

**Village of Cazenovia  
Zoning Board of Appeals  
Meeting Minutes  
July 19, 2021**

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Present: Phil Byrnes, Chair; Sally Ryan; and Lynn Hart.

Others Present: James Stokes, Village Attorney; Marlene Westcott; Robert Moucha; and Flora Moucha.

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P. Byrnes made the motion to approve the minutes of July 16, 2020. S. Ryan seconded. The motion carried with 3 in favor, 0 opposed.

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**Robert and Flora Moucha, 51 Fenner St., Corner of Naomi Dr., Addition, Area Variance**

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P. Byrnes: We know you want to build an addition, but give us an update.

Flora Moucha: There is an existing porch there. To get into the house, you walk straight into the kitchen. So there is a cluster of shoes and bags and everything is right there in the middle of my kitchen. What we would like to do is build a mud room so we have a nice entry when you come in.

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P. Byrnes: I see you want a pantry.

Flora Moucha: A little pantry out there as well.

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P. Byrnes: Jim and I spent part of the afternoon over there doing some math figures. Did you bring those with you?

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Mr. Stokes: I did. According to the Code, the average setback on Naomi Drive is 30.3 feet. The applicant states there will be 9.1 feet from the road boundary with the new construction. I would suggest 9.5 feet just to give them a couple of extra inches to be in the consideration. Then on the Fenner Street side, the Code average setback is 22.6 feet. Under the application for the new addition edge, it would be 15 feet from the street boundary, but you need to add for the steps. So I was going to suggest adding 3 feet for that. So the request would be 12 feet.

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P. Byrnes: So you are saying the variance on the Naomi side would be?

Mr. Stokes: They are asking for 9.5 feet setback versus a 30.3 feet requirement.

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P. Byrnes: And on the Fenner Street side it would be 12 feet.

Mr. Stokes: 12 feet is the requested setback versus a requirement of 22.6 feet.

50 P. Byrnes: That comes from the Code in Section 180-28. This is in an R-10 district. It says:  
*Minimum front yard depth: 20 feet, except that new dwellings constructed on a vacant lot or  
alterations to an existing structure shall have a front yard depth that is not more than 10% greater  
or less than the average front yard depth of existing dwellings located within 200 feet of each side  
lot line of the lot.* You look at the Code and say: That's 20 feet. But then it changes just because of  
that.

55 Mr. Stokes: Those figures I just read are exact, so you actually have 10% leeway within that. If,  
during construction, you end up a little bit off, you are still okay.

P. Byrnes: Are you going to have a foundation under the addition or just crawl space?

60 Robert Moucha: We are planning to have a concrete slab so there will be some storage underneath.

P. Byrnes: So the existing house structure based on the survey will come out based on that  
foundation.

65 L. Hart: From the looks of the picture, the stairs on the addition will be going toward the north.

Robert Moucha: Toward Naomi Drive.

70 P. Byrnes: I see you have a 4-foot stair. Jim, by Code, is 4 feet Code? Or is that an arbitrary  
number?

Flora Moucha: We wanted to widen it a little bit.

75 Robert Moucha: That's what our architect put in.

P. Byrnes: I will say this much, the farther you go to the west, the front yards get closer and closer.  
It varies just beyond you—the next house, the only house left on Fenner—I measured that from the  
sidewalk and got 8 feet 10 inches. You are certainly not going to be out of character on the Fenner  
Street side. The Naomi Street side is completely different. Your house was obviously built many  
80 years before the other structures were ever considered. As we mentioned to you, Robert, we still  
have to send this out to the County for their comments and they have up to 30 days to respond. Jim  
will get a letter off to them. Then we just wait for their comments to come back. I don't see any  
reason why this Board can't make a decision based on your request and hopefully let you move  
forward. Any other questions from the Board?

85 S. Ryan: Will it be all the same siding as the house?

Robert Moucha: Yes, it will be.

90 P. Byrnes: You will have to go back to the Planning Board for architectural approval. This  
application has been to the Planning Board and they referred it to us. I would assume they would  
have to go back to the Planning Board.

95 Mr. Stokes: Yes, for architectural approval.

P. Byrnes: If we were to move forward tonight, even though we are waiting on the County, they can still pursue it with the Planning Board.

Mr. Stokes: Absolutely.

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P. Byrnes: Even if we granted a variance, if they had to come back, it would just be the Planning Board?

Mr. Stokes: It is only for architectural approval and I don't see any issues there.

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P. Byrnes: If we are going to ascertain the variances, should we do them separately, Jim?

Mr. Stokes: I think you can do it in one resolution. It is a Type II action for State Environmental Quality Review (SEQR), so you don't have to worry about that.

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P. Byrnes: At this time I will open the floor for public comments. (No one from the public was present to come forward or to speak.)

P. Byrnes: I will make a motion to close the public hearing.

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S. Ryan: I second.

The motion carried with 3 in favor, 0 opposed and the public hearing was closed.

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P. Byrnes: In making its determination, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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1. *In making such determination, the Board shall also consider 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. All three members answered no. The character of the neighborhood is such that the addition will not change it appreciably. It is going to be a benefit to the applicant. There are no issues.*

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2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. All three members answered no. Based on the application, that would not be the case.*

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3. *Whether the requested area variance is substantial. In this case, the Board answered yes, it is fairly substantial based on what the average is.*

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. All three members answered no.*

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5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. The Board, in granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the*

145 *neighborhood and the health, safety and welfare of the community.* All three members answered yes.

P. Byrnes: I will make a motion to grant the variance for a setback of 9 feet versus the 30.3 feet requirement on the Naomi Street side and a setback of 12 feet versus the 22.6 feet required on the Fenner Street side. The Board has considered the applicant's request. The benefit to the applicant exceeds any consideration to the rest of the neighborhood. The character of the neighborhood will not be changed in any way. Based on the variances requested, you shall stay within those confines.

S. Ryan: I second.

155 P. Byrnes: I will call for a vote.

Vote:

L. Hart: Aye.

S. Ryan: Aye.

160 P. Byrnes: Aye.

The motion carried with 3 in favor, 0 opposed. The area variance was granted.

165 P. Byrnes: This Board will need to meet again after comments from Madison County Planning Department are received.

Flora Moucha: How do we expect to hear the final decision?

170 Mr. Stokes: Mr. Carr will get in touch with you. There will be a separate application for the Planning Board for architectural review. They meet the second Monday of the month. The application is similar to this one. You can probably use the same three attachments.

P. Byrnes: Will they need to list the variances for the Planning Board application?

175 Mr. Stokes: The Planning Board doesn't get involved in the setbacks. They are just going to want to know what it is going to look like. They will want to know that it will match the existing. I will send a note to Bill Carr to notify him.

Flora Moucha: Will they require more complete drawings from the architect?

180 Mr. Stokes: I don't think so. Do you have this in color?

Robert Moucha: Yes.

185 Mr. Stokes: If you can submit it in color, they will be more concerned about that than this Board.

P. Byrnes: This will probably come back from the County for local determination. We need to approve it when we meet the next time.

190 P. Byrnes: I make a motion to adjourn the meeting.

L. Hart: I second.

The motion carried with 3 in favor, 0 opposed and the meeting was adjourned at 7:16 p.m.

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Respectfully submitted,

200 Marlene A. Westcott  
Recording Secretary