



Memorandum

To: Janis Graham, Chair
Cc: ZBA members, Town Clerk
From: Planning Department
Subject: Variance request to allow an accessory structure in a front yard at 420 Cortland Rd
Date: March 11, 2024

420 Cortland Rd, Tax Parcel 26.-1-13.512, Rural Agricultural Zoning District

Relevant Code

Town of Dryden Code Section 270-3.2 (Zoning Definitions – Use, Accessory) states- “Unless otherwise permitted in this Law, an Accessory Structure shall not be permitted in the front yard of a Principal Use.”

Summary

The applicant, Edward Barhite, requests relief from the Town of Dryden Code Section 270-6.1 to construct a 10-foot by 20-foot storage shed within the front yard area at 420 Cortland Rd. The project site contains the applicant’s residence as well as actively managed agricultural fields. The shed will be used to store lawn mowers and lumber.

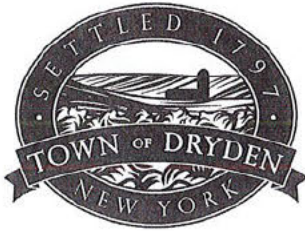
The shed is currently in the process of being constructed and the applicant is seeking after-the-fact variance approval. The shed is located approximately 40 feet from the northern side yard property boundary and approximately 395 feet from the front yard property boundary. The shed is located outside the 15-foot-wide right of way that provides access to the parcel directly in the rear. The shed also appears to be outside of the NYSEG pole line easement – the applicant stated they would contact NYSEG. As proposed, all front yard and side yard setbacks found in Chapter 270, Section 6.1 will be met.

SEQR, County review, Ag & Markets

- The construction, expansion or placement of minor 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 under State Environmental Quality Review (SEQR) 6 CRR-NY 617.5(c)(12)
- This action is subject to Regional GML-239 review as the property lies within 500 feet of a state highway.
- Area variances are not subject to Article 25-AA of the Agriculture & Markets Law

Department Comments/Recommendations

The siting of the shed at the project site is limited by managed agricultural fields – please see attached site map. The selected location provides convenient and safe vehicle and foot access. Although the shed is located in the front yard area, minimal visual impacts are expected given the distance between the shed and Cortland Road and the distance between the shed and abutting property owners.



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

ZONING PERMIT APPLICATION

Date of Application: 2/28/24 Tax Parcel # 26-1-13.512

Name: Edward Barhite

Address: 420 Cortland Rd
Freeville NY 13068

Phone #: [REDACTED]

Application for a Zoning Permit is HEREBY made to:

Build () Extend () Convert () Place a Manufactured Home () Other

Project Description: _____

Project Site: 420 Cortland Rd

Project Owner: Edward Barhite Estimated Project Cost: \$: 1,500

Project Owner Signature: Edward Barhite

Land Owner: Edward + Shelly Barhite Is this a Land Contract Sale? No

Land Owner Signature: Edward Barhite

Please note this is NOT A CONSTRUCTION PERMIT. After a Zoning Permit has been issued you will then be required to submit all necessary applications for construction and copies of other required agency permits before a Construction Permit will be issued.

Attached is a copy of the ZONING PERMIT REGULATIONS, a sample site plan, a space for you to provide your necessary site plan. More complex projects may require a more detailed site plan. It must contain the requested site plan details as described within this application.

Zoning Permit Fees

New construction on improved lands – no fee

New construction on unimproved (vacant) lands - \$25.00

Projects requiring an area/setback variance - \$25.00 + \$165 variance application fee

FOR Town Use ONLY:

Zoning Permit Approved: _____

Zoning Permit Denied

Under Section(s): 6.1

Town of Dryden Zoning Law

Signature of Code Enforcement Official: [Signature]

Date: _____

Variance Date: _____

Hearing Date: _____

Approved or Denied: _____

SITE PLAN which CLEARLY ILLUSTRATES Zoning Compliance

The Space below is provided for the applicant to draw a site plan which will show placement of and type of structure or structures FOR WHICH THIS ZONING PERMIT is being applied for.

The following information SHALL be sufficiently detailed on this SITE PLAN so that the reviewer can verify Zoning Compliance.

- 1) Dimensions of the lot in feet.
- 2) Names of adjoining property owners
- 3) Location of proposed structures.
- 4) Place all driveway & road cuts.
- 5) Structure dimensions & separation
- 6) Location of all existing structures
- 7) Significant topographical features
- 8) Yard dimensions; setbacks
- 9) Road frontage in feet only
- 10) Water courses, contours
- 11) Sewer facilities and wells
- 12) Utilities and utility easements
- 13) North arrow

All lots within the Town of Dryden created after September 1969 SHALL be at least 30,000 Square feet in area and have no less than 125 contiguous feet of Public Road Frontage. Where private septic systems and wells are necessary, Lot Sizes are determined by TOMPKINS COUNTY DEPT, of ENVIRONMENTAL HEALTH.

See attached

Attached is a sample site plan which would be acceptable if submitted. If there are questions, or compliance is not possible, please call 607-844-8888 X 216 as necessary 8:00 AM till 4:30 PM Monday through Friday.

Applicants Signature: Edward Barbato

APPEAL TO

**ZONING BOARD OF APPEALS
TOWN OF DRYDEN
(Area Variance)**

Having been denied permission to Build a shed

At 420 Cortland Rd 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) 26. - 1 - 13.512
of the Town of Dryden Zoning Ordinance

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

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

Applicant Signature: Edward Beahm

Applicant address: 420 Cortland Rd

Phone Number: [REDACTED] te: 2/28/24

Applicant: Edward Barhite

Date: 2/28/24

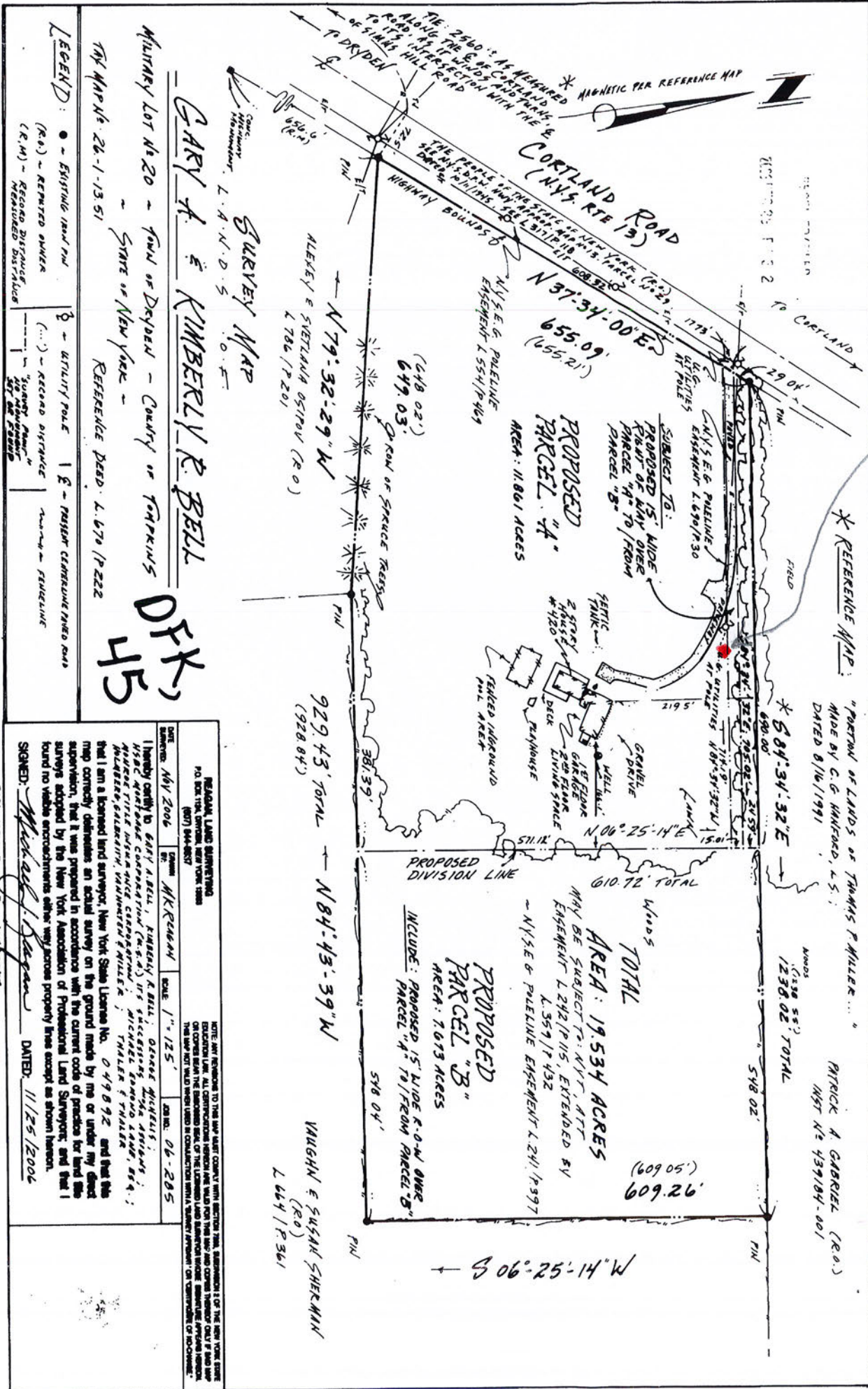
A. IN CONSIDERING WHETHER AN UNDESIRABLE CHANGE WOULD BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE AREA VARIANCE THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

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:

C. IN CONSIDERING WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL. THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

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:

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



* REFERENCE MAP:
 "PARTIAL OF LANDS OF THOMAS F. MILLER..."
 MADE BY C. G. HANFORD, L.S.
 DATED 8/16/1991

PATRICK A. GABRIEL (R.O.)
 INSTR. NO. 439104-001

TO DRYDEN
 TO CORTLAND

CORTLAND ROAD
 (N.Y.S. RTE 13)

N 37° 34' 00" E
 655.09'
 (655.21)

PROPOSED 15' WIDE FRONT OF WAY OVER PARCEL "A" TO FROM PARCEL "B"

PROPOSED PARCEL "A"
 AREA: 11.861 ACRES

PROPOSED PARCEL "B"
 AREA: 7.673 ACRES

AREA: 19.534 ACRES
 MAY BE SUBJECT TO N.Y.T. ATT ENJOINMENT L. 242/P. 115, EXTENDED BY L. 357/P. 432
 ~ N.Y.S.E.G. PALEOLINE ENJOINMENT L. 241/P. 997

WINDS TOTAL
 610.72' TOTAL

609.26'
 (609.05')

THE PEOPLE OF THE STATE OF NEW YORK, COUNTY OF CATTARAUGUS, ss. I, PATRICK A. GABRIEL, L.S., do hereby certify that the foregoing is a true and correct copy of the original map on file in my office as shown to me by the surveyor.

GARY A. & KIMBERLY R. BELL

MILITARY LOT No 20 - TOWN OF DRYDEN - COUNTY OF TOMPKINS
 STATE OF NEW YORK
 REFERENCE DEED L. 670/P. 222

LEGEND:
 (R.O.) - RECORD DISTANCE
 (R.M.) - RECORD DISTANCE MEASURED DISTANCES
 (---) - RECORD DISTANCE
 (---) - RECORD DISTANCE
 (---) - RECORD DISTANCE
 (---) - RECORD DISTANCE

DATE	BY	FOR	SCALE	JOB NO.
Nov 2006	M.K. Riddell	MR. Riddell	1" = 125'	06-285

NOTE: ANY RESPONSE TO THIS MAP MUST COMPLY WITH SECTION 216, SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW. ALL CERTIFICATING AGENCIES SHALL FOR THIS MAP AND COVER THEREOF ONLY IF AND ONLY ON COVER BEHOLD THE SIGNATURE SEAL OF THE LICENSED LAND SURVEYOR WHOSE SIGNATURE APPEARS HEREON. THE MAP MUST BE KEPT IN CONNECTION WITH A "CORRECT APPROVAL" OR "CORRECT APPROVAL" OF NO CHANGE.

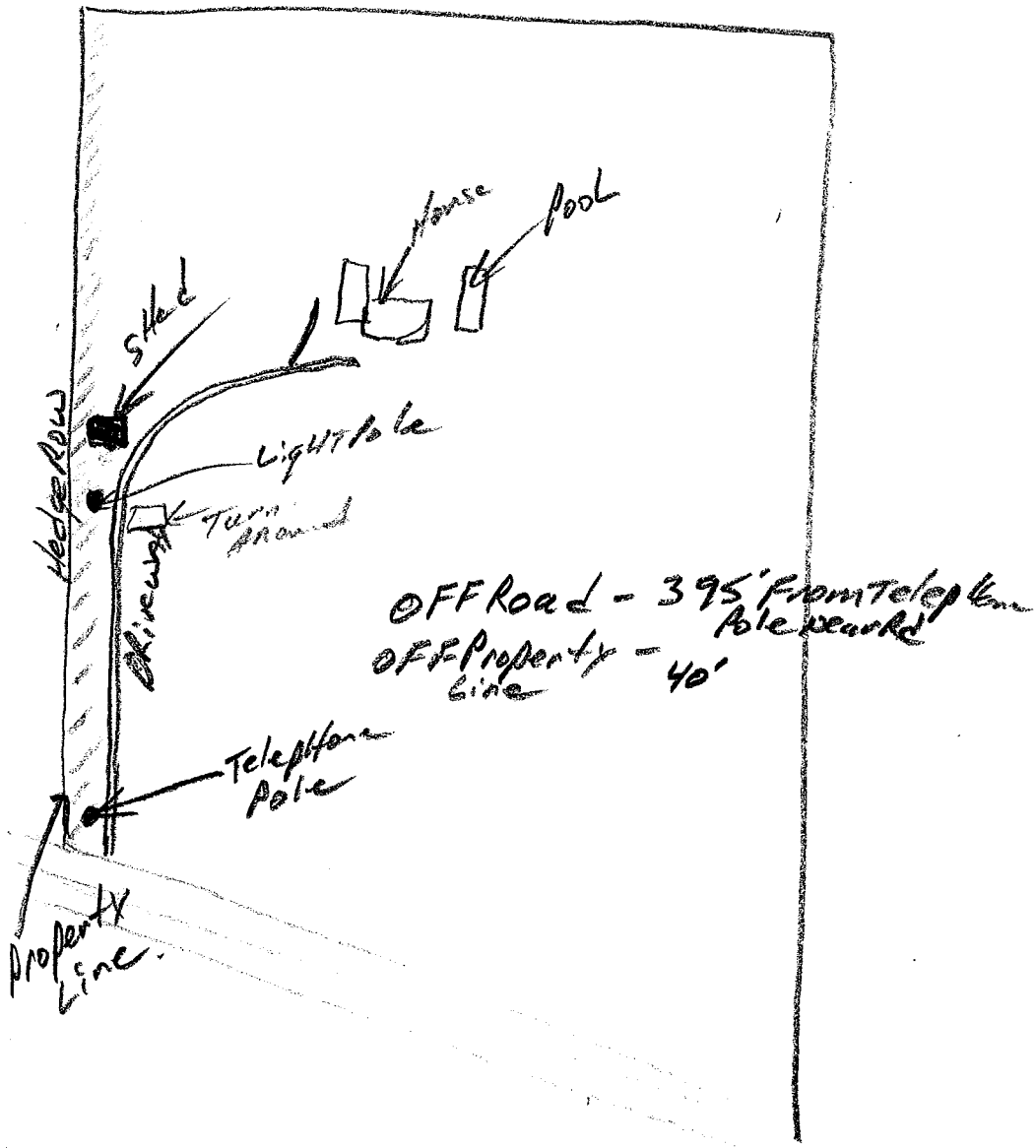
SIGNED: Michael J. Ferguson DATED: 11/25/2006

DFK
 45

Steel

420 Cortland Rd

Location of shed
on Property.



Even though shed is in front
LAWN. IT is 395' from
Road. No streams or anything
that should be impacted by
the small shed. This
was the only spot that
was out of Farmers way for
haying the property.

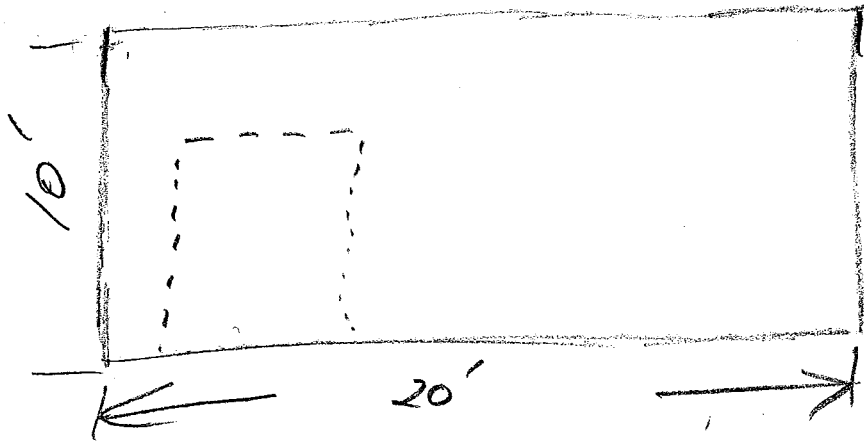
Thanks,

RJ Bantick

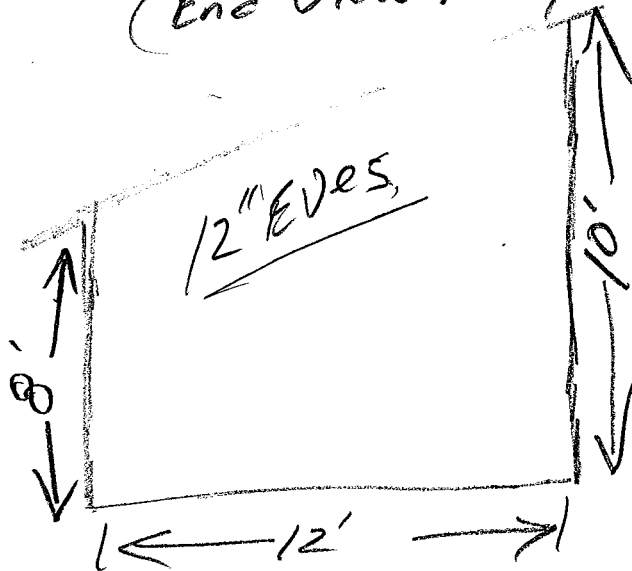


3-5-24

(Facing up Driveway)



(End View Facing Driveway)



(Storage sited For Mowers
+ Lumber)

12x20 Sited AT 420 Contland Rd

607 345-0124

upper side IS 10' High

Lower side IS 8' High

Sited Roof style

Pole To Pole Along Driveway is 362'

Lower Pole to Sited IS 395'

upper pole to Sited is 33'

Thanks Ed BanHite

Ed BanHite

