



CITY OF ITHACA

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

DEPARTMENT OF PLANNING, BUILDING, ZONING, & ECONOMIC DEVELOPMENT

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AGENDA & LEGAL NOTICE

CITY OF ITHACA BOARD OF ZONING APPEALS (BZA): Notice is hereby given, pursuant to Section 325-40. B. (2) (g) of City of Ithaca Zoning Ordinance, that Public Hearings will be held **Tuesday, September 6, 2016**, at 7:00 PM in Common Council Chambers, City Hall, 108 E. Green St., Ithaca, NY to consider the following appeals:

ZONING APPEAL #3037

**112-114½ FERRIS PLACE
(112-114 FERRIS PLACE, LLC)**

NOTE: The Public Hearing for this Zoning Appeal was already held on 8/23/16.

Appeal of 112-114 Ferris Place, LLC, for Area Variances from Article V, Section 3 a), b), and d), Front Yard, Side Yard, and Lot Size and Article V, Section 5, Off-Street Parking, requirements of the 1950 Zoning Ordinance.

The owner of 112-114½ Ferris Place purchased the property in 2015 without knowledge that this property it is an illegal non-conforming use. Under the City Zoning Ordinance, a property becomes a non-conforming use when the Zoning District where a property is located is changed so that under the new regulations the use of that property is no longer permitted. A non-conforming use can continue operating in the new Zoning District, provided it conformed to the zoning regulations in effect before the Zoning District was changed.

The property at 112-114½ Ferris Place was converted without a Building Permit from a two-family dwelling to a multiple dwelling around 1955, when the 1950 Zoning Ordinance was in effect. At that time, 112-114½ Ferris Place was located in the "A" Zoning District, which allowed multiple dwellings as of right. However, the conversion of the existing two-family home to a multiple dwelling also required compliance with the "A" zone's area regulations. Unfortunately, the property at 112-114½ Ferris Place did not meet the requirements for lot size, yard setbacks, and parking when the building was converted to a multiple dwelling in 1955. Consequently, in 1977 when the Zoning District where 112-114½ Ferris Place is located changed to an R-2a zone, a zone that prohibits uses classified as multiple dwellings, this property became an illegal non-conforming use.

The applicant wants 112-114½ Ferris Place to be zoning-compliant and is therefore requesting variances from the 1950 Zoning Ordinance's lot size, front yard, side yard, and off- street parking requirements. The property at 112-114½ Ferris Place has a lot size 6,185.2 SF; the required lot size under the 1950 Zoning Ordinance for a three-unit multiple dwelling is 7,500 SF. The front yard has a depth of 9.7 feet. The 1950 Zoning Ordinance requires a minimum 10-foot front yard. The side yards are 5 feet and 1.5 feet. The 1950 Ordinance requires the side yards to be no less than 5 feet, but also requires that the sum of both side yards be no less than 15 feet. Finally, the property at 112-114½ Ferris Place has one off-street parking space. The 1950 Zoning Ordinance requires one parking space for each dwelling unit, or three parking spaces.

The property at 112-114½ Ferris Place is in an R-2a zone, where multiple dwellings are not a permitted use. Variances are needed for the conversion to a multiple dwelling under the 1950 Zoning Ordinance in order for the building to be classified as a legal non-conforming use and its occupancy as a multiple dwelling to continue in the same manner as it has, since being converted more than 60 years ago.

ZONING APPEAL #3038

**125 EDDY STREET
(JAGAT SHARMA)**

Appeal of Jagat Sharma, architect, for Nick Lambrou, owner of 123-125 Eddy Street, for variances from Section 325-8, Columns 4, 12, and 14/15, Off-Street Parking, Side Yard, and Rear Yard, requirements of the Zoning Ordinance.

The applicant proposes to subdivide 123-125 Eddy Street into two parcels of land to create a new buildable lot. The two existing buildings — a multiple dwelling and single-family home located at the northern end of the existing parcel — will be on the lot addressed 125 Eddy Street. On the other lot, addressed 123 Eddy Street, the applicant proposes to build a two-family home. However, the Subdivision cannot be approved unless the lots are compliant with the City Zoning Ordinance. The proposed lot at 125 Eddy Street does not comply with the Zoning District Regulations for Off-Street Parking, Side Yard, and Rear Yard requirements. The existing multiple dwelling and single-family home require a total of 5 off-street parking spaces. However, no off-street parking has ever been provided for the occupants of the two buildings. The applicant is requesting a variance for this deficiency because Eddy Street is approximately 5 feet lower than the parcel's elevation along the street line. The applicant believes no vehicular access from the street to this parcel can be achieved. The applicant is also requesting variances for the side yard and rear yard deficiencies. The side yard is 8.92 feet between 125 Eddy Street's north property line and the north face of the existing multiple dwelling on the lot. Required is a 10-foot side yard. The rear yard is 8'5" between 125 Eddy Street's east property line and the east face of the existing single-family home located on this lot. The minimum rear yard required is 20 feet.

The lot at 125 Eddy Street is in an R-2b Zoning District where the multiple dwelling is a legal non-conforming use and the single-family home is a permitted use. However, General City Law, Book 20, Section 33, requires that lots comply with City zoning regulations before the Subdivision can be approved by the Planning Board.

ZONING APPEAL #3039

**123 EDDY STREET
(JAGAT SHARMA)**

Appeal of Jagat Sharma, architect for Nick Lambrou, owner of 123 Eddy Street for a variance from Section 325-8, Column 4, Off-Street Parking Spaces, a requirement of the Zoning Ordinance.

The applicant proposes to subdivide 123-125 Eddy Street into two parcels of land to create a new buildable lot. The two existing buildings — a multiple dwelling and single-family home located at the northern end of the existing parcel — will be on the lot addressed 125 Eddy Street. On the other lot, addressed 123 Eddy Street, the applicant proposes to build a two-family home. However, the Subdivision cannot be approved unless the lots are compliant with the City Zoning Ordinance. The proposed lot at 123 Eddy Street complies with all Zoning District Regulations, except the Off-Street Parking requirement. The proposed two-family home requires two parking spaces, one for each 3-bedroom unit. The applicant is requesting a variance to provide no off-street parking spaces. The applicant believes vehicular access from the street to the site cannot be achieved, because Eddy Street is approximately 5 feet lower than the parcel's elevation along the street line.

The lot at 123 Eddy Street is in an R-2b Zoning District where a two-family home is a permitted use; however, General City Law, Book 20, Section 33, requires lots comply with City zoning regulations before the Subdivision can be approved by the Planning Board.

ZONING APPEAL #3041

**213 CASCADILLA STREET
(CHRISTOPHER KOURKOUTIS)**

Appeal of Christopher Kourkoutis, owner of 213 Cascadilla Street, for variances from Section 325-8, Column 6, 7, 10, 11, 12, and 13, Lot Area, Street Width, Percentage of Lot Coverage, Front Yard, Other Front Yard, and Side Yard, respectively, requirements of the Zoning Ordinance.

The applicant proposes to make three modifications to the single-family home at 213 Cascadilla Street. Two of these modifications entail replacing the stairs that currently provide access to the front and rear doors. The stairs were constructed without a landing and, as a result, pose a safety hazard. Stairs without landings are not considered in lot coverage calculations or in determining yard setbacks. On the other hand, landings must be considered in the determination of required yard setbacks and maximum allowed lot coverage calculations. The applicant proposes to construct a 4'x5' landing at the front door entry. However, the small lot at 213 Cascadilla Street only has a front yard 2.5 feet in depth and, as proposed, this landing will extend into the City right-of-way, increasing the deficient front yard to minus 1.5 feet. The front yard setback is required to be 10 feet. The applicant also proposes to construct a 5'x5' landing and stairs, as well as an 8'x8' storage shed in the back yard of 213 Cascadilla Street. These two modifications and the proposed front yard landing will increase the property's lot coverage from 49.2% to 55.7%. The maximum allowed lot coverage is 35%. In addition, the property has other deficiencies that will not be exacerbated by the applicant's three proposed modifications. The property at 213 Cascadilla Street has a lot size of 1,593 SF; the required lot size is 3,000 SF. The lot's width at street is 24 feet. The required width at street is 35 feet. The other front yard is 0.3 feet; required is 10 feet. The side yard is 1.5 feet; required is 5 feet.

The property at 213 Cascadilla Street is in a R-2b Zoning District where a single-family home is a permitted use; however, Section 325-38 requires variances be granted before a Building Permit can be issued.

ZONING APPEAL #3043

**107 W. LINCOLN STREET
(AARON BUECHEL)**

Appeal of Aaron Buechel, owner of 107 W. Lincoln Street, for Area Variances from Section 325-8, Columns 11, Columns 13, and 14/15, Front Yard, Other Side Yard, and Rear Yard, requirements of the Zoning Ordinance.

The property at 107 West Lincoln Street is a single-family home with a two-story garage. The applicant proposes to convert the upper story of the garage into a studio apartment, changing the classification of the garage from an accessory use to a second primary use on the property. While the existing garage at 107 West Lincoln Street meets the minimum other side yard and rear yard setback requirements for an accessory structure, it does not meet the other side yard and rear yard setbacks, as a single dwelling unit with garage space. Used as an accessory structure, the existing garage has another side yard setback of 3.7 feet. Constructing a dwelling unit in the garage structure requires the other side yard to be a minimum of 5 feet. The existing garage is set back 3.4 feet from the rear yard property line. As a primary structure, zoning requires a minimum 20-foot rear yard setback. The property at 107 West Lincoln Street also has an existing deficient front yard that will not be exacerbated by the applicant's proposal. The front yard setback is 7.4 feet; the required front yard setback is 10 feet. The property at 107 West Lincoln Street is in an R-2b Use District where the proposed studio apartment is permitted; however Section 325-38 requires a variance be granted, before a Building Permit can be issued.

ACCESSIBILITY: If you have a disability requiring special arrangements for you to fully participate in the hearing, please contact the Clerk's Office, 274-6570, by the Friday before the meeting.

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

Publication Dates: August 25, 2016 & August 26, 2016