The regular monthly meeting of the BOARD OF ZONING APPEALS will be held at 6:00 p.m. on Tuesday, August 9, 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: 3226
      Address: 210 E. Green Street
      Zone: CBD-140
      Applicant: Green Street Redevelopment Partners LLC, property owner
      Public Hearing: Yes
      Description: Request for a sign variance from §272-6B(2), Number and Size of Permitted Signs in a Commercial Zone, of the Sign Ordinance to allow the installation of 3 building signs in a district limited to 2 building signs per business. All of the signs will exceed the maximum of 12 SF permitted for a residential building sign.

   B. Appeal Number: 3228
      Address: 132 Cherry Street
      Zone: Cherry Street District (CSD)
      Applicant: 132 Cherry Clinton LLC, property owner
      Public Hearing: Yes
      Description: Request for an area variance from §325-8, Column 11, front yard, requirement of the Zoning Ordinance to reduce the front yard of the proposed 5-story, mixed-use buildings to meet the aerial access requirements of the New York State Fire Code.

II. CONTINUED APPEALS
   A. None

III. PRELIMINARY PRESENTATIONS & BOARD COMMENTS
   A. 108 & 110 College Avenue – Revised Project

IV. APPROVAL OF MINUTES
   A. June & July 2022 (to be distributed under separate cover)

V. ADMINISTRATIVE MATTERS
   A. September BZA Meeting
   B. Executive Session to Discuss Matters of Pending Litigation

VI. ADJOURNMENT

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.
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 # 3226

CITY OF ITHACA

Board of Zoning Appeals — Notice of Appeal

210 E. GREEN STREET

Appeal of property owner Green Street Redevelopment Partners LLC for a sign variance from §272-6 B(2), Number and Size of Signs Permitted in a Commercial Zone. The applicant is proposing a sign package for the new mixed-use building The Ithaca, located at 210 E. Green Street and 215 E. State Street. The applicant is proposing to install 3 building signs on the north and south elevations of the building located at 210 E. Green Street. 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. In addition, any sign advertising a residential building is limited to 12 SF in sign area. Two of the proposed building signs (The Ithacan logo, identified as Type 1) will be 94.5 SF, and the third sign (The Ithacan) will be 22 SF.

The property is located in a CBD-140 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: 210 E. Green Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA 3226</td>
<td>CBD-140</td>
<td>Green Street Redevelopment</td>
<td>Sign Variance</td>
<td></td>
</tr>
<tr>
<td>Date:  August 9, 2022</td>
<td>Owner: Green Street Redevelopment Partners LLC</td>
<td></td>
<td></td>
<td></td>
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</table>

### Sign Variance

<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>Ithacan Logo (Type 1)</td>
<td>Building Sign</td>
<td>94.5 SF</td>
<td></td>
<td>2.5&quot;</td>
<td></td>
</tr>
<tr>
<td>Ithacan Logo (Type 1)</td>
<td>Building Sign</td>
<td>94.5 SF</td>
<td></td>
<td>2.5&quot;</td>
<td></td>
</tr>
<tr>
<td>The Ithacan (Type 4)</td>
<td>Building Sign</td>
<td>22 SF</td>
<td></td>
<td>3&quot;</td>
<td></td>
</tr>
</tbody>
</table>

### Regulations

- Maximum of 2 Building Signs per Commercial Entity
- (1) Signs in a commercial district cannot exceed 50 SF; (2) Signs advertising the name of a residential building may not exceed 12 SF

### Note Non-conforming Conditions

- 3 Building Signs Proposed
- (1) Both Ithacan logo signs exceed 50 SF; (2) All three proposed signs exceed 12 SF

### 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 (OR OTHER CITY OFFICIAL)

   APPEAL #: 3226 (FILLED IN BY STAFF)
   HEARING DATE: 8/2/2022
   BUILDING PERMIT #: 40474 (REQUIRED)
   RECEIPT #: 68253 (FILLED IN BY STAFF)

2. Property Address: 210 East Green Street
   Use District: CBD-140
   Green Street Redevelopment
   Owner's Name: Partners, LLC
   Owner's Address: 669 River Drive Suite 402
   City: Elmwood Park
   State: NJ
   Zip: 07407

3. Appellant's Name: Partners, LLC
   Appellant's Address: 669 River Drive Suite 402
   City: Elmwood Park
   State: NJ
   Zip: 07407
   Telephone: 201-297-9150
   E-Mail: br@aptitudere.com & JTrasher@chacompanies.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.

   [x] 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 13th day of June, 2022

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-</td>
<td>§272- 6B(2)</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
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<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination:  
   - [ ] Type 1
   - [ ] Type 2
   - [x] Unlisted

3. Environmental Assessment form used:
   - [ ] Short Environmental Assessment Form (SEAF)
   - [ ] Full Environmental Assessment Form (FEAF)
   - [x] Completed by Planning Division at preliminary hearing for Site Plan Review
   - [ ] 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:
   - The Ithacan (210 E. Green Street and 215 E. State Street) received area variances (BZA #3164 and #3179) for maximum building height in feet, maximum building height in stories, and rear yard.
June 13, 2022

Megan Wilson
Senior Planner
Division of Planning & Economic Development
108 E. Green Street, 3rd Floor
Ithaca NY 14850

RE: Board of Zoning Appeals – Area Variance
210 E. Green Street – The Ithacan

Dear Ms. Wilson:

CHA, on behalf of the applicant, is pleased to submit the enclosed application and supporting documents to the Board of Zoning Appeals for the above referenced project. The application is submitted in support of the requested signage variance which is necessary to provide building wayfinding and building identification.

Project Summary

The applicant is proposing to install five (5) signs at 210 E. Green Street, Ithaca NY 14850 to provide building identification and wayfinding for the building. The five signs include “Entry” and “Exit” signs, a “The Ithacan” sign located above the main building entrance on E. Green Street and two signs with the Ithacan Logo on the north and south side of the building to provide visibility from both directions.

The variances requested are to allow five (5) signs where two (2) are allowed, and to provide a maximum sign size of 69.75 sf where a maximum of 50 sf per sign is allowed.

Area Variance Request Summary

1. *Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance.*

- The request to allow five (5) signs, where two (2) is allowed and an increase in maximum sign size from 50sf for two of the signs to 69.75sf, will NOT produce an undesirable change to the character of the neighborhood or surrounding properties.
- Two of the five signs are very small “Entry” and “Exit” directional signs (3.5sf and 2.4sf respectively) for the garage which are necessary to provide wayfinding for residents as the garage is designed for one way traffic.
- The site is a unique property, as it has frontage on East Green Street but is also visible from the “Commons” to the North. A second entrance to the building along the Commons creates the need for identification signage on the North side of the building as well as the South side facing East Green Street.
- The character of the neighborhood will not be impacted since the total proposed signage is well within the 1.5sf of signage per linear foot of building frontage allowed for the overall project site.
- The proposed building elevations submitted with the application show that the height of the new building necessitates the increase in maximum allowable individual sign area from 50sf to 69.75sf as proposed. Due to the scale of the building, a smaller sign would look disproportionate on the building as well as be difficult to identify from a distance.
2. Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance.

- The benefit that will result from the granting of these requested area variances, is NOT feasible to pursue without the variance request.
- It is not possible to simply reduce the number of signs given the garage entrance/exit needs signage to prevent cars from attempting to enter the wrong entrance or creating unsafe traffic impacts. The Entry and Exit signs fill the two allowable signs providing no additional signage to identify the building.
- It is not possible to further reduce the required number of signs as a sign is needed over the front entrance to provide way finding for the main entrance. Due to its unique location between the Commons and Green Street along with the building’s height, a sign is needed on each side to provide identification from both the south on Green Street and the North along the Commons.
- It is not possible to reduce the size of the two “Ithacan Logo” signs. Reducing the size of the signs would create an undersized sign that would not be appropriate for the scale and perspective of the building and would be difficult to read or recognize.

3. Whether the requested area variance is substantial

- The requested variance to allow 5 signs, where 2 are allowed and an increase in maximum sign size to allow 69.75sf, where 50sf is allowed, is NOT substantial.
- The total signage area for the entire property is still within the allowable cumulative area.
- The two signs for “Entry” and “Exit” are very small directional signs and are necessary for safety way finding. The remaining three requested signs will provide building identification, each visible from different vantage points.
- The increase in maximum sign area is not substantial due to the unique size and scale of the building within the Central Business District. When completed, the Ithacan will be one of the taller buildings in the City of Ithaca which creates the unique need for a larger and more visible signs proportionate to its size and scale.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

- The requested signage variances will NOT have an adverse effect or impact on the surrounding physical or environmental conditions.
- Approval of the variance will enhance the neighborhood by providing clear, and concise signage to identify to the new building along with the directional signage to ensure safe traffic movements into and out of the new garage.

5. Whether the alleged difficulty is self-created.

- The alleged difficulty is Not self-created. While the request has been minimized to the most practical extent, various site constraints necessitate relief from the zoning code for both traffic safety and building identification.
If you should require any additional information or have any questions, please do not hesitate to contact our office at 315-257-7220 or jtrash@chacompanies.com.

Very truly yours,

James F. Trasher, P.E.
Vice President

Enclosures
Cc:
V:\Projects\ANY\K5\059216.000\Corres\Applications\30 - BZA Signage 210 E Green St\0 - BZA Cover Letter - 6-13-2022.doc
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3226

TO: Owners of Property within 200 feet of 210 East Green Street and others interested.

FROM: Partners LLC applicable to property named above, in CBD-140 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 7-26-22 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 8-2-22 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

669 River Drive Suite 402
Elmwood Park, NJ 07407

Date 6-14-2021
June 13, 2022

RE: Board of Zoning Appeals Application  
210 E. Green Street – The Ithacan Mixed Use Development Project

To Whom It May Concern,

CHA, on behalf of the applicant, is pleased to provide the following information related to the above referenced application to the City of Ithaca Board of Zoning Appeals for the proposed redevelopment project.

Green Street Redevelopment Partners, LLC is proposing to install five (5) signs at 210 E. Green Street, Ithaca NY, for the currently under construction Ithacan building. The existing site is under construction and was previously a parking garage.

The previous parking garage has been demolished and is being rebuilt with residential units above. The signage will provide building identification to the building along with directional way finding identifying the garage entrance and exit.

Since the building is significantly taller than the adjacent Rothschild Building signage is proposed on both the North and South sides of the building along with the garage entrances and the main building entrance. The signs at the top of the building are over 50sf which requires a variance, due to the size of the building a smaller sign would look disproportionate and be difficult to see. There is also a request for a variance in the number of signs from 2 to 5, two of which are small “entry and exit” signs located over the garage entrances, one will state “The Ithacan” over the main entrance on East Green Street and the other two will be located at the top of the building on the North and South faces. The increase will be consistent with other properties as only 2 of the 3 larger building identification signs will be visible from Green Street and one sign will be visible from S. State Street and the Ithaca Commons.

The approval of the requested area variances for the building signage is necessary for both building identification and wayfinding.

If you should require any additional information or have any questions, please do not hesitate to contact our office at 315-257-7220 or jtrasher@chacompanies.com.

Very truly yours,

James F. Trasher, P.E.  
Vice President

One Park Place, 300 South State Street, Suite 600, Syracuse, NY 13202-2024  
T 315.471.3920 F 315.471.3569 www.chacompanies.com
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

Zoning Appeal # 3226

I, Ben Harrell, 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 7/19/2022. 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.

(Signature)

(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
Type 1
Pan Sign with Illuminated Logo
LED Illumination
Angle Bracket Mount to Building Fascia
QTY: 2

Rendering
Project: Ithacan - Exterior
Date: 03.14.22
Drawn By: JS
Filename: ITH0004_198860_EXT
Design Review By:

Notes:
• 120V Electrical Service Required
• Wall Construction Details Required
• Verify mounting method
• Site Survey Required

Scale: 1/2" = 1' - 0"

Backer Pan
Painted .125 Aluminum
Graphic: Customer Supplied Artwork Required
Color Match Required

Faces
3/16" Translucent Acrylic Faces w/ First Surface Translucent Vinyl
Font: Customer Supplied Artwork
Painted to match Color Match Required / 7328 White

Trim Cap
1" Trim Cap
2025 Dove Grey

Returns
Painted 4" Deep .040 Aluminum Channel Coil
Painted to match Color Match Required / CO104 White

Mounted with 3/8" Dia x 3" L Blue coated masonry screws - 18 per sign

A
B
C
D

Mounting Surface
Type 2
Vinyl Graphics
QTY: 1

Type 3
Face Lit Channel Letters
LED Illumination
Mechanically Fastened to Building Fascia (Masonry)
QTY: 1 set

Type 4
Face Lit Channel Letters
LED Illumination
Raceway Mounted to Canopy (Attachment TBD)
QTY: 1 set

Notes:
• 120V Electrical Service Required
• Wall Construction Details Required
• Verify mounting method
• Site Survey Required

RETURN

PRODUCT APPROVAL

As Is
As Noted
Approved By:
Date:

Product Approval
**Rendering**

**Project:** Ithacan - Exterior

**Date:** 03.14.22

**Design Review By:**

**Drawn By:** JS

**Notes:**
- 120V Electrical Service Required
- Wall Construction Details Required
- Verify mounting method
- Site Survey Required

**Fabrication Detail**
Does Not Show Actual Mounting Conditions
Site Survey Required
NTS

**Scale:** 1" = 1' - 0"

**Product Approval**

- [ ] As Is
- [x] As Noted

Approved By: __________________________
Date: __________________________

**Type 5**
Halo Illuminated Channel Letters
LED Illumination
Stud Mounted to Building Fascia w/ Stand Off - 1 1/2"
Locitite PL Premium Construction Adhesive
QTY: 1 set

**Profile**

**EXIT**

10.00" 33.93"

**Type 6**
Halo Illuminated Channel Letters
LED Illumination
Stud Mounted to Building Fascia w/ Stand Off - 1 1/2"
Locitite PL Premium Construction Adhesive
QTY: 1 set

**Profile**

**ENTRY**

10.00" 50.23"

Copy

Painted, 1.5" Deep Fabricated Aluminum w/ 3/16" Clear Polycarbonate Backs
Graphic / Font: Customer Supplied Artwork Required
CO104 Black
Notes:
• 120V Electrical Service Required
• Wall Construction Details Required
• Verify mounting method
• Site Survey Required

Sign Placement Reference
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 property owner 132 Cherry Clinton LLC for an area variance from §325-8, Column 11, Front Yard, requirements of the Zoning Ordinance. The applicant proposes to demolish the existing building on the site and construct two 5-story, mixed-use buildings that will contain two commercial spaces, 143 residential units, 48 parking spaces, and other tenant amenities. The applicant is proposing to site the buildings 8’ from the inside edge of the new sidewalk. The Zoning Ordinance requires all buildings in the Cherry Street District to be located a minimum of 15’ from the inside edge of the sidewalk. The applicant is requesting a variance from the front yard requirement in order to locate the building within the setback range from the street that is mandated by New York State Fire Code.

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

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>3228</th>
</tr>
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<tbody>
<tr>
<td>Address</td>
<td>132 Cherry Street</td>
</tr>
<tr>
<td>Date</td>
<td>8/9/2022</td>
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</tbody>
</table>

Applicant: 132 Cherry Clinton LLC
Owner: 132 Cherry Clinton LLC
Application Type: Area Variance

<table>
<thead>
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<th>Column Number</th>
<th>2</th>
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<th>4</th>
<th>5</th>
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<th>8</th>
<th>9</th>
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<th>11</th>
<th>12</th>
<th>13</th>
<th>14/15</th>
<th>16</th>
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</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</td>
<td>Coverage</td>
<td>Front Yard</td>
<td>2nd Front Yard</td>
<td>Other Side Yard</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td>Existing Condition and Use</td>
<td>Industrial</td>
<td>10</td>
<td>3</td>
<td>59,786</td>
<td>293'</td>
<td>1</td>
<td>~15'</td>
<td>18% building; unknown greenspace</td>
<td>No Sidewalk</td>
<td>&gt;35'</td>
<td>100'</td>
<td>35' from PL &amp; 71' from top of bank</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>District Regulations for Existing</td>
<td>Residential (retail, industrial, mixed-use)</td>
<td>None</td>
<td>1, unless provided for in ROW</td>
<td>None</td>
<td>None</td>
<td>5</td>
<td>63</td>
<td>70% building; 15% greenspace</td>
<td>15' from inside edge of sidewalk</td>
<td>10', except row houses</td>
<td>10', except row houses</td>
<td>10' from property line &amp; 25' from top of bank</td>
<td>None; Others: 2</td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions</td>
<td>OK</td>
<td>OK</td>
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<tr>
<td>Proposed Condition and/or Use</td>
<td>Mixed-use (retail, residential)</td>
<td>48</td>
<td>In City ROW</td>
<td>59,786</td>
<td>293'</td>
<td>5</td>
<td>63'</td>
<td>55.6% building; 22% greenspace</td>
<td>8'</td>
<td>&gt;35'</td>
<td>10'</td>
<td>10' from PL &amp; 36' from top of bank</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Residential (retail, industrial, mixed-use)</td>
<td>None</td>
<td>1, unless provided for in ROW</td>
<td>None</td>
<td>None</td>
<td>5</td>
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<td>70% building; 15% greenspace</td>
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<td>None; Others: 2</td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
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<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
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</tr>
</tbody>
</table>
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 #: 3228
   HEARING DATE: 08/02/22
   BUILDING PERMIT #: 42568
   RECEIPT #: 68252

2. Property Address: 132 Cherry St. Ithaca, NY 14580
   Use District: Cherry

   Owner’s Name: 132 Cherry Clinton LLC
   Owner’s Address: 226 Cecil Malone Dr. Suite 3

   City: Ithaca
   State: NY
   Zip: 14850

3. Appellant’s Name: 132 Cherry Clinton LLC
   Appellant’s Address: 226 Cecil Malone Dr. Suite 3

   City: Ithaca
   State: NY
   Zip: 14850

   Telephone: 607-269-7500
   E-Mail: Laura@visanddevelopment.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.

   [X] 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 15 day of June 2022

Notary Public

THOMAS J. CANNON
Notary Public, State of New York
Reg. No. 01CA05388775
Qualified in Cortland County
Commission Expires 07/21/23

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>
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<tbody>
<tr>
<td>§325-8, Column 11</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
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<td>§325-</td>
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<td>§272-</td>
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<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:
CITY OF ITHACA
108 East Green Street — 3rd Floor Ithaca, New York 14850-5690

DEPARTMENT OF PLANNING, BUILDING, ZONING & ECONOMIC DEVELOPMENT
Megan Wilson, Secretary to the Board of Zoning Appeals
Telephone: 607-274-6550 Fax: 607-274-6558 Email: mwilson@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 #: 3228 DATE: June 15, 2022

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

I (We) Todd Fox __________________ of 106 Crescent Place __________________________________________

Ithaca, New York, 14850

(City/Municipality) (State & Zip Code)

Owner of the property at 132 Cherry Street ________________________________ (Street & Number)

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

☑ This property is also owned by 132 Cherry LLC and I have a Power of Attorney to authorize this appeal (attach POA).

I do hereby authorize Visum Development Group and CJS Architects to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the 08/02/2022 meeting of the Board of Zoning Appeals.

(Date)

(Signature)

STATE OF NEW YORK) COUNTY OF TOMPKINS)

Sworn to this 15 day of June, 2022

Notary Public available at City Hall

THOMAS J. CANNON
Notary Public, State of New York
Reg. No. 01CA6398775
Qualified in Cortland County
Commission Expires 10/7/23

Notary Public

Note to those signing this form:

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

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

APPEAL NO. 3228

TO: Owners of Property within 200 feet of 132 Cherry St, Ithaca NY 14850 and others interested.

FROM: 132 Cherry Clinton LLC applicable to property named above, in CSD 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 08/23/22 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 09/06/22 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

226 Cecil Malone Drive Ste. 3, Ithaca, NY 14850

Date

June 17, 2022
June 17, 2022
Re: The Hive/132 Cherry St Zoning Variance Request

Dear Neighbor,

This letter is to inform you of the proposed Hive project at 132 Cherry St and a proposed zoning variance request that will be pursued for this development. Visum Development is proposing five-story, mixed-use, market-rate housing project called The Hive at 132 Cherry Street, located in the Cherry Street District (CSD). The two buildings will include 143 residential units total: 24 studios, 50 one-bedrooms, 14 one bedroom+loft, 39 two-bedrooms, and 4 three-bedrooms. The building’s amenities include an outdoor pool, fitness room, community room, rooftop lounge, dog wash, and secured package room. The ground floor of the buildings will include +/- 43 covered parking spaces, 7 additional spaces will be available on-street. There are two ground-floor retail spaces on Cherry St; the northern space will comprise 1,486 square feet and the southern space 1,482 square feet. There is also a 1,441sf commercial space on the SW corner adjacent to the future Waterfront Trail and pedestrian bridge set aside for shared studio/gallery space. There is a plaza located along Cherry Street and a waterfront courtyard with pool.

The total square footage of the building is 174,622 sf, and the building footprint is 33,238 sf. A pergola adds an additional 2000 sf +/- . The lot is 1.37 acres, resulting in 56% proposed lot coverage. Over 20% of the site is greenspace that is either grass or landscaped. The majority of the building height is 53’, the top floor one-bedroom units have mezzanines that reach 63’. There is a single curb cut, situated between the two buildings to allow ground level parking access to the proposed buildings and entry plaza. A tree lawn and sidewalk have been integrated into the design on the property.

The project is seeking an Area Variance for the **Section 325-8 Required Minimum Front Yard in the Cherry Street District (CSD) - 15' minimum required front yard setback measured from the inside edge of the sidewalk. (Amended 2020).** Based on conversations with the Planning and Department of Public Works staff the future parking curb on Cherry St will be located on the property line and a treelawn is desired between the curb and sidewalk. The width of the parking lane (8’), curb (0.5’), treelawn (6’), sidewalk (6’) and required 15’ setback from edge of sidewalk puts the buildings outside (>35’) of the Fire and Aerial Apparatus Fire Road requirements of FCNYS Sections 503 and D105.

This requires a variance from the Front Yard requirements of Section 325-8 in the CSD to comply with FCNYS requirements. We request a setback of 20’0” minimum @ the first floor and
15’0” minimum at portions of the floors above to be measured from the property line. This would put the face of the buildings at 28-29’ maximum from the edge of road, meeting the requirements of 2020 FCNYS. The buildings have a combined frontage of approximately 260’. Approximately 90 linear feet of the upper floors of south building would overhang the first floor as described above.

Working in concert with city planning officials and as a way to meet the desire for a treelawn between both the on-street parking and sidewalk and a treelawn between the sidewalk and building we feel that the proposed balances those desires with the requirements of the Fire Code of NYS.
<table>
<thead>
<tr>
<th>Parcel</th>
<th>Owner</th>
<th>Mailing Address</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>500700</td>
<td>132 Cherry Clinton LLC</td>
<td>226 Cecil A Malone Dr, Suite 2</td>
<td>Ithaca NY</td>
</tr>
<tr>
<td>500700</td>
<td>Ithaca Arthaus, LLC</td>
<td>PO Box 35405</td>
<td>Charlotte</td>
</tr>
<tr>
<td>500700</td>
<td>City of Ithaca</td>
<td>108 E Green St</td>
<td>Ithaca NY</td>
</tr>
<tr>
<td>500700</td>
<td>New York State DOT</td>
<td>3668 State Route 281</td>
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<tr>
<td>500700</td>
<td>John L H Fuchs</td>
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<td>500700</td>
<td>Downstate 201 Excavation LLC</td>
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<tr>
<td>500700</td>
<td>Gates Road Holding, LLC</td>
<td>3913 Gates Rd</td>
<td>Vestal NY</td>
</tr>
</tbody>
</table>

Note:
Ithaca Arthaus communicated that letters should be mailed to their property and not to their PO Box in Charlotte. The communication was mailed to 130 Cherry St. Ithaca NY 14850
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
Revised Minima:

- **Side Yard:** 10' MIN.
- **Rear Yard:** 10' MIN. PLUS > 25' FROM TOP OF BANK
- **Second Front Yard:** MIN 15' FROM EDGE OF SIDEWALK (WATERFRONT TRAIL)
- **Second Front Yard:** MIN 15' FROM PROPERTYLINE

Special Variances Requested:
- **Proposed Parallel Parking (6x20 TYP.):**
  - 10' MIN @ 1ST FLOOR
  - 15' MIN @ FLOORS ABOVE

Additional Details:
- **Setbacks:**
  - 10' - 0" from property boundaries
  - 20' - 0" from street
  - 15' - 0" from sidewalks (waterfront trail)
- **Fenced Areas:**
  - Tall Grasses
  - Perennial Plantings
- **Bike Racks:**
- **Street Trees:**
- **Concrete Sidewalks:**
- **Decorative Concrete:**
- **Bus Shields:**
- **Perennial Plantings:**
- **Groundcover:**
- **Street Tree:**
- **Concealed Canopies:**
- **Decorative Concrete:**
- **Perennial Plantings:**

**SITE PLAN - 1"=30'**

**THE HIVE**
132 CHERRY STREET
ITHACA, NY
06/17/22
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.
TO: Board of Zoning Appeals

FROM: Megan Wilson, Zoning Administrator

DATE: July 27, 2022

RE: Revised Zoning Analysis – 108 & 110 College Avenue

The applicants presented the proposed project for 108 & 110 College Avenue at the June 7, 2022 Board of Zoning Appeals meeting, and the team has revised the project in response to feedback from Board members. I have reviewed the revised site plan and elevations for 108 & 110 College Avenue, dated July 8, 2022, and have determined that the project does not meet the requirements for a multiple dwelling in the CR-4 district and will require variances in order to be constructed as currently proposed. The preliminary zoning analysis assumes the consolidation of 108 College Avenue and 110 College Avenue into a single parcel. This project meets the City’s definition of a “rowhouse” and is subject to the CR-4 district requirements for rowhouses.

1. **Maximum Lot Coverage by Buildings:** The proposed project will have a lot coverage by buildings of 57.4%. This exceeds the maximum 50% allowed by the Zoning Ordinance by 7.4% or approximately 590 square feet.

2. **Rear Yard:** The project site requires a minimum rear yard of 15.8’. The building extends into the required rear yard, resulting in a 9.7’ rear yard.

The applicant will attend the August 9, 2022 BZA meeting to present the revised project and hear the Board’s comments on the requested variances. Typically, applications for variances on new construction are scheduled for two meetings before the Board. This second preliminary presentation is considered the first meeting in that sequence. Please feel free to contact me with any questions or if you need any additional information.
### Appeal Number
- Appeal Number: -

### Use District
- Use District: CR-4

### Applicant
- Applicant: Jason Demarest

### Address
- Address: 108 & 110 College Avenue

### Date
- Date: 7/28/2022

### Owner
- Owner: AdBro Development

### Application Type
- Application Type: Preliminary Zoning Analysis

#### District Regulations for Existing

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<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>
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<td>Existing Condition and Use</td>
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<td></td>
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<tr>
<td>1-2 Family</td>
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<td>None Required</td>
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<td>30</td>
<td>4</td>
<td>45</td>
<td>50% Bldg. 25% Green</td>
<td>10</td>
<td>Row House- 0'</td>
<td>Row House- 0'</td>
<td>20% or 20' whichever is less</td>
<td>20' Min. 2 Stories Min.</td>
<td></td>
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<tr>
<td>Multiple</td>
<td>None</td>
<td>None Required</td>
<td>3500</td>
<td>40</td>
<td>4</td>
<td>45</td>
<td>50% Bldg. 25% Green</td>
<td>10</td>
<td>Row House- 0'</td>
<td>Row House- 0'</td>
<td>20% or 20' whichever is less</td>
<td>20' Min. 2 Stories Min.</td>
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#### Proposed Condition and/or Use

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<tr>
<td>Multiple Dwelling</td>
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<td>30</td>
<td>4</td>
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<td>Row House- 0'</td>
<td>Row House- 0'</td>
<td>20% (15.8') or 20' whichever is less</td>
<td>20' Min. 2 Stories Min.</td>
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#### Note Non-Conforming Conditions

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### CR-4 FORM BASE REQUIREMENTS

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<tr>
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<th>Structure Type</th>
<th>Doors &amp; Entries</th>
<th>Floor Height</th>
<th>Parking Setback</th>
<th>Primary Structure Spacing</th>
<th>Street Façade Length</th>
<th>Roof</th>
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<tbody>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Primary</td>
<td>1 per rowhouse module</td>
<td>9.2'</td>
<td>9.2'</td>
<td>76'</td>
<td>Flat Roof</td>
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<td>District Regulation for Proposed</td>
<td>Primary</td>
<td>Functioning entry: on street-facing façade 1 min. Corner lots: 1 functioning entry on street facing façade.</td>
<td>9' min.</td>
<td>9'min.</td>
<td>20' min. from front façade</td>
<td>5' Min. between primary structure on the same parcel</td>
<td>Row House: 100' All Other: 45' Blank Wall: 8' Max.</td>
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<td>OK</td>
<td>OK</td>
<td>TBD</td>
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**Notes:** * Pending Planning Board approval
EXTERIOR INSPIRATION
UNITS: 37 TOTAL
West 2 bedrooms qty - 10
East 2 bedrooms qty - 10
West Studio qty - 5
East Studio qty - 9
Total 2 bedroom units: 20
Total studio units: 14

BEDS: 54

---

Ground floor and floors 2-4 match first floor, with entry/package room replaced with mirror of East studio unit.
Grade Plane Calculation: PROPOSED
1/1/2023

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<th>Elevation 2</th>
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See 2013 NBC Building Code Commentary: Definition Chapter Figure 203.20(E)
Elevations at 3' offset per the NBC/Building Code used for calculation as worst case
Elevations at 1' offset required per City Code zoning.

Site Plan- Grade Plane
3/16" = 1'-0"