

Memorandum

To: Jeff Fern, Chairman
Cc: ZBA members, Town Clerk, Town Attorney,
From: Planning Department
Subject: Variance Amendment Request 542 Main St, Etna
Date: May 8, 2018

During its June 27, 2017 meeting, the ZBA granted a variance to James and Heidi Graney, 542 Main Street, allowing for the expansion of an existing carport. They now realize that a garage would be far more practical and wish to amend the June 27 variance to allow for a two-story, two-car garage instead of the carport.

Because there is no mechanism to amend a variance, the Board must treat this request as a new appeal. Since the only difference between this request and the original appeal is a change in the type (and height) of the structure, I only required a new General Permit Application page and a brief paragraph describing what is proposed.

In that paragraph, the proposed garage is described as being about a story and a half. A discussion with the builder, after the application was submitted, suggests the building will be two-stories with full height storage space above the garage; the roof will be nearly as tall as the home's roof.

Accompanying this memo is Heidi Graney's amendment request, two poorly copied rough drawings of the proposed garage, the original appeal, Tompkins County's 239-review letter, and the Board's June 27, 2017 findings and decision.

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 again 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

We hope to schedule a public hearing on Tuesday, June 5, 2018, at 7PM but Tompkins County Planning received the application today, May 8, one day short of the 30-day review window. Please do not hesitate to contact the Planning Department with any questions.



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

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 Dryden, NY 13053
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 joy@dryden.ny.us
 www.dryden.ny.us

08-1

22736

General Permit Application – Sheet 1 General Information

DO NOT FILL IN SHADED SECTIONS

Date: 5/11/17 Tax Parcel #: 45-3-6 Zoning District: Conservation
 (~~45-3-6~~)
 (COMPLETE) Project
 Address: 542 Main St, Etna, NY 13062
 Project Description: Carport expansion from 1 to 2 bays. Allowed to replace the carport with a garage. HLG 5/4/18

Estimated project cost: _____

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: James A. Graney Heidi E. Lieb-Graney
 Owner Signature required & dated: [Signature] 5-11-17
 COMPLETE MAILING address: PO Box 242, Etna, NY 13062

E: [REDACTED] 22736


Agent / Applicant - Print: _____
 Address: _____ City: _____ State: _____ Zip Code: _____
 E-mail: _____ Telephone No: _____

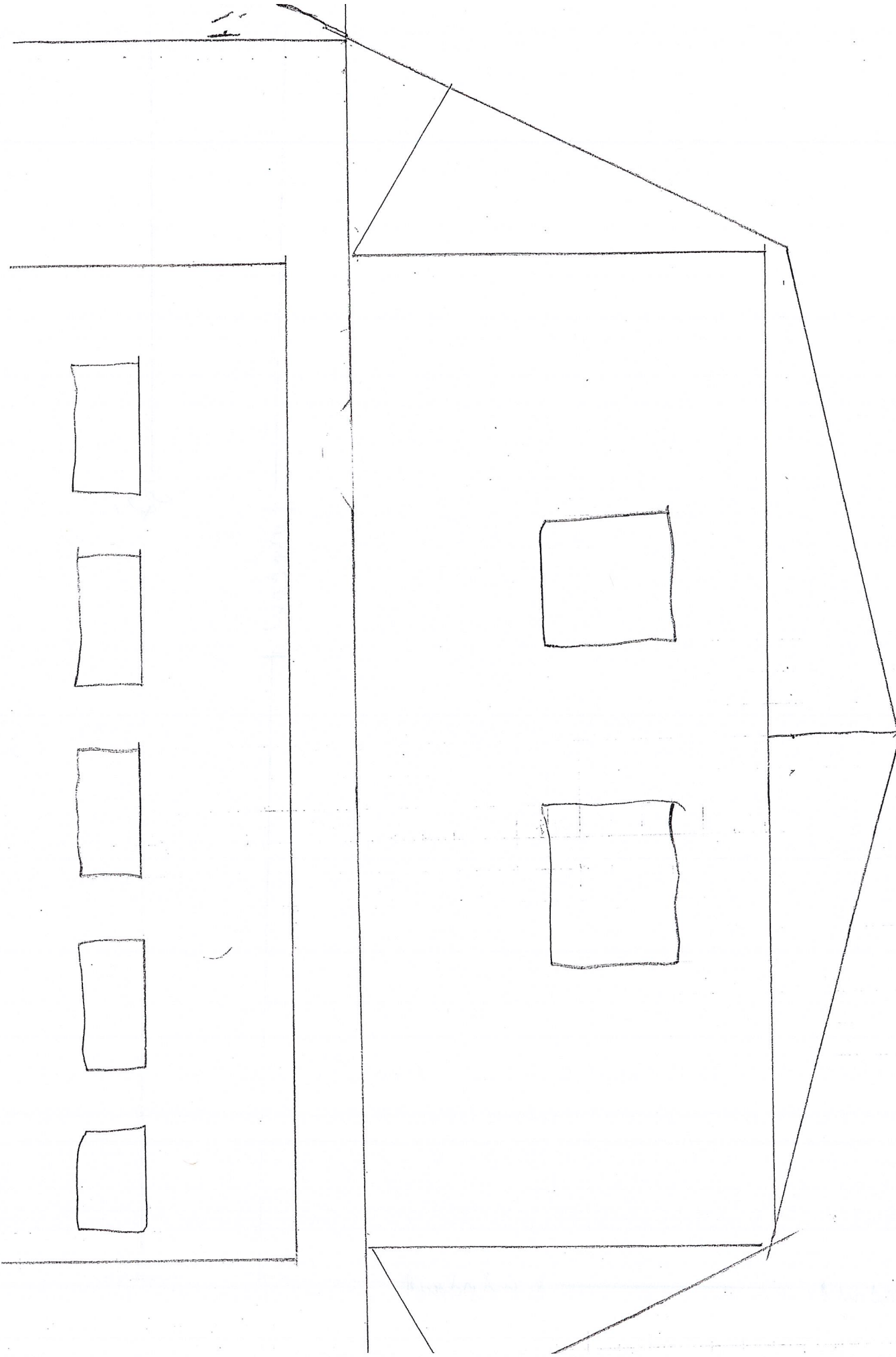
General Contractor: Otis Phillips
 Address: 38 Wood Rd. City: Etna State: NY Zip Code: 13062
 E-mail: [REDACTED] Telephone: [REDACTED]

5/4/18

We want to amend the zoning variance that was granted on June 27, 2017, for a carport to allow for a garage. The garage will be about 1 1/2 stories high. We realize we need more storage space than the carport will allow. Nothing is changing, it's the same footprint. A garage will be more attractive than a carport. There is no negative impact.

Heidi L. - My
542 Main St
Etna NY 13062





22'

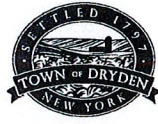
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Memorandum

To: Jeff Fern, Chairman

Cc: ZBA members, Town Clerk, Town Attorney,

From: David Sprout

Subject: Side yard setback variance, 542 Main Street (Etna)

Date: May 24, 2017

James A. Graney, of 542 Main Street, has applied for, and been denied, a Zoning Permit to expand a residential carport. The proposed carport would fall within six feet of the side yard lot line, where 15 feet is the required setback. Mr. Graney is requesting eleven (11) feet of relief from the side yard setback requirement listed in Article VI, Section 600: Area and Bulk Table, Conservation District. With the variance request, Mr. Graney has provided photos and a drawing of the site.

SEQR, County Review, Ag & Markets

Granting of individual setback and lot line variances are Type II exempt actions (SEQR - 617.5c12). The property is outside of the Agricultural District but is on State Route 366, necessitating referral to the Tompkins County Planning Department for 239 review (239-m - 3a(v), 3b(iii)).

Department Comments/Recommendation

Without explicitly stating it, Mr. Graney acknowledges that the variance request is substantial. He believes the proposed carport would be an improvement to the property and will cause no adverse effect or impact to the neighborhood. A second carport space will result in the second vehicle being less visible from the roadway, and allow for under cover storage of other items including a lawn mower and snow blower. The owner of the adjacent property, the only property that will be impacted by the carport, is apparently in favor of the proposed project.

Mr. Graney points out that alternate sites for a carport are impractical. A well and waterline, and a natural gas line are located on the opposite side of the house, and there is no entrance to the home on that side of the building. The septic system is in the back yard.

Although the variance request is substantial, Mr. Graney's request is reasonable. Currently nothing precludes Mr. Graney from improving his property with a parking area that could be located within five feet of a side or rear lot line. We agree that the proposed carport would be an improvement, causing no undesirable or adverse effect on the neighborhood or environment.

Mr. Graney's request was sent to the County. A hearing is tentatively scheduled for June 27, 2017, at 7PM.

APPEAL TO

**ZONING BOARD OF APPEALS
TOWN OF DRYDEN
(Area Variance)**

Having been denied permission to expand an existing carport from a 1 bay to a 2 bay carport [to within 6' of side lot line]

At 542 Main St. Etna
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) 600 Area Bulk - Conservation Zone Side Yard Setback

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:

Currently we use the carport for one vehicle and park the other just in front of the space next to the carport, we are simply looking to be able to provide cover to both vehicles. Our neighbor Gary Roth has said he feels it will be an improvement as well for him as it will improve drainage to the rear of the carport and off the driveway and property line.

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

Applicant Signature: [Signature]

Applicant address: 542 Main St, PO Box 242
Etna, NY 13062

Phone Number [Redacted] Date: 5/11/17

AREA VARIANCE

AREA VARIANCE REQUEST

*Amend variance for a garage.
HCC 5741*

Applicant: Jim Graney Project: Carport expansion from 1 to 2 bay.
Date: 5/23/17 Address: 542 Main St. Extra, NY 13062

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. Respond to the questions in order to establish the grounds for relief. Respond to each question individually or prepare a brief narrative that addresses each of the questions.

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? No, the neighbors likes the idea of having our vehicles able to be parked next to each other under a carport. It would allow one vehicle to more easily move back about one car length further from the road to have cover. This will make our entire parking area even less visible from the road and neighbors than it is now.

B. IS AN AREA VARIANCE THE ONLY METHOD THAT THE BENEFITS SOUGHT CAN BE ACHIEVED? ARE THERE OTHER FEASIBLE METHODS TO ACHIEVE THE BENNEFIT? An area variance is the only way to provide a 2 bay carport. Behind the house is the septic field. Then there is a drop off into the flood plain. If placed on the other side of the house, there is a natural gas line, a water line from a well; and there is no entrance to the house on that side. Currently the driveway leads directly to a 11 3/4 feet wide by 16 feet long carport, which is directly next to the steps to the side entrance to the house.

C. IS THE REQUESTED VARIANCE SUBSTANTIAL? The existing carport is 17 1/4 feet from the property line and extends back 16 feet. Total dimension is 11 3/4 x 16 feet. The proposed one would be 6 feet from the property line and go back 20 feet. The total dimension shown on our map would be 25 feet wide x 20 feet deep.

D. WILL THE PROPOSED VARIANCE HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT? No. It will allow us to cover up more of our things (2 vehicles, lawn mower & snow blower) that are currently not all covered. It will help us clean up our things and provide a covered place to put them.

E. IS THE ALLEGED DIFFICULTY SELF-CREATED? No as it is the only place to put this on our property. It simply provides cover for our belongings where cover currently doesn't exist.



Septic tank

Large Maple tree

3 Foot drop off rising away from this spot.

Edge of future carport for two vehicles 25' x 20'

Neighbor's fence is located 6 inches from property line

existing carport for one vehicle 11 1/4 x 16

Width

expanded gravel driveway area leading to proposed carport

Neighbor's fence is approximately 6 1/2' from property line

4 Foot drop in elevation from the corner to the back of the house

549 Main St.

porch

porch side door
steps to porch
cement pad

Basement window

Basement window

2 Foot drop in elevation from proposed carport

Existing gravel driveway for 549 Main St.

Property Line

Driveway for house next door.

Scale 1 box = 1 foot
Green = Grass, Brown = Stone
North

Route 366

Tompkins County
DEPARTMENT OF PLANNING AND SUSTAINABILITY

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning and Sustainability

Telephone (607) 274-5560

June 8, 2017

Mr. David Sprout, Code Enforcement and Zoning Officer
Town of Dryden
93 E. Main Street
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 542 Main Street, Town of Dryden Tax Parcel #45.-
3-6, Conservation Zoning District, James Graney and Heidi Lieb-Graney,
Owners/Appellants.

Dear Mr. Sprout:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning 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,



Edward C. Marx, AICP
Commissioner of Planning and Sustainability

NOTICE OF DECISION

AREA VARIANCE

APPLICANT: James A. Graney

June 27, 2017

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **James A. Graney** for an **area variance at 542 Main Street, Etna to build a carport within six feet of the side yard lot line, where 15 feet is required. Mr. Graney is requesting eleven feet of relief from the side yard setback requirement listed in Article VI, Section 600: Area and Bulk Table.**

SAID HEARING will be held on **Tue. June 27, 2017 at 7:00 pm** prevailing time at the Dryden Town Hall, 93 East Main St. Dryden NY, at which time all interested persons will be given an opportunity to be heard.

Individuals with visual, hearing or manual impairments and requiring assistance should contact the Town of Dryden at 607-844-8888 x 216 at least 48 hours prior to the time of the public hearing.

A. IN CONSIDERING WHETHER AN UNDESIRABLE CHANGE WOULD BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE AREA VARIANCE THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

There appears to be no negative impact on the neighborhood as the neighbors are in support of this project and in absence of any negative comment, and would be consistent to other structures in the neighborhood.

Motion made by: **Fearn - Yes**
Second: **Curtis- Yes**
All in favor - **Yes**

B. IN CONSIDERING WHETHER THE BENEFITS SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME OTHER METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

Yes but the benefit of other choices would be a disproportional burden on applicant. And doing so will improve the appearance on the property.

Motion made by: **Curtis - Yes**
Second: **Ward- Yes**
All in favor - **Yes**

C. IN CONSIDERING WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL. THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

Yes its substantial at 9 feet but the benefits and obstacles described in "A & B" above outweigh any necessity to place the carport in strict conformance with the ordinance.

Motion made by: **Fearn- Yes**

Second: **Slater - Yes**

All in favor - Yes

D. IN CONSIDERING WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT. THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

No physical or environmental impact it would be a positive impact.

Motion made by: **Fearn - Yes**

Second: **Curtis- Yes**

All in favor - Yes

E. IN CONSIDERING WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED. THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

Yes , but the conditions of the property precludes any options.

Motion made by: **Fearn- Yes**

Second: **Curtis- Yes**

All in favor - Yes

FEARN: this area variance is [SEQR exempt type II action part 617.5c-12](#)

Motion made by: **Curtis**

Second: **Fearn- Yes**

All in favor - Yes

FEARN: to accept the County Planning letter, [239 - l,-m and -n of the new York State General Municipal Law](#) , [the Department has reviewed , submitted , and determined that it has no negative inter-community, or county-wide impacts.](#)

Motion made by: **Fearn**

Second: **Slater- Yes**

All in favor - Yes

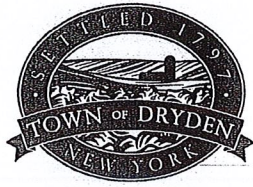
Grant variance

Motion made by: **Curtis to Grant Variance without conditions**

Second: **Ward- Yes**

All in favor - Yes

7:28 pm - Congratulations you have your approval



Planning Department

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Dryden, NY 13053

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NOTICE OF DECISION

June 30, 2017

Re: BLD-Z-0063 - Area Variance

542 Main Street (Etna)

Parcel 45.-3-6

Distribution: James A. Graney
Town Supervisor,
Town Clerk, PB Chair, ZBA Chair
Edward C Marx, Commissioner of Planning

A hearing was conducted by the Town of Dryden Zoning Board of Appeals on Tuesday June 27, 2017, regarding one area variance.

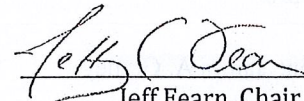
DECISION: Approved Grant variance as requested with no conditions.

CERTIFICATION

I, **Jeff Fearn**, (Chairperson) of the Town of Dryden **ZONING BOARD OF APPEALS**, do hereby certify pursuant to Rule 6 of the Rules of Procedure of such Board, that the foregoing are the findings of fact and decision approved by such Board on:

Dryden, New York

Dated: 6 July 2017



Jeff Fearn, Chair