



**CITY OF ITHACA**

**108 E. Green Street — 3rd Floor Ithaca, NY 14850-5690**

**DEPARTMENT OF PLANNING, BUILDING, ZONING, & ECONOMIC DEVELOPMENT**

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**LEGAL NOTICE**

**CITY OF ITHACA BOARD OF ZONING APPEALS (BZA):** Notice is hereby given, pursuant to Section 325-40. B. (2) (g) of the Zoning Ordinance of the City of Ithaca, that Public Hearings will be held **Tuesday, June 2, 2015**, at 7:00 PM in Common Council Chambers, City Hall, 108 E. Green Street, Ithaca, New York to consider the following appeals:

**APPEAL #2982**

**815 S. AURORA STREET  
(MODERN LIVING RENTALS)**

Appeal of Noah Demarest, agent for Modern Living Rentals, for an interpretation from the Director of Zoning Administration concerning Article VA, Telecommunication Facilities and Services, Section 325-29.9 A. (1) as applied to a cell tower located at 815 South Aurora Street. Section 325-29.9 A. (1) concerns fall zone setback requirements for Tier III telecommunications facilities and is the section that applies to siting towers, monopoles, or lattice towers. This section states: “[n]o habitable structure or outdoor area where people congregate shall be within a fall zone of two times the height of the PWSF (personal wireless service facility) or its mount.” The applicant’s agent has stated that Modern Living Rentals has an option to purchase 815 South Aurora Street. This 2.5-acre parcel is the location of a telecommunications tower reported to be 170 feet in height. Modern Living Rentals wants to build a housing development on this site. Based on two engineering reports, the applicant believes the fall zone requirement should be interpreted to allow the fall zone for the tower at 815 South Aurora Street to be reduced from 340 feet to 180 feet. Section 325-29.9 A. (1) does not provide for exceptions being made to the fall zone requirement based on engineering reports.

**APPEAL #2983**

**228 W. SPENCER STREET  
(PPM HOMES)**

Appeal of Noah Demarest for PPM Homes, owner of 228 West Spencer Street, for Area Variances from Section 325-8, Columns 4 and 11, Off Street Parking, and Front Yard Setback, requirements of the Zoning Ordinance.

On June 3, 2014, the Board of Zoning Appeals (BZA) granted Area Variances to the owner Theron L. Johnson Trust under Appeal #2944, so that a house with a footprint of 600 SF could be built on the deficient lot at 228 West Spencer. Variances were granted for Lot Area, Percentage of Lot Coverage, Front Yard, both Side Yards, and Rear Yard. The owner was also granted a variance for the proposed parking garage on the lowest level of this dwelling, which was designed to be 10.6’x16’ instead of the required 8’x18’ feet. These variances were granted with conditions that limit the building size to a footprint of 600 SF, and limit the overall area to 1,478 SF. Furthermore, the Board conditioned the granting of the variance based on the building plans submitted by the applicant. The Board specified no deficiencies granted under Appeal #2944 could be exceeded as a result of altering this building design.

The property at 228 West Spencer Street has now been sold to PPM Homes and the new applicant has submitted a new house design, which only has a footprint of 494 SF. While the new design means that two deficiencies, Percentage of Lot Coverage and Other Side Yard, previously granted under Appeal #2944 are no longer needed, the new design does not provide off-street parking and increases the front yard deficiency previously granted. Under Appeal #2944, the previous applicant submitted plans showing a garage space in the lowest level of the house. The new applicant's design does not provide a basement garage to meet the off-street parking requirements and claims there is ample off-site parking on nearby streets. The new applicant is also increasing the deficiency granted for the front yard under the previous appeal. The previous applicant had a front yard deficiency of 2'6". The proposed front yard under this new design will be 1'6". The requirement for front yard setback is 10 feet.

The parcel at 228 West Spencer Street is in an R-2b Use District, where the proposed use is permitted; however, Section 325-38 requires variances be granted before a Building Permit can be issued.

**APPEAL #2984**

**108 FERRIS PLACE  
(TODD FOX)**

Appeal of Noah Demarest for Todd Fox, owner of 108 Ferris Place, for a variance from Section 325-8, Column 4, Off-Street Parking, Column 11, Front Yard, and Column 13, Other Side Yard Setback, requirements of the Zoning Ordinance. The property at 108 Ferris Place is a six-bedroom single-family home. The owner proposes to construct a new two-bedroom apartment in the basement. The six-bedroom house requires three off-street parking spaces and the two-bedroom apartment needs one off-street space. There is only one parking space on site. The applicant states that because of the building's close proximity to downtown and Cornell University, bus service is readily available. There are also two existing deficiencies. The front yard is 10'10"; required is a front yard of 25 feet. The other side yard is 5'6"; required is a side yard of 10 feet.

The property at 108 Ferris Place is in an R-2a Use District, where the proposed use is permitted. However, Section 325-38 requires that variances be granted before a Building Permit can be issued.

**APPEAL #2985**

**310-318 S. ALBANY STREET  
(BEECHTREE CENTER FOR REHABILITATION & NURSING)**

Appeal of Patrick Weir for 318 South Albany Street, LLC, owners of Beechtree Center for Rehabilitation & Nursing, for a variance from Section 272-6 B. (1), Size of Sign, requirements of the Sign Ordinance.

The applicant currently has an existing freestanding sign at the corner of Albany and South Clinton Streets. Due to organizational changes, they wish to replace the existing sign with their new business name. The existing sign is 24 SF and they would like to replace it with a new sign having the same area in size. Section 272-6 B. (1) limits Commercial signs in Residential Districts to an area of 12 SF.

The property at 310-318 South Albany Street is in an R-3a Residential District where signs are a permitted accessory use. However, Section 272-18 requires that a variance be granted before a Sign Permit can be issued.

**ACCESSIBILITY:** If you have a disability that requires special arrangements to be made in order for you to fully participate in the hearing, please contact the Clerk's Office at 274-6570 by the Friday before the meeting.

Phyllis Radke  
Director of Zoning Administration &  
Secretary to the Board of Zoning Appeals

**Publication Dates: May 18, 2015 & May 20, 2015**