BOARD OF ZONING APPEALS (BZA)

AGENDA

The regular monthly meeting of the BOARD OF ZONING APPEALS will be held at 5:30 p.m. on Tuesday, July 11, 2023. This meeting is open to the public and will be held in Common Council Chambers, Third Floor, City Hall, 108 E. Green Street, Ithaca, NY, and also conducted remotely using videoconferencing technology. Members of the public are strongly encouraged to participate remotely. Virtual participation in public meetings is authorized by Part WW of Chapter 56 of the Laws of 2022 of New York State and Local Law 2022-05. More information, including the written procedures governing the use of videoconferencing technology, is available at http://www.cityofithaca.org/339/Boards-Committees.

For remote viewing/attendance: A live stream of the proceedings is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVCnTrDg; a recording will be made available through the same link following the conclusion of the proceedings. If you are a member of the public wanting to observe the meeting, please simply watch the live stream. If you are an interested party and would like to sign up to speak at the meeting or submit written comments, please see the instructions at the end of the agenda.

I. TELECOMMUNICATIONS APPEALS
A. Appeal Number: 3252  5:40 PM
   Address: 214 N Meadow Street
   Zone: WED-Z-1a
   Applicant: Bell Atlantic Mobile Systems, LLC d/b/a (Verizon Wireless)
   Property Owner: Bull Bros., Inc.
   Public Hearing: Yes
   Description: Request for an area variance from §325-29.8B(1)(h), Siting Standards for Personal Wireless Service Facilities (PWSF), and §325-29.8C(1), Design Standards for Personal Wireless Service Facilities, of the City of Ithaca Zoning Ordinance to allow the modification of an existing personal wireless service facility that is located within 250’ from a residential structure and less than 1500’ from other PWSF.

II. NEW APPEALS
A. Appeal Number: 3253  5:50 PM
   Address: 605 South Albany Street
   Zone: R-2b
   Applicant: Michael Barnoski, Trade Design Build
   Property Owner: Rachel & Vanya Rohwer
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 6, Lot Area; Column 10, Lot Coverage by Buildings; Column 11, Front Yard; Column 13, Side Yard; and Column 14/15, Rear Yard to allow the construction of a second primary structure on the property that will contain an accessory dwelling unit and storage space for the existing single-family home.

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.
B. Appeal Number: 3254
   Address: 409 Willow Avenue
   Zone: R2-b
   Applicant: Emily Petrina, Firehouse Architecture Lab
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 11, Front Yard, and Column 13, Side Yard, to allow the construction of a deck off of the northwest corner of the single-family home. The deck will align with the existing home but is a lateral extension of an existing side yard deficiency. The front yard deficiency is existing and will not be exacerbated by this proposal.

III. CONTINUED APPEALS
None

IV. PRELIMINARY PRESENTATIONS & BOARD COMMENTS
A. Air Ithaca, 261 Lake Street

V. APPROVAL OF MINUTES
A. May 2, 2023
B. April 4, 2023
C. February 7, 2023

VI. ADMINISTRATIVE MATTERS
A. Zoning Permits (Staff-Level Approvals)

VII. ADJOURNMENT

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.

COMMENTS & QUESTIONS
Interested parties are invited to speak or submit written comments on appeals that come before the Board of Zoning Appeals. The Board considers "interested parties" persons who live, work or own property within 750 feet of the property, who are authorized representatives of recognized adjacent neighborhood civic groups, or who are elected City officials. Interested parties wishing to be heard must register by 3:00 PM on the day of the meeting. To register, please send your name and address to mwilson@cityofithaca.org, subject line: “BZA Speaker Registration – July 2023”.

Interested parties may submit comments for public hearings by mail or email. All comments must be received by 3 p.m. on the day of the meeting, and they will be included in the record. Each comment is
limited to three minutes. Indicate in your email that the comment is for a public hearing and please include your name and address. All comments and questions can be emailed to Megan Wilson at mwilson@cityofithaca.org or call (607) 274-6550.
Appeal of Bell Atlantic Mobile Systems LLC and Verizon Wireless, on behalf of property owner Bull Bros. Inc., for an area variance from Section 325-29.8B(1)(h), Siting Standards for Personal Wireless Service Facilities, and Section 325-29.8C(1), Design Standards for Personal Wireless Service Facilities, of the City of Ithaca Zoning Ordinance. The applicant proposes to remove and replace one antenna and related equipment on the company’s existing personal wireless service facility (PWSF) located on the property at 214 N Meadow Street. The proposal is considered a modification of the existing PWSF. The City recently amended Article VA, Telecommunications Facilities and Services, of the Zoning Ordinance, and the amendment requires all PWSF to be located at least 250’ from adjacent residences and 1500’ from other PWSF. This property is located directly next to a residential property, and the installation is less than 1500’ from other PWSF. These are existing deficiencies that will not be exacerbated by this proposal.

214 N Meadow Street is located in the WEDZ-1a district in which the proposed PWSF is permitted. However, Section 325-29.28 requires that an area variance be granted before a building permit is issued.
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

APPEAL #: 3252 (FILLED IN BY STAFF)
HEARING DATE: June 7, 2023
BUILDING PERMIT #: (REQUIRED)
RECEIPT #: 70486 (FILLED IN BY STAFF)

2. Property Address: 214 North Meadow Street Use District: WED-Z-1a
Owner’s Name: Bull Bros. Inc. Owner’s Address: 6500 New Venture Gear Drive, Suite 100
City: East Syracuse State: NY Zip: 13057
Bell Atlantic Mobile Systems, LLC

3. Appellant’s Name: d/b/a Verizon Wireless Appellant’s Address: 1275 John Street, Suite 100
City: West Henrietta State: NY Zip: 14586

Telephone: (585) 263-1140 - attorney E-Mail: jlusk@nixonpeabody.com (Jared Lusk, attorney)

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.

Verizon Wireless representatives ☑️ have met/discussed this application with Zoning Division staff prior to submission.

Appellant Signature
Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless
by its attorneys Nixon Peabody LLP, by Jared C. Lusk

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 3rd day of April, 2023

Melissa K. Vimišlik
Notary Public

MELISSA K. VIMISLIK
Notary Public, State of New York
Registration #: 01IV14949929
Qualifed in Monroe County
Certificate Filed in Monroe County
Commission Expires: 04/17/2023

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.

4855-5788-3478.1
1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
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<tr>
<td>§325- 29.8C(1)</td>
<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 ______________

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 #: 3257  DATE: 5-4-2023

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

I (We) Bull Bros. Inc.  of 6500 New Venture Gear Dr., Suite 100
(Name)  (Street Address)

East Syracuse, NY 13057  (State & Zip Code)

(City/Municipality)

Owner of the property at 214 N. Meadow Street  (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 Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the June 7, 2023 meeting of the Board of Zoning Appeals.

(Date)

(Signature)

MASSACHUSETTS
STATE OF NEW YORK
COUNTY OF TOMPKINS

Worcester

Sworn to this 29 day of March, 2023

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.

4855-5788-3478.1
--- NOTICE OF APPEAL ---

REGARDING ZONING OR SIGN ORDINANCE

CITY OF ITHACA, NEW YORK

APPEAL NO. 3252

TO: Owners of Property within 200 feet of 214 N. Meadow Street and others interested.

(property address)

FROM: Verizon Wireless applicable to property named above, in WED-Z-1a zone.

(name of person or organization making appeal)

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 basess its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review on the City’s website (http://www.cityofithaca.org/368/Board-of-Zoning-Appeals) under “Most Recent Agenda,” beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The PLANNING BOARD will consider this case on 4/19 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 7/11/23 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

1300 Clinton Square
Rochester, NY 14604

Date 6/8/23

Address 4855-5788-3478.1

Jared C. Lusk, Esq., Nixon Peabody LLP, attorneys for Verizon Wireless
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<td>Govt pk lot</td>
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June 8, 2023

VIA U.S. MAIL

RE: Application by Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless for the necessary approvals from the City of Ithaca to perform an equipment upgrade to the existing rooftop wireless telecommunications facility located at 214 North Meadow Street, City of Ithaca, New York (Tax Parcel No. 59-7-13) (Verizon Wireless’ “Meadow and Buffalo” Micro Site)

Dear Neighbor:

This letter is to inform you that Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless has made application to the City of Ithaca Department of Planning and Development for the approvals necessary to perform an equipment upgrade to the existing rooftop wireless telecommunications facility (including the replacement of an antenna with a new antenna, the replacement of a remote radio head with two (2) remote radio heads and the addition of ten (10) coax cables) located at 214 North Meadow Street in the City of Ithaca which will add critical wireless telecommunications coverage in the City.

The City of Ithaca zoning regulations require us to provide notification of the above-referenced application to all owners of real property located within 200 feet of the boundary on which the Project is located. Should you have any questions, the application is on file in the City Planning Department and on the City’s website.

Very truly yours,

Jared C. Lusk

JCL/mkv
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

Zoning Appeal #: 3252

I, Jared C. Lusk, affirm that 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 June 20, 2023. 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)
Jared C. Lusk, Esq., Nixon Peabody LLP, attorneys for Verizon Wireless

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
CITY OF ITHACA

Board of Zoning Appeals — Notice of Appeal

APPEAL # 3253

605 S ALBANY STREET

Appeal of Trade Design Build, on behalf of property owners Rachel and Vanya Rohwer for an area variance from §325-8, Column 6, Lot Area; Column 10, Lot Coverage by Buildings; Column 11, Front Yard; Column 13, Other Side Yard; and Column 14/15, Rear Yard requirements of the Zoning Ordinance. The applicant proposes to demolish an existing garage and reconstruct a new building that will provide storage space and an accessory dwelling unit. While the new building will be similar in size and location to the previous accessory structure, it is considered a second primary structure on the lot, due to the new residential use, and must meet the zoning requirements for primary structures. This proposal creates the following new or exacerbated deficiencies:

- The zoning regulations of the R-2b district require that each primary use have a minimum lot area of 3,000 SF. The proposal will result in two primary residential uses on the lot, requiring 6,000 SF of lot area. The property is 3,750 SF, resulting in a deficiency of 2,250 SF or 37.5% of the required area.

- The maximum lot coverage by buildings permitted in the R-2b district is 35%. The property has an existing deficiency of 36.8%, and the proposal will increase lot coverage by buildings to 37.6%.

- The proposed building will be located 1.1’ from the rear property line where a 20’ rear yard is required. This results in a deficiency of 18.9’ or 94.5% of the required yard.

The property has existing deficiencies in the required front and side yards that will not be exacerbated by this proposal.
City of Ithaca Board of Zoning Appeals Worksheet

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<th>Appeal Number</th>
<th>Use District</th>
<th>Address</th>
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<th>Owner</th>
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<td>R-2b</td>
<td>605 S Albany St</td>
<td>7/114/23</td>
<td>Trade Design Build</td>
<td>Rachel and Vanya Rohwer</td>
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<td>1</td>
<td>None Required</td>
<td>3,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def</td>
<td>Def</td>
<td>OK</td>
<td>Def</td>
<td>Def</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Single-Family</td>
<td>2</td>
<td>3,750</td>
<td>~75'</td>
<td>2</td>
<td>~22'</td>
<td>37.6%</td>
<td>0'</td>
<td>10'</td>
<td>2'1&quot;</td>
<td>1.1' or 2.2%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Two Family Zone</td>
<td>2</td>
<td>None Required</td>
<td>6,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>OK</td>
<td>OK</td>
<td>Def</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def</td>
<td>Def</td>
<td>OK</td>
<td>Def</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: Existing deficiencies are noted in blue; new or exacerbated deficiencies are noted in red.
CITY OF ITHACA  
108 E. Green St. — Third Floor  Ithaca, NY  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  E-Mail: mwilson@cityofithaca.org  

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  

2. Property Address: 605 South Albany Street, Ithaca, NY  
Use District:  R-2  

Owner’s Name: Rachel & Vanya Rohwer  Owner’s Address: 605 South Albany Street,  

City: Ithaca  State: NY  Zip: 14850  

3. Appellant’s Name: Michael Barnoski  Appellant’s Address: PO Box 843  

City: Ithaca  State: NY  Zip: 14850  

Telephone: 585-330-0658  E-Mail: mike@tradedesignbuild.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 2nd day of  

[Signature]  

Notary Public  

VERONICA SILVERSTEIN  
NOTARY PUBLIC STATE OF NEW YORK  
CORTLAND COUNTY  
LIC. #0151002368  
COMM. EXP. 03/06/20  

[Stamp]  

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 6, 10, 11, 12, 14/15</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  [x] 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 / [x] has not been made for this proposal:
   Appeal No. ________, dated ____________
   Appeal No. ________, dated ____________
   Appeal No. ________, dated ____________

5. Notes or Special Conditions:
The City does not have legislation and zoning regulations specifically to accessory dwelling units (ADU). At the present time, any individual building with one or more residential units is considered a primary structure and must meet the zoning requirements for a primary structure. This includes the requirement that a property must have twice the minimum lot area to add a second primary structure (§325-8B(1)).
OWNER’S AUTHORIZATION FORM

TO PLANNING & DEVELOPMENT BOARD, Ithaca, New York:

DATE: 5/1/2023

I (We) ___________________________ of ___________________________

(Name of Property Owner) (Street Address)

Ithaca ___________________________

(State/Zip)

Owner of the property at ___________________________

(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 application (attach POA).

I hereby authorize ___________________________ to submit a Site Plan Review/Subdivision

(application on my (our) behalf. I (we) understand the application will be heard at the

meeting of the Planning & Development Board.

Michael Barnoski, Trade Design Build

(Name)

Date ___________________________

(Signature)

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to on this 9th day of

May 2023

Notary Public

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

(2) The owner may be the only person with detailed information about the property that is essential to the application.
In such a case, authorizing another person to submit a Site Plan Review or Subdivision application may be detrimental to
the application, 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 Site Plan Review Ordinance or Subdivision
Ordinance.
**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>Rohwer Garage &amp; ADU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a location map):</td>
<td>605 South Albany Street, Ithaca, New York 14850</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
<td>Demolish, and reconstruct an existing residential garage, as an accessory dwelling unit, with a small storage space, on a single family lot in downtown Ithaca, NY.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Michael Barnoski</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>585-330-0658</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:mike@tradedesignbuild.com">mike@tradedesignbuild.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>PO Box 843</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Ithaca</td>
</tr>
<tr>
<td>State:</td>
<td>New York</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.
   - **YES**

2. **Does the proposed action require a permit, approval or funding from any other government Agency?**
   - If Yes, list agency(s) name and permit or approval: City of Ithaca, Zoning Variance, Building Permit, Special Use Permit
   - **YES**

3. **Total acreage of the site of the proposed action?**
   - 0.085 acres
   - **YES**

4. **Total acreage to be physically disturbed?**
   - 0.030 acres

5. **Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?**
   - 0.085 acres

4. **Check all land uses that occur on, are adjoining or near the proposed action:**
   - Residential (suburban)
   - Industrial
   - Commercial
   - Rural (non-agriculture)
   - Agricultural
   - Aquatic
   - Urban
   - Forest
   - Parkland
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Is the proposed action,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. A permitted use under the zoning regulations?</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Consistent with the adopted comprehensive plan?</td>
<td>☑</td>
<td></td>
<td></td>
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<tr>
<td>6. Is the proposed action consistent with the predominant character of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the existing built or natural landscape?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Is the site of the proposed action located in, or does it adjoin,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a state listed Critical Environmental Area?</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, identify:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. a. Will the proposed action result in a substantial increase in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>traffic above present levels?</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Are public transportation services available at or near the site of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the proposed action?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Are any pedestrian accommodations or bicycle routes available on or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>near the site of the proposed action?</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Does the proposed action meet or exceed the state energy code</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>requirements?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If the proposed action will exceed requirements, describe design</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>features and technologies:</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>10. Will the proposed action connect to an existing public/private</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>water supply?</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>If No, describe method for providing potable water:</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>11. Will the proposed action connect to existing wastewater utilities?</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>If No, describe method for providing wastewater treatment:</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>12. a. Does the project site contain, or is it substantially contiguous</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>to, a building, archaeological site, or district which is listed on</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>the National or State Register of Historic Places, or that has been</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>determined by the Commissioner of the NYS Office of Parks, Recreation</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>and Historic Preservation to be eligible for listing on the State</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>Register of Historic Places?</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>b. Is the project site, or any portion of it, located in or adjacent</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>to an area designated as sensitive for archaeological sites on the NY</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>State Historic Preservation Office (SHPO) archaeological site</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>inventory?</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>13. a. Does any portion of the site of the proposed action, or lands</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>adjoining the proposed action, contain wetlands or other waterbodies</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>regulated by a federal, state or local agency?</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>b. Would the proposed action physically alter, or encroach into, any</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>existing wetland or waterbody?</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>If Yes, identify the wetland or waterbody and extent of alterations in</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>square feet or acres:</td>
<td></td>
<td></td>
<td>YES</td>
</tr>
</tbody>
</table>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- [ ] Shoreline  
- [x] Forest  
- [ ] Agricultural/grasslands  
- [ ] Early mid-successional  
- [ ] Wetland  
- [x] Urban  
- [ ] Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  
   - NO  
   - YES  

16. Is the project site located in the 100-year flood plan?  
   - NO  
   - YES  

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
   - NO  
   - YES  
   a. Will storm water discharges flow to adjacent properties?  
   - YES  
   - NO  
   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
   - YES  
   - NO  
   
   Roof leaders to daylight on existing property, consistent with existing drainage condition of existing garage being removed.

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)?  
   - NO  
   - YES  
   
   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?  
   - NO  
   - YES  
   
   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?  
   - NO  
   - YES  
   
   Per NYS DEC EAF Mapper, talked to Diane Donne, Syracuse DEC rep, no remediation projects on file for this property. She thought could be the adjacent chain works district clean up project, triggering the yes for adjoining properties.

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

   Applicant/sponsor/name: Michael Barnoski  
   Date: May 5, 2023  
   Signature: [Signature]  
   Title: Owner/Architect, Trade Design Build
**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></th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>✔</td>
</tr>
<tr>
<td>2.</td>
<td>Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>✔</td>
</tr>
<tr>
<td>3.</td>
<td>Will the proposed action impair the character or quality of the existing community?</td>
<td>✔</td>
</tr>
<tr>
<td>4.</td>
<td>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>✔</td>
</tr>
<tr>
<td>5.</td>
<td>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>
</tr>
<tr>
<td>6.</td>
<td>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>
</tr>
<tr>
<td>7.</td>
<td>Will the proposed action impact existing:</td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td>a. public / private water supplies?</td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td>b. public / private wastewater treatment utilities?</td>
<td>✔</td>
</tr>
<tr>
<td>8.</td>
<td>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>✔</td>
</tr>
<tr>
<td>9.</td>
<td>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>
</tr>
<tr>
<td>10.</td>
<td>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>✔</td>
</tr>
<tr>
<td>11.</td>
<td>Will the proposed action create a hazard to environmental resources or human health?</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 3253.
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. __________

TO: Owners of Property within 200 feet of 605 South Albany St, Ithaca, NY_______ and others interested.

FROM: Michael Barnoski, Trade Design Build____ applicable to property named above, in ___R2____ 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 ___6/27/2023____ at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7R7jJN1P_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 ___7/11/2023___ 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  605 South Albany St, Ithaca, NY  6/7/2023

Address  Date
May 1, 2023

Rachel & Vanya Rohwer
Re: BZA Application - Reason for Appeal
605 South Albany Street
Ithaca, New York 14850

To Whom it may concern,

The applicant is seeking variances for new or exacerbated deficiencies in lot area, lot coverage and rear yard as well as existing deficiencies in front yard and rear yard.

The applicant intends to demolish the existing one car garage adjacent to the single family home on site, and replace it with a similarly sized building containing a mix of storage space, and an accessory dwelling unit.

The existing garage currently sits within the rear yard setback. The existing garage and house together are over the maximum allowable lot coverage. The existing home sits within the front yard setback. The home and garage have occupied this site for a considerable amount of time in this current arrangement, but the garage has fallen into disrepair.

We’ve determined repairs to the existing garage would be more costly than demolition and reconstruction. The proposed ADU is an allowable use in this zone. The new structure has been designed to match the existing garage in general area, height and bulk, to not substantially change the existing conditions present on site (The rebuilt structure will be 1.5’ larger in the east/west direction, and 1’ taller in height).

Sincerely,
Michael Barnoski

Michael Barnoski, AIA
OWNER
MIKE@TRADEDESIGNBUILD.COM
585-330-0658
<table>
<thead>
<tr>
<th>Parcel #</th>
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<th>Mailing Address</th>
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<td>Olufemi Taiwo</td>
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<td>Tibor F Marosi, Martha C Rojas-Marosi</td>
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<td>500700 105.-4-1</td>
<td>Marcus L Chacona</td>
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<td>William J Brazo Jr,</td>
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<td>Hope Zaccagni, Keith Gregory</td>
<td>1435 Waterwells Rd</td>
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<td>Alan Pauling</td>
<td>211 Wood St</td>
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<tr>
<td>500700 106.-1-8.2 Shift Chainworks Owner 1 LLC</td>
<td>3401 I St</td>
<td>Philadelphia PA 19137</td>
</tr>
</tbody>
</table>
ROHWER GARAGE

605 SOUTH ALBANY ST, ITHACA, NEW YORK 14850
RACHEL & VANYA ROHWER
22047
ENSURE 5/8" OFFSET, EXTERIOR FACE OF GYP TO ALIGN WITH EXTERIOR FACE OF FW1 FOAM.
(2) 2X10 HEADER W/ 2 1/2" GPS FOAM BETWEEN LOOSE FILL FIBER INSULATION, BACKER ROD AND SEALANT

RIGID HEAD FLASHING, TAPED AT ATTACHMENT

1/4" AIR GAP ABOVE FLASHING

DRAINAGE CAVITY WRAPPED IN CONTINUOUS BUG SCREEN, STAPLED AT BOTTOM OF RAINSCREEN

THERMAL BUCK, SEE ADJACENT INSTALL DETAILS

GYPSUM BOARD RETURN

LOOSE FILL FIBER INSULATION, BACKER ROD AND SEALANT

WINDOW FLASH TAPED TO EXTERIOR WRB SIDING FIT FLUSH TO WINDOW

1/2" SHIM SPACE

2X6 WOOD SILL PLATE

1/4" AIR GAP

DRAINAGE MESH WRAPPED IN CONTINUOUS BUG SCREEN, STAPLED AT TOP OF RAINSCREEN

1" HARDWOOD SILL

PLYWOOD SILL PLATE

SEALANT

SLOPED FLASHING TAPE

LAPPED OVER WRB

1/2" SHIM SPACE

1 1/2" x 1 1/2" TRIM, MATCH SIDING

THERMAL BUCK, SEE ADJACENT INSTALL DETAILS

GYPSUM BOARD RETURN

1" X 3 1/2" LARCH TRIM, UNFINISHED

3/4" X 7 1/4" FURRING STRIPS

FASTENED BACK TO CORNER STUDS

UNFINISHED LARCH SIDING

1" X 9 1/4" LARCH TRIM, UNFINISHED

LARCH SIDING, UNFINISHED

TRANSFER FACTORY DETAIL FROM AARONS REC

5/8" GYP

5/8" GYP

1" X 3 1/2" LARCH TRIM, UNFINISHED

3/4" X 7 1/4" FURRING STRIPS

FASTENED BACK TO CORNER STUDS

UNFINISHED LARCH SIDING

1" X 9 1/4" LARCH TRIM, UNFINISHED

LARCH SIDING, UNFINISHED

2X PT WD SILL SUPPORT FASTENED TO CONCRETE FOUNDATION WITH TAPCON SCREWS

TAPE OVER WD SILL SUPPORT

SLOPED METAL PAN

PEEL AND STICK SHIM OR SIM SLOPE PAN TO EXTERIOR

GYPSUM BOARD RETURN BEYOND WOOD TRIM BOARD RETURN BEYOND?? SHIFT DOOR FORWARD IN ASSEMBLY AND DIE SIDING INTO DOOR JUST LIKE WE DID WITH THE WINDOWS?
Can we move vents to the soffit? Take a single bay for bathroom/ahu and reuse our existing soffit vent detail and repurpose it to keep the wall clean? We are permitted to puncture our TJI blocking ~5" x 3.5". This seems sufficient for exhaust ducting. What do you think about that?
BEFORE DIMENSIONING I HOPE FOR SOME FEEDBACK. IS THIS A REASONABLE LIGHTING PLAN PER YOUR UNDERSTANDING OF PROJ?

MEP NOTES

• PROVIDE POWER TO ALL HVAC EQUIPMENT INCLUDING HEAT EXCHANGER, WATER HEATER, HRV, ATTIC FANS, AND WHOLE HOUSE FAN

PLUMBING

• PLUMBER TO PROVIDE CONNECTION FROM HOT WATER HEATER, AND REQUIRED MUNICIPAL WATER SERVICE EQUIPMENT INCLUDING VALVES, METER, AND COPPER PIPE

• NO SOFTENER OR WATER STORAGE TANK ANTICIPATED

• FIXTURES INCLUDING SHOWER PANS, DRAINS, TOILETS, VANITIES, SINKS, FAUCETS PROVIDED BY GENERAL CONTRACTOR, TO BE INSTALLED BY PLUMBER.

• TIE VENT LINES TOGETHER IN 1.5" CHASE WHERE POSSIBLE TO LIMIT VENT PIPES PENETRATING THE ROOF

LIGHTING:

• ALL LIGHTING LED, AND ALL SWITCHES DIMMABLE

• PROVIDE ______ LIGHTS, AND WHITE SWITCHES & OUTLETS

• ______ LIGHTS PROVIDED AND INSTALLED BY ELECTRICIAN

• DECORATIVE WALL LIGHTS AND BATH FANS PROVIDED BY GC, INSTALLED BY ELECTRICIAN

• CL1 - 4' LINEAR SURFACE MOUNT GARAGE LIGHT

• CL2 - LIVING ROOM PENDANT LIGHT, TBD

• CL3 - BATHROOM VENT FAN, TBD

• CL4 - VANITY LIGHT, TBD

• CL5 - BAR PENDANT, TBD

• WL1 - EXTERIOR WALL LIGHTS, TBD

CLIENT NAME: Architecture Construction Furniture

PROJECT ADDRESS: 1672 Slaterville Road Ithaca, New York 14850

tradedesignbuild.com

PROJECT NO:

PROJECT NAME:

DRAWN BY:

ISSUE DATE:

DRAWING DETAILS

DRAWING NAME:

DRAWING NO:

REVISION SCHEDULE

© 2013 TRADE DESIGN BUILD

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CONSULTANT DETAILS

22047 RACHEL & VANYA ROHWER

605 SOUTH ALBANY ST, ITHACA, NEW YORK 14850

ROHWER GARAGE

MEP CEILING PLANS

REVISION NO. ISSUE DATE

M1.51

6/1/2023 5:08:20 PM 3:59:34 PM

M1.51
APPEAL # 3254

409 WILLOW AVENUE

Appeal of Firehouse Architecture Lab, on behalf of property owners Julie Wise and Jason Willig, for an area variance from §325-8, Column 11, Front Yard, and Column 13, Other Side Yard requirements of the Zoning Ordinance. As part of a larger overall renovation of the single-family home, the applicant proposes to construct a new deck off of the north-facing corner of the house. The proposed deck will align with the existing home but will create a lateral extension of the property’s existing side yard deficiency. Both the original home and the deck will be located 3.1’ from the north side property line.

The property has an existing deficiency in the required front yard that will not be exacerbated by this proposal.
### City of Ithaca Board of Zoning Appeals Worksheet

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>BZA-3254</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
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<tr>
<td>Use District</td>
<td>R-2b</td>
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<tr>
<td>Date</td>
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<tr>
<td>Applicant</td>
<td>Firehouse Architecture Lab</td>
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<td>Owner</td>
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<td>Application Type</td>
<td>Area Variance</td>
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<tr>
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<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>2</td>
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<td>68' or 51%</td>
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<td><strong>Proposed Condition and/or Use</strong></td>
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<td>5,227</td>
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<td>2</td>
<td>~25'</td>
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<td>3,000</td>
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</tbody>
</table>

**Notes:**
- Existing deficiencies are noted in blue; new or exacerbated deficiencies are noted in red.
- *The proposed deck will create a lateral extension of the existing side yard deficiency.*
CITY OF ITHACA
108 E. Green St. — Third Floor Ithaca, NY 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 E-Mail: mwilson@cityofithaca.org

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 #: 3254 (FILLED IN BY STAFF)
   HEARING DATE: 7/11/2023
   BUILDING PERMIT #: 44541 (REQUIRED)
   RECEIPT #: 70800 (FILLED IN BY STAFF)

2. Property Address: 409 Willow Ave, Ithaca NY 14850 Use District: R2-b
   Owner’s Name: Julie Wise & Jason Willig
   Owner’s Address: 409 Willow Ave
   City: Ithaca State: NY Zip: 14850

3. Appellant’s Name: Emily Petrina, FHALAB
   Appellant’s Address: 136 W State St
   City: Ithaca State: NY Zip: 14850
   Telephone: (607) 592-9385 E-Mail: emily@fhalab.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.

   Emily Petrina

   Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 19th day of
May 2023

MARK P. KENJERSKA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KE4666293
Qualified in Tompkins County
My Commission Expires 08-04-26

1 Notary Public available at City Hall.

IMPORTANT: INCOMPLETE applications will be returned to the applicant and the applicant will have to reapply.

If another city approval is required (e.g., Site Plan Review, Subdivision Review, Ithaca Landmarks Preservation Commission Review), this application will likely not be considered at the next scheduled BZA meeting date.

If an application is submitted and subsequent changes are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
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<tbody>
<tr>
<td>§325- 8, Columns 11, 13</td>
<td>§272-</td>
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<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 __________

5. Notes or Special Conditions:
OWNERS AUTHORIZATION FORM

ZONING APPEAL #: 3254                      DATE: 6/6/2023

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

I (We) Julie Wise & Jason Willig of 409 Willow Ave

Ithaca, NY, 14850

Owner of the property at 409 Willow Ave

☐ 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 Emily Petrina / Firehouse Arch Lab PLLC to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the 7/4/2023 meeting of the Board of Zoning Appeals.

(Signature)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 6th day of

June 2023

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. 3254

TO: Owners of Property within 200 feet of 409 Willow Ave and others interested.

FROM: ________________________________ applicable to property named above, in R-2b 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 **6/27/23** at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVcTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The **BOARD OF ZONING APPEALS** will consider this case on **7/11/23** 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

May 19, 2023

Neighbors of Julie Wise and Jason Willig
409 Willow Ave
Ithaca, NY 14850

RE: Notice of Zoning Appeal, Proposed Deck at 409 Willow Ave

Dear Neighbors,

I am sending this letter to you on behalf of Julie Wise and Jason Willig, owners of 409 Willow Ave. Julie and Jason recently purchased the property with the goal of renovating the interior and back yard and moving in during the spring of 2024.

Interior improvements include upgrading to an all electric house with no fossil fuels, new insulation and air sealing to exceed NYS energy code, and the renovation of dated interior finishes. Julie and Jason’s plans for the exterior are limited because they love the character of the house and how it fits in along the street. Exterior improvements include a new rear door to the exterior from the dining room, a deck at 30” above grade over the existing dilapidated patio, and a privacy fence to the north.

Proposed scope of work pertaining to the variance:
1. Build a new rear-yard deck at 30” above grade over existing patio space
2. Build a new privacy fence aligned to the north wall of the existing house

Requested area variance:
1. New rear-yard deck aligned with the north wall of the existing house: The deck would be deficient on the north side-yard setback by 1’-11”, reducing the side yard from the required 5’-0” down to 3’-1”.

We are requesting this variance to allow for a slightly wider deck that will be more functional. The shape of the house at the back yard restricts the width of the deck to 10’-8” if it adheres to the north side-yard setback. Approving this variance request would allow the deck to be built 1’-11” over the north side-yard setback, for a total deck width of 12’-7”. We feel that this has a minimal impact to the north neighbor at 411 Willow Ave, because it aligns with the house and does not exacerbate the existing deficiency.

This proposed work conforms to Lot Coverage requirements for the R2-b zoning. The existing house, porch and detached garage occupy 1168 sq ft, or 22.3% of the allowable 35% coverage. The proposed deck described above would add 190 sq ft, for a total lot coverage of 1358 sq ft, or 25.9% of the allowable 35% coverage.

There is an existing dilapidated wooden fence along the property line. Jason and Julie would like to remove this fence and rebuild it only to the east of the new deck. The privacy screen on the deck aligned to the north side of the house would serve as the property fence for the length of the deck. We feel that this has less of an impact to the driveway of the adjacent property at 411 Willow Ave than replacing the fence along the property line.
Thank you for the opportunity to discuss this project with you! We hope you will agree that it is important to keep owner-occupied families in Fall Creek. If you have any questions or concerns, please feel free to reach out to me via email: emily@fhalab.com. There will be a public hearing for this project at the Planning and Development Board meeting on 6/27/23, and then also at the Board of Zoning Appeals meeting on 7/11/23.

Sincerely,

Emily M. Petrina, RA
LEED AP BD+C
Firehouse Architecture Lab, PLLC
<table>
<thead>
<tr>
<th>Address 1</th>
<th>Address 2</th>
<th>Address 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sharon Barbell</td>
<td>Jeannette M Palmer</td>
<td>City of Ithaca</td>
</tr>
<tr>
<td>202 Adams St</td>
<td>501 Willow Ave</td>
<td>108 E Green St</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
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<td>Edward Volpicelli</td>
<td>KB Properties, LLC</td>
<td>Deborah M Berman</td>
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<td>Janet M Volpicelli</td>
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<td>Robert K Sherman</td>
<td>Rebecca M Bell</td>
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<td>Susan Austern</td>
<td>Marta Costa-Potter</td>
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<td>Megan Zerez</td>
<td>Catherine A Holmes</td>
<td>Saah Nue Quigee</td>
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<td>Aileen M Yee</td>
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<td>Jestina J Quigee</td>
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<td>Clifford Ehmke</td>
<td>Dhondup D Zurkhang</td>
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<td>Angela Ehmke</td>
<td>Choklay Lhamo</td>
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<td>Francois G Kehas-Dewaghe</td>
<td>Murphy Family Inc Only Trst</td>
<td>INHS, Inc</td>
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<td>Elizabeth M Kehas-Dewaghe</td>
<td>102 Hancock St</td>
<td>115 W Clinton St</td>
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<td>Anna Garber Hammond</td>
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<td>Barbara L Kasian</td>
<td>Soohyun Oh</td>
<td>Leslie A Benjamin</td>
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</tbody>
</table>

Barbara L Kasian
INHS, Inc
204 Hancock St
Ithaca NY 14850
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

Zoning Appeal # 3254

I, ______ Emily M Petrina / FHALAB ______, 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 ______ June 20, 2023 ______. 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
LEVEL 2 FLOOR PLAN
1/4" = 1'-0"
PRIVACY FENCE AT NEW DECK; ALIGNED TO EXISTING NORTH WALL OF HOUSE

DOG FENCE BEYOND STAIRS TO DECK

THIS DRAWING IS ONLY VALID FOR CONSTRUCTION, BIDDING OR GOVERNMENT AGENCY REVIEW IF IT BORES AN ORIGINAL SIGNED STAMP OF THE ARCHITECT. USE OF THIS DRAWING FOR ANY OTHER PROJECT, ALTERATION OR EXTENSION OF THIS PROJECT IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF EMILY PETRINA, RA. ANY UNAUTHORIZED REUSE IS A VIOLATION OF US COPYRIGHT LAW.
PRIVACY FENCE AT NEW DECK; ALIGNED TO EXISTING NORTH WALL OF HOUSE

DOG FENCE

STAIRS TO DECK

BUILDING ELEVATION - EAST

1/4" = 1'-0"

WISE-WILLIG RENO.
409 WILLOW AVENUE
ITHACA, NY 14850

DRAFT

EXTERIOR ELEVATIONS

NOT FOR CONSTRUCTION

A-2.1

1/4" = 1'-0"
PRIVACY FENCE AT NEW DECK BEYOND

DOG FENCE

Scale

Project No

Date

Date

1/4" = 1'-0"

EXTERIOR ELEVATIONS

23.07

MAY 15, 2023

1/4" = 1'-0"

BUILDING ELEVATION - SOUTH

1/4" = 1'-0"

DOG FENCE

PRIVACY FENCE AT NEW DECK BEYOND