



Memorandum

To: Jeff Fern, Chairman
Cc: ZBA members, Town Clerk, Town Attorney,
From: Planning Department
Subject: Front yard setback encroachment – 47 Etna Road
Date: March 5, 2018

Frank Parish, 47 Etna Road, was denied a Zoning Permit to construct a 348 square foot addition to an existing garage that is located in Mr. Parish's front yard. As you are aware, accessory structures are not to be located in front yards per Article III: Definitions - Use, Accessory. Given the garage's location in the front yard, it is a nonconforming structure.

The proposed addition will encroach twelve (12) feet into the 50' front yard setback requirement found in the Section 600 Area and Bulk Table and be in violation of Town Zoning Law Section 1602: Nonconforming Structures, Part C1 which states that 'a nonconforming Structure shall not be added to or enlarged or altered in a manner which increases its nonconformity.

Mr. Parish is seeking relief from Section 1602, Part C1, and is seeking 12' of relief from the 50' setback requirement set forth in Section 600.

In his variance request, Mr. Parish asserts that the proposed addition:

1. will not cause an undesirable change or be a detriment to the neighborhood in that the garage siding will match the house and existing trees screen the garage from the roadway;
2. cannot, practically be built anywhere else, including constructing a separate garage in the back yard;
3. that the variance request is not substantial. [I failed to consider the garage roof overhang, the 11' Mr. Parish cites in question C is to the wall -12' of relief is needed];
4. that no adverse impact will result in granting the variance and;
5. that the alleged difficulty was self-created because he could choose not to make the improvement.

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 Etna Road is a County Road (County Road 109), this project is subject to Tompkins County Planning GML 239 review. Tompkins County Planning is in receipt of the application. The property is outside of Agricultural District 1

Department Comments/Recommendations

A public hearing shall be scheduled for Tuesday, April 3, 2018, at 7PM.