

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
March 12, 2018**

Present: J. Wright, L. Natoli, C. Birch, Jr., V. Raphael

Alternates:

Absent: B. Natoli, R. Genung

Staff: Amy Donnison

I. Call to Order

Chairperson J. Wright called the meeting to order at 7:04 PM. Chairperson J. Wright stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. (If the County 239 committee denies the request, the ZBA must have a majority plus 1, or 5 votes in order to approve.) The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance. The Common Council has the authority to change the Zoning and Sign Ordinance. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There is 1 case before the Zoning Board this evening: an Area Variance request.

Chairperson J. Wright introduced new member Vicky Raphael to the members and welcomed her to the board.

II. Public Hearing: Dinnette & Jeffrey Moore – 114 Birdsall Street.

The public hearing was opened at 7:05 PM. The following exhibits were entered into evidence:

1. Application from Dinnette Moore dated 1/30/2018
2. Community Development report dated 3/5/2018
3. Photographs of property
4. Copy of tax map of property - current
5. Copy of tax map of parcel pre 1968

6. No phone calls received in opposition or support.
7. No letters received in opposition or support.
8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or letters received in opposition nor in support to the proposal. No response from the Chenango County 239 Review Committee was received at this time.

J. Moore stated that the request to separate the parcels is because when they purchased the property in 2012 it was already one parcel with the business as well as the single family home on it and there was no option to separate it at that time. The reason they went ahead with the purchase was because Mrs. Moore wished to locate her business from the town of Norwich into the city of Norwich. Therefore, they became landlords by default.

As can be seen on the tax map that is pre-1968 provided by the Moore's, these parcels were separate at one point in time and they would like to separate the parcels again closely following the original boundary lines. New line would zigzag at the rear of the parcel to separate the garage belonging to the business and a shed that will go to the house. The intent is to sell the single family home. J. Moore stated that if the ZBA would like to see a different location for the property line between the parcels, different than what is proposed that they are open to any suggestions.

C. Birch asked how far the proposed property line would be from the shed. J. Moore stated it would be 3.7 feet. J. Wright inquired if the shed would indeed remain with the house. J. Moore stated yes. L. Natoli asked if a survey has been done. J. Moore stated yes. L. Natoli looked at the property and felt that this request wasn't unreasonable. J. Wright also noted that the reason for the separation as well as the proposed new boundary makes sense and she has no complaints.

L. Natoli was happy that Mrs. Moore brought her business into the city and to see it is thriving. C. Birch asked to verify that the proposed new line would leave adequate parking for the house occupants. Ald. Zieno asked if the house is a one family and will a curb cut be required for adequate parking for home occupants. J. Moore stated that the driveway currently there holds 2 cars and that the new line would permit that same driveway area to remain with no curb cut requests.

K. Kucinski noted that the proposed line and the line from pre-1968 appeared to be in same location aside from wrapping around the garage.

Chairman J. Wright asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:17 pm.

**III. Findings & Determinations for
Dinnette & Jeffrey Moore re: 114 Birdsall Street**

- Applicant purchased the property in 2012 so they could relocate their business in the city.
- The parcel was purchased with the business structure and the single family home all on one lot.
- The business structure and the house used to be on separate lots per a tax map dated pre-1968.
- Proposed new boundary line would be very close to the original boundary line.
- This parcel is in a B-2 zone which requires a lot size of 10,000 sq ft and a lot line setback of 12 feet.
- The proposed division would make each lot have approx. 7,000 sq ft each and a lot line setback of 3.7 feet by the garage/shed and up to 10 feet by the rear of the business building.
- This house will keep the 2 off street parking spaces currently available.
- No opposition nor support to the proposal was received.
- Surrounding neighborhood is a combination of business and residential as it is on an adjacent corner where several businesses are located.
- An undesirable change to the neighborhood would not be created, nor would this be a detriment or change the character of the neighborhood.
- There is no other way to split the business and the single family home.
- The variance is not determined to be substantial.
- The proposal will not have an adverse effect on the environmental conditions in the neighborhood.
- The hardship was not self created.

Motion made by C. Birch, Jr., to approve the request for the Area Variance as proposed. Seconded by V. Raphael.

Motion Approved: 4 ayes; 0 nay.

Ayes – J. Wright, L. Natoli, C. Birch, Jr., V. Raphael

Ald. Zieno thanked the board for their consideration in this matter and the professional manner in which they conducted this business.

IV. Other:

A. Donnison updated the board on the status of some projects:

45 Silver Street progress.

Norwich Housing request to reduce the number of homes from 5 two family units down to 5 single family units in which all would meet open space requirements and is less in density that was originally planned.

Jason Lawrence resigned from the city and has taken a job with DCMO BOCES, still doing code work but over seeing all the various inspections on the 17 school districts that fall under DCMO.

V Adjournment:

There being no further discussion, the meeting was adjourned at 7:45 pm on a motion made by V. Raphael. Seconded by L. Natoli. Ayes All. Carried.