

**Zoning Board of Appeals
Meeting Minutes
August 27, 2012**

Present: J. Wright, E. Morano, G. Cleveland, B. Natoli, S. Sutton

Absent: J. Heath, R. Shackelton

Staff: Amy Donnison, Todd Dreyer

Also Present:

* Alternates with voting power are noted in **bold**.

I. Call to Order

The meeting was called to order at 7:00 PM by Chairwoman J. Wright. J. Wright stated that the Board is made up of volunteers to enforce the regulations put in place by the Common Council, and that they have up to 62 days to make a decision on the request before them. The decision that will be made is based solely on the information presented to them during the hearing process. There is 1 request before the board this evening. This hearing is a request for an Area Variance for Patricia Giltner located at 16 Pellett Street to allow for an expansion of the front porch which would not meet street setbacks.

II. Public Hearing: Patricia Giltner – 16 Pellett Street

The public hearing was opened at 7:02 PM. The following exhibits were entered into evidence:

1. Application from Patricia Giltner.
2. Community Development report dated August 15, 2012
3. Photographs of property and neighboring parcels
4. No correspondence received in support or opposition of this proposal.
5. No phone calls received in opposition of this proposal.
6. One phone call received in support of this proposal.
7. Tax map showing the parcel
8. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there was no phone call nor correspondence received in opposition to this proposal, there was one phone call in support and that was from 136 North Broad Street. There were several phone calls from neighbors who had gotten a public notice letter inquiring about the proposal but had no comment in support nor in opposition. Also noted that no correspondence was received from the Chenango County 239 Review Committee.

Patricia Giltner stated that she is the owner of 16 Pellett Street. P. Giltner stated that her current porch is in need of repairs and when she removes this porch she would like to replace it with one that is a little larger to make it more functional as well as having more room to entertain on it. The face of the proposed front porch would not extend any closer to the street than where the base of the existing front steps are which is approximately 32” to 36” from the front of the existing porch. There would not be steps extending out from the proposed enlarged front porch but rather the existing steps would be encompassed/enclosed as part of the expanded porch. P. Giltner stated that 6 of the 9 properties on Pellett Street have a setback of 12’ from the curb so she didn’t think this request would be out of character from the other properties on the street. P. Giltner also provided a statement from all the property owners on Pellett Street stating they had no issues with the proposed porch expansion. P. Giltner also stated that all the existing large shrubs that are currently in front of her porch will have to be removed and that the construction material for the new porch will be the stuff that lasts for many years.

J. Wright inquired if any other avenues were explored to see if the same goal could be accomplished without being closer to the street. P. Giltner stated that she had and that there was no room in the rear of the property and she had a concrete patio there now but the front porch is just nicer to sit on to watch the happenings in the neighborhood.

B. Natoli asked how close this will be to the sidewalk. P. Giltner was not sure of the measurements to the sidewalk. A. Donnison stated that the codes office did go and measure from the curb for setback purposes but did not measure to the sidewalk.

E. Morano asked if the existing concrete steps will be replaced. P. Giltner stated that they will be repaired as needed. S. Sutton asked if the entire existing front porch will be removed. P. Giltner stated yes – the whole thing will be removed and reconstructed even if she is not granted this variance due to the condition it is in. S. Sutton inquired as to who the contractor is. P. Giltner stated that she plans to use John Kelly for this project.

B. Natoli and E. Morano both expressed concern in regards to the driveway on the downhill side of this property (14 Pellett Street) and if someone was pulling out of

the driveway would they be able to clearly see up the street to view oncoming traffic before they pulled out into the street. P. Giltner showed in photos she provided a view of the neighbors driveway looking towards her property and it shows that the visibility should not be impaired as there are currently dense large shrubs closer to the street than the planned porch expansion would be.

Chairwoman Wright asked if there were any other questions. There being no further questions or comments, the public hearing was closed at 7:17pm on a motion made by S. Sutton, seconded by G. Cleveland. Ayes all, carried.

III. Findings and Determinations: 16 Pellett Street:

1. Request for an Area Variance due to the setback requirements in a R-1 zone which is 30'.
2. No phone calls or letters in opposition to the proposal received.
3. One phone call received in support of the proposal.
4. Applicant provided sign statement from all the property owners on Pellett Street indicating they had no concerns with the proposal.
5. Total number of residents in support are 9.
6. All construction renovation code requirements will be met.
7. This property along with most of Pellett Street is a substandard lot by definition of the Open Space Requirements for a R-1 zone.
8. The proposed expansion would have a setback of 12'.
9. Existing steps would be wrapped into the proposed porch and would not extend out in front of the proposed porch as they are now on the existing porch.
10. No 239 review comment received.
11. Surrounding neighborhood is primarily residential with the hospital and school nearby.
12. Area Variance Considerations:
 - a) an undesirable change in the character of the neighborhood would not be created due to this addition;
 - b) the benefit sought by the applicant may not be achieved through another method;
 - c) request is not considered substantial due to the setbacks of all the other parcels on this street;
 - d) no adverse effect or impact on the neighborhood or district would be created;
 - e) the difficulty was self created.

B. Natoli made a motion to approve the expansion of the front porch with the condition that it cannot have a setback of less than 12'. Seconded by E. Morano.

Discussion followed regarding the driveway clear view of 14 Pellett Street. Photos were once again reviewed and it was noted that all members present took a trip past the property prior to the meeting themselves. S. Sutton also wanted to state for the record that he resides within the 500' mailing zone for the public notices that went out for this hearing and that his wife stated she is also in support of this proposal.

Motion Approved: 5 ayes; 0 nays.

Ayes – J. Wright, E. Morano, G. Cleveland, S. Sutton, B. Natoli

Nays – None

Abstained – None

A motion to approve the minutes of July 9, 2012 was made by G. Cleveland and seconded by S. Sutton. Ayes all.

IV. Adjournment:

There being no further discussion, the meeting was adjourned at 7:33pm on a motion made by E. Morano, seconded by G. Cleveland. Ayes All. Carried.