

**Village of Skaneateles**  
**Planning Board Meeting**                      **Thursday, March 7, 2024**  
**Village Hall**                      **26 Fennell Street**                      **7:00 pm**

**AGENDA**

**7:00 pm**            Continuation of Area Variance recommendation in the matter of the application of **Nichols Family Trust** to modify the area variances granted by the Zoning Board of Appeals on November 29, 2023 as necessary to vary the strict application of Section 225-A5 Density Control Schedule for Side yard setback, right; Both side yards combined; Minimum open area; and Section 225-69(D) Non-conforming Buildings, Structures and Uses, Extension or Expansion; to replace a proposed Bilco entrance door on south side, with to-be-constructed steps and stairwell on west side at the property addressed as **5 Elson Lane** in the Village of Skaneateles.

**7:05 pm**            Area Variance recommendation in the matter of the application of **Dustin & Julia Trivissono** to vary the strict application of Section 225-A5 Density Control Schedule for Front yard setback, Side yard setback, left; Side yard setback, right; Both side yards combined; Minimum open area; and number of stories and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to construct a 23 by 34 foot 2-story addition with garage in basement, to construct a 12 by 12 foot deck with stairs to grade, to construct an 8 by 22 foot front porch and to extend the driveway at the property addressed as **17 Onondaga Street** in the Village of Skaneateles.

**7:10 pm**            Area Variance recommendation in the matter of the application of **Michael & Carol Parker** to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; to construct a 3 foot high retaining wall and to construct a 6 foot high privacy fence around the rear yard at the property addressed as **11 Lakeview Circle** in the Village of Skaneateles.

**7:15 pm**            Area Variance recommendation in the matter of the application of **Jeffrey King** to vary the strict application of Section 225-A5 Density Control Schedule for Front yard setback; Side yard setback, right; Both side yards combined; and Minimum open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to expand and replace an existing deck at rear of house at the property addressed as **44 East Lake Street** in the Village of Skaneateles.

**7:20 pm**            Consideration of Sketch Plan Review in the matter of the application of **Devin Daly** to develop the 6 lot Daly subdivision on the parcel bearing tax map number 003.-05-06 adjacent to **131 and 132 Orchard Road and 100, 102, 104 and 106 Packwood Place** in the Village of Skaneateles.

**7:25 pm**            Consideration of possible recommendations to the Board of Trustees in connection with suggested changes to the Permitted Use Chart.

**7:30 pm**            Consideration of possible recommendations in connection with the Board of Trustees' draft Local Law covering Bed and Breakfast Homestays.

**7:35 pm** Such other matters as may be before the Board.

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**NB** *The following matters are pending before the Board and are continued, but are not on tonight's agenda as the Board is awaiting further information before action may be taken:*

- *Design Standards Review [Section 225-17] and Area Variance recommendation in the matter of the application of **Kristy & Jason Boyles** to vary the strict application of Section 225-A5 Density Control Schedule for Rear yard setback and Minimum open area; to construct a new 4,916 SF single family dwelling with porches and attached 3-car garage on a vacant lot at the property addressed as **108 Sinclair Street** in the Village of Skaneateles.*
- *Area Variance recommendation in the matter of the application of **Guy Donahoe on behalf of Laurie Haefele** to vary the strict application of Section 225-A5 for Side yard setback, left; Side yard setback, right; Both side yards combined; Rear yard setback; Minimum open area; and Percentage of structure width/lot width; Section 225-14(c)(1) projection into required side yard; Section 225-58B(8)(a) parking in front yard; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 376 SF deck with pergola, above an existing side porch. The new deck is to be accessed from existing second-floor bedrooms at the property addressed as **40 State Street** in the Village of Skaneateles.*
- *Consideration of possible recommendations in connection with the Board of Trustees' draft Local Law covering Shoreline Development.*

*Note: Limited electronic presentation support may be available. All times listed after 7:00 pm are approximate. Any matters tabled and continued by the Board tonight will be heard by the Planning Board at its meeting scheduled for April 4, 2024 at 7:00 pm. Any variance recommendations made by the Board tonight will be heard by the Zoning Board of Appeals at its next meeting scheduled for March 27, 2024 at 7:00 pm. Submission of an application prior to the cut-off date in any particular month does not necessarily ensure that the matter will appear on the agenda for the next scheduled meeting.*

## **CRITERIA FOR VARIANCES**

Specific findings. No variance in the strict application of any provision of this chapter shall be granted by the Zoning Board of Appeals unless it shall find the evidence required under the following Subsection **B(4)** and **(5)**.

### **B(4) Use variances.**

**(a)** The Zoning Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter.

**(b)** No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant and a finding by the Zoning Board of Appeals that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under this chapter for the particular district where the property is located:

**[1]** The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

**[2]** The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

**[3]** The requested use variance, if granted, will not alter the essential character of the neighborhood; and

**[4]** The alleged hardship has not been self-created.

(c) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**B(5) Area variances.**

(a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant area variances from the area or dimensional requirements of this chapter.

(b) In making its determination, the Zoning Board of Appeals 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. In making such determination the Board shall also consider and determine:

[1] 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;

[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;

[3] Whether the requested area variance is substantial;

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

(c) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.