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, August 4, 2020. City Hall remains closed to the public. This meeting will be conducted remotely via the online platform Zoom, pursuant to the Governor’s Executive Order 202.1. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg.

Scheduled Public Hearings

There are two options to participate in a public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting (contacts below), 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.

2. To speak at the meeting, sign up and receive instructions through the contact(s) listed below.

All comments and questions can be emailed to Megan Wilson at mwilson@cityofithaca.org or call (607) 274-6550.

I. CONTINUED APPEALS

- None

II. NEW APPEALS

A. Appeal Number: 3163
   Address: 108 Cascadilla Park Road
   Zone: R-1a
   Applicant: Rob Morache, STREAM Collaborative
   Owner: Lawrence Gibbons and Ritchie Patterson
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 4, Off-Street Parking, Column 6, Lot Area, Column 7, Width in Feet at Street Line, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, Column 12, Side Yard, and Column 13, Other Side Yard, requirements and §325-25C, Location of Accessory Structures, of the Zoning Ordinance to allow the extension of an existing front porch and construction of a new accessory structure.

B. Appeal Number: 3166
   Address: 420 College Avenue
   Zone: MU-2
   Applicant: Collegetown Bagels
   Owner: Cornell University
   Public Hearing: Yes
   Description: Request for a sign variance from §272-6B(2), Number of Permitted Signs in a Commercial District, of the Sign Ordinance to allow the installation of three wall signs.

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.
C. Appeal Number: 3167
   Address: 501 Chestnut Street
   Zone: R-2a
   Applicant: Kathleen Halton and Rebecca Johnson, Owners
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance to allow the construction of a carport.

III. SPECIAL PRESENTATION
   • Appeal #3162, Asteri, 120 E. Green Street – Introductory Presentation
     NOTE: A public hearing and consideration of the appeal will take place at the September 1, 2020 meeting.

IV. ADMINISTRATIVE MATTERS

V. APPROVAL OF MINUTES

VI. ADJOURNMENT

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.
Appeal of Rob Morache of STREAM Collaborative on behalf of property owners Lawrence Gibbons and Ritchie Patterson for an Area Variance from §325-8, Column 4, Off-Street Parking, Column 6, Lot Area, Column 7, Width in Feet at Street Line, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, Column 12, Side Yard, and Column 13, Other Side Yard, requirements and §325-25C, Location of Accessory Structures, of the Zoning Ordinance. The applicant proposes to replace the recessed concrete front porch steps with new wood steps and add screens to the existing covered porch. The new steps will not be recessed and will project from the front porch into the required front yard. There is an existing front yard deficiency, and the construction of the new steps will further reduce the front yard from 13’ 10” to 11’ 10” of the required 25’. The applicant also proposes to construct a new accessory structure that will provide enclosed bike storage for the owners. Section 32-25C requires accessory structures in the R-1a district to meet the 25’ front yard setback and be located at least 6’ from any side or rear property line. The bike shed will be set back 22’ 4” from the front property line and 1’ from the side property line. The relocation of the porch steps and construction of the accessory structure will increase the percentage of the lot covered by buildings from 24.5% to 25.2% of the permitted 20%. The property has existing deficiencies in (1) off-street parking, (2) lot area, (3) width in feet at street line, (4) side yard, and (5) other side yard that will not be exacerbated by the proposal.

The property is located in an R-1a residential 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

**Appeal Number:** 3163  
**Address:** 108 Cascadilla Park Road  
**Use District:** R-1a  
**Date:** 8/4/2020  
**Applicant:** Rob Morache, STREAM Collabo  
**Owner:** Lawrence Gibbons and Ritchie Patterson  
**Application Type:** Area Variance

<table>
<thead>
<tr>
<th>Column Number</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>Side Yard</td>
<td>Other Side Yard</td>
<td>Rear yard: % of depth or number of feet, whichever is less</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Existing Condition and Use</strong></td>
<td>One Family</td>
<td></td>
<td></td>
<td></td>
<td>5,705</td>
<td>58</td>
<td>3</td>
<td>~27'</td>
<td>24.5%</td>
<td>13' 10&quot;</td>
<td>8' 11&quot;</td>
<td>6' 2&quot;</td>
<td>43.1% or 43' 6&quot;</td>
<td></td>
</tr>
<tr>
<td><strong>District Regulations for Existing</strong></td>
<td>One Family Zone</td>
<td></td>
<td></td>
<td></td>
<td>10,000</td>
<td>75</td>
<td>3</td>
<td>35</td>
<td>20%</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions</strong></td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Condition and/or Use</strong></td>
<td>One Family</td>
<td></td>
<td></td>
<td></td>
<td>5,705</td>
<td>58</td>
<td>3</td>
<td>~27'</td>
<td>25.2%</td>
<td>11' 10&quot;</td>
<td>8' 11&quot;</td>
<td>6' 2&quot;</td>
<td>43.1% or 43' 6&quot;</td>
<td></td>
</tr>
<tr>
<td><strong>District Regulation for Proposed</strong></td>
<td>One Family Zone</td>
<td></td>
<td></td>
<td></td>
<td>10,000</td>
<td>75</td>
<td>3</td>
<td>35</td>
<td>20%</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions for Proposal</strong></td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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
   - [X] AREA VARIANCE

   APPEAL #: 3163 (FILLED IN BY STAFF)
   HEARING DATE: Aug 4, 2020
   BUILDING PERMIT #: 40380 (REQUIRED)
   RECEIPT #: 62823 (FILLED IN BY STAFF)

2. Property Address: 108 Cascadilla Park Rd

   Owner’s Name: Lawrence Gibbons and
   Ritchie Patterson

   Owner’s Address: 108 Cascadilla Park Rd

   City: Ithaca
   State: NY
   Zip: 14850

3. Appellant’s Name: STREAM Collaborative

   Appellant’s Address: 108 W State St

   City: Ithaca
   State: NY
   Zip: 14850

   Telephone: 607.216.8802
   E-Mail: rob@streamcolab.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.

   Robert T. Morell
   Appellant Signature

   STATE OF NEW YORK
   COUNTY OF TOMPKINS

   Sworn to this _____ day of
   _______________________, 20____

   ________________________________
   Notary Public

   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, Columns 4, 6, 7, 10, 11, 12, and 13</td>
<td>§272-</td>
</tr>
<tr>
<td>§325- 25C</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
   - [x] Not Applicable (Type 2 Action)

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:
   - As noted on drawing L101, the applicant originally proposed to locate the new accessory structure farther from the side property line but moved the location in response to feedback from an adjacent neighbor. Both the original and currently proposed locations are shown on the drawing.
08 Cascadilla Park Rd – Reason for zoning appeal

2020.07.27

The applicant wishes to replace the ageing precast concrete steps up to their front porch with new wood steps which would project out from the porch. The current set of steps is recessed into the porch, making it difficult to add screens and install a door with appropriate clearances.

Screens will be installed and a new wood railing, in keeping with the architectural character of the house and neighborhood, will be added outside of the screens, between the existing columns. The porch deck will undergo some repairs, however the porch roof and supporting columns will remain, with no expansion of the porch footprint.

The existing porch, which pre-dates the zoning ordinance, extends approximately 11’ into the required 25’ setback. The new steps would increase the deficiency to approximately 13’-2”, leaving a setback of about 11’-10”.

In addition, the applicant would like to place a small bike shed in the front yard, which is elevated above the street and screened by hedges. Because the front porch is used as the main entry and is convenient to the street, and the path to the backyard along the east side of the house it tight, placing the bike shed in the back yard would be much less functional for them.

Accessory structures in the R1a zone are required to be 6’ from the side lot line and 25’ from the front lot line. Due to the tiny size of the front yard, we propose placing the shed 1’ from the side lot line to allow space in front of it to maneuver bikes. It would be approximately 22’-4” from the front lot line.

It should be stressed that virtually all properties in this neighborhood have multiple zoning deficiencies, and virtually anything done in this neighborhood must be approved by the BZA. This is a result of an inappropriate zoning designation with no correlation to the character or real dimensional conditions of the neighborhood, which was arbitrarily imposed on it many decades after its construction. Though it is outside the purview of the Board to change zoning, we ask that this mismatch of zoning to real conditions be considered. All work proposed is in keeping with the character and real physical conditions of this charming and intimately scaled neighborhood.

The applicant is requesting relief from section 325-8 column 11. Given that the proposed dimensions are based on a paper survey and therefore approximate, our request is for an 11’ front yard setback to allow construction of the stairs, and a 22’ setback for the accessory structure.

The applicant is also requesting relief from section 325-25C which requires accessory structures to be placed 6’ from a side lot line in R1 zoning districts. Our request is for 1’.
CITY OF ITHACA
108 East Green Street — 3rd Floor  Ithaca, New York  14850-5690
DEPARTMENT OF PLANNING, BUILDING, ZONING & ECONOMIC DEVELOPMENT
Gino Leonardi, Board of Zoning Appeals Secretary
Telephone: 607-274-6550  Fax: 607-274-6558
Email: gleonardi@cityofithaca.org

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 #:  3163

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

I (We) ____________

(Name)

108 Casadilla Park Rd

(Street Address)

City of Ithaca

(City/Municipality)

NY 14850

(State & Zip Code)

Owner of the property at 108 Casadilla Park Rd, Ithaca NY 14850

(Street & Number)

we are

☐ 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

STREAM Collaborative Architecture

Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the

August 4, 2020

(Date)

meeting of the Board of Zoning Appeals.

(Signature)

STATE OF NEW YORK
COUNTY OF TOMPKINS)

Sworn to this 5th day of

June 2020

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.

(Notary Public available at City Hall)

AMANDA J. CATONE
Notary Public, State of New York
Registration no. 01CA6355980
Qualified in Tompkins County
Commission Expires March 20, 2021
— NOTICE OF APPEAL —
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3163

TO: Owners of Property within 200 feet of 108 Cascadilla Park Road and others interested.

(property address)

FROM: STREAM Collaborative on behalf of Lawrence Gibbons and Ritchie Patterson applicable to property named above, in a R-1a zone.

REGARDING: (check appropriate box)

☐ Area Variance ☐ Use 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 7/28/2020 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1PRFaFW2IVCNTrDg. 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 8/4/2020 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 108 W State St, Ithaca, NY 7/20/2020
Address Date
Dear Neighbors,

We would like to replace the ageing precast concrete steps up to our front porch with new wood steps which would project out from the porch. The current set of steps is recessed into the porch, making it difficult to add screens and install a door with appropriate clearances.

Screens will be installed and a new wood railing, in keeping with the architectural character of the house and neighborhood, will be added outside of the screens, between the existing columns. The porch deck will undergo some repairs, however the porch roof and supporting columns will remain, with no expansion of the porch footprint.

The existing porch, which pre-dates the zoning ordinance, extends approximately 11’ into the required 25’ setback. The new steps would increase the deficiency to approximately 13’-2”", leaving a setback of about 11’-10”.

In addition, we would like to place a small bike shed and trash enclosure in the front yard, which is elevated above the street and screened by hedges. Because the front porch is used as the main entry and is convenient to the street, and the path to the backyard along the east side of the house is tight, placing the bike shed in the back yard would be much less functional for us. There is also a door to the kitchen on the east side of the house from which trash is taken outside, so the trash is proposed at the end of the bike shed. Placing the cans on the side of the house constricts the walkway space. Putting them in the back yard makes hauling the full cans out to the street that much more difficult and increases the length of walk we’d need to shovel to do so. We want to get the cans between the side door and the street to make hauling them easier as we age. Accessory structures in the R1a zone are required to be 6’ from the side lot line and 25’ from the front lot line. Due to the tiny size of our front yard, we propose placing the shed 3’ from the side lot line to allow space in front of it to maneuver bikes. It would be approximately 14’-10” from the front lot line.

At the BZA hearing on August 4, 2020, we will be requesting relief from section 325-8 column 11. Given that the proposed dimensions are based on a paper survey and therefore approximate, our request is for an 11’ front yard setback to allow construction of the stairs, and a 14’ setback for the accessory structure.

We are also requesting relief from section 325-25C which requires accessory structures to be placed 6’ from a side lot line in R1 zoning districts. Our request is for 3’.

Feel free to be in touch with our architect, STREAM Collaborative, if you have any questions.

With best regards,
Lawrence Gibbons and Ritchie Patterson
<table>
<thead>
<tr>
<th>SWIS Parcel</th>
<th>Owner</th>
<th>Mailing</th>
</tr>
</thead>
<tbody>
<tr>
<td>500700 47.3-2</td>
<td>City of Ithaca</td>
<td>108 E Green St</td>
</tr>
<tr>
<td>500700 48.1-5</td>
<td>Skutch, Andrew</td>
<td>1660 Mecklenburg Rd</td>
</tr>
<tr>
<td>500700 48.1-6</td>
<td>Wahl, David M Wahl, Olivia R</td>
<td>107 Giles St</td>
</tr>
<tr>
<td>500700 48.1-7</td>
<td>Wahl, David Wahl, Olivia</td>
<td>107 Giles St</td>
</tr>
<tr>
<td>500700 48.2-1</td>
<td>Gunn, Jennifer H</td>
<td>104 Cascadilla Park Rd</td>
</tr>
<tr>
<td>500700 48.2-2</td>
<td>Houghton, Donald Scanlon, Michael</td>
<td>106 Cascadilla Park Rd</td>
</tr>
<tr>
<td>500700 48.2-3</td>
<td>Patterson, Ritchie J Gibbons, Lawrence R</td>
<td>108 Cascadilla Pk Rd</td>
</tr>
<tr>
<td>500700 48.2-4</td>
<td>City of Ithaca</td>
<td>108 E Green St</td>
</tr>
<tr>
<td>500700 48.2-5</td>
<td>Diamessis, Peter J Diamessis, Eirini V</td>
<td>114 Cascadilla Park Rd</td>
</tr>
<tr>
<td>500700 48.2-7</td>
<td>Munchel, Gerald T Van Sciver, Holly</td>
<td>130 Cascadilla Pk Rd</td>
</tr>
<tr>
<td>500700 48.2-8</td>
<td>McBride, Douglas Brent McBride, Patrizia C</td>
<td>136 Cascadilla Park Rd</td>
</tr>
<tr>
<td>500700 48.2-9</td>
<td>Lauren &amp; Julia Stiles Trust</td>
<td>144 Cascadilla Pk Rd</td>
</tr>
<tr>
<td>500700 48.3-1</td>
<td>First Church of Christ, Scient</td>
<td>101 University Ave</td>
</tr>
<tr>
<td>500700 48.3-2</td>
<td>Fabrizio, Margaret J Jordan, Andrew M</td>
<td>105 Cascadilla Park Rd</td>
</tr>
<tr>
<td>500700 48.3-3</td>
<td>Cornell University</td>
<td>PO Box DH</td>
</tr>
<tr>
<td>500700 48.3-4</td>
<td>City of Ithaca</td>
<td>108 E Green St</td>
</tr>
<tr>
<td>500700 48.3-5</td>
<td>Fellows, David G</td>
<td>111 Cascadilla Park Rd</td>
</tr>
<tr>
<td>500700 48.3-6</td>
<td>Greene, Brian</td>
<td>25 West 81St Apt 9-D</td>
</tr>
</tbody>
</table>
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals  

Zoning Appeal # 3163

I, Jennifer Demarest, 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 7/20/20 . 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.

Jennifer Demarest
(Appellant’s Signature)

PLEASE SUBMIT THIS FORM TO:

City of Ithaca Zoning Division
108 E. Green St., 3rd Fl.
Ithaca, NY 14850

City of Ithaca Zoning Division
Phone: (607) 274-6550
Fax: (607) 274-6558
CITY OF ITHACA BOARD of ZONING APPEALS
Area Variance Findings & Decision

Appeal No.: 3163

Applicant: Rob Morache of STREAM Collaborative for property owners Lawrence Gibbons and Ritchie Patterson

Property Location: 108 Cascadilla Park Road

Zoning District: R-2a

Applicable Section of City Zoning Code: §325-8, Columns 4, 6, 7, 10, 11,12, and 13; §325-25C.

Requirement for Which Variance is Requested: Off-Street Parking, Lot Area, Width in Feet at Street Line, Lot Coverage by Buildings, Front Yard, Side Yard, Other Side Yard, and Location of Accessory Structures.


Summary: Appeal of Rob Morache of STREAM Collaborative on behalf of property owners Lawrence Gibbons and Ritchie Patterson for an Area Variance from §325-8, Column 4, Off-Street Parking, Column 6, Lot Area, Column 7, Width in Feet at Street Line, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, Column 12, Side Yard, and Column 13, Other Side Yard, requirements and §325-25C, Location of Accessory Structures, of the Zoning Ordinance. The applicant proposes to replace the recessed concrete front porch steps with new wood steps and add screens to the existing covered porch. The new steps will not be recessed and will project from the front porch into the required front yard. There is an existing front yard deficiency, and the construction of the new steps will further reduce the front yard to from 13’ 10” to 11’ 10” of the required 25’. The applicant also proposes to construct a new accessory structure that will provide enclosed bike storage for the owners. Section 32-25C requires accessory structures in the R-1a district to meet the 25’ front yard setback and be located at least 6’ from any side or rear property line. The bike shed will be set back 22’ 4” from the front property line and 1’ from the side property line. The relocation of the porch steps and construction of the accessory structure will increase the percentage of the lot covered by buildings from 24.5% to 25.2% of the permitted 20%. The property has existing deficiencies in (1) off-street parking, (2) lot area, (3) width in feet at street line, (4) side yard, and (5) other side yard that will not be exacerbated by the proposal.

The property is located in an R-1a residential 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.


Steven Beer, Chair
Suzanne Charles
Environmental Review: This is a Type 2 Action under the City of Ithaca Environmental Quality Review Ordinance ("CEQRO"), and State Environmental Quality Review Act ("SEQRA"), and is not subject to Environmental Review.

Planning & Development Board Recommendation:
Comments will be provided at the meeting.

Motion: A motion to grant the variance request was made by ________

Deliberations & Findings:

Factors Considered:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties: Yes ☐ No ☐

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance: Yes ☐ No ☐

3. Whether the requested variance is substantial: Yes ☐ No ☐

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ☐ No ☐

5. Whether the alleged difficulty was self-created: Yes ☐ No ☐

Second Motion to Grant Variance: Made by__________________.

Vote:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf
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 of Collegetown Bagels for a sign variance from §272-6 B(2), number of permitted signs in a commercial zone. The applicant is relocating its Collegetown location to the ground floor of the Sheldon Court building. The main entrance to the restaurant faces the intersection of College Avenue and Oak Avenue, and the commercial space extends approximately 100’ to the south along College Avenue. The applicant proposes to install an awning with a 1.6 SF sign over the main entry as well as two wall signs above window bays along College Avenue. Each wall sign will be 18’ 9” long by 10” tall and will be 15.6 SF. The two wall signs will be externally illuminated by LED lighting around the perimeter of each sign. The proposal includes a total of three building signs and 32.8 SF of signage. The proposed signage meets the square footage allowed under the sign ordinance but §272-6B(2) limits a business to two building signs.

The property is located in a MU-2 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>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-3166</td>
<td>MU-2</td>
<td>Collegetown Bagels</td>
<td>Sign Variance</td>
<td>420 College Avenue</td>
<td>August 4, 2020</td>
<td>Cornell University</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>CTB Wall Signs (2)</td>
<td>wall sign</td>
<td>18' 9&quot; x 10&quot;</td>
<td></td>
<td>1&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>15.6 SF each</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>31.2 SF total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CTB Awning Sign (1)</td>
<td>awning sign</td>
<td>6' 6&quot; x 3&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.6 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Regulations                   | 2 building signs permitted | 185 SF Permitted (32.8 SF Proposed) | |

| Note Non-conforming Conditions | Def. - One additional building sign proposed | OK | |

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

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

APPEAL #: 31162 (FILLED IN BY STAFF)
HEARING DATE: 8/4/2020
BUILDING PERMIT #: 40560 (REQUIRED)
RECEIPT #: 48987 (FILLED IN BY STAFF)

2. Property Address: 420 College Ave
Use District: MU-2
Owner's Name: Cornell University
Owner's Address: 
City: Ithaca
State: NY
Zip: 14850

3. Appellant's Name: College Town Bagels
Appellant's Address: 400 N. Meadow St.
City: Ithaca
State: NY
Zip: 14850

Telephone: 607-273-7110
E-Mail: lindsey@collegetownbagels.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: Lindsey

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 7th day of July, 2020

Notary Public:

W. Charles J. Guttmann
Notary Public, State of New York
No. 02604666765
Qualified in Tompkins County
Commission Expires June 20, 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 comments 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.
**CITY OF ITHACA BOARD OF ZONING APPEALS**

**APPLICATION WORKSHEET**

************************************************** **OFFICE USE ONLY** **************************************************

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>
<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 (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:
**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 3 Business Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a location map):</td>
<td>420 College Avenue</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
<td>Installation of two wall signs above exterior window bays and one awning sign over front entry. Total square footage of signage will be approximately 36 square feet.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Collegetown Bagels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td></td>
</tr>
<tr>
<td>E-Mail:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>400 N. Meadow Street</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?
   - 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.
   - NO YES

2. Does the proposed action require a permit, approval or funding from any other government Agency?
   - NO YES

3. a. Total acreage of the site of the proposed action? 0 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? 0 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   - ✔️ Urban
   - ☐ Rural (non-agriculture)
   - ☐ Industrial
   - ☐ Commercial
   - ☐ Residential (suburban)
   - ☐ Forest
   - ☐ Agriculture
   - ☐ Aquatic
   - ☐ Other(Specify): Parkland
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
      | NO | YES | N/A |
      |    | ✔   |     |
   b. Consistent with the adopted comprehensive plan?  
      | NO | YES | N/A |
      |    | ✔   |     |

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   | NO | YES |
   |    | ✔   |

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify: ________________________________________________________________  
   | NO | YES |
   |    | ✔   |

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
      | NO | YES |
      |    | ✔   |
   b. Are public transportation services available at or near the site of the proposed action?  
      | NO | YES |
      |    | ✔   |
   c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?  
      | NO | YES |
      |    | ✔   |

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:  
   ________________________________________________________________  
   ________________________________________________________________  
   | NO | YES |
   |    | ✔   |

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

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

12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  
      | NO | YES |
      | ✔   |     |
   b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  
      | NO | YES |
      | ✔   |     |

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?  
      | NO | YES |
      | ✔   |     |
   b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
      | NO | YES |
      | ✔   |     |

   If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: ________________________________________________________________
<table>
<thead>
<tr>
<th>Question</th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Shoreline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Forest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Agricultural/grasslands</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Early mid-successional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Wetland</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>☐ Urban</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Suburban</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 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 plan?            | ☑  |     |

| 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?            | ☑  |     |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? | ☑  |     |

| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: | ☑  |     |

| 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: | ☑  |     |

| 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: | ☑  |     |

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

Applicant/sponsor/name: Collegetown Bagels  
Date: 7/9/2020  
Signature: Lindsey Brous Gitlin  
Title: Owner  

Collegetown Bagels  7/9/2020  Lindsey Brous Gitlin Owner
**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: 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 3166

| 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

<table>
<thead>
<tr>
<th>Name of Lead Agency</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven Beer</td>
<td>8/4/2020</td>
</tr>
</tbody>
</table>

Print or Type Name of Responsible Officer in Lead Agency

<table>
<thead>
<tr>
<th>Title of Responsible Officer</th>
<th>Signature of Responsible Officer in Lead Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of Preparer (if different from Responsible Officer)

PRINT FORM
CITY OF ITHACA
108 East Green Street — 3rd Floor Ithaca, New York 14850-5690
DEPARTMENT OF PLANNING, BUILDING, ZONING & ECONOMIC DEVELOPMENT
Gino Leonardi, Secretary to the Board of Zoning Appeals
Telephone: 607-274-6550 Fax: 607-274-6558 Email: gleonardi@cityofithaca.org

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 #: 3166 DATE: 7/13/2020

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

I (We) ______ (Name) of 2336 S. Beach Hall
Ithaca, NY 14853
(City/Municipality) (State & Zip Code)

Owner of the property at 420 College Ave
(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
Collegetown Bagel
Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the
8/4/2020
(Date)

(Signature)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 13 day of June, 2020

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.

Margery Ann Graham
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 010R5406620
Qualified In Tompkins County
Commission Expires April 13, 2024

Notary Public available at City Hall
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3166

TO: Owners of Property within 200 feet of 420 College Avenue and others interested.

FROM: Collegetown Bagels applicable to property named above, in a MU-2 zone.

REGARDING:

[ ] Sign Variance  [ ] Use 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 7/28/2020 at 6:00 P.M. via the online platform Zoom. 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 8/4/2020 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

Address

Date
July 9, 2020

Re: 420 College Ave Sign Variance

Dear Neighbor(s):
We are writing to inform you that our new Collegetown Bagels location at 420 College Ave is seeking a variance for the proposed signs.

The project is proposing three signs. The first two signs will be directly over the new greenhouses on the front of the building. The sign will be made of PVC with a 1” standoff. These two signs will have LED string lighting on the bottom and sides of the sign to make it visible at night as that part of College Ave is particularly dark at night.

The third sign will be lettering that will be directly printed on our front awning. That awning was already approved as a part of our site plan review and will be 6’6” x 2’6” over our front door. We have included a diagram of the signs with this letter.

In the commercial zone where 420 College Ave is located, the sign ordinance states that businesses can only have two building signs. However, as the storefront is so long (110-120 College Ave) and goes more than halfway down the block, we feel that it is necessary to have two signs along College Ave so that a sign is visible for pedestrians coming from both directions in addition to the printed awning facing Oak Ave.

The City Board of Zoning Appeals will be meeting to consider the case on Tuesday, August 4, 2020 via the online meeting platform Zoom. To submit written comments, please send them to zoningdivision@cityofithaca.org. To speak at the public hearing, please contact the City of Ithaca Planning Division for instructions at (607) 274-6550.

If you have any questions or concerns or require additional information, please feel free to contact me.

Sincerely,

Lindsey Brous

(607) 273-0982
lindsey@collegetownbagels.com
400 N. Meadow Street, Ithaca, NY 14850
<table>
<thead>
<tr>
<th>Parcel ID</th>
<th>Owner</th>
<th>Street</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.-1-1.2</td>
<td>Cornell University</td>
<td>PO Box DH Ithaca</td>
<td>NY</td>
<td>14853</td>
<td></td>
</tr>
<tr>
<td>63.-5-1</td>
<td>Cornell University</td>
<td>PO Box DH Ithaca</td>
<td>NY</td>
<td>14853</td>
<td></td>
</tr>
<tr>
<td>63.-5-2</td>
<td>Cornell University</td>
<td>PO Box DH Ithaca</td>
<td>NY</td>
<td>14853</td>
<td></td>
</tr>
<tr>
<td>63.-5-8</td>
<td>Cornell University</td>
<td>PO Box DH Ithaca</td>
<td>NY</td>
<td>14853</td>
<td></td>
</tr>
<tr>
<td>64.-2-34</td>
<td>Cornell University</td>
<td>PO Box DH Ithaca</td>
<td>NY</td>
<td>14853</td>
<td></td>
</tr>
<tr>
<td>63.-5-3</td>
<td>ABA Family Realty, LLC</td>
<td>408 College</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>63.-5-5</td>
<td>GVM3, LLC</td>
<td>400 College</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>63.-5-7</td>
<td>City of Ithaca</td>
<td>108 E. Green</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>63.-5-9</td>
<td>TTEPA Associates, LLC</td>
<td>PO Box 653</td>
<td>Ithaca</td>
<td>NY</td>
<td>14851</td>
</tr>
<tr>
<td>63.-6-14</td>
<td>312 College Ave Associates</td>
<td>15 Thornwood</td>
<td>Ithaca</td>
<td>NY</td>
<td>14852</td>
</tr>
<tr>
<td>63.-6-5</td>
<td>Collegetown Plaza, LLC</td>
<td>PO Box 642</td>
<td>Ithaca</td>
<td>NY</td>
<td>14851</td>
</tr>
<tr>
<td>63.-6-8</td>
<td>Collegetown Center, LLC</td>
<td>PO Box 64</td>
<td>Ithaca</td>
<td>NY</td>
<td>14851</td>
</tr>
<tr>
<td>64.-10-1</td>
<td>Col-Dry, LLC</td>
<td>1001 W Seneca</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>64.-10-2</td>
<td>Dryden South, LLC</td>
<td>252 West S. Oswego</td>
<td>NY</td>
<td>13126</td>
<td></td>
</tr>
<tr>
<td>64.-10-20</td>
<td>Pea Family Realty, LLC</td>
<td>408 College</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>64.-10-21</td>
<td>Deljoo, Sadegh</td>
<td>PO Box 501</td>
<td>Ithaca</td>
<td>NY</td>
<td>14851</td>
</tr>
<tr>
<td>64.-2-1</td>
<td>Student Agencies Prop</td>
<td>409 College</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>64.-2-2</td>
<td>Lutheran Asc of Ithaca</td>
<td>109 Oak Ave</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>64.-2-26</td>
<td>Collegetown Court, LLC</td>
<td>118 Prospect</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>64.-2-27</td>
<td>Fane, Jason J</td>
<td>PO Box 642</td>
<td>Ithaca</td>
<td>NY</td>
<td>14851</td>
</tr>
<tr>
<td>64.-2-28</td>
<td>401 Huestis Street, LLC</td>
<td>400 College</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>64.-2-20</td>
<td>403 Huestis Street, LLC</td>
<td>400 College</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
<tr>
<td>64.-2-30</td>
<td>407 College Avenue Associates</td>
<td>PO Box 653</td>
<td>Ithaca</td>
<td>NY</td>
<td>14851</td>
</tr>
<tr>
<td>64.-2-31</td>
<td>Student Agencies Prop</td>
<td>409 College</td>
<td>Ithaca</td>
<td>NY</td>
<td>14850</td>
</tr>
</tbody>
</table>
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, Lindsey Braus Griffin, 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 July 21, 2020. 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
Planning Board
Board of Zoning Appeals
City of Ithaca

I am writing in my capacity as beneficial owner of several buildings in the 100 and 200 blocks of Dryden Road and of 330 College Avenue at Dryden Road to support the application of Lindsey Brous and Collegetown Bagels for an additional sign of less than 5 square feet on the awning of the store they rent.

The application is *de minimus*, not detrimental to anyone in any way, and should be approved without delay. In today’s world restaurants have a difficult time staying in business and should be encouraged rather than impeded with government imposed procedure that requires expense and takes management time.

Please read thus letter aloud at the public meeting of both boards.

Very truly yours,

Jason Fane
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.
CITY OF ITHACA BOARD of ZONING APPEALS
Sign Variance Findings & Decision

Appeal No.: 3166

Applicant: Collegetown Bagels

Property Location: 420 College Avenue

Zoning District: MU-2

Applicable Section of City Sign Ordinance: §272-6B(2)

Requirement for Which Variance is requested: Number of Permitted Signs in a Commercial Zone.


Summary: Appeal of Collegetown Bagels for a sign variance from §272-6 B(2), number of permitted signs in a commercial zone. The applicant is relocating its Collegetown location to the ground floor of the Sheldon Court building. The main entrance to the restaurant faces the intersection of College Avenue and Oak Avenue, and the commercial space extends approximately 100’ to the south along College Avenue. The applicant proposes to install an awning with a 1.6 SF sign over the main entry as well as two wall signs above window bays along College Avenue. Each wall sign will be 18’ 9” long by 10” tall and will be 15.6 SF. The two wall signs will be externally illuminated by LED lighting around the perimeter of each sign. The proposal includes a total of three building signs and 32.8 SF of signage. The proposed signage meets the square footage allowed under the sign ordinance but §272-6B(2) limits a business to two building signs.

The property is located in a MU-2 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.


Members present:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf

Tompkins County Review per Section 239 -l & -m of New York State General Municipal Law:
Not applicable.
Environmental Review: This is an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance (“CEQRO”), and State Environmental Quality Review Act (“SEQRA”), and is subject to Environmental Review. The City of Ithaca Board of Zoning Appeals hereby declares itself Lead Agency for the environmental review for the approval of zoning appeal 3166, a sign variance for the property located at 420 College Avenue in the City of Ithaca. The Board has reviewed the Short Environmental Assessment Form (SEAF), dated July 27, 2020, and determines that the requested variance will result in no significant impact on the environment.

Planning & Development Board Recommendation:
Comments will be provided at the meeting.

Motion: A motion to grant the variance request was made by ________

Deliberations & Findings:

Factors Considered:

1. Environmental Impact
The Board, acting as lead agency, has conducted appropriate environmental review and has determined the requested variance will have no negative impacts on the environment.

2. Size of sign:
The purpose for which the sign is erected and the distance from which the sign is intended to be read and the character of the adjacent streets shall be taken into consideration. In all cases, the smallest sign that will suit the purpose shall be the guide, taking into account legitimate business interests to be promoted by the sign and the speed limits and traffic conditions on adjacent streets.

3. Number of letters:
A sign with few letters need not be as large as one with many letters to be seen at the same distance. The number of letters are appropriate for the size of the sign.

4. Other signs:
The context of existing signs in the vicinity of the proposed sign shall be taken into considerations.

5. The character of the neighborhood:
The proposed use shall not be detrimental to the general amenity of the neighborhood character so as to cause a devaluation of neighboring property or material inconvenience to neighboring inhabitants or material interference with the use and enjoyment by the inhabitants of neighboring parties. The proposed sign will not be detrimental to the neighborhood character.

6. Public Interest:
The protection of public interest and the desirability of maintaining open spaces, views and vistas shall be considered insofar as possible. The proposed signage will not affect open spaces, views, and vistas.

Second Motion to Grant Variance: Made by__________________

Vote:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Appeal of property owners Kathleen Halton and Rebecca Johnson for an Area Variance from Section 325-8, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the zoning ordinance. The applicant proposes to remove an existing porch on the southwest corner of the house and construct a new carport at the property located at 501 Chestnut Street. The new carport will be 293.3 square feet and 18’ 4” wide by 16’ deep. The property has existing front yard and other side yard deficiencies, and the proposal will exacerbate both deficiencies. The property currently has a front yard of 4 feet, and the construction of the carport will reduce the front yard to 1 foot of the 25 feet required by the ordinance. The smaller side yard is currently 4 feet of the required 10 feet and the new construction will reduce this side yard to 1 foot. The new carport will provide two side-by-side covered parking spaces for occupants of the home and will meet the off-street parking requirements for the property.

The property is located in an R-2a residential 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

**Apartment Number**: BZA-3167  
**Address**: 501 Chestnut Street  
**Date**: 4-Aug-20  
**Applicant**: Kathleen Halton and Rebecca Johnson  
**Owner**: Kathleen Halton and Rebecca Johnson  
**Application Type**: Area Variance

<table>
<thead>
<tr>
<th>Column Number</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></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Condition and Use</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Family</td>
<td>2</td>
<td></td>
<td>18,850</td>
<td>166</td>
<td>3</td>
<td>~25'</td>
<td>7.4%</td>
<td>4'</td>
<td>23'</td>
<td>4'</td>
<td>72.3% or 125'</td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District Regulations for Existing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One and Two Family Zone</td>
<td>2</td>
<td></td>
<td>None Required</td>
<td>5000</td>
<td>45</td>
<td>3</td>
<td>35</td>
<td>30%</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OK</td>
<td>11</td>
<td></td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Condition and/or Use</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Family</td>
<td>2</td>
<td></td>
<td>18,850</td>
<td>166</td>
<td>3</td>
<td>~25'</td>
<td>8.7%</td>
<td>1'</td>
<td>23'</td>
<td>1'</td>
<td>72.3% or 125'</td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District Regulation for Proposed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One and Two Family Zone</td>
<td>2</td>
<td></td>
<td>None Required</td>
<td>5000</td>
<td>45</td>
<td>3</td>
<td>35</td>
<td>30%</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions for Proposal</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OK</td>
<td></td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes**: Existing deficiencies noted in blue; new or exacerbated deficiencies noted in red.
1. TYPE OF APPEAL:

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

APPEAL #: 3167 (FILLED IN BY STAFF)
HEARING DATE: Sept 1, 2020
BUILDING PERMIT #: 40526 (REQUIRED)
RECEIPT #: 63100 (FILLED IN BY STAFF)

2. Property Address: 501 Chestnut St
Owner’s Name: Kathleen Halton and Rebecca Johnson
Owner’s Address: 501 Chestnut St

Kathleen Halton and
Rebecca Johnson
Appellant’s Address: 501 Chestnut St

City: Ithaca State: NY Zip: 14850

3. Appellant’s Name: Rebecca Johnson

Kathleen Halton and
Rebecca Johnson

City: Ithaca State: NY Zip: 14850

Telephone: 227.3731 E-Mail: rpj@johnsonEC.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.

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 16th day of July, 2020

DEANKA A. ELLIS
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 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, Columns 11 and 13</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 ☐ 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:

- The applicants’ submission states that a variance is required from §325-20E(3), Parking in Front Yards; however, staff has determined that the proposed parking area will occupy less than 25% of the required front yard. This meets the requirements for front yard parking, and no variance is required from §325-20E(3).
- The applicants’ submission also states that the property is currently deficient in parking. According to the submitted site plan of existing conditions and the Building Division property file, the existing driveway accommodates two end-to-end parking spaces and meets the requirements for off-street parking in the R-2a district (§325-8, Column 4; §325-20D(3)(e)).
501 Chestnut St – Reason for appeal

2020.07.14

The applicant wishes to construct an attached 2-car carport on the southwest corner of their home, over the location of the current driveway and in place of an existing porch, which would be removed for the carport. They currently have one parking space for a 4 bedroom home, which fails to meet the R2a parking requirement, and would like to have 2 covered spaces. The household has two vehicles and the carport is part of a larger plan of renovations which will allow the couple to age in place by reducing the need to shovel and de-ice vehicles in the winter.

The house, dating from the 1880’s, was built quite close to the street long before the imposition of zoning. Though the lot is exceptionally large (18,850sf), it is on the corner of a very busy intersection (Elm and Chestnut) and descends steeply from the street. (See survey) The existing house location, traffic and topography make siting a garage or carport very difficult. Given the aging-in-place goal of the applicant, a detached garage would necessitate shoveling a long walkway between the house and garage, and create a potentially hazardous walk to the car on their sloping site. In addition, the restriction on curb cuts within a certain distance from an intersection limit the possible locations for any type of parking accommodation.

With these factors in consideration, the best location for the carport is in the southwest corner of the property, close to the existing curb cut, on level ground approximately 40’ from the intersection. This will allow safe access in and out of the driveway, and attachment to the house, offering an elder-safe route from house to car.

The proposed plan (drawing A1) shows the carport corner columns 1’ from both the front and side property lines. The roof overhang is limited to 1’ so that no portion of the roof extends beyond the property line. The carport would harmonize with the existing stick-Victorian aesthetic (drawing A2). To construct this plan the applicant is requesting relief from the following code sections:

**325-8 column 11, Front Yard Setback:** 25’ is required, the current house is +/-4’ from the front property line, and 0’ is requested.

**325-8 column 13, Other side Yard:** 10’ is required, the current house is +/-4’ from the south side lot line, and 0’ is requested.

**325-20 E(3) Parking in the front yard:** Parking is required to be set back from the front lot line 25’. The proposed parking will be set back 0’
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE

CITY OF ITHACA, NEW YORK

APPEAL NO. 3167

TO: Owners of Property within 200 feet of 501 Chestnut Street and others interested.

(property address)

FROM: Kathleen Halton and Rebecca Johnson applicable to property named above, in a R-2a zone.

(name of person or organization making appeal)

REGARDING:

(check appropriate box)

☐ Area Variance    ☐ Use 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 7/28/2020 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7rJN1P_RFaFW2lVCnTrDg. 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 8/4/2020 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 501 Chestnut Street Ithaca, NY 14850 7/17/2020 Date
501 Chestnut St – Letter to Neighbors

July 14, 2020

Dear Neighbors,

We wish to construct an attached 2-car carport on the southwest corner of our home, over the location of the current driveway and in place of an existing porch. We would like to have two covered spaces as part of a larger plan of renovations which will allow us to age in place by reducing the need to shovel and de-ice vehicles in the winter.

Our house, dating from the early 1900’s, was built prior to the construction of a paved street in front of our house and, of course, prior to zoning. Though the lot is exceptionally large (18,850sf), it is on the corner of a terribly busy intersection (Elm and Chestnut) and descends steeply from the street. The existing house location, traffic and topography make siting a garage or carport extremely difficult. Building a detached garage would also necessitate shoveling a long walkway between the house and garage, creating a potentially hazardous walk to the car on our sloping site. In addition, the restriction on curb cuts within a certain distance from an intersection limit the possible locations for any type of parking accommodation.

With these factors in consideration, we felt that the best location for the carport was in the southwest corner of the property, close to the existing curb cut, on level ground approximately 40’ from the intersection. This will allow safe access in and out of the driveway, and attachment to the house, offering an elder-safe route from house to car. The proposed plan (drawing A1) shows the carport corner columns 1’ from both the front and side property lines. The roof overhang is limited to 1’ so that no portion of the roof extends beyond the property line. The carport would harmonize with the existing stick-Victorian aesthetic (drawing A2).

To construct this plan we will be requesting relief from the following code sections at the August 4, 2020 meeting of the Board of Zoning Appeals:

325-8 column 11, Front Yard Setback: 25’ is required, the current house is +/-4’ from the front property line, and 0’ is requested.

325-8 column 13, Other side Yard: 10’ is required, the current house is +/-4’ from the south side lot line, and 0’ is requested.

325-20 E(3) Parking in the front yard: Parking is required to be set back from the front lot line 25’. The proposed parking will be set back 0’

We hope that we will have your support in renovating our home.

Kind regards,

[Signatures]

Kathleen Halton and Rebecca Johnson
501 Chestnut Street - Neighbors to be notified
Variance for Carport

WARNER, SIMEON M 274 Floral Ave Ithaca, NY, 14850
MOSS, SIMEON 231 Elm St Ithaca, NY, 14850
MORSE, LIZABETH A 3160 Albrectsen Rd Ithaca, NY, 14850
SPATT, DANIEL 8 Glade Ave Jamaica Plain, MA, 02130
ITHACA CITY SCHOOL DISTRICT 400 Lake St Ithaca, NY, 14850
HALTON, JANE 11021 27th Avenue NE Seattle, WA, 98125
HALTON, KATHLEEN MARISSA 501 Chestnut St Ithaca, NY, 14850
HALTON, BREND A 109 Weeks Rd Locke, NY, 13092
FREELEY, DUSTIN 256 Floral Ave Ithaca, NY, 14850
LIU, CHUN HUA 246 Floral Avenue Ithaca, NY, 14850
CARPENTER, CHRISTOPHER R 241 Elm St Ithaca, NY, 14850
SCHLESINGER, WARREN D 217 Linn St Ithaca, NY, 14850
WALL, JEFFREY R 509 Chestnut St Ithaca, NY, 14850
SPERLING, JOSHUA S 422 Chestnut St Ithaca, NY, 14850
PURYEAR, JARRELL 4291 Krum's Corners Rd Trumansburg, NY, 14886
HALTON, JANE 11021 27th Ave NE Seattle, WA, 98125
FROEHLICH, AARON T 306 Elm St Ithaca, NY, 14850
PURYEAR, JARRELL 4291 Krum's Corners Rd Trumansburg, NY, 14886
HARRINGTON, CHARLES 11021 27th Ave NE Jacksonville, NY, 14854
LINDEBORG, NATHAN W 418 Chestnut St Ithaca, NY, 14850
WILSON, BILLIE 264 Floral Ave Ithaca, NY, 14850
GRADY, JOHN 1055 Teeter Rd Ithaca, NY, 14850
WALL, JEFFREY R 509 Chestnut St Ithaca, NY, 14850
SCHLESINGER, WARREN D 217 Linn St Ithaca, NY, 14850
KINGRA, MAHINDER S 302 Elm St Ithaca, NY, 14850
JACKSON, REBECCA O 233 Elm St Ithaca, NY, 14850
PORRI, DOROTHY E 237 Elm St Ithaca, NY, 14850
KNIGHT, RICHARD R 511 Chestnut St Ithaca, NY, 14850

500700 77.2-5 274 FLORAL AVE
500700 74.3-21 231 ELM ST
500700 74.3-13 250 FLORAL AVE
500700 74.3-19 235 ELM ST
500700 57.2-1 111 CHESTNUT ST
500700 77.2-2 CHESTNUT ST
500700 74.3-16 501 CHESTNUT ST
500700 77.1-1 301 ELM ST
500700 77.2-3 256 FLORAL AVE
500700 74.3-11 246 FLORAL AVE
500700 74.3-17 241 ELM ST
500700 74.2-10 426 CHESTNUT ST
500700 77.2-13 509 CHESTNUT ST
500700 74.2-9.2 422 CHESTNUT ST
500700 74.3-14 252 FLORAL AVE
500700 77.2-1 503 CHESTNUT ST
500700 75.1-16.2 306 ELM ST
500700 74.3-15 254 FLORAL AVE
500700 77.1-2 309 ELM ST
500700 74.2-7 418 CHESTNUT ST
500700 77.2-4 264 FLORAL AVE
500700 74.3-12 248 FLORAL AVE
500700 77.2-14 507 CHESTNUT ST
500700 74.2-9.1 426 CHESTNUT ST
500700 74.2-11 302 ELM ST
500700 74.3-20 233 ELM ST
500700 74.3-18 237 ELM ST
500700 77.2-12 511 CHESTNUT ST
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

Zoning Appeal #3167

I, Rebecca Johnson/Kathleen Halter, 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 July 21, 2020. 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
Hello Ms Wilson. My sister, Kathleen Halton has asked me to contact you about a variance that she has applied for regarding a carport on her property at 501 Chestnut St, Ithaca, NY. I am the property owner of the adjoining property at 503 Chestnut St. I understand that the proposed carport would be built within one foot of my property line. I am not opposed to this construction and give my consent to the proposed project.

Thank you for your time,

Jane Halton
LOT AREA
18,850 sf
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.
CITY OF ITHACA BOARD of ZONING APPEALS
Area Variance Findings & Decision

Appeal No.: 3167

Applicant: Kathleen Halton and Rebecca Johnson

Property Location: 501 Chestnut Street

Zoning District: R-2a

Applicable Section of City Zoning Code: Section 325-8, Columns 11 and 13.

Requirement for Which Variance is Requested: Front Yard and Other Side Yard.


Summary: Appeal of property owners Kathleen Halton and Rebecca Johnson for an Area Variance from Section 325-8, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the zoning ordinance. The applicant proposes to remove an existing porch on the southwest corner of the house and construct a new carport at the property located at 501 Chestnut Street. The new carport will be 293.3 square feet and 18' 4" wide by 16' deep. The property has existing front yard and other side yard deficiencies, and the proposal will exacerbate both deficiencies. The property currently has a front yard of 4 feet, and the construction of the carport will reduce the front yard to 1 foot of the 25 feet required by the ordinance. The smaller side yard is currently 4 feet of the required 10 feet and the new construction will reduce this side yard to 1 foot. The new carport will provide two side-by-side covered parking spaces for occupants of the home and will meet the off-street parking requirements for the property.

The property is located in an R-2a residential 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.


Members present:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf

Tompkins County Review per Section 239 -l & -m of New York State General Municipal Law: The Not applicable.
**Environmental Review:** This is a Type 2 Action under the City of Ithaca Environmental Quality Review Ordinance (“CEQRO”), and State Environmental Quality Review Act (“SEQRA”), and is not subject to Environmental Review.

**Planning & Development Board Recommendation:**
Comments will be provided at the meeting.

**Motion:** A motion to grant the variance request was made by ________

**Deliberations & Findings:**

**Factors Considered:**

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties: Yes [ ] No [ ]

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance: Yes [ ] No [ ]

3. Whether the requested variance is substantial: Yes [ ] No [ ]

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes [ ] No [ ]

5. Whether the alleged difficulty was self-created: Yes [ ] No [ ]

**Second Motion to Grant Variance:** Made by______________.

**Vote:**
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf