

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, July 10, 2018
7:00 PM

The regular meeting of the Ithaca Planning Commission was called to order by Chair Wilson at 7:00 p.m., followed by the Pledge of Allegiance to the American Flag.

Present: Chair John Wilson, Commissioners Dale Sherman, Richard Teal, Jerry Timmons, Doug Wright, Alison Jerome and Mayor Alice Schafer

Absent: None

Staff Present: City Manager Chris Yonker and Deputy Clerk Cathy Cameron

Audience Present: Charlie & Marlene Teegardin, Mandy & Denny Symonds, Roger Cook, Michael Sherwood, Mary Humm and Jeff Benesh

Motion by Timmons, second by Sherman to approve the minutes of the regular meeting held May 8, 2018; motion carried.

Public Comments

Chair Wilson asked for any public comments; none were given.

Public Hearing

Motion by Timmons, second by Wright to open the public hearing for variance requests for a commercial business sign; motion carried. Chair Wilson opened the public hearing at 7:03 p.m.

Manager Yonker presented a variance request submitted by Jeff Benesh, owner of Interiors by Neville located at 712 East Center Street for replacement of three commercial signs with one new sign. As proposed, the 40 ft.² sign would be larger than permitted (code limit is 25 ft.²). The applicant intends to mount a used sign frame with new sign panels on the existing pole. The current pole is 33" from the back of the sidewalk (MDOT ROW) (code requires 10'.) In addition, the sign cannot extend over the sidewalk. There are plans to remove the two older signs.

Commissioner Wright inquired if the lights would be LED, if they will be flashing, or will the function be constantly on or off. Mr. Benesh replied that the lights are LED and will function as a backlight for the panels of the sign, operating either on or off. Commissioner Sherman inquired what the height of the sign would be from pavement to the bottom of the sign. Mr. Benesh replied that the sign would be the same with a 7' clearance from the pavement to the bottom of the sign.

Motion by Sherman, second by Timmons to close the public hearing; motion carried. Chair Wilson closed the public hearing at 7:10 p.m.

Motion by Wright, second by Teal to approve two variances; one for exceeding the permitted sign size, and one for the existing nonconforming pole location; motion carried.

Public Hearing

Motion by Timmons, second by Teal to open the public hearing for a variance request to construct a pole barn; motion carried. Chair Wilson opened the public hearing at 7:11 p.m.

Manager Yonker presented a variance request submitted by Mary Humm to construct a new pole barn on her property located at 1020 South St. Johns Street. The new pole barn is 1,200 ft.² (maximum size is 864 ft.² by code) and would be constructed on the northwest corner of the property. The ordinance also states that in no instance shall an accessory building exceed the size of the existing primary structure, which is 1,168 ft.². All setbacks would be met for this request.

Commissioner Sherman inquired on the height of the sidewalls of the barn. Ms. Humm stated that the sidewalls would be no taller than 12'. Manager Yonker stated that the maximum height is 20', which is measured from the ground level to the top of the side wall and then half the distance to the peak. He asked Ms. Humm to verify the exact height with her contractor and let him know.

Motion by Timmons, second by Teal to close the public hearing; motion carried. Chair Wilson closed the public hearing at 7:16 p.m.

Motion by Schafer, second by Jerome to approve a variance for exceeding the maximum accessory building size with two conditions: 1) that the total size of the building is no more than the 1,168 ft.² of the primary structure; and 2) that the total height is under 20'; motion carried.

Public Hearing

Motion by Timmons, second by Wright to open the public hearing for variance requests to construct a new garage; motion carried. Chair Wilson opened the public hearing at 7:17 p.m.

Manager Yonker presented a request for several variances submitted by Dennis & Mandy Symonds to construct a new garage on their property located at 115 South Jeffery Avenue. The new garage would be 2,048 ft.² (32'x44') (maximum size is 864 ft.² by code) and would be constructed in the same location as the current garage, which is being demolished for the new construction. The ordinance also states that in no instance shall an accessory building exceed the size of the ground floor of the existing primary structure, which is 1,413 ft.². Both the side and rear yard setbacks must be at least 5' for any accessory building. The proposed setbacks are a 2' side yard to the north and a 9' rear yard to the east. Manager Yonker informed the Commissioners that the grandfather status for setbacks does not apply when demolishing an existing structure. At 13', the proposed location meets the 10' setback from the main structure. Manager Yonker stated that the fire code for structures is 10' apart from a neighboring structure. There are no setback issues for a new porch that was also included in the zoning permit.

Commissioner Sherman stated that if the 5' side yard setback was enforced, then the garage would be too close to the house. Manager Yonker stated that the maximum lot coverage, which is the density of buildings on the lot is limited in this zone at 20%; with the construction of the new garage and porch, the lot coverage would be at 22.5%.

Motion by Wright, second by Timmons to close the public hearing; motion carried. Chair Wilson closed the public hearing at 7:38 p.m.

Commissioner Teal requested clarification of the code for allowing variances that exceed the maximum size limit. Manager Yonker read from the Zoning Code section 4.05.d; Accessory Buildings, which states *"In the R-1, R-2, R-3, R-4 and R-O districts, the maximum allowable size for the total of all accessory buildings on a developed lot shall be 864 square feet. A variance shall be required if the total area of all accessory buildings is larger than 864 square feet. In no instance shall the total area of all detached accessory buildings be larger than the area of the ground floor of the main building or occupy more than ten percent of a required rear yard (and 25 percent of a nonrequired rear yard), whichever is less."* (Emphasis added.)

Discussion was held regarding the Commission granting a variance to exceed the size of the primary structure when the code specifically states that in no instance should it be allowed.

Motion by Sherman, second by Wright to approve three variances: 1) exceeding the maximum size of an accessory building over the size of the primary building; 2) exceeding the maximum lot coverage; and 3) allowing a side yard setback of 2' on the north lot line; motion carried.

New Business

Manager Yonker informed the Commissioners that he had received an inquiry by Michael Sherwood to allow new construction of a small house on the vacant lot located at 303 East North Street. Mr. Sherwood informed the Commissioners of his ideas for the house. Discussion ensued and it was suggested that Mr. Sherwood proceed with a zoning application and submit a solid house plan with setbacks. Manager Yonker stated that a public hearing would be required.

Motion by Teal, second by Sherman to set a public hearing for Mr. Sherwood on August 14, 2018 at 7:00 p.m. or as soon thereafter as the agenda allow to consider several variances for a new house proposed for the vacant lot at 303 E. North Street; motion carried.

Manager Yonker presented a zoning application submitted by Rachel Purvis to operate a group child care facility in her home located at 210 South Main Street. The zoning code requires a Special Use Permit for such a use in a residential zone.

Motion by Timmons, second by Wright to set a public hearing for Ms. Purvis on August 14, 2018 at 7:00 p.m. or as soon thereafter as the agenda allows to consider a Special Use Permit for a group child care facility at 210 S. Main Street; motion carried.

Old Business

Manager Yonker presented a draft of the text amendment to the C-1 Central Business District zoning code that would clarify permitted uses in the core downtown of the 1st floors for retail and commercial, and the 2nd & 3rd floors for offices or residential units. The Commissioners reviewed and discussed the proposed amendments and agreed to defer action to the next regular meeting.

Transmittals

Manager Yonker highlighted the City Manager Activity Reports for June 15 and July 2, 2018.

Public Comments

Chair Wilson asked for any additional public comments; none were given.

Motion by Wright, second by Timmons to adjourn the meeting at 8:54 p.m.; motion carried.

Dale Sherman, Commission Secretary

Cathy Cameron, Recording Secretary