

VILLAGE OF MANLIUS
ZONING BOARD OF APPEALS
MEETING

April 19, 2010

Members Present: Francis Marlowe, Chair; Richard Bilharz, Barbara-Ann Serafin.

Others Present: Brad Hunt, Attorney for the Board; Diane Ilacqua, Secretary for the Board; Scott McGrew, Trustee; Rick and Kathy Pollard.

Meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Motion made by Mrs. Serafin, seconded by Mr. Bilharz to approve the minutes of February 22, 2010. All in favor. Motion carried.

Appeal #2010-4
Eric Pollard
405 Pleasant St. 025-04-11.0

Motion made by Mr. Bilharz, seconded by Mrs. Serafin to waive the reading of the Public Notice. All in favor. Motion carried.

Motion made by Mr. Bilharz, seconded by Mrs. Serafin, to open the Public Hearing at 7:02 p.m.

Mr. Pollard addressed the Board and explained their variance request. Chairman Marlowe noted that a letter has been received from Marilyn & Kent Jeffery of 501 Pleasant St., in favor of the project.

There being no opponents and no proponents in the audience, a Motion was made by Mrs. Serafin, seconded by Mr. Bilharz, to close the Public Hearing at 7:07 p.m.

After discussion, the Board made the following Resolution:

**RESOLUTION NO. 2010-4
OF THE
ZONING BOARD OF APPEALS
OF THE
VILLAGE OF MANLIUS**

Eric Pollard of 405 Pleasant Street, Manlius, NY 13104 seek an area variance from Section 99-8E(2) of the Village of Manlius Code related to the required side yard setback for the property located at 405 Pleasant Street. The property is located in an R-1 District and is identified as Tax Map parcel 025-04-11.0. The Zoning Code requires 10 feet setback as a minimum on one side and a total of 30 feet minimum for both sides; Mr. Pollards' proposal provides for a total of 5 feet with respect to one side and 25 feet total relative to a proposed garage.

Mr. Pollard spoke in favor of the application. He described the plan and the circumstances under which the new garage and house addition will be located at the property.

In support of the application, applicant submitted an Application for Variance, and a survey map prepared by R.J. Lighton showing the location of the proposed improvements. It was noted that Marilyn & Kent Jeffery of 501 Pleasant St., submitted a letter of support for the project.

Based on the foregoing, the Board resolves as follows:

1. This matter is Type II under SEQR as it involves an individual setback variance related to a single family residential use.
2. After consideration of the applicable criteria for an area variance (see attached), it is determined the requested variance will not produce any undesirable change in the character of the neighborhood and will not be a detriment to nearby properties. In light of the lot's size and location of existing improvements there was not a feasible method to pursue other than the area variance so that the entrance way can be located at its current site, consistent with the site layout. The proposed variance will not have an adverse effect or impact on the physical environmental

conditions in the neighborhood or district. The benefit to applicant outweighs the detriment to the neighborhood or community as a result of granting the variance.

3. A variance is granted to allow for the location of a garage with a side yard set back of 5 feet on the east side of the property and total side yard setbacks of 25 feet.

Roll Call Vote:

	Aye	Nay	Other
Richard Bilharz	<u>X</u>	___	___
Francis Marlowe	<u>X</u>	___	___
Brian Mullett	___	___	<u>Absent</u>
Barbara Ann Serafin	<u>X</u>	___	___
Nancy Pfeiffer	___	___	<u>Absent</u>

The Resolution, as the Decision of the Board, was thereupon declared duly adopted by the Board.

Chairman Marlowe advised the applicant to see Dave Tessier at the Code Enforcement Office for any necessary permits.

Other Business:

Mr. Tessier reported that the owners of Kelly's Massage and the Saucy Swan will be cited for their signs that are not in compliance.

There being no further business, a Motion was made to adjourn the meeting at 7:20 p.m. (Serafin/Bilharz). All in favor. Motion carried.

Respectfully submitted,

Diane Ilacqua, Secretary