

**TOWN OF DRYDEN**  
**Zoning Board of Appeals**  
**July 2, 2019**

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

**Absent:** 0

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

**Residents:** 0

**Meeting called to order at 6:04 PM**

**295 Gulf Hill Road, Area Variance**

**Applicant:** Kim & Ryan Rivers along with neighbors Laura & Larry Hathaway (parents in support)

**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 **Kim Rivers for variances to allow a garage in the front yard, within 32' of the ROW at 295 Gulf Hill Road, parcel (25.-1-44.26). Town Zoning Law prohibits placement of an accessory structure in front yards. Fifty feet is the required front yard setback**

SAID HEARING will be held on **Tuesday July 2, 2019 at 6:00 pm** 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 if applicant had anything further to add; she replied no said all on application.

**Fearn:** are there any questions from the board?

**Board to applicant:** You say on your application that there are things in the way to prohibit placing garage in another location could you show us.

**Applicant** shows board on the site plan where her turn-around is, the shed, underground wires with electric box, porch, play-yard, septic with leach-field, where the propane tank , established landscape is and they would need to extend the driveway if garage is placed anywhere else. There also is a 12'X24' accessory building in the front yard that was built in 2015 before this law. Board discusses placing garage in other places on property.

Board would like in the future to have better dimensions on the application.

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

**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

July 1, 2019

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 located at 295 Gulf Road, Town of Dryden Tax Parcel #25.-1-44.26, Kimberly Rivers, Owner/Appellant.**

Dear Mr. Sprout:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Department of Planning & Sustainability 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

Fearn 6:48 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:**

*To some extent, it is against the goals of the town by not having building/accessory structures in the front yard, but with keeping with the character of the neighborhood it is consistent. Also, no neighbors have complained. There is no detriment to the neighbors.*

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:**

*Yes, but the benefit of other choices would be disproportional to the benefit of the community and the applicant.*

Motion made by: Curtis - 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 18 ft. out of 50 ft. And it's an accessory building in the front yard.*

Motion made by: Fearn- 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, the environmental impact will be minimal.*

Motion made by: Graham - Yes  
Second: Curtis- Yes  
All in favor - Yes

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

*Yes, it is self-created, the law changed in 2015 and the plan development of this property changed.*

Motion made by: Curtis- 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: **Fearn**

Second: **Slater- Yes**

All in favor - **Yes**

**Grant variance**

Motion made by: ***Curtis to Grant the accessory building in the front yard and the 18ft. of relief from the 50 ft. yard requirement. It is consistent with the neighborhood, based on A-E above and would be disproportional to the benefit of the community and the applicant.***

Second: **Fearn- Yes**

All in favor - **Yes**

**7:04 pm meeting adjourned - Congratulations you have your approval**