

CITY OF ITHACA
ZONING BOARD OF APPEALS MINUTES
Thursday, February 28, 2019
6:00 PM

The regular meeting of the Zoning Board of Appeals was called to order by City Manager Yonker at 6:00 p.m., followed by the Pledge of Allegiance to the American Flag.

Board Members Present: Clark Hubbard and Rob Endter

Board Members Absent: Newly-appointed member Jim Wideman was unable to attend as he was out of town

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

Audience Present: Robert Cook, Robin Kinney, Bob Young and Curt Tanghe

Consensus of the Board was to defer the election of officers until the next meeting when all three members could be present

Manager Yonker was asked to Chair the meeting.

Motion by Hubbard, second by Endter to approve the minutes of the regular meeting held December 6, 2018; motion carried.

Public Hearing

Motion by Hubbard, second by Endter to open the public hearing for a variance request to construct a covered deck at 325 E. North Street; motion carried. Manager Yonker opened the public hearing at 6:03 p.m.

Mr. Yonker presented a variance request submitted by Curt Tanghe to construct a covered deck at his residence located at 325 E. North St. The proposed deck would be an addition to an existing deck that is on the rear of the house, which would become 18' x 24' (432 ft²) overall in size. The deck would be covered and tie into the house roof with a 4/12 pitch. The deck would not be enclosed but remain open on three sides. Current zoning for the R-2 Suburban Residential district has a maximum lot coverage of 15%; with existing structures and the new deck addition, the coverage would increase to 22.5%.

Motion by Hubbard, second by Endter to close the public hearing; motion carried. Manager Yonker closed the public hearing at 6:07 p.m.

Motion by Endter, second by Hubbard to approve a variance for exceeding the maximum lot coverage at 325 E. North St. for construction of a covered deck as submitted based on the Board's determination that it met all twelve criteria in the Ordinance; motion carried.

Public Hearing

Motion by Hubbard, second by Endter to open the public hearing for a variance request to construct a detached garage at 211 N. Maple Street; motion carried. Manager Yonker opened the public hearing at 6:09 p.m.

Mr. Yonker presented a variance request submitted by Robert Cook to construct a single-car detached garage at his residence located at 211 N. Maple St. The proposed garage would be 16' x 28'. The proposed location of the structure meets the front and rear yard setback requirements. However, the side yard setback would be only 2' (same as previously removed garage; 5' is required) and the separation between the primary structure and the proposed garage would be only 3' (10' is required). Current zoning for R-2 Suburban Residential district has a maximum lot coverage of 15%; with existing structures and the new garage the coverage would increase to 25.6%. Discussion was held on the distance of only 3'

between the primary structure and the proposed garage. As a safety precaution, the condition was made to require an appropriate fire wall on the south wall of the garage.

Motion by Endter, second by Hubbard to close the public hearing; motion carried. Manager Yonker closed the public hearing at 6:15 p.m.

Motion by Hubbard, second by Endter to approve three variances for the new garage at 211 N. Maple St. based on the Board's determination that they met all twelve criteria in the Ordinance: 1) exceeding the maximum lot coverage; 2) a 2' side yard setback; and 3) a 3' separation between primary structure and proposed garage with the requirement that a fire wall be established on the interior of the south wall of the new garage; motion carried.

Public Hearing

Motion by Hubbard, second by Endter to open the public hearing for a variance request to construct a new single-family residence at 716 E. North Street; motion carried. Manager Yonker opened the public hearing at 6:17 p.m.

Mr. Yonker presented a variance request submitted by Robin Kinney to construct a new single-family residence on her property located at 716 E. North St. The proposed structure would be 40' wide centered on a 66'-wide lot. Current zoning for the R-2 Suburban Residential district allows for smaller platted lots to reduce side yard setbacks as low as 5', making the proposed 13' side yard setbacks acceptable. The front yard setback would be 30' for visual consistency (instead of 35') based on the neighboring houses set at the same 30'. The proposed structure would be 40' x 26.7' (1,068 ft²). The R-2 district requires a minimum structure size of 1,200 ft²; a variance would be required for the smaller proposed structure.

Motion by Endter, second by Hubbard to close the public hearing; motion carried. Manager Yonker closed the public hearing at 6:22 p.m.

Motion by Endter, second by Hubbard to approve a variance for construction of a new single-family residence on vacant property at 716 E. North St. under the minimum required size of 1,200 ft², with the proposed structure being 1,068 ft² as submitted, based on the Board's determination that it met all twelve criteria in the Ordinance; motion carried.

New Business: None

Old Business

Manager Yonker informed members of the need to develop rules of procedure and ZBA by-laws. Discussion was held with process continuing over the next couple months.

Transmittals

- Planning Commission Minutes of December 11, 2018

Public Comments

Manager Yonker asked for public comments; none were offered.

Motion by Hubbard, second by Endter to adjourn the meeting at 6:36 p.m.; motion carried.

Cathy Cameron, Recording Secretary

CITY OF ITHACA
ZONING BOARD OF APPEALS MINUTES

Thursday, June 27, 2019

6:00 PM

The regular meeting of the Zoning Board of Appeals was called to order by City Manager Yonker at 6:00 p.m., followed by the Pledge of Allegiance to the American Flag. Manager Yonker was asked to Chair the meeting.

Deputy Clerk Cameron administered the oath of office to Jim Wideman for a term ending June 30, 2021.

Board Members Present: Rob Endter and Jim Wideman

Board Members Absent: Clark Hubbard

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

Audience Present: Rod Merchant and Mark Barrows

Motion by Endter, second by Wideman to approve the minutes of the regular meeting held February 28, 2019; motion carried.

Public Hearing

Motion by Endter, second by Wideman to open the public hearing for a variance request to construct a pavilion at 161 E Center Street; motion carried. Manager Yonker opened the public hearing at 6:08 p.m.

Mr. Yonker presented a variance request submitted by Rod Merchant to construct a pavilion at his commercial property located at 161 E. Center Street. The proposed covered pavilion would be located in the front lawn area of the restaurant with access from inside the building. The size is 18' x 12' with a covered roof and wrought-iron fencing around the perimeter. Two variances are required: 1) for placement in the front yard; and 2) for being within 6' of the primary structure (code is 10'). Mr. Merchant informed the members that the pavilion will be used for dining and is conditional upon securing a liquor license from the State of Michigan.

Motion by Endter, second by Wideman to close the public hearing; motion carried. Manager Yonker closed the public hearing at 6:18 p.m.

Manager Yonker reported that the Planning Commission had authorized tentative approval of the site plan based on the ZBA approval of these two variances. He reviewed the twelve points of criteria that must be passed by the members prior to any decision for a variance approval.

Motion by Wideman, second by Endter to approve both variances; one for placement of an accessory building in a front yard, and one for placement within six feet of a primary structure at 161 E Center Street; for construction of a covered pavilion as submitted based on the Board's determination that it met all twelve criteria in the Ordinance; motion carried.

Selection of ZBA Officers

Manager Yonker asked for nominations for ZBA Officer positions as Chair, Vice Chair & Secretary. Member Endter nominated member Clark Hubbard as Chair. Member Wideman nominated himself to serve as Vice Chair and member Endter nominated himself as Secretary. Members Endter and Wideman were in favor of the nominations.

Motion by Wideman, second by Endter to approve the nominations of Clark Hubbard as Chair, Jim Wideman as Vice Chair, and Rob Endter as Secretary for the Zoning Board of Appeals, conditional upon the acceptance from Clark Hubbard to serve as Chair; motion carried.

New Business

None

Old Business

Manager Yonker updated members of the ongoing process to develop rules of procedure and ZBA by-laws.

Transmittals

- Planning Commission Minutes of March 12 and May 14, 2019

Public Comments

Manager Yonker asked for public comments. Mark Barrows inquired on the possibility of the City purchasing more property around the downtown area to provide more public parking. Discussion was held.

Motion by Endter, second by Wideman to adjourn the meeting at 6:40 p.m.; motion carried.

Cathy Cameron, Recording Secretary

CITY OF ITHACA
ZONING BOARD OF APPEALS MINUTES
Thursday October 3, 2019
6:00 PM

The regular meeting of the Zoning Board of Appeals was called to order by Clark Hubbard at 6:00 p.m., followed by the Pledge of Allegiance to the American Flag.

Board Members Present: Clark Hubbard, Rob Endter and Jim Wideman

Staff Present: Deputy Clerk Cathy Cameron

Motion by Endter, second by Wideman to approve the minutes of the regular meeting held June 27, 2019; motion carried.

Election of Officers

Clark Hubbard accepted the nomination (from the previous meeting) to serve as Chair.

Public Hearing

Motion by Endter, second by Wideman to open the public hearing for a variance to install a fence at 613 N. Pine River; motion carried. Chair Hubbard opened the public hearing at 6:05 p.m.

Chair Hubbard presented a variance request submitted by Rob Endter for installation of a fence on his property located at 613 N. Pine River. The proposed 4' high chain link fence would be installed in his front yard for the dogs. Zoning restricts fences to a 3' height in front of the residential primary structure. Mr. Endter stated that the fence will be a black coated chain link style.

Motion by Wideman, second by Endter to close the public hearing; motion carried. Chair Hubbard closed the public hearing at 6:08 p.m.

Motion by Wideman, second by Hubbard to approve a variance for installation of a 4' high chain link fence in front the residential primary structure located at 613 S Pine River; motion carried.

New Business

Chair Hubbard reported that the board is still looking to fill two alternate positions. Deputy Clerk Cameron reported that City Hall has not received any new variance requests at the time of this meeting. Members will be notified when the next meeting is scheduled as new business requires.

Old Business

Chair Hubbard updated members of the ongoing process to develop rules of procedure and ZBA by-laws.

Transmittals

Planning Commission Minutes of June 11 and August 13, 2019

Public Comments

Chair Hubbard asked for public comments. None was given.

Motion by Endter, second by Wideman to adjourn the meeting at 6:21 p.m.; motion carried.

Rob Endter, ZBA Secretary

Cathy Cameron, Recording Secretary

CITY OF ITHACA
ZONING BOARD OF APPEALS MINUTES
Thursday, December 26, 2019
6:00 PM

The regular meeting of the Zoning Board of Appeals was called to order by Chair Hubbard at 6:04 p.m., followed by the Pledge of Allegiance to the American Flag.

Board Members Present: Clark Hubbard, Rob Endter and Jim Wideman

Staff Present: City Manager Jamey Conn and Deputy Clerk Cathy Cameron

Audience in Attendance: Doug Lott, Martin & Jill Lott

Motion by Endter, second by Wideman to approve the minutes of the regular meeting held October 3, 2019; motion carried.

New Business

Chair Hubbard presented the regular scheduled ZBA meeting dates for the 2020 calendar year.

Motion by Wideman, second by Enter to approve the ZBA meeting dates for 2020; motion carried.

Public Hearing

Motion by Endter, second by Wideman to open the public hearing for new house construction on vacant property located at 112 Barber Street; motion carried. Chair Hubbard opened the public hearing at 6:07 p.m.

Chair Hubbard presented a variance request submitted by Doug Lott as contractor for property owner Bryan McCracken to construct a new house on his vacant property located at 112 Barber Street. The proposed floor plan is for a two-story construction with a 1,000 ft² first floor foot print and 600 ft² second floor with attached two car garage. Manager Conn stated that the lot is small being only 5,445ft² (20,000 is required) but is grandfathered by ordinance in addition to the lot width being only 66 ft wide (100 ft is required). Variances are required for lot coverage (15% required; 27% proposed construction) front yard setback (35ft required; 12ft proposed) and east side yard setback for corner lot (27ft required; 23ft proposed). Manager Conn inquired on the request for such a small front yard setback. Mr. Lott replied that they want to optimize a bigger back yard but are willing to move the house back further. Member Wideman noted that it is against City policy to park a vehicle across the sidewalk. With the average vehicle being 18' in length that this must be considered as part of the front yard setback, giving room for a vehicle to park on the cement pad approach of the garage without interference of the sidewalk area. Neighbor Martin Lott stated that he is pleased to see new construction on this vacant lot and he has no concerns about the west side yard setback being 6ft from his property line. Discussion was held on setting a front yard set back with agreeable distance allocations of the rear yard setback.

Motion by Endter, second by Wideman to close the public hearing; motion carried. Chair Hubbard closed the public hearing at 7:25 p.m.

Motion by Endter second by Wideman to approve four variances for construction of a new house on vacant property located at 112 Barber Street; 1)lot coverage of 27%, 2)front yard setback must be 20ft, 3)east side yard corner lot setback 23', 4)rear yard setback 22.5ft.; motion carried.

Old Business

Chair Hubbard instructed Manager Conn, Deputy Clerk Cameron and Clerk/Treasurer Fandell to move forward with the process to develop rules of procedure and ZBA by-laws and report back at the next meeting.

Old Business

Deputy Clerk Cameron reported that City Hall has not received any new variance requests at the time of this meeting. Next meeting is scheduled for February 27, 2020.

Transmittals

Planning Commission Minutes of September 10 & October 8, 2019

Public Comments

Chair Hubbard asked for public comments. None was given.

Motion by Wideman, second by Endter to adjourn the meeting at 6:41 p.m.; motion carried.

Rob Endter, ZBA Secretary

Cathy Cameron, Recording Secretary