

TOWN OF DRYDEN
Zoning Board of Appeals
April 3, 2018

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

Absent: 0

Others Present: Ray Burger Director of Planning

Residents: 0

Meeting called to order at 7:01 PM

47 Etna Road, Area Variance

Applicant: Frank Parish

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 **Frank Parish** for **two variances at 47 Etna Rd. (45.-1-1.4), for a 348 sq. ft. addition to a non-conforming accessory structure. Mr. Parish seeks relief from section 1602 (expansion of a non-conforming structure will not increase non-conformance) and front yard setback relief of 38' where 50' is required (section 600-Area & Bulk Table).**

SAID HEARING will be held on **April 3, 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** asked applicant if he had anything further to add? Mr. Parish, I want to add one bay to the existing garage, I have a very wooded lot and I love the trees and do not want to disturb them. The trees block the garage from the road. There is no other area on my property to build the garage. The materials will match the house and what is already there.*

Fearn: are there any questions from the board? Have there been any comments from the neighbors?

Burger: No comments, we have the review from the County Planning where they have no concerns.

ATTACH CO. Letter Next

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

March 16, 2018

David Sprout, Code Enforcement Officer
Town of Dryden
93 East Main St.
Dryden, NY 13053

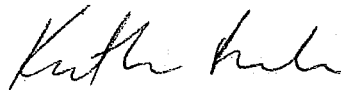
Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for proposed garage at 47 Etna Road, Town of Dryden Tax Parcel #45.-1-1.4, Frank Parish, Owner/Appellant.

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

Slater: I have a question, is the kitchen near the front where the current garage is?

Parish: When you walk in you walk into a mud room and the kitchen is next. The bedrooms are located in the back of the house. So the area makes sense for a garage.

Fearn: So where the well and septic field is this is where garage should go.

Fearn: 7:08 pm we will close the public part of the hearing and as a board will answer the 5 questions.

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:

Garage is a typical accessory and there really is no change and, although it is in the front yard it will be well screened by trees, and the trees cannot be removed and must be replaced with screening year round, with trees or code approved fence (if they die).

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.

Motion made by: **Ward - Yes**

Second: **Fearn- 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 it is 24% and it is in the front yard but it is well screened.

Motion made by: **Slater- Yes**

Second: **Graham - 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 and the visual is mitigated by the screening.

Motion made by: **Curtis - 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 / but see 1 & 2 above.

Motion made by: **Slater- Yes**

Second: **Ward Yes**

All in favor - Yes

Fearn: this area variance is SEQR exempt type II 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 with conditions that the applicant preserves existing screening or replaces it with year round screening (trees or code approved fence)**

Second: **Fearn- Yes**

All in favor - Yes

7:22 pm meeting adjourned - Congratulations you have your approval