

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
November 21, 2019
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Chairman K.P. Kelly presiding and the following Board members present:

	Member	Jim Campbell
Absent	Member	Al Ruthig
	Member	Clare Miller
	Member	Judy Salamone
	Secretary	Debi Witzel
	Attorney	Joseph Frateschi
Absent	Codes Director	Randy Capriotti

Also, Present: Rob & Kim Schwanke, Steve Culhane

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

Minutes

Member Campbell made a motion, seconded by Member Miller, to approve the minutes of November 21, 2019 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Member Campbell made a motion, seconded by Member Ruthig to open the public hearing at 6:33PM.

Steven Culhane, 4982 Fayetteville Manius Rd., Manlius NY (tax map # 107.-04-08.0) Public Hearing requesting an area variance to construct a 20' X 12' room addition. Applicant has an existing side yard setback of 12' and is requesting 8' side yard variance to meet the required 20' side yard setback per code.

Mr. Culhane stated he would like to put the screened in porch on the back of his house so his handicap son could get fresh air.

Chairman Kelly proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Culhane stated they do have a sunporch on one side of the house but he feels it to close to the neighbors. He would rather have more space off the back of the house where it is more open.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Culhane answered no
- 3) Whether the requested Variance is substantial? Mr. Culhane answered yes

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Culhane answered no, because the porch will only be 12' x 20'.
- 5) Whether the alleged difficulty was self-created? Mr. Culhane answered yes, he would like the porch.

Board Questions

Member Campbell asked if there would be a foundation for the porch. Mr. Culhane answered no it will be on stilts. Member Campbell asked if there will be electricity. Mr. Culhane answered yes. Asked if the siding and roof will match the house. Mr. Culhane answered yes. Member Campbell asked if the neighbors are okay with the project. Mr. Culhane answered yes

Member Salamone made a motion, seconded by Member Campbell to close the public hearing at 6:40PM.

Board Discussion

Members Campbell and Salamone stated they have no problem with the project.

Attorney Frateschi 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, it is the most reasonable way to provide what he wants for his son.
- 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, considering the other properties in the neighborhood.
- 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 application **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 8-foot variance 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:

- 1) Project will be built in accordance with the plan and specifications submitted.
- 2) Project will be completed within one year of the granting of the permit.

SEQRA Review

Chairman 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

In the matter of 4982 Fayetteville-Manlius Rd., Manlius the applicant is requesting an area variance to construct a 20' X 12' room addition. Applicant has an existing side yard setback of 12' and is requesting an 8' variance to meet the required 20' side yard setback requirement. Member Campbell made a motion, seconded by Member Salamone to accept the variance.

The Board voted as follows:

Chairman Kelly	Aye
Member Campbell	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Kimberly Schwanke, 5816 Strawmount Trail, Chittenango NY (tax map # 082.2-02-03.0) Public Hearing requesting an area variance to construct a 10' X 14' shed. Applicant has an existing rear yard setback of 10' is requesting 30' to meet the required 40' rear yard setback. Applicant has an existing side yard setback of 10' is requesting 10' to meet the required 20' side yard setback.

Mr. & Mrs. Schwanke stated they are looking for 10' side yard setback and a 30' rear yard setback to place a 10' X 14' shed closer to the property line.

Member Campbell made a motion, seconded by Member Miller to open the public hearing at 6:43PM.

Chairman Kelly proceeded with the applicant through the five (5) criteria questions:

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mrs. Schwanke answered yes, it could be placed in other locations but this location is what they prefer so they will have room in the future for a pool.
2. Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mrs. Schwanke answered, no
3. Whether the requested Variance is substantial? Mrs. Schwanke answered, no
4. As to whether the Variance will have an adverse effect on physical or environmental conditions? Mrs. Schwanke answered, no

5. Whether the alleged difficulty was self-created? Mrs. Schwanke answered, yes

Board Questions

Chairman Kelly asked what the shed would look like. Mr. & Mrs. Schwanke stated the shed will match the house and it will have a porch on it.

Member Campbell asked if the shed would be placed on the gravel in the yard. Mrs. Schwanke answered yes it would go on the gravel in the yard. Member Campbell asked if any neighbor had a problem with the shed. Mr. & Mrs. Schwanke answered no.

Chairman 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 no, storage necessitates the shed.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered, no not detected
- 3) Whether the requested Variance is substantial? The board answered, no, considering the neighborhood
- 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 but not determinative

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 application **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 a 30' rear yard variance and a 10' side yard variance 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:

- 3) Project will be built in accordance with the plan and specifications submitted.
- 4) Project will be completed within one year of the granting of the permit.

SEQRA Review

Chairman 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

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Campbell made a motion, seconded by Member Salamone, to grant to Robert & Kimberly Schwanke a 30' rear yard variance and a 10' side yard Variance for the purpose of constructing a 10' X 14' shed.

The Board voted as follows:

Chairman Kelly	Aye
Member Campbell	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Adjournment

With there being no other business, Member Miller made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 7:03 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals