

**Zoning Board of Appeals
Meeting Minutes
November 23, 2015**

Present: J. Wright, G. Cleveland B. Natoli, F. VanAlthuis

Absent: E. Morano, S. Sutton, R. Shackleton

Staff: Todd Dreyer, Amy Donnison, Jason Lawrence

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

I. Call to Order

The meeting was called to order at 7:02 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 area variance request before the board this evening.

II. Public Hearing: Shannon Appler – 15 & 17 Rexford Street

The public hearing was opened at 7:04 PM. The following exhibits were entered into evidence:

1. Application from Shannon Appler.
2. Community Development report date November 12, 2015
3. File Photo of property
Survey Map of the 2 parcels
4. No correspondence received in support or opposition of this proposal.
5. One phone call received from owner of 37 Mitchell stating he had no concerns regarding this proposal.
6. Tax map showing the parcel
7. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that a Chenango County 239 Review was not required due to the distance from a municipal boundary and main road. No phone calls nor correspondence received for this proposal.

Shannon Appler, 15 Rexford Street, states he is the current owner of both 15 & 17 Rexford Street and as is indicated on the survey map both parcels have always shared one drive long before he took ownership. Mr. Appler has been the owner of 15 Rexford since 2004 and purchased 17 Rexford as soon as it came onto the market March 2016. Mr. Appler has previously requested a curb cut from the Common Council for 17 Rexford Street, was approved and a new separate driveway for 17 Rexford St. was installed on the east side of the structure which allows each parcel to have it's own driveway. The next issue that is faced is that as indicated on the survey map the property line cuts down the middle of what is 15 Rexford Streets driveway and this request to move the property line by 10' is so that the driveway entry for 15 Rexford Street is on its own parcel eliminating the need for the existing easement from 17 Rexford St. Mr. Appler also states that the current fence line is not the new proposed property line. Mr. Appler states he is planning to sell 15 Rexford and would like to clean up this old shared driveway situation prior to doing so.

Adam Spence, 80 Cortland Street, stated he is the attorney for Mr. Appler says he feels it's important to note that there have been no objections to this proposal and also feels that zoning rules in the city are very important to maintain quality neighborhoods. A. Spence also stated that even though this shift in the property line would create a structure lotline setback of 2.5 feet rather than required 5 feet it is not felt it would detract from the quality of the neighborhood and will in fact improve on the work Mr. Appler has already completed by making the properties self-contained for lack of a better word. Mr. Appler is hoping to sell 15 Rexford and the property will be more attractive to buyers if the driveway easement can go away by simply moving the property line. There is currently a buyer looking to make an offer but is concerned the bank may not approve the loan if the variance is not granted. In regard to 17 Rexford St. having a street frontage of 56 feet if this variance is approved and therefore not meeting the minimum width for property frontage for a parcel in an R-2 zone of 60', it is noted that there are many properties within the immediate area that also have less than 60 feet of frontage. Even with the frontage being less than 60 feet in width the overall lot square footage is still in excess of minimum requirements. A. Spence stated that Mr. Appler owns several properties within the City of Norwich and that he has done extensive rehab on may and turned them all into quality rental units which in turn attracts quality tenants and neighbors. This information can be verified by codes – J. Lawrence agreed stating the codes office has never had a problem with any of Mr. Appler's properties and if a question ever arises on one he responds promptly.

Mr. Eric Larsen stated that he is in support of this proposal. E. Larsen disclosed that he is related to the proposed purchaser and that they were told by the bank that an easement for driveway use by property owners next door that had their own separate driveway could indeed cause financing issues and appreciates the time the board is taking to consider the request.

G. Cleveland asked if the curb cut for 17 Rexford is completed. S. Appler stated yes and that the driveway has been installed and is being used.

B. Natoli agreed that it is a good idea to separate the driveways so each parcel has their own whenever the opportunity arises as it saves on neighbor disputes when someone gets blocked in which is inevitable.

Chairwoman J. Wright agreed that it could be a hardship to sell these days with the existing easement in place since new driveway for neighbor property has been installed.

Chairwoman J. Wright asked if there were any additional questions.

III. Findings and Determinations: 15 & 17 Rexford Street:

1. Request is for a 2.5' side lot line setback variance.
2. Curb cut was requested and approved for 17 Rexford Street.
3. New driveway already installed for 17 Rexford Street
4. Street frontage will be reduced to approximately 56 feet at 17 Rexford Street.
5. Property line would be moved 10 feet to accommodate elimination of driveway easement between 15 and 17 Rexford Street.
6. Property owner owns several properties within the city and there have been no code issues or concerns.
7. Property owner is disabled and carport would make it safer to exit and enter vehicle.
8. Neighborhood is primarily residential with some businesses in the area.
10. Property is located in an R-2 zone
11. No opposition to the proposal
12. One in support of the proposal – both present and stating no concerns.
13. No undesirable change will be produced to create a change in the character of the neighborhood.
14. Benefit to applicant is unable to be achieved with a smaller variance
15. Requested variance is not substantial
16. Proposed variance would not have an adverse effect or impact on environmental conditions in the neighborhood.

17. Alleged difficulty was self-created.

Motion made by B. Natoli to approve the area variance as requested which allows for the moving of a property line to cause the driveway accessing 15 Rexford Street to be separated from 17 Rexford Street which will eliminate the need for the existing easement and the parcel known at 17 Rexford Street will have street frontage of approximately 56 feet. Seconded by F. VanAlthuis. Ayes all, approved.

Motion Approved: 4 ayes; 0 nays.

Ayes – J. Wright, G. Cleveland B. Natoli, F. VanAlthuis

Nays – None

Abstained – None

VIII. Other Business

B. Natoli made a motion to approve the minutes of September 28 and October 26, 2015 Seconded by G. Cleveland. Ayes All.

IX. Adjournment:

There being no further discussion, the meeting was adjourned at 8:30pm on a motion made by F. VanAlthuis, seconded by B. Natoli. Ayes All. Carried.