



Memorandum

To: Jeff Fern, Chairman

Cc: ZBA members, Planning Board, Town Clerk, Town Attorney,

From: Planning Department

Subject: November 6, 2018 ZBA agenda

Date: October 22, 2018

The Planning Department is in receipt of three variance request applications. Two applicants, wishing to subdivide their properties, are seeking relief from the minimum lot frontage requirements in Article VI, Section 600. The third applicant wishes to construct a garage in the front yard, where accessory structures are prohibited (Section 600 and articulated in Article III: Definitions - Use, Accessory). We begin with the garage.

Variance #1, 7PM – Morehouse Garage, 327 Groton Road, Tax Parcel #23.-1-25.131

Brandy Morehouse wishes to construct a 576 square foot garage in the front yard of her property at 327 Groton Road. Ms. Morehouse does not believe there will be an undesirable change to the neighborhood, pointing out that the adjacent residence has a garage in the front yard.

Ms. Morehouse further points out that her home is over 500' from the road, there will be no adverse effect on the physical or environmental conditions of the neighborhood, and that building in compliance with the zoning law would require additional site work at an added cost, both financially and environmentally.

SEQR, County Review

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).

Regional Planning (Tompkins County -Section 239) review is required for this project. As an alternative to an amendment to the Zoning Law allowing accessory structures in a front yard, the Board should consider amending its agreement with Tompkins County Planning and Sustainability Department, to add this type of variance request to the 'items to be excluded from review list'.

Variance #2, 7:15PM – Haney Minor Subdivision Frontage Relief, 257 Virgil Rd, Tax Parcel #37.-1-33.1

Matt Haney wishes to subdivide his 2.84-acre property at 257 Virgil Road into two parcels. One of the proposed parcels would have 250' of road frontage, meeting the minimum frontage requirement in Rural Agriculture zoning districts. Frontage of the second parcel would be deficient of the 250' requirement by 26.23'.

Mr. Haney does not believe the variance request is substantial. His intention is to build a single-family home that he believes will be an aesthetic improvement and will benefit the community.

Variance #3, 7:30PM – Hall Minor Subdivision Frontage Relief, 2085 Dryden Rd, Tax Parcel #46.-1-69.162

David Hall wishes to subdivide his 16.66-acre property at 2085 Dryden Road into two parcels. The parcel is within two zoning districts – the bulk of the property is in the Neighborhood Residential (NR) district, the remainder in the Mixed Use Commercial (MC district).

One lot would contain approximately four acres and retain the entire 342+/- of road frontage on Dryden Road (a minimum 150 of frontage is required). This lot would be entirely within the MC zoning district. The second proposed lot would be primarily in the NR zoning district. Frontage would be at Scout Lane but there is only 61.4' (according to the tax map), where 150' is required.

Mr. Hall does not believe the division will result in an undesirable change to the neighborhood or that the request is substantial in terms of impact.

SEQR, County Review for Variance 2 & 3

Granting of an area variance for a single-family, two-family, or three-family residence is a Type II exempt action (SEQR - 617.5c13).

Lot frontage, width or depth variances for residential uses are exempt from Tompkins County review, per the August 31, 2016 inter-government agreement between the Zoning Board and Tompkins County Planning.

Department Comments for Variance 2 & 3

NYS Town Law, Article 16 - § 277 Subdivision Review; Approval of Plats; Additional Requisites, allows a subdivider proposing non-conforming lots to appeal directly to the zoning board without a decision or determination from the Zoning Officer. Each proposed subdivision is a Minor subdivision, approved administratively by the Planning Department. However, § 277 also requires that the zoning board request the planning board provide a written recommendation concerning the proposed variance. In anticipation of that requirement, the subdivision requests were forwarded to the Planning Board.

As an interested agency regarding the Haney subdivision, I have requested comments from NYSDOT. I have requested that the Town Highway Superintendent offer his comments regarding the Hall subdivision.