

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
December 16, 2021
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled for a hybrid in person and virtual Zoom meeting with Chairperson Judy Salamone presiding and the following Board members present:

Member	K P Kelly
Member	Clare Miller
Member	Tim Kelly
Secretary	Debi Witzel
Attorney	Tim Frateschi
Codes Officer	Tom Poitras

In Person Attendees: William McGinnis, Aidan Cook

Virtual Attendees:

The Pledge of Allegiance was recited. The meeting was called to order at 6:30 PM.

Minutes

Member T. Kelly made a motion, seconded by Member KP Kelly, to approve the minutes of November 18, 2021 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

Member KP Kelly made a motion, seconded by Member T. Kelly to waive the reading of the public notices and it was carried unanimously.

Member T. Kelly made a motion, seconded by Member KP Kelly to open the public hearing at 6:33 PM and it was carried unanimously.

**William McGinnis, 4833 Apple Tree Ridge, Manlius NY (tax map # 102.-09-07.2)
requesting a side yard variance of 12' for the installation of a 25' X 28' detached garage.**

Mr. McGinnis stated he would like to build a two-car detached garage and he would like to keep it on the uphill side of the property. Mr. McGinnis explained if he were to put on the down hill side of the property, he would not have a clear site line of the road when pulling out. Mr. McGinnis stated he would like to place the garage at the end of the driveway where their shed and swing set are located and they will be removed. Mr. McGinnis stated the garage will be about 6 feet from the house.

Member KP Kelly asked what the distance will be to the rear lot line. Attorney Frateschi stated that according to the survey there is 45' to the back lot line. Member KP Kelly asked for a description of the garage. Mr. McGinnis stated it will be a wood frame, one story garage with a lift in it and it will match the house.

Member T. Kelly asked if the garage would have electricity. Mr. McGinnis answered yes.

Member T. Kelly made a motion, seconded by Member Miller to close the public hearing at 6:40 PM and it was carried unanimously.

Board Questions

Chairperson Salamone proceeded with the board through the five (5) criteria questions:

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no, because of the shape of the lot.
2. Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no.
3. Whether the requested Variance is substantial? The board answered no.
4. As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no
5. Whether the alleged difficulty was self-created? The board answered yes, as they want a garage.

Determination of ZBA Based on the Above Factors:

The ZBA, after taking into consideration the above five factors, finds that:

 X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

 The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that a variance for 12 foot of the side yard is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None

Board Action

Member Miller made a motion, seconded by Member KP Kelly, to grant an 12' side yard variance to Rebecca & William McGinnis, 4833 Apple Tree Ridge, Manlius NY for the construction of a 25' X 28' detached garage.

The Board voted as follows:

Chairperson Salamone	Aye
Member T. Kelly	Aye
Member Miller	Aye
Member KP Kelly	Aye

The motion was carried.

Other Business – No Other Business

Adjournment

With there being no other business, Member T. Kelly made a motion, seconded by Member Miller and carried unanimously, to end the meeting at 6:45 PM

Respectfully submitted by,
Debi Witzel, Secretary
Zoning Board of Appeals