

TOWN OF DRYDEN
Zoning Board of Appeals
Feb. 6, 2018

Members Present: Jeff Fearn (Chair), Ben Curtis, Henry Slater, Janis Graham

Absent: Mike Ward

Others Present: Ray Burger Director of Planning, Joy Foster, Recording Secretary, ZBA

Residents: Carol Whitlow (applicant) - Doug Coudret (applicant's contractor)

Agenda:

Area variance, 52 Turkey Hill Road

Meeting called to order at 7:00 PM

Chair Fearn: *Before we start I need to do a temporary swearing in of a new board member. This will make her legal tonight and later she can be sworn in by my Town Clerk officially. So Janis would you please raise your right hand, "and do you swear to uphold the Constitution and all the laws of the Town of Dryden", where Janis repeats and swears that she will. Fearn ok you are now a temporary member until you are officially sworn in.*

52 Turkey Hill Road, Area Variance

Applicant: Carol Whitlow

Chair Fearn reads the public notice:

NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Carol Whitlow** for an **area variance to build a carport in the front yard at 52 Turkey Hill Road. Town Zoning Law prohibits placement of an accessory structure in the front yard. The requested relief is to place the carport in the front yard with a setback of 18' where 50' is normally required.**

SAID HEARING will be held on **Feb. 6, 2018 at 7pm** 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.

Fearn: *asks applicant if she has anything further to add?*

Applicant, Whitlow: *well my neighbor that is right next store has a carport that is like the one I'm proposing, so they both would complement each other and my neighbor that is on the other side of me has pretty close to the same carport so mine would be very consistent with the neighborhood. and also mine would be setback further than my neighbors are .*

Fearn: *are there anymore comments from the board at this time?*

Slater: *I looked this property up and this house was originally built in 1954 which would predate zoning in general in the Town of Dryden by 14 years. The house is out of conformance in the construction but it didn't have any regulations , so it makes it difficult for this carport to be in conformance if put in a traditional location.*

Fearn: *and also from looking at it on the survey map, I'm guessing now, but the house is about 35 feet from the centerline and then if you were to build this in front of the garage it would still fall outside of it.*

Slater: *there are 2 variances here correct one for a structure in a front yard and one for the setback requirement?*

Fearn: *are there any comments from the audience?*

Doug Coudret: *(applicant's builder) I'm hopeful for Carol and agree with all that she said about the neighbors having carports . This carport won't be exactly the same, this will have a little higher roof 8 , that looking down the road someone may want to turn into a garage with enclosed walls and a overhead door. Not saying Carol wants to do this but later someone may see that a carport is not as practical as a enclosed garage would be, so maybe this would require another variance later on to do that, I don't know you tell me. But I guess let's just focus on the carport for now.*

Fearn: *reads in the letter from Tompkins County Planning*

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

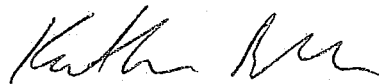
Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for proposed carport at 52 Turkey Hill Road, Town of Dryden Tax Parcel #57.-1-18.1, Carol Whitlow, Owner/Appellant.

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

Curtis : motion to *close the public part of the hearing*

Motion made by: **Curtis to close at 7:10 PM**

Second: **Fern- Yes**

All in favor - **Yes**

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:

This is totally in character of the neighborhood , the proposed carport seems to be well thought out and addresses any safety concerns. No there will be no detrimental impact to the neighborhood.

Motion made by: **Curtis - Yes**

Second: **Graham- 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:

With the slope of the land and neighboring trees it appears to be in the best location

Motion made by: **Fearn - Yes**

Second: **Slater - 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 but see "A & B" above that fully explains the value of the project. Along with the good planning of this carport.

Motion made by: **Slater- Yes**

Second: **Fearn - 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:

See "A" above, also will have no physical or environmental impact and would be a positive impact.

Motion made by: **Graham - Yes**

Second: **Fearn- Yes**

All in favor - **Yes**

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

Yes self created, the physical constraints of the site preclude any other alternatives.

Motion made by: **Curtis- Yes**

Second: **Graham- Yes**

All in favor - Yes

Fearn: this area variance is SEQR exempt action part 617.5c 10

Motion made by: **Curtis**

Second: **Fearn- Yes**

All in favor - Yes

Grant variance

Motion made by: **Curtis** to Grant Variance to allow both the accessory structure variance as well as the relief of the 50' setback and due to the physical setback and the location of the structure and it doesn't preclude that in a future time the enclosure of the structure

Second: **Fearn- Yes**

All in favor - Yes

Curtis moves to close the hearing 7:20 PM

Second: **Fearn - Yes**

All in favor - Yes

Congratulations you have your approval

**Respectfully submitted,
Joy Foster, Recording Secretary
2-13-18**

jmf