

APPEAL TO

ZONING BOARD OF APPEALS
TOWN OF DRYDEN
(Area Variance)

Having been denied permission to No permission was denied. Seeking
area variance for relief of setback requirement from
Conservation Easement setback of app 94' of 297 setback.

See attached remarks.

At 438 Lake Road 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) Bluebird Subdivision Plat

of the Town of Dryden Zoning Ordinance

the UNDERSIGNED affirms that the benefit to the undersigned if the variance is granted outweighs the det-
riment to the health, safety and welfare of the neighborhood or community by such grant in that:

1. Placement of home was conservation minded
2. Existing 50' Spruce trees visually shield house
from road, causing minimal impact on Lake Road.
3. Applicant followed approved procedures prior to
construction, and setback oversight error was
made by contractor, code office, zoning officer, Denial
of variance would cause extreme hardship on applicant.

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

Applicant Signature: M. Harney, Carina Construction, agent for Lori Hill + Carolyn
Chow.

Applicant address: 438 Lake Road, Dryden

Phone Number: 607-339-5419 Date: 9/26/19

September 26, 2019

Town of Dryden
Zoning Board of Appeals
93 East Main Street
Dryden, NY 13053

Attn: Ray Burger, Director of Planning

Dear Mr. Burger,

I am writing to provide additional information in regard to the area variance request related to 438 Lake Road, Dryden, NY, which is attached.

A timeline of the events of this house project I believe will be helpful in understanding the area variance request:

1. On March 8, 2019 Carina Construction filed for a building permit to construction a new home on what is now 438 Lake Road.
2. Our building permit submission included a site plan showing the subject home 250' from the front property line. (attached # 1)
3. On March 26, 2019 a Building Permit (attached # 2) was issued by the Town Code Office. Additionally, a Zoning Permit (attached # 3) was issued on 3-26-2019 which stated "This permit has been issued because the proposed activity is an allowed use in a CV zone and complies with all applicable Town of Dryden Zoning requirements."
4. In early April construction onsite commenced, with a foundation being installed on April 18 and the modular house erected on April 24, 2019.
5. Construction continued through the spring and summer and a Certificate of Occupancy was issued on August 22, 2019. (attached # 4)
6. The lender for the project, Tompkins Trust Company, requires an as-built survey be performed prior to loan closeout. The as-built survey revealed that the placement of the home was on the front yard conservation easement setback. Discussion between the lender's attorney and the town attorney suggested an area variance as a remedy for the setback. (attached # 5)

For context, I recognize this variance request comes at an unusual time in the timeline of the new home our company built at 438 Lake Road, Dryden, NY. At no time was there any willful disregard to the Town Zoning Ordinance or Building Code, this setback issue was an oversight and document clarity error shared by Carina's staff, the building department staff, and the zoning officer. Without finding fault, in hindsight, I can see the reasons for this error were:

1. Scanned documents on file of the Bluebird Sub-division plat were of very low resolution and the dimensions and description of the conservation easement was illegible. (attached # 6)

2. In preparing a site plan, Carina Construction was not aware of the conservation easement setback. Carina located the home app 250' from the front boundary for the following conservation minded objectives:
 - a. There is a group of five 40-50' tall spruce trees in front of the home the owner wanted to use as visual screening from the road. We request the visual screening of these trees be considered to help meet the intent of the conservation easement to maintain the "viewshed" towards Dryden Lake from Lake Road.
 - b. The natural contours of the land at this point allowed for a walkout rear exit from the basement.
 - c. The septic system needed to be located in the rear of the property to allow room for a geothermal ground loop installation. Because of ground water pollution required separation distances from exiting ponds in the rear yard of the home, the septic proved to be a tight fit, and would not have worked if the house was an additional 40' back.
 - d. The owner had a general desire to keep the front of the house well setback from the existing barn to the west of the property.
3. When the site plan was reviewed by the Building Department staff, due to poor resolution of the plat, the conservation easement setback was not noted.
4. Because the site plan that was submitted was approved by the Code and Zoning Officer, Carina proceeded with construction and completed the home.

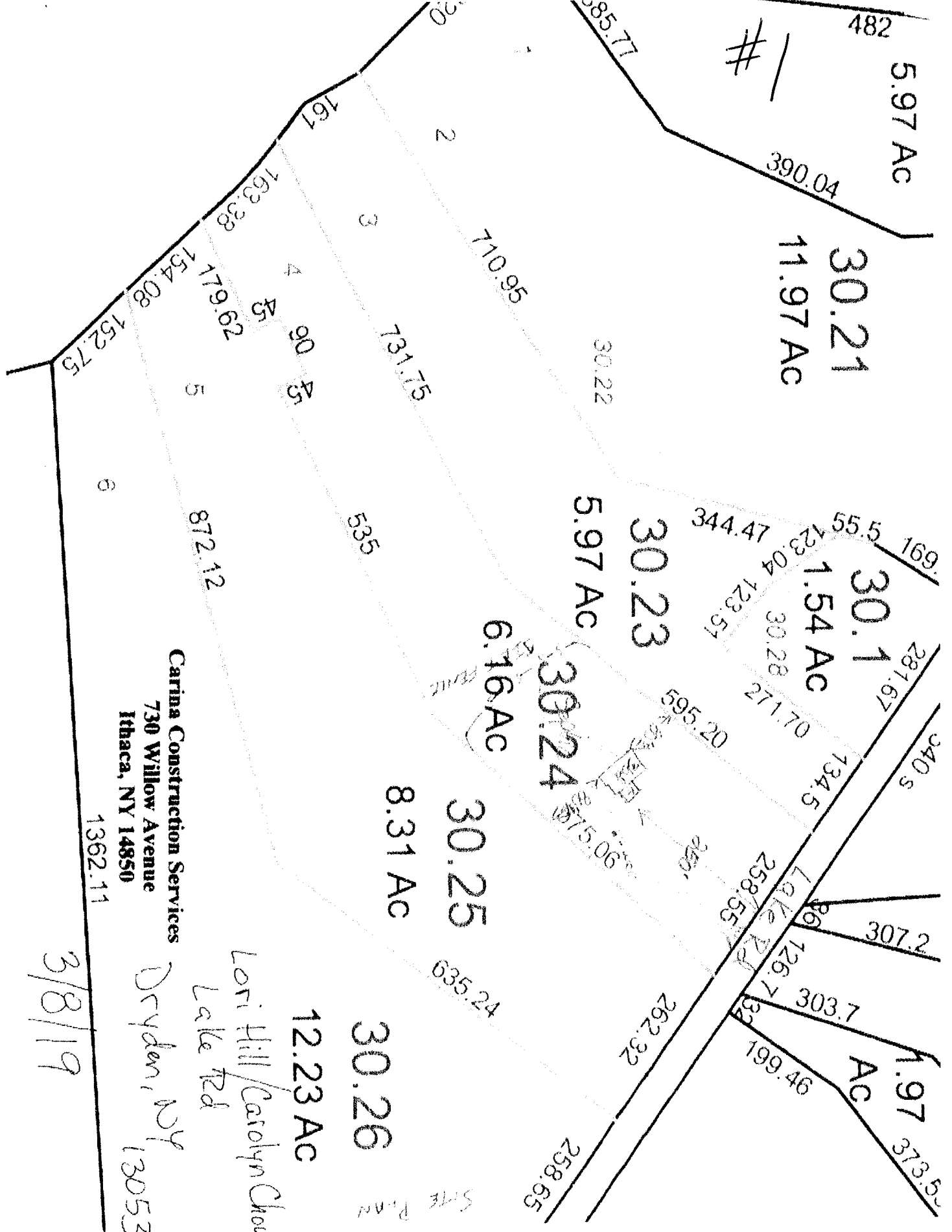
We request respectfully that the Zoning Board grant an area variance so that there may be no conflict on the title of 438 Lake Road.

Please contact me with any further questions.

Respectfully submitted,



Matthew J. Haney
President
Carina Construction Services of Ithaca, Inc



Carina Construction Services
 730 Willow Avenue
 Ithaca, NY 14850

Lori Hill/Carolyn Chow
 Lake Rd
 Dryden, NY 13053

3/8/19

SITE PLAN

#2

BUILDING PERMIT

Town Of Dryden, New York

This is to Certify that a Building Permit has been issued to Lori Hill & Carolyn Chow to erect, move, demolish, place, extend, convert or repair a building as follows, in accordance with the Town of Dryden Ordinances/Laws and Regulations applicable thereto. This permit **is not** an **OCCUPANCY PERMIT**. Occupancy is granted by meeting or exceeding the requirements of the attached INSPECTION SCHEDULE.


Single family modular with 3 bedrooms, 2 bathrooms, attached garage and deck

Operation: Modular

Address:
438 LAKE RD

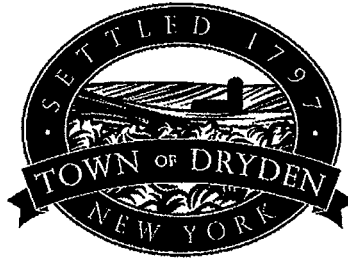
Owner of Land: Lori Hill & Carolyn Chow
Date of Permit: 03/26/2019
Expiration: 03/25/2020

Permit Number: BLD-MOD-0019

Signed: 
Director of Planning

This permit must be posted at worksite

3



Planning Department
93 East Main Street
Dryden, New York 13053
607-844-8888 ext. 216
Fax: 607-844-8008

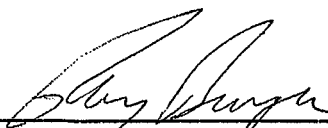
ZONING PERMIT

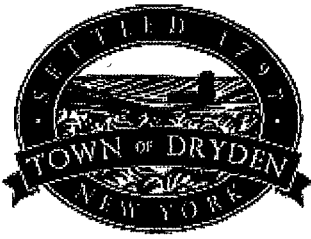
This is to certify that a Zoning Permit has been issued to **Lori Hill & Carolyn Chow** for **Single Family Modular** at **438 Lake Road, Dryden NY** (within the Town of Dryden), tax parcel **49.-1-30.24**

This permit has been issued because the proposed activity is an allowed use in a **CV** zone and complies with all applicable Town of Dryden Zoning requirements.

Be advised, this certificate shall expire 12 months from the date of issue. **This is not a permit for construction or occupancy.**

DATE OF ISSUE: 3/26/19

BY: 
Zoning Officer, Ray Burger



Planning Department

93 East Main Street
Dryden, NY 13053

T 607 844-8888 ext. 216
F 607 844-8008
joy@dryden.ny.us

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

#4

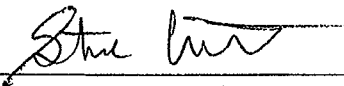
CERTIFICATE OF OCCUPANCY

This is to certify that **Lori Hill & Carolyn Chow** obtained a building permit and that the building(s) described on the application for Building Permit # **BLD-MOD-0019** located at **438 Lake Rd, within the Town of Dryden** Tax Map # _ as constructed has been inspected and the same complies with all the applicable sections of the Town of Dryden Zoning Ordinance and the New York State Uniform Fire Prevention and Building Code: as they were in effect on the date of issuance of the permit. It is issued to and on the behalf of the Owner of Record as listed above and does not contain or imply and warranty to any third party.

Furthermore, it is based on inspections, which were conducted for the purpose of code compliance, and does not carry any implication regarding the quality of workmanship or materials used in the structure.

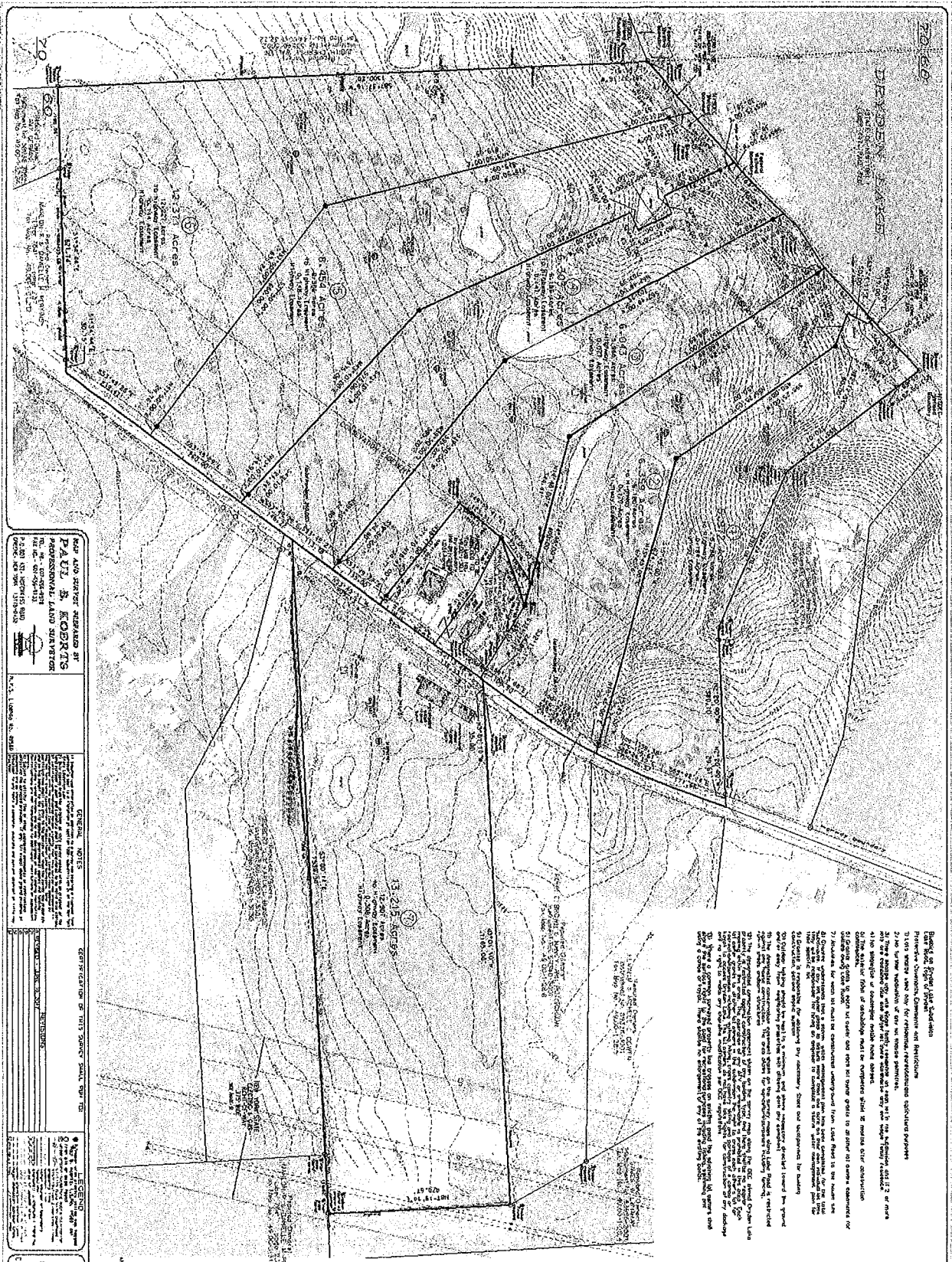
This certificate is issued for the completed work of **Single family modular with 3 bedrooms, 2 bathrooms, attached garage and deck**

Issued: 08/22/2019

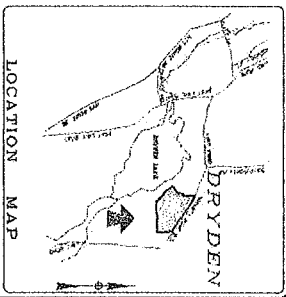
By: 

(Code Enforcement Officer)

#6



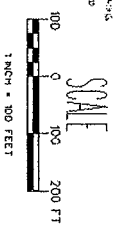
Reference is made to the following:
 1. The original plat for the subdivision.
 2. The original plat for the subdivision.
 3. The original plat for the subdivision.
 4. The original plat for the subdivision.
 5. The original plat for the subdivision.
 6. The original plat for the subdivision.
 7. The original plat for the subdivision.
 8. The original plat for the subdivision.
 9. The original plat for the subdivision.
 10. The original plat for the subdivision.



AS BEING NORTH
 of west longitude

NOTES:

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PAUL AND SONNET SUBDIVISION BY
PAUL S. KOERTS
 PROFESSIONAL LAND SURVEYOR
 14201 US HIGHWAY 90
 PO BOX 400
 BRYDEN, NY 13622

GENERAL NOTES:
 1. The original plat for the subdivision.
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DEED REFERENCE
 INSTRUMENT NO. 48551-300

MAP DATED APRIL 18, 2017
 MAP NO. 18597-1

SUBDIVISION PLAT
BLUEBIRD SUBDIVISION
 TOWN OF BRYDEN
 STATE OF NEW YORK