BOARD OF ZONING APPEALS (BZA)

AGENDA & LEGAL NOTICE

CITY OF ITHACA BOARD OF ZONING APPEALS (BZA): Notice is hereby given, pursuant to Section 325-40. B. (2) (g) of City of Ithaca Zoning Ordinance, Public Hearings will be held Tuesday, January 7, 2020 at 6:00 PM in Common Council Chambers, City Hall, 108 E. Green St., Ithaca, NY, to consider the following appeals:

APPEAL # 3147

402 UTICA STREET

Appeal of Emily Petrina of Firehouse Architecture Lab on behalf of the owners Miranda Phillips and Robert Kleinberg for an area variance from Section 325-8, Column 11, Front Yard and Column 12, Other Front Yard requirements of the Zoning Ordinance. The applicant proposes to construct a two story addition on the north side of the home at 402 Utica Street. The new addition will provide a large family room on the first floor and an additional bedroom and bathroom on the second floor. The proposed addition will align with the front façade of the house, but it will extend another 18’-10” along the front yard on Utica Street. The property is located on a corner lot and both front yards have existing deficiencies. On the Utica Street side, the new addition will exacerbate the deficiency laterally along Utica Street. The setbacks range from 4’-6” to 5’-4” of the required 10 foot front yard setback. The front yard on E. Tompkins Street will not be exacerbated by the proposal.

The property is located in an R-2b use district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.

APPEAL # 3148

357 ELMIRA ROAD

Appeal of Bill Manos for a Sign Variance from Section 272-7A, Number of Permitted Signs, of the Sign Ordinance. The applicant proposes to utilize an existing freestanding sign structure for the building located at 357 Elmira Road. Currently, there are two freestanding signs on the property. One is a permitted freestanding sign on the north side of the property that advertises the Old Mexico Restaurant. The other sign is an additional pole sign that is located in front of the building. The applicant would like to utilize the additional freestanding sign to increase the visibility of the business. The proposed second sign will be 4’ tall by 10’ wide and will be mounted on the vacant sign structure in front of the restaurant building. The vacant sign structure is set back 34’ from the property line and is 20’ tall, meeting the Sign Ordinance requirements for both setback and sign height. There are three existing signs for the restaurant tenant (one freestanding and two wall signs) that total 57.7 SF, and the addition of the proposed 40 SF sign would increase the amount of signage to 97.7 SF. The restaurant is allowed up to 250 SF of signage but is limited to only one freestanding sign.

The property is located in the SW-2 zoning district in which the proposed use is permitted. However, the Sign Ordinance, Section 272-18, requires that variances be granted before a sign permit is issued.
Appeal of Nancy Wells for an area variance from Section 325-8, Column 12, Side Yard requirements of the Zoning Ordinance. The applicant proposes to construct a single story addition and deck on the rear of the home at 108 Short Street. The new addition will provide an additional bedroom and bathroom that will be accessed from the first floor. The proposed deck will wrap the new addition and be aligned with the southern corner of the house. There is an existing side yard deficiency at this location, and the new deck will exacerbate the deficiency along the side yard. The existing setback is 7’ and the proposed deck will exacerbate the deficiency laterally, approximately 8 feet along the side yard. The ordinance requires a 10 foot side yard setback.

The property is located in an R-2b use district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.

ACCESSIBILITY: If you have a disability and would like specific accommodation to participate, please contact the City Clerk’s Office at 274-6570 by 12:00 p.m., 2-3 business days (not including weekends/holidays) before the meeting.

Gino Leonardi, Zoning Administrator
Secretary to the Board of Zoning Appeals
APPEAL # 3147

402 UTICA STREET

Appeal of Emily Petrina of Firehouse Architecture Lab on behalf of the owners Miranda Phillips and Robert Kleinberg for an area variance from Section 325-8, Column 11, Front Yard and Column 12, Other Front Yard requirements of the Zoning Ordinance. The applicant proposes to construct a two-story addition on the north side of the home at 402 Utica Street. The new addition will provide a large family room on the first floor and an additional bedroom and bathroom on the second floor. The proposed addition will align with the front façade of the house, but it will extend another 18'-10" along the front yard on Utica Street. The property is located on a corner lot and both front yards have existing deficiencies. On the Utica Street side, the new addition will exacerbate the deficiency laterally along Utica Street. The setbacks range from 4'-6" to 5'-4" of the required 10 foot front yard setback. The front yard on E. Tompkins Street will not be exacerbated by the proposal.

The property is located in an R-2b use district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.
### City of Ithaca Board of Zoning Appeals Worksheet

- **Address:** 402 Utica Street
- **Date:** 01/07/20
- **Owner:** Miranda Phillips & Robert Kleinberg

**Applicant:** Emily Petrina, FHA.LAB

**Application Type:** Area Variance

<table>
<thead>
<tr>
<th>Column 1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14/15</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column Title</td>
<td>Use</td>
<td>Accessory Use</td>
<td>Off-Street Parking</td>
<td>Off-Street Loading</td>
<td>Lot Area (Sq. Feet)</td>
<td>Lot Width (Feet)</td>
<td>Number of Stories</td>
<td>Height in Feet</td>
<td>% of Lot Coverage</td>
<td>Front Yard</td>
<td>Other Front Yard</td>
<td>Side Yard</td>
<td>Rear yard: % of depth or number of feet, whichever is less</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td>Existing Condition and Use</td>
<td>One Family Dwelling</td>
<td>1</td>
<td>7,104</td>
<td>77</td>
<td>2</td>
<td>~24'</td>
<td>15.7%</td>
<td>4'-6&quot;</td>
<td>6'4&quot;</td>
<td>33'</td>
<td>47' or 52.4%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Regulations for Existing</td>
<td>Two Family Zone</td>
<td>1</td>
<td>None Required</td>
<td>3,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10'</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>Proposed Condition and/or Use</td>
<td>One Family Dwelling</td>
<td>1</td>
<td>7,104</td>
<td>77</td>
<td>2</td>
<td>~24'</td>
<td>21.0%</td>
<td>4'-6&quot;</td>
<td>6'4&quot;</td>
<td>23'</td>
<td>47' or 52.4%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Two Family Zone</td>
<td>1</td>
<td>None Required</td>
<td>3,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10'</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>OK</td>
<td>N/A</td>
<td>OK</td>
<td>N/A</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td><strong>Def.</strong></td>
<td>OK</td>
<td>***OK</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

* The existing front landing measures 2' and the distance to the front property line is 5'-6", leaving a 4'-6" front yard setback. The new two story addition will exacerbate the existing building setback along Utica Street a distance of 17'-6", to a point that is 5'-4" from the property line.

** The other front yard along E. Tompkins Street has an existing deficiency having 6'-4" of the 10' required by the ordinance.

*** The rear yard dimension is the average depth of the lot.
BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:

✓ AREA VARIANCE
☐ SPECIAL PERMIT
☐ USE VARIANCE
☐ SIGN VARIANCE
☐ ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

APPEAL #: 3147 (FILLED IN BY STAFF)
HEARING DATE: 1/7/20
BUILDING PERMIT #: 39717 (REQUIRED)
RECEIPT #: 61447 (FILLED IN BY STAFF)

2. Property Address: 402 Utica Street, Ithaca NY 14850

Owner’s Name: Miranda Phillips & Robert Kleinberg
Owner’s Address: 402 Utica Street

City: Ithaca State: NY Zip: 14850

3. Appellant’s Name: Emily M Petrina, FHA.LAB
Appellant’s Address: 136 W State Street

City: Ithaca State: NY Zip: 14850

Telephone: (607) 592-9385 E-Mail: emily@fhalab.com

4. Attach Reason for Appeal (see “Zoning Appeal Procedure Form”)

5. Appellant Certification: I certify the information submitted with the appeal is true to the best of my knowledge/belief; and I have read and am familiar with City of Ithaca Zoning Ordinance sections that apply to this appeal (incl. Section 325-40, describing the powers and duties of the Board of Zoning Appeals). I also acknowledge the Board of Zoning Appeals may visit the property and I specifically permit such visits.

☐ I have met/discussed this application with Zoning Division staff prior to submission.

Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 7th day of November, 2019

Notary Public available at City Hall.

JULIE CONLEY HOLCOMB
Notary Public, State of New York No. 4975598
Qualified in Tioga County Term expires Dec. 10, 2022

IMPORTANT: INCOMPLETE applications will be returned to the applicant and the applicant will have to reapply.

If ANOTHER CITY APPROVAL is required (e.g., Site Plan Review, Subdivision Review, Ithaca Landmarks Preservation Commission Review), this application will likely not be considered at the next scheduled BZA meeting date.

If an application is submitted and subsequent CHANGES are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section being Appealed</th>
<th>Sign Ordinance Section being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>• §325-8 Column 11 and Column 12</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination: ___ Type 1 ___ Type 2 ___ Unlisted

3. Environmental Assessment form used:

   _X_ Short Environmental Assessment Form
   ___ Long Environmental Form
   ___ Completed by the Planning Division at preliminary hearing for SPR
   ___ Not Applicable (Type 2 actions only)

4. A previous appeal [ ] has, [X] has not, been made for this proposal:

   Appeal No. __________, dated __________
   Appeal No. __________, dated __________
   Appeal No. __________, dated __________
   Appeal No. __________, dated __________

5. Notes or Special Conditions:
OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: 3147

TO: BOARD OF ZONING APPEALS (Ithaca, NY):

I (We) _____________ of _____________

(Name)

(NY 14850)

(State & Zip Code)

Owner of the property at _____________

(Street & Number)

☑ I am the sole owner of the above-mentioned property.

☐ This property is also owned by ____________________________ and I have a Power of Attorney to authorize this appeal (attach POA).

I do hereby authorize __________________________________________ to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the ____________________________ meeting of the Board of Zoning Appeals.

__________________________

(Signature)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this ___________________________ day of ___________________________, 2019

__________________________

Notary Public

Note to those signing this form:

(1) Owners authorizing another to present an appeal on their behalf should be aware the Board may, in granting relief, add reasonable conditions which then become binding on the property.

(2) Especially where a Variance is being sought, the owner may be the only person with detailed information about the property that is essential to the appeal. In such a case, authorizing another person to appeal may be detrimental to the appeal, unless the owner is either present at the hearing or sends another person fully prepared to answer questions about the property and the feasibility of using it consistent with the Zoning Ordinance.
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3147

TO: Owners of Property within 200 feet of 402 Utica Street, Ithaca NY 14850 and others interested.

FROM: Emily M Petrina, FHA.LAB applicable to property named above, in a(n) R-2b zone.

REGARDING: (check appropriate box)

☑ Area Variance
☐ Special Permit
☐ Use Variance
☐ Sign Variance
☐ Action, Decision, or Interpretation of Zoning Officer

City regulations require you be notified of this appeal to the Board of Zoning Appeals (BZA), as described in the attached letter and provide the opportunity for you to comment on it and/or attend the meetings listed below. Anyone considered an interested party may speak for or against the appeal at the meetings listed below, or submit a written statement to the BZA before its designated meeting. There is a time limit of three (3) minutes for each interested party to address the BZA during the Public Hearing portion of the meeting.

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review at the Zoning Division, City Hall, 108 E. Green St., Third Floor, beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The Planning Board will consider this case on December 17, 2019 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

The Board of Zoning Appeals will consider this case on January 7, 2020 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

Signature of Appellant

136 W State Street, Ithaca NY 14850

11/4/19
Neighbors of Miranda Phillips and Robert Kleinberg
402 Utica Street
Ithaca, NY 14850

RE: Notice of Appeal – Zoning Appeal No. 3147, Proposed Addition to 402 Utica Street

Dear Neighbors,

I am sending this letter to you on behalf of Miranda Phillips and Robert Kleinberg, owners and residents of 402 Utica Street. Miranda and Robert would like to add a two-story addition onto the north-east side of their existing house to bring their second floor staircase up to code and add a master suite to the second floor, allowing their children to each have their own room.

402 Utica Street consists of the original house plus three small first floor additions that were added by previous owners. The result is a house that has several small interior spaces which are disconnected. The grandfathered-in staircase from the first to second floor is narrow, steep, and lands in a hallway that is too narrow. There are two second floor bedrooms, all with unusable space at the 5'-0" exterior wall heights under the roof eaves. There is one bathroom on the 2nd floor that does not pass any current standards for fixture spacing; it is small enough that the family goes downstairs to use the larger full bathroom on the first floor every day.

The goals of this addition are twofold: 1) To provide a large family room on the first floor – a space that has been lacking in the current house layout, and 2) to add a third bedroom so that Miranda and Robert, and each of their children would have their own room and a two full bathrooms that are up to code.

Proposed Scope of Work

1. Adding a 2-story, 375 square foot addition – slab on grade and wood frame construction.

Lot Coverage

This proposed addition would conform to lot coverage requirements for the R-2b zone. Currently the house occupies 1,115 sq ft, or 15.7% of the allowable 2,486 sq ft or 35% coverage. The proposed work described above would create an additional 375 sq ft, for a total proposed coverage of 1,490 sq ft, or 21%.
Existing Setback Deficiencies (corner lot = two front yard setbacks)

1. Existing first floor south side at Tompkins Street entirely encroaches on the front-yard setback. Encroachment varies from 3'-3.5" on the west end, 3'-8" at the middle, and 1'-4" on the east end. These pinch points reduce the required 10' setback to 6'-8.5", 6'-4", and 8'-8" respectively.

2. Existing first floor east side at Utica Street entirely encroaches on the front-yard setback. Encroachment varies from 3'-2" on the south end, 9'-8.5" at the middle, and 4'-0.5" on the north end. These pinch points reduce the required 10' setback to 6'-10", 3.5", and 5'-11.5" respectively.

None of these existing deficiencies will be exacerbated by this proposal.

Proposed Setback Deficiency

1. New 19'-10" x 18'-10" addition is proposed on the north east side of the house. The addition is proposed to align with the existing east façade of the house. As a result, the addition will encroach on the Utica Street front-yard setback by 4'-0.5" at the south end, 4'-8" at the north end, and 3'-2" at the stair, reducing the required 10' setback to 5'-11.5", 5'-4" and 6'-10" respectively.

The location of this addition was thoroughly reviewed, and the owners think that the location as proposed is the best solution for the house and the lot. This location allows them to tie into existing infrastructure of the house, creates a contiguous second floor of bedrooms, and preserves the heavily planted rear yard. While the Utica Street encroachment is not insignificant, we feel that it poses the least impact to surrounding neighbors.

Thank you for the opportunity to discuss this project with you! If you have any questions or concerns, please feel free to reach out me at emily@fhalab.com. There will be a public hearing for this project at the Planning and Development Board meeting on 12/17/19, and also at the Board of Zoning Appeals meeting on 1/7/20.

Sincerely,

Emily M. Petrina, RA
LEED AP BD+C
Firehouse Architecture Lab, PLLC
<table>
<thead>
<tr>
<th>Number</th>
<th>Date</th>
<th>Name</th>
<th>Address</th>
<th>City, State</th>
</tr>
</thead>
<tbody>
<tr>
<td>500700</td>
<td>27-4-11</td>
<td>Utter, Tex A</td>
<td>605 Cascadilla St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-4-14</td>
<td>Kiefer, Edward</td>
<td>320 The Parkway</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-4-17</td>
<td>Quigg, Melinda</td>
<td>417 Utica St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-4-8</td>
<td>Keegan, James</td>
<td>804 N Tioga St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-12</td>
<td>Kleinberg, Robert D</td>
<td>402 Utica St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-16</td>
<td>Corey, Carleton</td>
<td>805-07 Cayuga St N</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-19</td>
<td>Vo, Oanh Thi</td>
<td>813 N Cayuga St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-5</td>
<td>Andersen, Barbara</td>
<td>306 Hunt Hill Road</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-8</td>
<td>Hertzberg, Steven</td>
<td>7161 E Walsh Pl</td>
<td>Denver CO 80224</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>34-4-2</td>
<td>Braun, Matthew</td>
<td>103 Tompkins St E</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-4-12</td>
<td>Park, Bettie A</td>
<td>202 1/2 E Tompkins Street</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-4-15</td>
<td>Thayer, Steven P</td>
<td>413 Utica St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-4-6</td>
<td>Rowelstad, Amy L</td>
<td>808 N Tioga St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-4-9</td>
<td>Ward, Laura K</td>
<td>802 N Tioga St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-13</td>
<td>Hesse, Stephen</td>
<td>108 E Tompkins St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-17</td>
<td>Menter, Mia M</td>
<td>809 Cayuga St N</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-20</td>
<td>Traverso, Vincenzo</td>
<td>815 Cayuga St N</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-6</td>
<td>Vitek, David</td>
<td>414 Utica St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-9</td>
<td>Josey, Monica</td>
<td>302 Hancock St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-7</td>
<td>Warren, Jacquelyn L</td>
<td>412 Utica St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-3</td>
<td>Berkowitz, Kenneth</td>
<td>107 Lewis St E</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-18</td>
<td>Tuttle, Harry S</td>
<td>76 W Elizabeth St</td>
<td>Skaneateles NY 13152</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-7</td>
<td>Joellyn, Webster</td>
<td>1535 Taughannock Blvd</td>
<td>Skaneateles NY 13152</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-15</td>
<td>Davey, Stephen C</td>
<td>803 N Cayuga St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>27-5-21</td>
<td>Berkowitz, Kenneth</td>
<td>107 Lewis St E</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>34-4-1</td>
<td>Sirlin, Jerome</td>
<td>1535 Taughannock Blvd</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>34-4-2</td>
<td>Crossmore, Edward Y</td>
<td>115 W Green St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>34-4-20</td>
<td>Crossmore, Edward Y</td>
<td>115 W Green St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>Box Number</td>
<td>Date</td>
<td>Name 1</td>
<td>Name 2</td>
<td>Address 1</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>-------------------</td>
<td>-------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>500700</td>
<td>34.-4-3</td>
<td>Forrest, Jia</td>
<td></td>
<td>105 E Tompkins St</td>
</tr>
<tr>
<td>500700</td>
<td>34.-4-4</td>
<td>Hamilton, Anne</td>
<td>Chon, Byongsok</td>
<td>318 Utica St</td>
</tr>
<tr>
<td>500700</td>
<td>34.-4-5</td>
<td>Hamilton, Anne</td>
<td>Chon, Byongsok</td>
<td>318 Utica St</td>
</tr>
<tr>
<td>500700</td>
<td>34.-4-6</td>
<td>Davis, Michael Moore</td>
<td>Davis, Jean</td>
<td>314 Utica St</td>
</tr>
<tr>
<td>500700</td>
<td>34.-4-7</td>
<td>Zarnowski, Paul</td>
<td></td>
<td>310 Utica St</td>
</tr>
<tr>
<td>500700</td>
<td>34.-4-8</td>
<td>Serviente, Tony</td>
<td></td>
<td>201 Tompkins St</td>
</tr>
<tr>
<td>500700</td>
<td>34.-5-1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>34.-5-19</td>
<td>Blecher, Thomas</td>
<td></td>
<td>315 Utica St</td>
</tr>
<tr>
<td>500700</td>
<td>34.-5-20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>34.-5-21</td>
<td>Bordoni, Iolanda</td>
<td></td>
<td>12 Peachtree Ln</td>
</tr>
</tbody>
</table>
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals                  Zoning Appeal # 3147

I, ________________________________, affirm all property owners within two hundred (200) feet of the
boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before
12/10/19. I affirm the notice was mailed to the property owners at the addresses shown on
the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office
or an official depository under the exclusive care and custody of the United States Post Office. I further affirm
the names and addresses of the property owners are the same as the most recent assessment roll.

______________________________
(Appellant's Signature)

PLEASE SUBMIT THIS FORM TO:
City of Ithaca Zoning Division                  Phone: (607) 274-6550
108 E. Green St., 3rd Fl.                        Fax: (607) 274-6558
Ithaca, NY 14850
— NOTICE OF APPEAL —
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3147

TO: Owners of Property within 200 feet of 402 Utica Street, Ithaca NY 14850 and others interested.

FROM: Emily M Petrina, FHA LAB

REGARDING: (check appropriate box)

[ ] Area Variance
[ ] Special Permit
[ ] Use Variance
[ ] Sign Variance
[ ] Action, Decision, or Interpretation of Zoning Officer

We support this appeal wholeheartedly! Please approve it!

Anne M. Hamilton

BYUNGSEOK HON

318 Utica St

City regulations require you be notified of this appeal to the Board of Zoning Appeals (BZA), as described in the attached letter and provide the opportunity for you to comment on it and/or attend the meetings listed below. Anyone considered an interested party may speak for or against the appeal at the meetings listed below, or submit a written statement to the BZA before its designated meeting. There is a time limit of three (3) minutes for each interested party to address the BZA during the Public Hearing portion of the meeting.

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review at the Zoning Division, City Hall, 108 E. Green St., Third Floor, beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The PLANNING BOARD will consider this case on December 17, 2019 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

The BOARD OF ZONING APPEALS will consider this case on January 7, 2020 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

136 W State Street, Ithaca NY 14850

Date 11/4/19
402 UTICA STREET
TAX ID: 27-5-12

PROPERTY LINE
YARD SETBACK LINE

SHED = 84 SQFT

HOUSE = 1031 SQFT

CITY OF ITHACA - R-2b
SQUARE FEET

TOTAL LOT AREA: 7,104
MAX LOT COVERAGE (35%): 2,486
EXISTING COVERAGE (15.7%): 1,115
ADDING: 375
PROPOSED COVERAGE (21%): 1,490

PROPOSED 2-STORY ADDITION

PHILLIPS-KLEINBERG ADD
402 UTICA STREET
ITHACA, NY 14850
EXISTING HOUSE

EXISTING HOUSE

1 Exterior Elevation - South - Tompkins Street (No Change)

1/4" = 1'-0"
EXTERIOR ELEVATION - NORTH

1/4" = 1'-0"

EXISTING STAIR
EXISTING HOUSE
PROPOSED ADDITION

T.O. ROOF
26'-0"

ASPHALT SHINGLE ROOFING

PAINTED WOOD SHAKES

SMART SIDING ACCENT STRIP

FF 2ND FLOOR
12'-6"

FF 1ST FLOOR
4'-0"

GRADE
0'-0"
EXTERIOR ELEVATION - WEST

1/16" = 1'-0"

GRADE

PROPOSED ADDITION

EXISTING HOUSE

T.O. ROOF

26'-0"

ASPHALT SHINGLE ROOFING

PAINTED WOOD SHAKES

SMART SIDING ACCENT STRIP

FF 2ND FLOOR

12'-0"

WOODEN STAIR & RAILING

FF 1ST FLOOR

4'-0"

FIREHOUSE Architecture, LLC
EMILY M. PETRINA, RA
LEED AP BD+C

136 W. State Street
Ithaca, NY 14850

607.592.9285
eEmily@FH-Arch.com
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
Firehouse Architecture Lab, PLLC
Emily Petrina
136 W. State Street
Ithaca NY 14850

BZA Appeal # 3147 for 402 Utica Street

<table>
<thead>
<tr>
<th>Code</th>
<th>Qty</th>
<th>Description</th>
<th>Permit #</th>
<th>Price</th>
<th>Extended Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>A8020-2110</td>
<td>1</td>
<td>Area Variance (1-2 Fam.)</td>
<td></td>
<td>$100.00</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Total Price $100.00

<table>
<thead>
<tr>
<th>Date</th>
<th>Check #</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/7/2019</td>
<td>1177</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Total Payment $100.00
Balance Due
Appeal of Bill Manos for a Sign Variance from Section 272-7A, Number of Permitted Signs, of the Sign Ordinance. The applicant proposes to utilize an existing freestanding sign structure for the building located at 357 Elmira Road. Currently, there are two freestanding signs on the property. One is a permitted freestanding sign on the north side of the property that advertises the Old Mexico Restaurant. The other sign is an additional pole sign that is located in front of the building. The applicant would like to utilize the additional freestanding sign to increase the visibility of the business. The proposed second sign will be 4’ tall by 10’ wide and will be mounted on the vacant sign structure in front of the restaurant building. The vacant sign structure is set back 34’ from the property line and is 20’ tall, meeting the Sign Ordinance requirements for both setback and sign height. There are three existing signs for the restaurant tenant (one freestanding and two wall signs) that total 57.7 SF, and the addition of the proposed 40 SF sign would increase the amount of signage to 97.7 SF. The restaurant is allowed up to 250 SF of signage but is limited to only one freestanding sign.

The property is located in the SW-2 zoning district in which the proposed use is permitted. However, the Sign Ordinance, Section 272-18, requires that variances be granted before a sign permit is issued.
<table>
<thead>
<tr>
<th>Sign</th>
<th>Type</th>
<th>Area</th>
<th>Setback</th>
<th>Projection</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Mexico Restaurant</td>
<td>Freestanding</td>
<td>40 SF (4' x 10')</td>
<td>34'</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Regulations</strong></td>
<td>(1) Freestanding sign per business</td>
<td>Sign not to exceed 75 SF; total signage not to exceed 250 SF</td>
<td>10' from property line</td>
<td></td>
<td>Sign height not to exceed 22'</td>
</tr>
<tr>
<td><strong>Note Non-conforming Conditions</strong></td>
<td>Def.*</td>
<td>OK**</td>
<td>OK</td>
<td></td>
<td>OK</td>
</tr>
</tbody>
</table>

Notes:
* The property currently has one 48 square foot freestanding sign. A freestanding business in the SW-2 zone is allowed one freestanding sign (272-7A). The proposed sign would be installed in an existing second freestanding sign structure.

** The property has three existing signs totalling 57.7 SF. This includes one freestanding sign (48 SF) and two wall signs (4.4 SF and 5.3 SF). With the addition of the proposed sign, the property will have 97.7 SF of signage. The property is allowed up to 250 SF of signage (272-7A).
1. TYPE OF APPEAL:

- [ ] AREA VARIANCE
- [ ] SPECIAL PERMIT
- [ ] USE VARIANCE
- [ ] SIGN VARIANCE
- [x] ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

APPEAL #: 3148

HEARING DATE: 11/1/20

BUILDING PERMIT #: 39704 (REQUIRED)

RECEIPT #: 6148 (FILLED IN BY STAFF)

2. Property Address: 357 Elmira Road

Use District: SW-2

Owner’s Name: Bill Manos

Owner’s Address: 245 Westwood Knoll

City: Ithaca

State: NY

Zip: 14850

3. Appellant’s Name: Bill Manos

Appellant’s Address: 245 Westwood Knoll

City: Ithaca

State: NY

Zip: 14850

Telephone: 280-7416
E-Mail:

4. Attach Reason for Appeal (see “Zoning Appeal Procedure Form”)

5. Appellant Certification: I certify the information submitted with the appeal is true to the best of my knowledge/belief; and I have read and am familiar with City of Ithaca Zoning Ordinance sections that apply to this appeal (incl. Section 325-40, describing the powers and duties of the Board of Zoning Appeals). I also acknowledge the Board of Zoning Appeals may visit the property and I specifically permit such visits.

I have met/discussed this application with Zoning Division staff prior to submission.

Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 7th day of November, 2019

Julie Conley Holcomb
Notary Public

Notary Public available at City Hall.

IMPORTANT: INCOMPLETE applications will be returned to the applicant and the applicant will have to reapply.

If ANOTHER CITY APPROVAL is required (e.g., Site Plan Review, Subdivision Review, Ithaca Landmarks Preservation Commission Review), this application will likely not be considered at the next scheduled BZA meeting date.

If an application is submitted and subsequent CHANGES are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section being Appealed</th>
<th>Sign Ordinance Section being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>• §325-</td>
<td>• §272-7A</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination: _ Type 1 _ Type 2 _X_ Unlisted

3. Environmental Assessment form used:

   _X_ Short Environmental Assessment Form
   _ _ Long Environmental Form
   _ _ Completed by the Planning Division at preliminary hearing for SPR

4. A previous appeal _ _ has, _X_ has not, been made for this proposal:

   Appeal No. __________, dated __________
   Appeal No. __________, dated __________
   Appeal No. __________, dated __________
   Appeal No. __________, dated __________

5. Notes or Special Conditions:

   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
# Short Environmental Assessment Form

**Part 1 - Project Information**

## Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

## Part 1 - Project and Sponsor Information

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>Installation of Old Mexico Freestanding Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a location map):</td>
<td>357 Elmira Road</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
<td>Installation of 2nd freestanding sign in existing sign structure</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Bill J. Manos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>(607) 280-7416</td>
</tr>
<tr>
<td>E-Mail:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>265 Westwood Knoll</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Ithaca</td>
</tr>
<tr>
<td>State:</td>
<td>NY</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>14850</td>
</tr>
</tbody>
</table>

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   - NO  
   - YES  
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

2. Does the proposed action require a permit, approval or funding from any other government Agency?  
   - NO  
   - YES  
   If Yes, list agency(s) name and permit or approval:

3. a. Total acreage of the site of the proposed action?  
   - 1.43 acres  
   b. Total acreage to be physically disturbed?  
   - 0 acres  
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  
   - 1.43 acres  

4. Check all land uses that occur on, are adjoining or near the proposed action:
   - [ ] Urban  
   - [x] Rural (non-agriculture)  
   - [x] Industrial  
   - [x] Commercial  
   - [x] Residential (suburban)  
   - [ ] Forest  
   - [ ] Agriculture  
   - [ ] Aquatic  
   - [ ] Other (Specify):  
   - [ ] Parkland
<table>
<thead>
<tr>
<th>Question</th>
<th>NO</th>
<th>YES</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Is the proposed action,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. A permitted use under the zoning regulations?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Consistent with the adopted comprehensive plan?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Is the proposed action consistent with the predominant character of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the existing built or natural landscape?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Is the site of the proposed action located in, or does it adjoin, a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>state listed Critical Environmental Area?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>8. a. Will the proposed action result in a substantial increase in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>traffic above present levels?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Are public transportation service(s) available at or near the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>site of the proposed action?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Are any pedestrian accommodations or bicycle routes available on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or near site of the proposed action?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Does the proposed action meet or exceed the state energy code</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>requirements?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If the proposed action will exceed requirements, describe design</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>features and technologies:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Will the proposed action connect to an existing public/private</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>water supply?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>11. Will the proposed action connect to existing wastewater utilities?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. a. Does the site contain a structure that is listed on either the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State or National Register of Historic Places?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Is the proposed action located in an archeological sensitive area?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. a. Does any portion of the site of the proposed action, or lands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>adjoining the proposed action, contain wetlands or other waterbodies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>regulated by a federal, state or local agency?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Would the proposed action physically alter, or encroach into, any</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>existing wetland or waterbody?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Identify the typical habitat types that occur on, or are likely to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>be found on the project site. Check all that apply:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoreline</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural/grasslands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suburban</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Does the site of the proposed action contain any species of animal,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or associated habitats, listed by the State or Federal government</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>as threatened or endangered?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Is the project site located in the 100 year flood plain?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Will the proposed action create storm water discharge, either from</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>point or non-point sources?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Will storm water discharges flow to adjacent properties?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Will storm water discharges be directed to established conveyance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>systems (runoff and storm drains)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, briefly describe:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If Yes, explain purpose and size:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If Yes, describe:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

If Yes, describe:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: **Bill J. Manos**

Date: **11-7-19**

Signature: ____________________________
**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.  
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

<table>
<thead>
<tr>
<th></th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>☑</td>
</tr>
<tr>
<td>2.</td>
<td>Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>☑</td>
</tr>
<tr>
<td>3.</td>
<td>Will the proposed action impair the character or quality of the existing community?</td>
<td>☑</td>
</tr>
<tr>
<td>4.</td>
<td>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>☑</td>
</tr>
<tr>
<td>5.</td>
<td>Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</td>
<td>☑</td>
</tr>
<tr>
<td>6.</td>
<td>Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</td>
<td>☑</td>
</tr>
</tbody>
</table>
| 7. | Will the proposed action impact existing:  
   a. public / private water supplies? | ☑ | ☐ |
| 8. | Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | ☑ | ☐ |
| 9. | Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | ☑ | ☐ |
| 10. | Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | ☑ | ☐ |
| 11. | Will the proposed action create a hazard to environmental resources or human health? | ☑ | ☐ |
Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Part 3 not applicable for BZA 3148 - 357 Elmira Road.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Ithaca Board of Zoning Appeals
Name of Lead Agency
12/6/2019
Date

Steven Beer
Chair

Print or Type Name of Responsible Officer in Lead Agency
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency
Signature of Preparer (if different from Responsible Officer)
Proposed Resolution
Board of Zoning Appeals
January 7, 2020

Approval of Zoning Appeal 3148, Sign Variance for 357 Elmira Road – Declaration of Lead Agency for Environmental Review

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS, the proposed approval of zoning appeal 3148, sign variance for 357 Elmira Road, is an “Unlisted” Action under the City of Ithaca Environmental Quality Review Ordinance, and the State Environmental Quality Review Act and is subject to environmental review; now, therefore, be it

RESOLVED, that the Board of Zoning Appeals of the City of Ithaca does hereby declare itself lead agency for the environmental review of the approval of zoning appeal 3148, sign variance for 357 Elmira Road.

Moved by:
Seconded by:
In Favor:
Opposed:
Abstain:
Proposed Resolution
Board of Zoning Appeals
January 7, 2020

Approval of Zoning Appeal 3148, Sign Variance for 357 Elmira Road – Determination of Environmental Significance

WHEREAS, property owner Bill Manos has applied for a sign variance from 272-7A, requirements for the number of permitted freestanding signs, of the Sign Ordinance, and

WHEREAS, appropriate environmental review has been conducted including the preparation of a Short Environmental Assessment Form (SEAF), dated December 6, 2019, and

WHEREAS, the proposed action is an “Unlisted” Action under the City Environmental Quality Review Ordinance and the State Environmental Quality Review Act, and

WHEREAS, the Board of Zoning Appeals of the City of Ithaca, acting as lead agency, has reviewed the SEAF prepared by the applicant and the Zoning Administrator; now, therefore, be it

RESOLVED, that this Board of Zoning Appeals as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth in the Short Environmental Assessment Form, dated December 6, 2019, and be it further

RESOLVED, that this Board of Zoning Appeals, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary, and be it further

RESOLVED, that this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk’s Office, and forward the same to any other parties as required by law.

Moved by:
Seconded by:
In Favor:
Opposed:
Abstain:
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3148

TO: Owners of Property within 200 feet of 357 Elmira Road and others interested.

FROM: Bill J. Manos applicable to property named above, in a(n) SW-2 zone.

REGARDING: (check appropriate box)

☐ Area Variance
☐ Special Permit
☐ Use Variance
☐ Sign Variance
☒ Action, Decision, or Interpretation of Zoning Officer

City regulations require you be notified of this appeal to the Board of Zoning Appeals (BZA), as described in the attached letter and provide the opportunity for you to comment on it and/or attend the meetings listed below. Anyone considered an interested party may speak for or against the appeal at the meetings listed below, or submit a written statement to the BZA before its designated meeting. There is a time limit of three (3) minutes for each interested party to address the BZA during the Public Hearing portion of the meeting.

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review at the Zoning Division, City Hall, 108 E. Green St., Third Floor, beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The Planning Board will consider this case on December 17, 2019 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

The Board of Zoning Appeals will consider this case on January 7, 2020 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

Signature of Appellant

Address

Date
<table>
<thead>
<tr>
<th>Account</th>
<th>Type</th>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>500700</td>
<td>125.-1-1.1</td>
<td>Maguire Family Holdings, LLC</td>
<td>318 Elmira Rd</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>125.-2-1</td>
<td>Max Auto Real Estate, LLC</td>
<td>1101 Monroe St</td>
<td>Toledo OH</td>
<td>43604</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>126.-1-4</td>
<td>Maguire Fam Lmtd Partnership</td>
<td>504 S Meadow St</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-1-10.11</td>
<td>Kost, Michael G Sr</td>
<td>200 Holleder Parkway</td>
<td>Rochester NY</td>
<td>14615</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-1-3</td>
<td>Gerhart, Hildi S</td>
<td>602 Spencer Rd</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-1-6.2</td>
<td>BJ Manos Enterprises, Inc</td>
<td>357-359 Elmira Rd</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-2-2.2</td>
<td>Xayarath, Somlith</td>
<td>617 Spencer Rd</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>125.-1-3.1</td>
<td>Ithaca Airport Hospitality, LLC</td>
<td>1100 Crocker Rd</td>
<td>West Lake OH</td>
<td>44145</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>125.-2-2</td>
<td>Amerco Real Estate Co</td>
<td>PO Box 29046</td>
<td>Phoenix AZ</td>
<td>85004</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>126.-1-5.1</td>
<td>Hess Retail Stores, LLC</td>
<td>539 South Main St</td>
<td>Findlay OH</td>
<td>45840</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-1-10.2</td>
<td>Ithaca Hotel Assoc, LLC</td>
<td>15 Fishers Road, Suite 201</td>
<td>Pittsford NY</td>
<td>14534</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-1-4</td>
<td>Hubbardman, Alan</td>
<td>608 Spencer Rd</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-1-5</td>
<td>Kelly, Amanda</td>
<td>610 Spencer Rd</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-2-1</td>
<td>Gator Construction Inc</td>
<td>330 Nelson Rd</td>
<td>Ithaca NY</td>
<td>14850</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>129.-2-2.1</td>
<td>Baxter, Richard T D</td>
<td>100 Graham Rd Apt 8E</td>
<td>Ithaca NY</td>
<td>14852</td>
<td></td>
</tr>
<tr>
<td>500700</td>
<td>125.-1-3.3</td>
<td>Dixon Kuhn Revoc Trust</td>
<td>20A Crescent Ave</td>
<td>Sausalito CA</td>
<td>94965</td>
<td></td>
</tr>
</tbody>
</table>
Dear Neighbors,

We are asking for a variance from the City Sign Ordinance for a freestanding sign located at Old Mexico, 357 Elmira Rd. We propose to place a sign in the blank frame that contains the restaurant name and logo on each side. An existing sign pole and frame would be utilized, and the new sign would match existing restaurant signage. A variance is required because the City's Sign Ordinance allows only one freestanding sign per property, and there is currently one pole sign for the restaurant on the north side of the restaurant's parking area.

Next door to this property, the Fairfield Inn, was built recently and is closer to the road than the previous structure. Now the visibility of this business from the South is considerably diminished. This sign would also help solve the confusion over the two parking lots as some hotel guests seem to think the Old Mexico lot belongs to Fairfield Inn. Lastly, since the sign pole is already in place, we would prefer to use it to display a sign rather than sit vacant.

The Board of Zoning Appeals will consider our variance application on Tuesday, January 7, 2020 at 6:00 p.m. in the Common Council Chambers, City Hall, 108 E. Green Street.

Sincerely,

Bill J. Manos

(607) 280-7416
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, Bill J. Manos, affirm all property owners within two hundred (200) feet of the boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before December 10, 2019. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

(Appellant's Signature)

PLEASE SUBMIT THIS FORM TO:
City of Ithaca Zoning Division
108 E. Green St., 3rd Fl.
Ithaca, NY 14850

Phone: (607) 274-6550
Fax: (607) 274-6558
December 18, 2019

Megan Wilson, Senior Planner
City of Ithaca
108 East Green St.
Ithaca, NY 14850

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Sign Variance for 357 Elmira Road, City of Ithaca Tax Parcel #129.-1-1, Bill Manos, Owner/Appellant.

Dear Ms. Wilson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Department of Planning & Sustainability pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

Katherine Borgella, AICP
Commissioner of Planning and Sustainability

Inclusion through Diversity
OLD MEXICO
MEXICAN RESTAURANT & CANTINA

6' x 8' = 48 sq ft

4' x 10' = 40 sq ft

OLD MEXICO RESTAURANT & CANTINA

OLI MEXICO
MEXICAN RESTAURANT & CANTINA

101 E. STATE STREET #116
ITHACA, NY 14850
PHONE: (607) 269-5428

SHOP & CONSTRUCTION DRAWINGS

THIS DRAWINGS CONTAIN INFORMATION DISCLOSED PROPERLY TO ITHACA SIGN WORKS, AND ARE TO BE REVEALED ONLY FOR THE PURPOSE FOR WHICH THEY ARE SUBMITTED. THEY SHALL NOT BE COPIED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION FIRST OBTAINED FROM ITHACA SIGN WORKS.

DESCRIPTION:
HIGH IMPACT SIGN FACES

SITE NAME:
OLD MEXICO
(Translucent Sign Faces)

UPDATED BY:
A.J. BAKER
DATE DRAWN:
06-29-15
COMPANY:
OLD MEXICO
CONTACT NAME:
FERNANDO AGUIRRE

TRANSLUCENT FACES
• Qty: 2 each at sign pole
  » back sprayed WHITE
  » full-color LOGOS
  » UV Laminate Protect

SHEET TITLE:
SIGN FACES FOR POLE SIGNS

***Initial Sketch***

SITE AUDITED BY:
AHB
SWIS: 500700  
Tax Map #: 129.-1-1  
Address: 355 Elmira Rd
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
BJ Manos Enterprises  
Bill J. Manos  
265 Westwood Knoll  
Ithaca NY 14850

BZA 3148 - Sign Variance for 357 Elmira Road

<table>
<thead>
<tr>
<th>Code</th>
<th>Qty</th>
<th>Description</th>
<th>Permit #</th>
<th>Price</th>
<th>Extended Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>A8020-2110</td>
<td>1</td>
<td>Area Variance (Multiple/Comm.)</td>
<td></td>
<td>$150.00</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

**Total Price** $150.00

<table>
<thead>
<tr>
<th>Date</th>
<th>Check #</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/7/2019</td>
<td>5781</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

**Total Payment** $150.00  
**Balance Due**
APPEAL # 3149

108 SHORT STREET

Appeal of Nancy Wells for an area variance from Section 325-8, Column 12, Side Yard requirements of the Zoning Ordinance. The applicant proposes to construct a single story addition and deck on the rear of the home at 108 Short Street. The new addition will provide an additional bedroom and bathroom that will be accessed from the first floor. The proposed deck will wrap the new addition and be aligned with the southern corner of the house. There is an existing side yard deficiency at this location, and the new deck will exacerbate the deficiency along the side yard. The existing setback is 7' and the proposed deck will exacerbate the deficiency laterally, approximately 8 feet along the side yard. The ordinance requires a 10 foot side yard setback.

The property is located in an R-2b use district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.
**City of Ithaca**

**Board of Zoning Appeals Worksheet**

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>Use District</th>
<th>Applicant</th>
<th>Application Type</th>
<th>Address</th>
<th>Date</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA - 3149</td>
<td>R-2b</td>
<td>Nancy M. Wells</td>
<td>Area Variance</td>
<td>108 Short Street</td>
<td>01/07/20</td>
<td>Nancy M. Wells</td>
</tr>
</tbody>
</table>

| Column Title | Column Number | Existing Condition and Use | District Regulations for Existing Zone | Note Non-Conforming Conditions | Proposed Condition and/or Use | District Regulation for Proposed Zone | Note Non-Conforming Conditions for Proposal | Use | Accessory Use | Off-Street Parking | Off-Street Loading | Lot Area (Sq. Feet) | Lot Width (Feet) | Number of Stories | Height in Feet | % of Lot Coverage | Front Yard | Side Yard | Other Side Yard | Rear Yard: % of depth or number of feet, whichever is less | Minimum Building Height |
|--------------|---------------|---------------------------|----------------------------------------|-----------------------------|-------------------------------|--------------------------------------|-------------------------------------------|------|----------------|------------------|-------------------|--------------------|----------------|----------------|--------------|----------------|------------------|--------------------------------------|------------------------|
|              | 2             | One Family Dwelling       |                                        |                             |                               |                                      |                                           | 1    |                |                  |                   | 3,593              | 40             | 2              | -27          | 20%            | 22           | 7               | 7.1          | 37.75' or 46% |                         | None                  |
|              |               |                           |                                        |                             |                               |                                      |                                           | 1    | None Required  |                  |                   | 3,000              | 35             | 3              | 35           | 35%            | 10           | 10              | 5            | 25% or 50' but not less than 20' | None                  |
|              |               |                           |                                        |                             |                               |                                      |                                           | 1    | One Family Dwelling |                  |                   | OK                 | OK               | OK                | OK             | OK           | Def.         | OK                     | OK                   |
|              |               |                           |                                        |                             |                               |                                      |                                           | 1    | One Family Dwelling |                  |                   | 3,593              | 40             | 2              | -27          | 30%            | 22           | 7               | 5' 1"        | 24' or 29.2% |                         | None                  |
|              |               |                           |                                        |                             |                               |                                      |                                           | 1    | None Required  |                  |                   | 3,000              | 35             | 3              | 35           | 35%            | 10           | 10              | 5            | 25% or 50' but not less than 20' | None                  |
|              |               |                           |                                        |                             |                               |                                      |                                           | 1    | One Family Dwelling |                  |                   | OK                 | OK               | OK                | OK             | OK           | Def.         | OK                     | OK                   |

**Notes:**
BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:
   - [X] AREA VARIANCE
   - [ ] SPECIAL PERMIT
   - [ ] USE VARIANCE
   - [ ] SIGN VARIANCE
   - [ ] ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

   APPEAL #: 3149 (FILLED IN BY STAFF)
   HEARING DATE: 1/2/2020
   BUILDING PERMIT #: 39473 (REQUIRED)
   RECEIPT #: 61516 (FILLED IN BY STAFF)

2. Property Address: 108 Short Street
   Use District: 

   Owner's Name: Nancy M. Wells
   Owner's Address: 108 Short Street

   City: Ithaca  State: NY  Zip: 14850

3. Appellant's Name: Nancy M. Wells
   Appellant's Address: 108 Short Street

   City: Ithaca  State: NY  Zip: 14850

   Telephone: 607.227.0764  E-Mail: nwells108@gmail.com

4. Attach Reason for Appeal (see "Zoning Appeal Procedure Form")

5. Appellant Certification: I certify the information submitted with the appeal is true to the best of my knowledge/belief; and I have read and am familiar with City of Ithaca Zoning Ordinance sections that apply to this appeal (incl. Section 325-40, describing the powers and duties of the Board of Zoning Appeals). I also acknowledge the Board of Zoning Appeals may visit the property and I specifically permit such visits.

   [ ] I have met/discussed this application with Zoning Division staff prior to submission.

   ____________________________
   Nancy M. Wells
   Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 18th day of
November 20, 2019

______________________________
SARAH L. MYERS
Notary Public

[Notary Public available at City Hall]

IMPORTANT: Incomplete applications will be returned to the applicant and the applicant will have to resubmit.

If another City Approval is required (e.g., Site Plan Review, Subdivision Review, Ithaca Landmarks Preservation Commission Review), this application will likely not be considered at the next scheduled BZA meeting date.

If an application is submitted and subsequent changes are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section being Appealed</th>
<th>Sign Ordinance Section being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>• §325- 8 Column 12</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination: _Type 1 _x_ Type 2 ___Unlisted

3. Environmental Assessment form used:

_____ Short Environmental Assessment Form

____ Long Environmental Form

_____ Completed by the Planning Division at preliminary hearing for SPR

___ X_ Not Applicable (Type 2 actions only)

4. A previous appeal □ has, _X_ has not, been made for this proposal:

   Appeal No. _______, dated ____________
   Appeal No. _______, dated ____________
   Appeal No. _______, dated ____________
   Appeal No. _______, dated ____________
   Appeal No. _______, dated ____________

5. Notes or Special Conditions:
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3149

TO: Owners of Property within 200 feet of 108 Short Street and others interested.

FROM: Nancy Wells applicable to property named above, in a(n) R-2D zone.

REGARDING: (check appropriate box)

[ ] Area Variance
[ ] Special Permit
[ ] Use Variance
[ ] Sign Variance
[ ] Action, Decision, or Interpretation of Zoning Officer

City regulations require you be notified of this appeal to the Board of Zoning Appeals (BZA), as described in the attached letter and provide the opportunity for you to comment on it and/or attend the meetings listed below. Anyone considered an interested party may speak for or against the appeal at the meetings listed below, or submit a written statement to the BZA before its designated meeting. There is a time limit of three (3) minutes for each interested party to address the BZA during the Public Hearing portion of the meeting.

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review at the Zoning Division, City Hall, 108 E. Green St., Third Floor, beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The Planning Board will consider this case on 12/17/19 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

The Board of Zoning Appeals will consider this case on 1/7/2020 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

Signature of Appellant: Nancy M. Wells
108 Short Street
Date: 11/18/19

Address: 108 Short Street
<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-1-10</td>
<td>Bouchard, Domonique S</td>
<td>9 Knoll Wood Dr</td>
<td>Freeville</td>
<td>13068</td>
</tr>
<tr>
<td>15-1-6</td>
<td>Bergman, Ronald</td>
<td>605 Utica St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-2-1</td>
<td>Hirschberger, Lawrence</td>
<td>Mcclory, Saoirse</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-2-4</td>
<td>Treichler, Anne W</td>
<td>410 Auburn St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-2-7</td>
<td>Van Renesse, Robert</td>
<td>Greene, Lesley L</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-11</td>
<td>Wilson, Raymond</td>
<td>Wilson, Lisa M</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-14.1</td>
<td>Moore, Laurie</td>
<td>313 Dey St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-2</td>
<td>Etchison, Todd W</td>
<td>Boquist, Lisa L</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-5</td>
<td>Wells, Nancy</td>
<td>108 Short St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-8</td>
<td>Mueller, Erich</td>
<td>Mueller, Susan</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-1-4</td>
<td>Giblin, Joshua</td>
<td>Giblin, Elizabeth</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-1-7</td>
<td>Mcgraw, Cheryl R</td>
<td>220 W Lincoln St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-2-2</td>
<td>Bruno, Corrine</td>
<td>211 W Lincoln St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-2-5</td>
<td>Bush, Melanie L</td>
<td>408 Auburn Street</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-1</td>
<td>Wolff, John U</td>
<td>315 Dey St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-12</td>
<td>Janowsky, Matthew D</td>
<td>114 Franklin St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-14.2</td>
<td>Siegel, Varya A</td>
<td>Proulx, Christopher M</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-3</td>
<td>Wells, Nancy M</td>
<td>108 Short St</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-6</td>
<td>Edmondson, George B</td>
<td>Werbizky, Tatiana</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-3-9</td>
<td>Cynoske, David E Jr</td>
<td>White, Terre L</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>15-4-1</td>
<td>Cooperative Ext Asc of Tomp Co</td>
<td>615 Willow Ave</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
</tbody>
</table>
Dear Neighbors,

I am writing to you regarding an appeal to the Board of Zoning Appeals for my home located at 108 Short Street. As you own property within 200 feet of the perimeter of the subject property, the City of Ithaca Board of Zoning Appeals requires that you are notified of this appeal.

I am putting a small addition onto the back of my 108 Short Street home. The City of Ithaca requires that the addition be set back from the property line by 5' on one side and 10' on the other. I am proposing for the deck to be aligned with the edge of the existing home which sits 7' from the property line. This means that if the deck is aligned with the edge of the home it would encroach 3' into the required 10' setback; this 3' encroachment requires an area variance.

Attached, please see a plan showing the addition and how the proposed deck would be aligned with the existing house if they variance were to be approved. The red marking shows the proposed alignment of the deck with the existing house on the southeast side.

Sincerely,

Nancy M. Wells
108 Short Street
Attachment to letter to neighbors

R2B ZONING
LOT AREA: 3592.7
EXISTING BUILDING COVERAGE: 660 SQ FT
PROPOSED ADDITIONAL COVERAGE = 338
LOT COVERAGE: LESS THAN 29%

requesting a 3' encroachment on the required 10' setback to align the proposed deck to the existing house wall. This existing house wall sits 7' from the property line.
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, Nancy Wells, affirm all property owners within two hundred (200) feet of the boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before Dec 10, 2019. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

(Nancy Wells)
(Appellant’s Signature)

PLEASE SUBMIT THIS FORM TO:
City of Ithaca Zoning Division
108 E. Green St., 3rd Fl.
Ithaca, NY 14850

Phone: (607) 274-6550
Fax: (607) 274-6558
requesting a 3' encroachment on the required 10' setback to align the proposed deck to the existing house wall. This existing house wall sits 7' from the property line.
Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
11/18/2019

Nancy M. Wells
108 Short Street
Ithaca NY 14850

Receipt#61516

BZA Appeal 3149 for 108 Short Street

<table>
<thead>
<tr>
<th>Code</th>
<th>Qty</th>
<th>Description</th>
<th>Permit #</th>
<th>Price</th>
<th>Extended Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>A8020-2110</td>
<td>1</td>
<td>Area Variance (1-2 Fam.)</td>
<td></td>
<td>$100.00</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Total Price $100.00

<table>
<thead>
<tr>
<th>Date</th>
<th>Check #</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/18/2019</td>
<td>2441</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Total Payment $100.00
Balance Due