BOARD OF ZONING APPEALS (BZA)

AGENDA

The regular monthly meeting of the BOARD OF ZONING APPEALS will be held at 6:00 p.m. on Tuesday, July 5, 2022. This meeting will be held remotely as authorized by Part WW of Chapter 56 of the Laws of 2022 of New York State and Local Law 2022-05. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg.

I. NEW APPEALS

A. Appeal Number: 3222 6:05 PM
   Address: 208 Hudson Street
   Zone: R-2a
   Applicant: Hadi Darvish of Cloud Vending LLC, property owner
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 6, Lot Area; Column 7, Lot Width; Column 10, Lot Coverage by Buildings; Column 11, Front Yard; Column 12, Side Yard; Column 13, Other Side Yard; and Column 14/15, Rear Yard requirements of the Zoning Ordinance as well as §325-25, Location of Accessory Structure to increase the occupancy of a two-family dwelling on a property that does not meet the minimum lot area requirements of the R-2a district.

B. Appeal Number: 3224 6:20 PM
   Address: 209 Bryant Avenue
   Zone: R-1b
   Applicant: Crown Construction
   Property Owner: Michael and Ashlee McGandy
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 11, Front Yard, requirements of the Zoning Ordinance to allow the construction of new porch steps within the required front yard.

C. Appeal Number: 3225 6:35 PM
   Address: 622 Cascadilla Street
   Zone: WEDZ-1b
   Applicant: Claudia Brenner
   Property Owner: Chris Read
   Public Hearing: Yes
   Description: Request for a sign variance from §272-6B(2), Number of Permitted Signs in a Commercial Zone, of the Sign Ordinance to allow the installation of five building signs in a district that is limited to two building sign per business.

II. CONTINUED APPEALS

A. None

If you have a disability and would like specific accommodation in order to participate, please contact the City Clerk’s Office at 274-6570 by 12:00 p.m., no later than 2 days (not including weekends and holidays) before the meeting.
III. PRELIMINARY PRESENTATIONS & BOARD COMMENTS
A. The Breeze, 121-125 Lake Street        6:55 PM

IV. ADMINISTRATIVE MATTERS        7:15 PM
A. August BZA Meeting
   1. Return to In-Person Meetings
   2. Agenda Review

V. APPROVAL OF MINUTES        7:20 PM
A. June 2022 (to be distributed under separate cover)

VI. ADJOURNMENT        7:25 PM

PLEASE NOTE: The Board may take a 10-minute break around 8:00 p.m., if the meeting will continue for more than two hours.

ACCESSING ONLINE MEETING MATERIALS
Parties interested in reviewing application materials prior to the meeting may visit the City’s website at http://www.cityofithaca.org/368/Board-of-Zoning-Appeals (select “Most Recent Agenda”), beginning one week before the scheduled BZA meeting. Please do not hesitate to contact our office if you have any questions or need any assistance accessing the materials.

WRITTEN COMMENTS & QUESTIONS
Interested parties may submit comments for public hearings by mail or email. All comments must be received by 4 p.m. on the day of the meeting, and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing and please include your name and address. All comments and questions can be emailed to Megan Wilson at mwilson@cityofithaca.org or call (607) 274-6550.
Appeal of property owner Hadi Darvish of Cloud Vending LLC for an area variance from §325-8, Column 6, Lot Area; Column 7, Lot Width; Column 10, Lot Coverage by Buildings; Column 11, Front Yard; Column 12, Side Yard; Column 13, Other Side Yard; and Column 14/15, Rear Yard requirements of the Zoning Ordinance as well as §325-25, Location of Accessory Structure. The applicant proposes to reconfigure the existing two-family dwelling at 208 Hudson Street to add an additional bedroom to each unit. The additional bedrooms will be constructed within the existing footprint of the building. The legal occupancy of Apartment 1 will remain at 3 residents, but the new bedroom in Apartment 2 will allow an additional occupant in the upstairs apartment. While the occupancy of 3 unrelated residents per unit is allowed in the R-2a district, the Zoning Ordinance does not allow an increase in occupancy on lots that do not meet the minimum lot area requirements without an area variance. The property has a lot area of 2,200 SF, and the R-2a district requires a minimum lot area of 5,000 SF for a two-family dwelling. In addition, the district regulations require a minimum lot width of 45’ at the street, and the property has 40.2’ of street frontage.

The property also has existing deficiencies in lot coverage by buildings, front yard, both side yards, rear yard, and location of accessory structure that will not be exacerbated by the proposal.

208 Hudson Street is located in the R-2a zoning district in which the proposed use is permitted. However, Section 325-38 requires that area variances be granted before a building permit is issued.

---

1 Occupancy of two-family dwellings is limited to three unrelated residents in each unit within all R-1 and R-2 zones.
# City of Ithaca Board of Zoning Appeals Worksheet

**Appeal Number**: 3222  
**Address**: 208 Hudson Street  
**Use District**: R-2a  
**Date**: 7/5/2022  
**Applicant**: Hadi Darvish  
**Owner**: Cloud Vending LLC  
**Application Type**: Area Variance

<table>
<thead>
<tr>
<th>Column Number</th>
<th>2</th>
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<td>1.5' or 2%</td>
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<tr>
<td><strong>District Regulations for Existing</strong></td>
<td>One and Two Family Zone</td>
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<td>None Required</td>
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<tr>
<td><strong>Note Non-Conforming Conditions</strong></td>
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<td>OK</td>
<td>Def.</td>
<td>Def.</td>
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**Notes**: Existing deficiencies are noted in blue; new or exacerbated deficiencies are noted in red.
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 #: 3222  (FILLED IN BY STAFF)
   HEARING DATE: 7/5/22
   BUILDING PERMIT #: 42580  (REQUIRED)
   RECEIPT #: (FILLED IN BY STAFF)

2. Property Address: 208 Hudson St, Ithaca, NY 14850 Use District: R-2A
   Owner’s Name: Cloud Vending LLC
   Owner’s Address: 88 Borden Ave
   City: Ithaca State: NY Zip: 14850

3. Appellant’s Name: Hak Dalvish
   Appellant’s Address: 115 James St Apt 12
   City: Ithaca State: NY Zip: 14850
   Telephone: 914-715-2577
   E-Mail: CloudVending15@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.

   Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 15th day of
March, 2022

SUSAN STICKEL
Notary Public

SUSAN STICKEL
Notary Public - State of New York
No. 01ST6402173
Qualified in Tompkins County
My Commission Expires Dec. 30, 2023

(1) 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 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:

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<td>§325- 8, Columns 6, 7, 10, 11, 12, 13, 14/15</td>
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<tr>
<td>§325- 25</td>
<td>§272- ______________________________</td>
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2. Application of SEQR determination: ☐ Type 1 ☒ Type 2 ☐ Unlisted

3. Environmental Assessment form used:

- Short Environmental Assessment Form (SEAF)
- Full Environmental Assessment Form (FEAF)
- Completed by Planning Division at preliminary hearing for Site Plan Review
- Not Applicable (Type 2 Action)

4. A previous appeal ☐ has / ☒ has not been made for this proposal:

- 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. 3222

TO: Owners of Property within 200 feet of 208 Hudson Street and others interested.

FROM: Cloud Vending LLC applicable to property named above, in R-2a zone.

REGARDING: [ ] Area Variance [ ] 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 on the City’s website (http://www.cityofithaca.org/368/Board-of-Zoning-Appeals) under “Most Recent Agenda,” 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 6/28/2022 at 6:00 P.M. in Common Council Chambers of City Hall. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW21VCnTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 7/5/2022 at 6:00 P.M. in Common Council Chambers of City Hall. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting to zoningdivision@cityofithaca.org and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing. You must provide your name and address.

2. To speak at the meeting, sign up and receive instructions by contacting zoningdivision@cityofithaca.org or Anya Harris at (607) 274-6550 or aharris@cityofithaca.org. You must provide your name and address.

Signature of Appellant

208 Hudson St Ithaca NY 14850 6/21/22
June 21, 2022

Dear Neighbors,

I own the property at 208 Hudson Street, which is currently a duplex with one two-bedroom apartment and one one-bedroom apartment. I would like to create two three-bedroom apartments within the existing building. The occupancy of the downstairs apartment would remain the same, but I am proposing to add another occupant to the upstairs unit. There will be no exterior changes to the property.

This proposal meets the use and off-street parking requirements of the R-2a zoning district. However, the lot at 208 Hudson Street does not meet the minimum lot size requirements of the Zoning Ordinance, and an area variance is required to increase the occupancy of the building.

Please contact me if you have any questions about my project. If you would like to submit comments to the Board of Zoning Appeals, please see the enclosed Notice of Appeal for further instructions.

Hadi Darvish
Cloud Vending LLC
(914) 715-2577
Cloudvending15@gmail.com
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

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 _________. 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
**Current**

- **Bedroom 1**: 11'8" x 13'6"
- **Living Area**:
- **Closet**:
- **Kitchen**:
- **Indoor Patio**:

---

**Proposed**

- **Bedroom 1**: 10'7" x 13'
- **Bedroom 2**:
- **Bedroom 3**:
- **Kitchen**:
- **Indoor Patio**:

**Dimensions**:

- Bedroom 1: 11'8" x 13'6"
- Bedroom 2: 9'75" x 9'75"
- Bedroom 3: 9'75" x 9'75"
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

LEGEND
- Tax Parcels w Related Historic Prop
- City Owned Property
- Historic District
- All Historic Properties
- Parking Lots and Garages
- Buildings
- Railroad
- Parcel
- Border
- Park
- Impervious Surfaces
  - Paved Walk or Surface or Private Road
  - Paved Parking
  - Paved roadway or Public Road
  - Unpaved Drive or Walk or Surface
- Waterway

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.

Printed: 6/23/2022
Appeal of Crown Construction on behalf of property owners Michael and Ashlee McGandy for an area variance from §325-8, Column 11, Front Yard, requirements of the Zoning Ordinance. The applicants propose to demolish the existing front porch steps that are located on the side of the porch and construct new steps on the front side of the existing porch. The property has an existing front yard deficiency, with the existing front porch located 10.6’ from the property line at the closest point. The relocated porch steps will further reduce the front yard to 8.5’ of the required 25’. The purpose of the proposal is to locate access to the front porch closer to the sidewalk and to better align the front steps with the home’s front entry.

The property is located in an R-1b 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

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<td>6,256</td>
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<td>~23</td>
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<td>17.2'</td>
<td>10'</td>
<td>~55' or 46%</td>
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Notes: Existing deficiencies noted in blue; new or exacerbated deficiencies noted in red.
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 (OR OTHER CITY OFFICIAL)

APPEAL #: 3224 (FILLED IN BY STAFF)
HEARING DATE: 7/5/22
BUILDING PERMIT #: 42517 (REQUIRED)
RECEIPT #: 67958 (FILLED IN BY STAFF)

2. Property Address: 209 Bryant Ave, Ithaca, NY 14850

Owner’s Name: Michael + Ashley McGandy
Owner’s Address: 209 Bryant Ave
City: Ithaca
State: NY
Zip: 14850

Use District: R-1b

3. Appellant’s Name: Adam Goss

Appellant’s Address: 176 Cortland Rd.

City: Dryden
State: NY
Zip: 13053

Telephone: 607-798-0234
E-Mail: agoss@evanconstructioninc.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 ______ day of ______,

*Notary not required per Zoning Administrator

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.

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2. Application of SEQR determination: ☐ Type 1  ☒ Type 2  ☐ Unlisted

3. Environmental Assessment form used:
   - ☐ Short Environmental Assessment Form (SEAF)
   - ☐ Full Environmental Assessment Form (FEAF)
   - ☐ Completed by Planning Division at preliminary hearing for Site Plan Review
   - ☒ Not Applicable (Type 2 Action)

4. A previous appeal ☐ has / ☒ 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:
OWNERS AUTHORIZATION FORM

<ZONING APPEAL #: 3224

DATE: 5/20/22

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

I (We) Michael + Ashley McBeady of 209 Brayt Avenue

(City/Municipality) Ithaca, NY 14850

(State & Zip Code)

Owner of the property at 209 Brayt Avenue

(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 Crown Construction to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the July 5, 2022 meeting of the Board of Zoning Appeals.

(Signature)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 2025 day of

Mary

Notary Public

SALLY GILLOGLY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN TOMPKINS COUNTY
NO. 01G/6201978
MY COMMISSION EXPIRES 9, 2025

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. 3224

TO: Owners of Property within 200 feet of 209 Bryant Ave. Ithaca, NY 14850 and others interested.

FROM: Adam Gresser applicable to property named above, in R-1b zone.

REGARDING: (check appropriate box)

☑ Area Variance ☐ Use Variance ☐ Sign Variance

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 on the City’s website (http://www.cityofithaca.org/368/Board-of-Zoning-Appeals) under “Most Recent Agenda,” 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 4/29/22 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The Board of Zoning Appeals will consider this case on 7/15/22 at 6:00 P.M. via the online platform Zoom. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting to zoningdivision@cityofithaca.org and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing. You must provide your name and address.

2. To speak at the meeting, sign up and receive instructions by contacting zoningdivision@cityofithaca.org or Anya Harris at (607) 274-6550 or aharris@cityofithaca.org. You must provide your name and address.

Signature of Appellant

Date 05/28/2022

Address 176 Carthage Rd. Dryden, NY 13053
May 23, 2022

To the neighbors of:
Michael & Ashlee McGandy hereafter referred to as "Owners"
209 Bryant Ave
Ithaca, NY 14850

RE: Notice of Appeal

WHAT: The Owners of the stated above address are desiring to relocate the front porch stairway and sidewalk to be more in line with the front entry door. The existing steps and side would be removed from the right side of the house. The proposed new steps and railing would be installed to closely match the existing style. The new concrete sidewalk would lead from the proposed steps to the existing pedestrian sidewalk (public).

HOW: No new change in area of yard covered would change from the existing to the proposed. During construction of the sidewalk from the house to the pedestrian sidewalk, the pedestrian sidewalk may be temporarily routed to the tree lawn area (between the street and pedestrian sidewalk) for safety purposes.

WHY: The purpose of this "Notice of Appeal" is because of the existing front yard deficiency, and the plan to relocate the steps to the front of the porch will exacerbate this deficiency. Due to the Owners' desire to have a more direct route from the pedestrian sidewalk to their front entry door a variance process is required according to the local code enforcement office.

Respectfully submitted,

Adam Gosser
Project Consultant

SPECIALTY CREWS FOR: ADDITIONS • SUNROOMS • KITCHENS • BATHS • BASEMENTS • WINDOWS • SIDING • ROOFING • DECKS • PORCHES • SEAMLESS GUTTERS • HANDYMAN SERVICES • MODULAR & CUSTOM HOMES

www.crownconstructioninc.com

176 CORTLAND ROAD • DRYDEN, NY 13053 • 607-844-3993 • FAX: 607-844-3991
that I am a licensed land surveyor, New York State License No. 00212 and that this map correctly delineates an actual survey on the ground made by me or under my direct supervision, that it was prepared in accordance with the current code of practice for land title surveys adopted by the New York Association of Professional Land Surveyors; and that I found no visible encroachments either way across property lines except as shown herein.

SIGNED: Michael J. Reagan
DATED: 03/16/2010
Drawing Specifications
1. Remove stairs
2. Remove deck fascia board on right side
3. Remove lattice on right side
4. Break-up and remove concrete sidewalk. Stairs to remain.

Note: all measurements to be verified in field.
**Drawing Specifications**

1. **Install railing to match existing.** 3-1/2" x 1-1/2" top and bottom rail, 1-1/2" balusters 3" OC. 34 1/2" height. New railing may not exactly match existing and all effort will be made to match materials and design of existing railing.

2. **Replace porch band joist on right side.**

3. **Replace porch lattice at stair removal.** New lattice may not exactly match existing and all effort will be made to match materials and design of existing lattice.

4. **New stairs and railing with materials and in a style that matches as close as possible existing materials and design style.**

5. **Add newel post in material and style that matches the existing porch and the newel post removed during stair removal.**

6. **Form and pour sidewalk, 4" gravel and 4" concrete.**
that I am a licensed land surveyor, New York State License No. 095786 and that this map correctly delineates an actual survey on the ground made by me or under my direct supervision, that it was prepared in accordance with the current code of practice for land title surveys adopted by the New York Association of Professional Land Surveyors; and that I found no visible encroachments either way across property lines except as shown hereon.

SIGNED: Michael J. Stogran  
DATED: 03/16/2010
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.
APPEAL # 3225

622 CASCADILLA STREET

Appeal of Claudia Brenner on behalf of property owner Chris Read for a sign variance from §272-6 B(2), number of permitted signs in a commercial zone. The proposed signage is part of a larger renovation of the former restaurant space at 6222 Cascadilla Street to create meldrim’s Paint, a retail use. The applicant is proposing to install 5 building signs on the south, west, and east elevations. The Sign Ordinance limits each business to 1 freestanding sign or 2 building signs, and each sign is limited to 50 SF in sign area. The proposed signage package meets the sign area requirements but exceeds the maximum number of permitted signs by 3 building signs.

The property is located in a WEDZ-1b use district in which the proposed use is permitted. However, the Sign Ordinance, §272-18, requires that variances be granted before a sign permit is issued.
**City of Ithaca Board of Zoning Appeals Worksheet**

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>3225</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use District</td>
<td>WEDZ-1b</td>
</tr>
<tr>
<td>Applicant</td>
<td>Claudia Brener</td>
</tr>
<tr>
<td>Application Type</td>
<td>Sign Variance</td>
</tr>
<tr>
<td>Address</td>
<td>622 Cascadilla Street</td>
</tr>
<tr>
<td>Date</td>
<td>July 5, 2022</td>
</tr>
<tr>
<td>Owner</td>
<td>Chris Read</td>
</tr>
</tbody>
</table>

<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>meldrim's PAINT</td>
<td>Building Sign</td>
<td>32 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paint</td>
<td>Building Sign</td>
<td>43 SF (Text 7 SF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paint</td>
<td>Building Sign</td>
<td>43 SF (Text 7 SF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>meldrim's</td>
<td>Building Sign</td>
<td>13 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benjamin Moore</td>
<td>Building Sign</td>
<td>13 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulations</td>
<td>1 freestanding sign OR 2 building signs permitted</td>
<td>Max. 50 SF per sign Max 450 SF of total signage</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note Non-conforming Conditions:**

- **5 building signs proposed**
- OK

**Notes:**
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 (OR OTHER CITY OFFICIAL)

APPEAL #: 3225 (FILLED IN BY STAFF)
HEARING DATE: 7/5/2022
BUILDING PERMIT #: 42286 (REQUIRED)
RECEIPT #: (FILLED IN BY STAFF)

2. Property Address: 1022 CASCADILLA ST  Use District: WEDZ-1B
Owner’s Name: CHRIS READ  Owner’s Address: 3975 WEST RD CORLUND
City: Cortland  State: NY  Zip: 13045

3. Appellant’s Name: CLAUDIA BRENNER  Appellant’s Address: 421 N Aurora ST
City: ITHACA  State: NY  Zip: 14850
Telephone: 607.275.1215  E-Mail: cbrenner@claudiabrennercom

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

5. Appellant Certification: I certify that 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 CORINTH
Sworn to this 26th day of May, 2022

[Notary Public]

Victoria M. Flora
Notary Public, State of New York
Commission Expires: 10/07/2023

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 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-</td>
<td>§272- 6B(2)</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 □ Unlisted

3. Environmental Assessment form used:

- [ ] Short Environmental Assessment Form (SEAF)
- [ ] Full Environmental Assessment Form (FEAF)
- [ ] Completed by Planning Division at preliminary hearing for Site Plan Review
- [ ] Not Applicable (Type 2 Action)

4. A previous appeal □ has / □ 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:
ONLY SUBMIT THIS FORM IF ZONING APPEAL APPLICATION IS BEING SUBMITTED/SIGNED BY SOMEONE OTHER THAN CURRENT RECORD PROPERTY OWNER.

OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: 3225

DATE: 5-26-22

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

I (We) CHRIS READ (Name) of 3975 WES_ BD (Street Address)

CORTLAND (City/Municipality)

NY 13045 (State & Zip Code)

Owner of the property at 612 CASCADILLA ST ITHACA NY (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 CLAUDIA BRENNER, AEPH to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the 7-5-22 (Date) meeting of the Board of Zoning Appeals.

(Signature)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 26th day of MAY, 2022

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.

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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.

<table>
<thead>
<tr>
<th>Part 1 - Project and Sponsor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Action or Project:</td>
</tr>
<tr>
<td>622 CASCADILLA ST</td>
</tr>
<tr>
<td>Project Location (describe, and attach a location map):</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
</tr>
<tr>
<td>INTERIOR AND EXTERIOR ALTERATIONS</td>
</tr>
<tr>
<td>NO CHANGE IN FOOTPRINT</td>
</tr>
<tr>
<td>Name of Applicant or Sponsor:</td>
</tr>
<tr>
<td>CLAUDIA BRENNER, ARCH</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>421 D AURORA ST</td>
</tr>
<tr>
<td>City/PO:</td>
</tr>
<tr>
<td>ITHACA</td>
</tr>
<tr>
<td>State:</td>
</tr>
<tr>
<td>NY</td>
</tr>
<tr>
<td>Zip Code:</td>
</tr>
<tr>
<td>14850</td>
</tr>
<tr>
<td>1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>NO YES</td>
</tr>
<tr>
<td>2. Does the proposed action require a permit, approval or funding from any other governmental Agency?</td>
</tr>
<tr>
<td>If Yes, list agency(s) name and permit or approval:</td>
</tr>
<tr>
<td>NO YES</td>
</tr>
<tr>
<td>3.a. Total acreage of the site of the proposed action?</td>
</tr>
<tr>
<td>b. Total acreage to be physically disturbed?</td>
</tr>
<tr>
<td>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</td>
</tr>
<tr>
<td>48 acres</td>
</tr>
<tr>
<td>72 acres</td>
</tr>
<tr>
<td>48 acres</td>
</tr>
<tr>
<td>4. Check all land uses that occur on, adjoining and near the proposed action.</td>
</tr>
<tr>
<td>□ Urban □ Rural (non-agriculture) □ Industrial □ Commercial □ Residential (suburban)</td>
</tr>
<tr>
<td>□ Forest □ Agriculture □ Aquatic □ Other (specify):</td>
</tr>
<tr>
<td>□ Parkland</td>
</tr>
</tbody>
</table>

Page 1 of 3
5. Is the proposed action,
   a. A permitted use under the zoning regulations?
      | NO | YES | N/A |
      |    |    |     |
   b. Consistent with the adopted comprehensive plan?

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If yes, identify:

8. a. Will the proposed action result in a substantial increase in traffic above present levels?
   b. Are public transportation service(s) available at or near the site of the proposed action?
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?

9. Does the proposed action meet or exceed the state energy code requirements?
   If the proposed action will exceed requirements, describe design features and technologies:

10. Will the proposed action connect to an existing public/private water supply?
    If No, describe method for providing potable water:

11. Will the proposed action connect to existing wastewater utilities?
    If No, describe method for providing wastewater treatment:

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?
    b. Is the proposed action located in an archeological sensitive area?

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?
    b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
   - Shoreline
   - Forest
   - Agricultural/grasslands
   - Early mid-successional
   - Wetland
   - Urban
   - Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

16. Is the project site located in the 100 year flood plain?

17. Will the proposed action create storm water discharge, either from point or non-point sources?
   If Yes,
   a. Will storm water discharges flow to adjacent properties?
      | NO | YES |
      |    |     |
   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
      | NO | YES |
      |    |     |
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)?
   - If Yes, explain purpose and size:

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

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
   - If Yes, describe:

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

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
   - If Yes, describe:

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

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

Applicant/sponsor name: [Redacted]
Signature: [Signature]
Date: 5-26-22
**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>Question</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>5. 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>
<td>☐</td>
</tr>
<tr>
<td>6. 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>
<td>☐</td>
</tr>
<tr>
<td>7. Will the proposed action impact existing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. public / private water supplies?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>b. public / private wastewater treatment utilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>11. Will the proposed action create a hazard to environmental resources or human health?</td>
<td>✓</td>
<td>☐</td>
</tr>
</tbody>
</table>
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 3225

☐ 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

7/5/2022

Date

David Barken

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)
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE

CITY OF ITHACA, NEW YORK

APPEAL NO. 3225

TO: Owners of Property within 200 feet of 622 Cascadilla Street and others interested.

(from property address)

FROM: Claudia Brenner

(name of person or organization making appeal)

REGARDING:

(check appropriate box)

☐ Area Variance ☐ 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 on the City’s website (http://www.cityofithaca.org/368/Board-of-Zoning-Appeals) under “Most Recent Agenda,” 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 6/28/2022 at 6:00 P.M. in Common Council Chambers of City Hall. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW21VCnTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 7/5/2022 at 6:00 P.M. in Common Council Chambers of City Hall. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting to zoningdivision@cityofithaca.org and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing. You must provide your name and address.

2. To speak at the meeting, sign up and receive instructions by contacting zoningdivision@cityofithaca.org or Anya Harris at (607) 274-6550 or aharris@cityofithaca.org. You must provide your name and address.

Claudia Brenner
Signature of Appellant

421 N Aurora St Ithaca NY 6-8-22
Address Date
Hello Neighbors

We have been working hard renovating 622 Cascadilla St for the Ithaca home of Meldrim’s Paint.

We’d like to have signage on Meadow Street, Cascadilla St, and internal to the site (at the main entry. Please see the attached drawings for the locations. We feel this is necessary for customers to find their way to our building.

While we do not exceed the allowable square footage (we have 74 SF and are allowed 100 SF), but we do exceed the allowable number of signs. (2)

1. Meldrim’s East Elevation 13 SF
2. PAINT East Elevation 9 SF
3. Benjamin Moore South Elevation 13 SF
4. PAINT Corner 7 SF
5. Meldrim’s PAINT West Elevation 32 SF

We therefore respectfully request a variance from the City of Ithaca Board of Zoning Appeals. We look forward to becoming a part of this wonderful neighborhood.

Sincerely

Chris Read, Owner
Claudia Brenner, Architect
622 Cascadilla St
Addresses w/in 200′
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals    Zoning Appeal #_3225______

I, _Claudia Brenner__________, 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 6-21-22__________. 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.

Claudia Brenner
(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
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

LEGEND
- Building Inspector Zones
- Tax Parcels w Detail and Related Properties
- Tax Parcels w Related Historic Properties
- Historic District
- Zoning District
- All Historic Properties
- COFA Certificate of Appropriateness
- Buildings
- Railroad
- Border
- Park
- Impervious Surfaces
  - Paved Walk or Surface or Private Road
  - Paved Parking
  - Paved Roadway or Public Road
  - Unpaved Drive or Walk or Surface
- Waterway

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