

Mark & Lori Bort – 8812 Quarter Horse Run, Chittenango, NY 13037 (Tax Map #082.2-04-17.0

Mark and Lori Bort were present to discuss the project with the board.

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

Ayes: Acting Chairperson Kelly, Member Linhart, Member Miller, Member Christensen

Nayes: 0

All in Favor.

Motion Carries

Board Questions

Chairperson Catalino 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.
- 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.

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 side yard setback variance of **2.5 feet for the construction of a 14-foot by 22-foot garage** 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

SEORA Review

Acting Chairperson Kelly determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action

Member Linhart made a motion seconded by Member Christensen that the Zoning Board of Appeals to grant a side yard setback variance of 2.5-feet to Mark and Lori Bort for the property located at 8812 Quarter Horse Run, Chittenango, NY 13037 (Tax Map #082.2-04-17.0). This variance is being granted for the construction of a 14-foot by 22-foot garage.

Ayes: Acting Chairperson Kelly, Member Linhart, Member Miller, Member Christensen

Nayes: 0 All in Favor. Motion Carries

Acting Chairperson Kelly reviewed the application for 7761 Mc Dermott Rd, Manlius, NY.

Legal Notice

Member Christensen made a motion, seconded by Member Linhart, to waive the reading of the public notice and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Linhart, Member Miller, Member Christensen

Nayes: 0 All in Favor. Motion Carries

Member Christensen made a motion, seconded by Member Linhart, to open the public hearing at 6:51 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Linhart, Member Miller, Member Christensen

Nayes: 0 All in Favor. Motion Carries

David Best – 7761 Mc Dermott Rd, Manlius, NY 13104 (Tax Map #104.-04-20.1

David Best was present to discuss the project with the board.

Member Linhart made a motion, seconded by Member Christensen, to close the public hearing at 6:51 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Linhart, Member Miller, Member Christensen

Nayes: 0 All in Favor. Motion Carries

Board Questions

Acting Chairperson Kelly 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 yes. The shed could be placed in a different location
- 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 yes. Applicant is requesting 35-feet
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no.

Nayes: 0

All in Favor.

Motion Carries

Joshua & Jacklyn Elander – 5809 Tilton Rd, East Syracuse, NY 13057 (tax Map # 075.-07-13.0)

Joshua and Jacklyn Elander were present to discuss the project with the board.

Member Linhart made a motion, seconded by Member Christensen, to close the public hearing at 7:31 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Linhart, Member Miller, Member Christensen

Nayes: 0

All in Favor.

Motion Carries

Board Questions

Acting Chairperson Kelly 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 yes. The applicants could build a smaller deck.
- 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 yes.
- 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 no. It was created by the previous owner.

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 side yard setback variance of **12-feet for the construction of a pool deck** 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

SEQRA Review

Acting Chairperson Kelly determined the proposed project and action contemplated is comprised

of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action

Member Miller made a motion seconded by Member Christensen that the Zoning Board of Appeals to grant a side yard setback variance of 12-feet to Joshua and Jacklyn Elander for the property located at 5809 Tilton Rd, East Syracuse, NY 13057 (Tax Map #075.-07-13.0). This variance is being granted for the construction of a deck for an above ground pool.

Ayes: Acting Chairperson Kelly, Member Linhart, Member Miller, Member Christensen

Nayes: 0

All in Favor.

Motion Carries

Other Business:

None

Adjournment

With there being no other business, Member Christensen made a motion, seconded by Member Linhart, and carried unanimously to end the meeting at 7:35 PM.

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals