



Memorandum

To: Jeff Fern, Chairman

Cc: ZBA members, Town Clerk, Town Attorney,

From: Planning Department

Subject: Accessory structure location on lot and front yard setback encroachment – 540 Bone Plain Road, Tax Parcel ID # 21.-1-39.4

Date: July 26, 2019

Timothy Sears, 540 Bone Plain Rod, was denied a Zoning permit to construct a 720 square foot garage in his front yard. Accessory structures are not permitted in front yards: Town Zoning Law, Article III: Definitions - Use, Accessory - 'unless otherwise permitted in the Law, an Accessory Structure shall not be permitted in the front yard of a Principal Use'.

Mr. Sears seeks relief from the prohibition noted above, as well as 16' of relief from Section 600 – Area & Bulk Table – Rural Residential District, in order for the garage to be located 34' from the ROW, where 50' is the minimum setback.

Because the garage is to serve the guest house immediately behind the proposed garage, and because of site constraints, Mr. Sears believes the front yard, immediately adjacent to the existing driveway, is the most practical spot for the garage. He does not believe a variance of 16' is substantial, that an undesirable change will be produced, or that granting the variance(s) will have an adverse effect on the conditions in the neighborhood.

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)., Tompkins County Planning GML 239 review is required. The property is in Agricultural District 1, however, only use variances require an Ag Data Statement.

Department Comments/Recommendations

A public hearing is scheduled for Tuesday, August 13, 2019, at 6:15PM