



Memorandum

To: Jeff Fern, Chairman

Cc: ZBA members, Town Clerk, Town Attorney,

From: Planning Department

Subject: Front yard setback/encroachment – 177 Yellow Barn Road, tax parcel #46.-1-36.411

Date: August 31, 2018

Ralph D. Reygers, 177 Yellow Barn Road, has been denied a Zoning Permit for a 1440 square foot garage that would be 26' from the Town ROW. The minimum setback from the highway line is 50'. Additionally, the proposed structure would be located in the front yard, a prohibited location for accessory structures.

Mr. Reygers is seeking relief from the front yard setback requirement set forth in Section 600 – Area and Bulk Table of the Zoning Law and the accessory structure prohibition as articulated in Article III: Definitions - Use, Accessory.

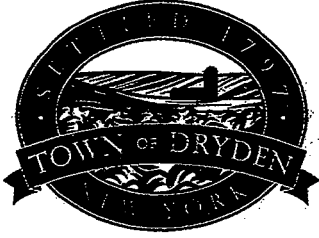
The property is located in a Conservation zoning district, adjacent to Yellow Barn State Forest and is across the street from an Agricultural District 1 property. Although large (4.08 acres), the parcel is constrained by steep slopes to the east.

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 parcel is adjacent to Yellow Barn State Forest and within 500' of Agricultural District 1, this project is subject to Tompkins County Planning GML 239 review. Tompkins County Planning is in receipt of the application.

Department Comments/Recommendations

I have requested that the Town Highway Superintendent offer his opinion about the variance request. A public hearing shall be scheduled for Tuesday, October 2, 2018, at 7PM.



Planning Department

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Dryden, NY 13053

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http://dryden.ny.us/planning-department

ZONING PERMIT APPLICATION

Date of Application: 8-7-2019 Tax Parcel # 46-1-36-411

Name: RALPH REYGERS

Address: 177 YELLOW BARN RD
FREEVILLE NY 13068

Phone #: [REDACTED]

Application for a Zoning Permit is HEREBY made to:

Build Extend Convert Place a Manufactured Home Other

Project Description: POLE BARN
Project Site: 177 YELLOW BARN RD FREEVILLE NY 13068
Project Owner: RALPH REYGERS Estimated Project Cost: \$: 21,000.00
Project Owner Signature: Ralph Reygers
Land Owner: RALPH REYGERS Is this a Land Contract Sale? NO
Land Owner Signature: Ralph Reygers

Please note this is NOT A CONSTRUCTION PERMIT. After a Zoning Permit has been issued you will then be required to submit all necessary applications for construction and copies of other required agency permits before a Construction Permit will be issued.

Attached is a copy of the ZONING PERMIT REGULATIONS, a sample site plan, a space for you to provide your necessary site plan. More complex projects may require a more detailed site plan. It must contain the requested site plan details as described within this application.

Zoning Permit Fees

New construction on improved lands - no fee

New construction on unimproved (vacant) lands - \$25.00

Projects requiring an area/setback variance - \$25.00 + \$165 variance application fee

FOR Town Use ONLY:	
Zoning Permit Approved: _____	Zoning Permit Denied <u>8/7/18</u>
Under Section(s): <u>600</u>	Town of Dryden Zoning Law
Signature of Code Enforcement Official: <u>[Signature]</u>	Date: <u>8/7/18</u>
Variance Date: <u>10/2/18</u>	Hearing Date: _____ Approved or Denied: _____

APPEAL TO

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

Having been denied permission to Build 40x36 Pole Barn on 177
Yellow Barn Rd Freeville, NY 13068. Front set back
From drainage ditch is 26 ft instead of Required 50ft.

At 177 Yellow Barn 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) 600 Front yard setback, accessory structure in front yard
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:

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

Applicant Signature: Ralph Reygiers
Applicant address: 177 Yellow Barn Rd.
Freeville, NY 13068

Phone Number: [REDACTED] Date: 8/13/18

AREA VARIANCE

AREA VARIANCE REQUEST

Applicant: RALPH REYGERS Project: Pole Barn
Date: 8/13/18 Address: 177 Yellow Barn Rd Freeville NY 13068

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 - Pole Barn would Improve character of Neighborhood. Presently Equipment (Autos Motor Home and OTHER Equipment is stored outside)

B. IS AN AREA VARIANCE THE ONLY METHOD THAT THE BENEFITS SOUGHT CAN BE ACHIEVED? ARE THERE OTHER FEASIBLE METHODS TO ACHIEVE THE BENNEFIT? NO. Proposed area is only viable area to Build Pole Barn on 4 Acre parcel. Proposed area is bordered by State Land + steep Ravine in rear + side. A non-Permanent structure such as a hoop Fabric building would not be suitable option Primarily due to cosmetic considerations (ie Not cosmetically pleasing)

C. IS THE REQUESTED VARIANCE SUBSTANTIAL? NO - Request setback from Yellow Barn Rd from 50ft to 26 feet.

D. WILL THE PROPOSED VARIANCE HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT? NO, Pole Barn only used for Storage. Minimal TRAFFIC entering Yellow Barn Rd. Also cosmetic Appearance of area will be enhanced by Concealing equipment. Pole Barn will be Landscaped to make area cosmetically pleasing.

E. IS THE ALLEGED DIFFICULTY SELF-CREATED? NO - only viable area where Pole Barn can be Constructed due to natural topography of property.

50' Town Right of Way

L

395.37

449.54

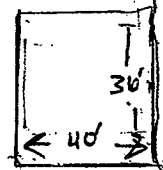
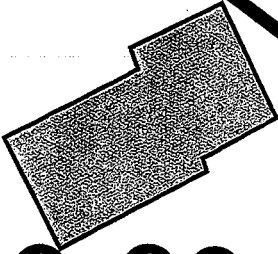
36.411
4.08 AC

462.69

389.89 s

15' set b

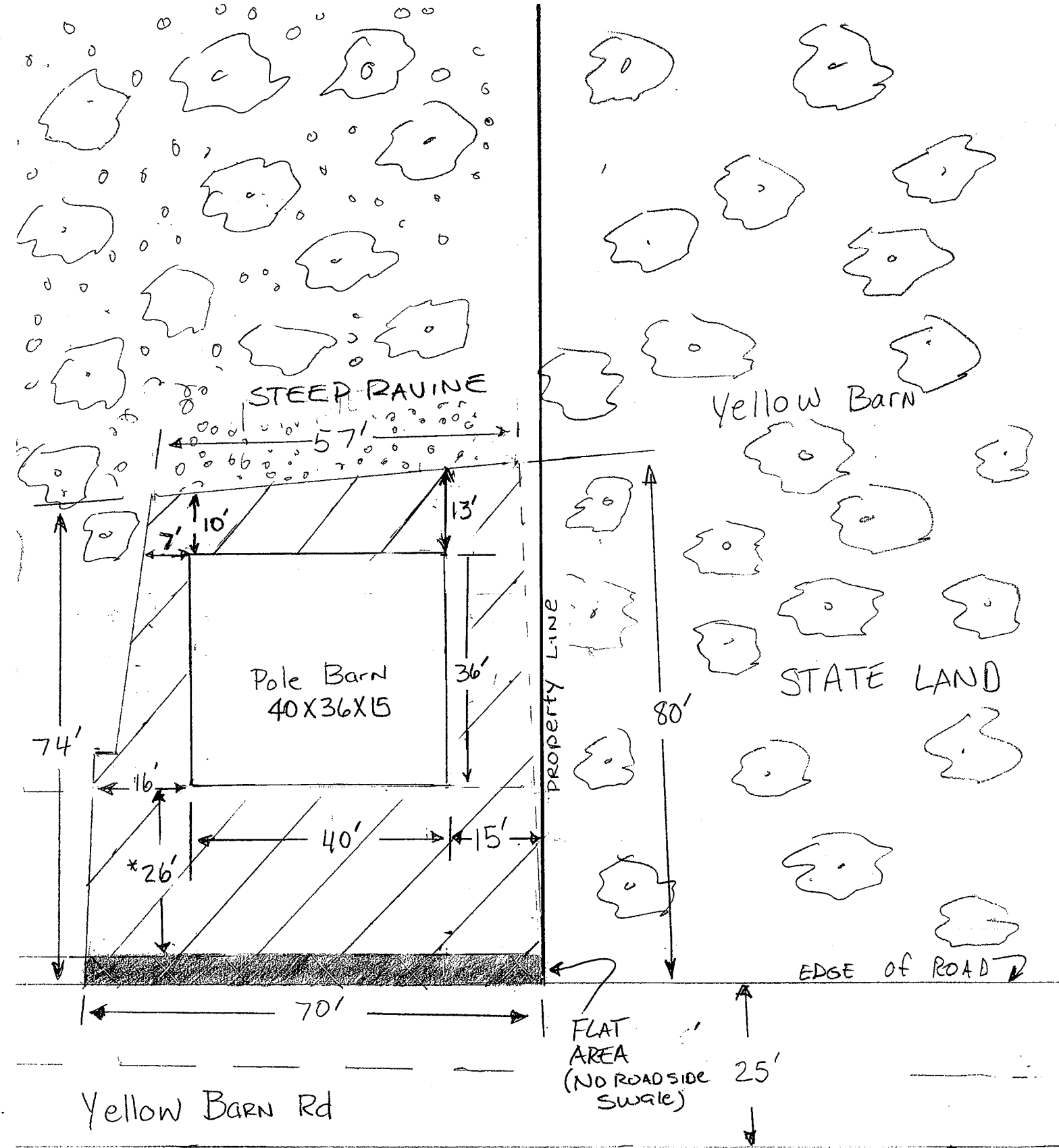
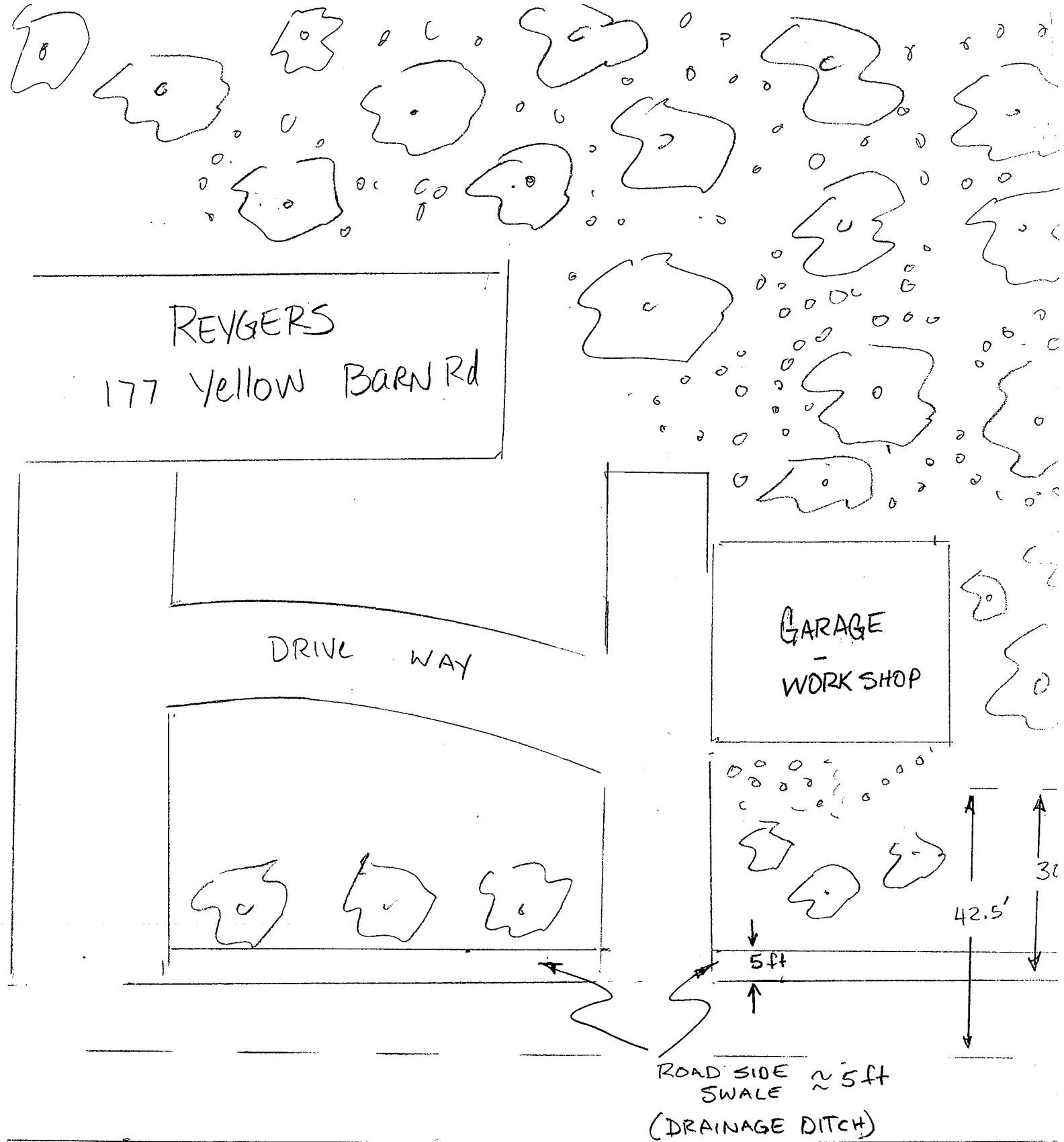
57'



80'

389.73 s

REF ATTACHED SITE PLAN



46-1-36.411 Parcel = 4.1 Acres
 SITE PLAN
 177 YELLOW BARN RD
 FREEVILLE NY 13068
 Ralph Reygers
 8/9/19



NOTE:
 * FRONT Set BACK = 26ft s/B 50ft
 TO ROADSIDE SWALE

