please attach such details to this application and make reference to such attachment.

Applicant Signature: 

Applicant address: 52 Turkey Hill Rd
Ithaca NY 14850

Phone Number: [REDACTED] Date: 11-17-17

AREA VARIANCE REQUEST

Applicant: Carol Whitley Project: Carport

It is important that you clearly establish the grounds for relief from the requirements of the Town Zoning Law. NY State Law requires that you demonstrate that the benefit you stand to receive will outweigh any burden to the health, safety and welfare that may be suffered by the community.

The following questions are the same questions the Zoning Board must answer when considering your variance request. In order to avoid any delay in the Board being able to make a decision about your request, your responses to the five questions must accompany your variance request application. The questions may be addressed individually or as a narrative.

- A. WILL AN UNDESIRABLE CHANGE BE PRODUCED IN THE CHARACTER NEIGHBORHOOD OR WILL A DETRIMENT TO NEARBY PROPERTIES BE CREATED OF THE BY GRANTING OF THE AREA VARIANCE?

it will match neighbors' carports on both N and on S sides

- B. IS AN AREA VARIANCE THE ONLY METHOD THAT THE BENEFITS SOUGHT CAN BE ACHIEVED? ARE THERE OTHER FEASIBLE METHODS TO ACHIEVE THE BENEFIT?

N side of house is steep slope
further back - west - of proposed location is steep slope
and is in view of neighbor's window

- C. IS THE REQUESTED VARIANCE SUBSTANTIAL (inches vs feet, 5% vs 70%)?

Red stake for carport is 40 feet from centerline of road
(however, further back than neighbor's carport)

- D. WILL THE PROPOSED VARIANCE HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT?

will bring this house up to par with others on the street

- E. IS THE ALLEGED DIFFICULTY SELF-CREATED? Will discuss in person.



Planning Department

Director of Planning Ray Burger

Code Enforcement Officer Kevin Ezell

Code Enforcement Officer David Sprout

Zoning Officer David Sprout

Stormwater Manager David Sprout

Administrative Coordinator Joy Foster

93 East Main Street
 Dryden, NY 13053

T 607 844-8888 Ext. 216
 F 607 844-8008
 joy@dryden.ny.us

www.dryden.ny.us

General Permit Application – Sheet 1 General Information

DO NOT FILL IN SHADED SECTIONS

11-17-2017 57-1-18.1 Neighborhood Residential
 Date: Tax Parcel #: Zoning District:

(COMPLETE) Project
 Address: 52 TURKEY HILL ROAD

Project Description: 20' x 18' CARPORT

Estimated project cost: \$ 17,000

Principal Use: Residential Commercial: _____ Other: _____

Permit(s) Required: Building Zoning Special Use Site Plan Review Subdivision Pool
 Heating Demolition Pre-built Shed

Permit Application - Contact Information

Owner - Print name: Carol Mae Whitlow

Owner Signature required & dated: Carol Mae Whitlow 11-17-17

COMPLETE MAILING address: 52 Turkey Hill Rd Ithaca NY 14850

E-mail: [REDACTED]

Agent / Applicant - Print: _____

Address: _____ City: _____ State: _____ Zip Code: _____

E-mail: _____ Telephone No: _____

General Contractor: Candret Construction

Address: 65 Annee Lane City: Fredville State: NV Zip Code: 13068

E-mail: [REDACTED]

Building Permit Information

Type of Construction: Wood Steel _____ Masonry _____ Other _____

Number of Stories _____

Type of Heat & Fuel Source _____

Number of dwelling units: circle Single Duplex Multi Commercial N/A

Number of Baths: _____ Number of Bedrooms: _____

Site-built: Modular: _____ Manufactured: _____

Square Footage: First Floor: _____ Second Floor: _____

Basement: _____ Garage: _____

Project Cost: \$ 17,000

Fee: _____

Basic Building Information

Is this an Existing Building? NO Current Occupancy: _____ New Occupancy: _____

Is this a New Building? YES Zoning Permit Needed? _____

Number of Dwelling Units: _____ Proposed Change: _____

Zoning Permit Information

Zoning District: N.R. Subdivision Plat: _____ Lot Area: _____ Height of Building: _____

Zoning Use: Single Fam Res Site Plan Review and/or Special Use Permit on file: NO

Other Permit(s) Required: Special Use, Site Plan Review, Sign: _____

ZONING COMPLIANCE

Site Plan: Please complete the Site Plan Worksheet

Principal Use: Single Fam Res

New or Change of Use: NO Zoning Permit Required (New use and building)? _____

Required Setbacks: Front 50 Side 15 Rear 25 Frontage _____

Does this project comply with Zoning Regulations? Y/N _____ Project cost: _____

Building Permit Approved _____ Building Permit Denied _____

Under Section _____ (of the NYS Building Code)

Signature of Code Enforcement Officer: [Signature] Date: 11/17/2017

Zoning Permit Approved _____ Zoning Permit Denied: 11/17/2017

Building Permit #: _____ Zoning Permit #: _____

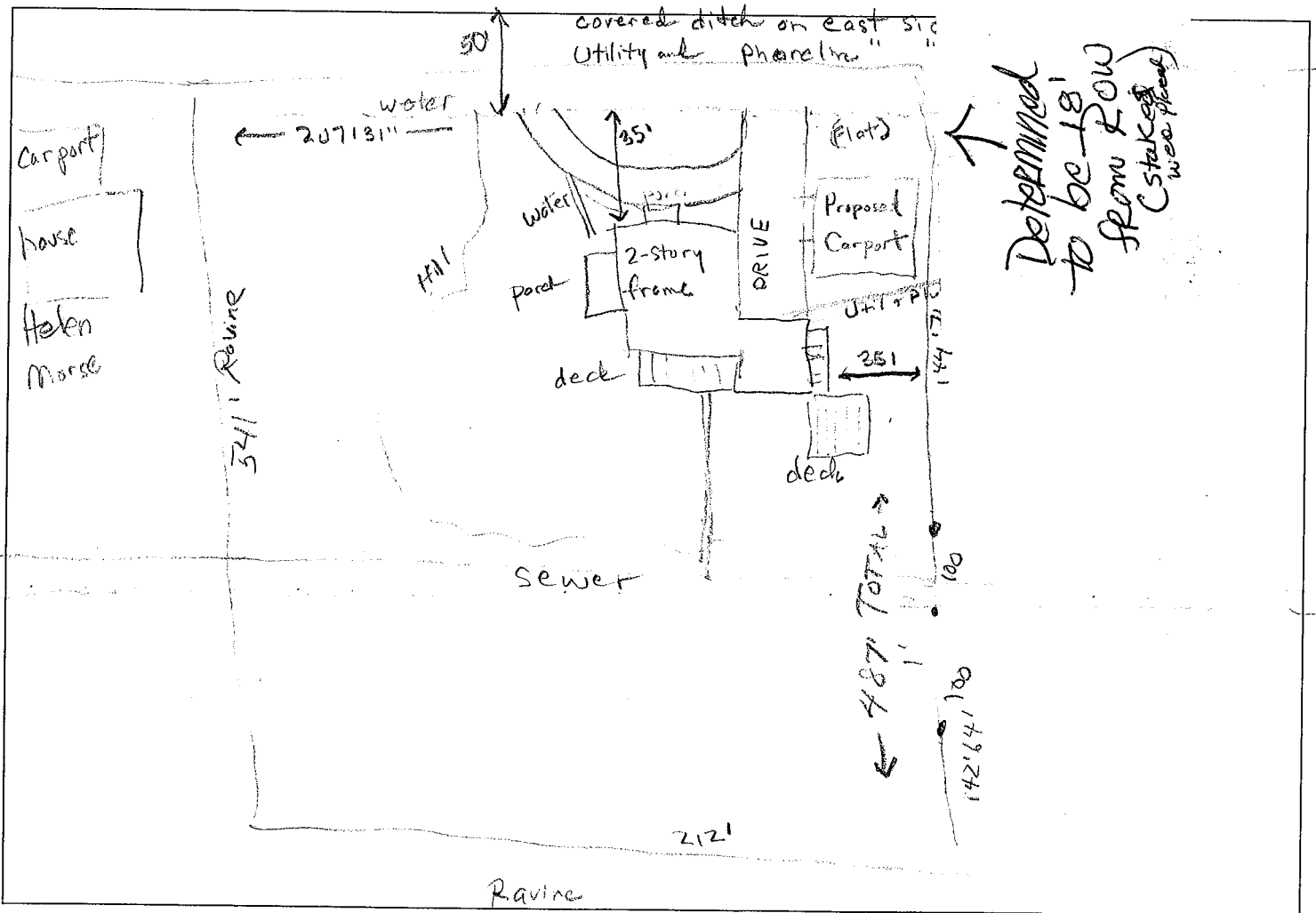
Permit Application Worksheet – Site Plan Sketch Worksheet

In the space below, or on an attached plan, please provide a simple site plan sketch showing the proposed and existing structures (building, garage, fence etc.) as well as any wells and septic systems, or water and sewer lines. You may show the information on a copy of a survey or tax map as long as it is accurate. You are encouraged to write a description of what you want to do in a letter to accompany the drawing, or on the drawing itself.

Please show the following as they apply to your project (see Zoning Section 1102):

- The lot, dimensions and features including road frontage.
- Location of proposed and existing structures, parking areas, stormwater management and other features as applicable.
- All existing and proposed driveway & road cuts.
- Topographical features (hills, ravines, etc.) and proposed changes.
- **Yard dimensions and setbacks** including nearby streets, buildings, rights of way and easements
- within 500 or so feet and names of adjoining property owners.
- Waterbodies and wetlands.
- Water and Sewer Facilities, and/or Well and Septic Facilities.
- Utilities (power lines, phone lines, gas lines etc.)
- Scale (estimate okay)
- North arrow

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Escrow

Reimbursable Costs, fees and disbursements. The reasonable and necessary costs, fees or disbursements incurred by the Town or its officials for consultation or review by professionals including architects, landscape architect, engineers, surveyors, attorneys or others, on any Application for a Zoning Permit, Certificate of Occupancy, Appeal to the Zoning Board of Appeals, Application for Subdivision Approval, Application for a Planned Unit Development or application for a Special Permit or a Special Permit for a mobile home park shall be paid by the applicant.

Signature required

By signing you agree that you have read and understand and will be responsible for issued permits.

Owner or responsible party signature: _____



Date: 11-17-17

Print name: _____

Carol Mae Whitlow

Permit Application Worksheet - Road Cuts

- For all New York State Routes call NYS DOT in Cortland at 756-7072, 8:00 am -4:00 pm daily.
- For Tompkins County Routes, call Tompkins County Highway Dept. in Ithaca, NY at 274-0300 8:00 am – 4:00 pm daily.
- For Dryden Town Routes call Dryden Town Highway at 844-8888 ext.402, 7:00 am – 4:00 pm Monday – Thursday.

N/E DAVID L. & HELEN S. MORSE
57-1-19 (481-865)

223' SOUTHERLY
FROM NORTH LINE
OF LOT # 62

10.80
I.R. (FILED MAP)
569°-45'E → 540.80'

WOODED

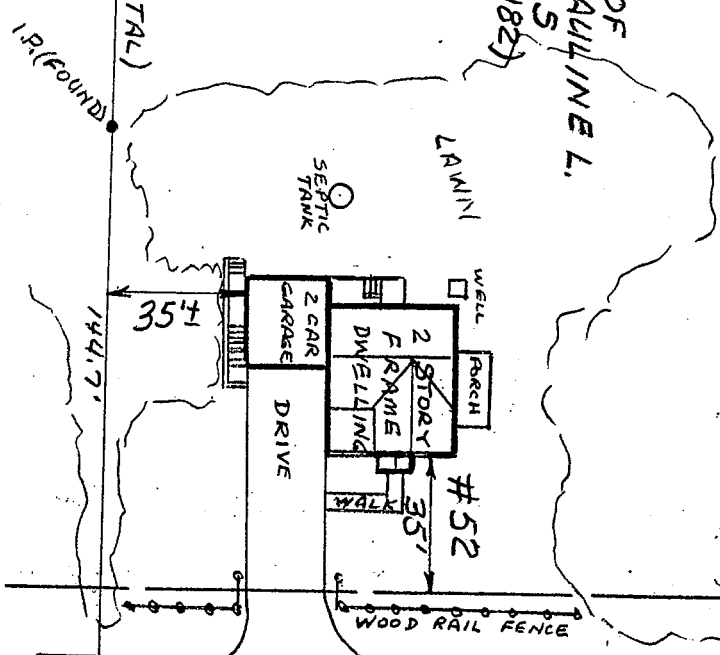
LANDS OF
THOMAS L. & PAULINE L.
JEFFERS
57-1-18.1 (545-1182)



N.Y. TEL. CO. BURIED CONDUIT

N 69°-30' W
100'
I.R. (FOUND)
487.34' (TOTAL)
100'
I.R. (FOUND)

N/E CHUN FU & KAREN NI
57-1-18 (523-274)



520°-07' W ← 207.31'
TURKEY HILL ROAD

Howard R. Schlieder



SURVEY MAP
OF A DWELLING OF
THOMAS L. & PAULINE L. JEFFERS
AT 62 TURKEY HILL RD
TOWN OF DRYDEN, TOMPKINS COUNTY
NEW YORK

PREPARED BY
HOWARD R. SCHLIEDER
N.Y.S. P.E. & L.S. 043180

JULY 23, 1982
SCALE 1" = 50'

Tompkins County
DEPARTMENT OF PLANNING AND SUSTAINABILITY

121 East Court Street
Ithaca, New York 14850

Katherine Borgella, AICP
Commissioner of Planning and Sustainability

Telephone (607) 274-5560

December 13, 2017

David Sprout, Code Enforcement Officer
Town of Dryden
93 East Main St.
Dryden, NY 13053

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for proposed carport at 52 Turkey Hill Road, Town of Dryden Tax Parcel #57.-1-18.1, Carol Whitlow, Owner/Appellant.

Dear Mr. Sprout:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning and Sustainability Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Katherine Borgella, AICP
Commissioner of Planning and Sustainability