

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
February 18, 2021
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled on ZOOM for a virtual meeting with Chairman K.P. Kelly presiding and the following Board members present:

Absent	Member	Jim Campbell
	Member	Judy Salamone
	Member	Timothy Kelly
	Member	Clare Miller
	Secretary	Debi Witzel
	Attorney	Jamie Sutphen
Absent	Codes Director	Randy Capriotti

Attendees: Todd Stiles

The Pledge of Allegiance was recited. The meeting was called to order at 6:30 PM.

Minutes

Member T. Kelly made a motion, seconded by Member Salamone, to approve the minutes of January 21, 2021 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

Member Miller made a motion, seconded by Member T. Kelly to waive the reading of the public notices and it was carried unanimously.

Chairman Kelly reviewed the application and the two variances requested consisting of a rear yard setback of 19' and a side yard setback of 11' for a 12' X 12' shed.

Member T. Kelly made a motion, seconded by Member Salamone to open the public hearing at 6:37 PM and it was carried unanimously.

Todd Stiles, 115 Davis St., E Syracuse NY (tax map # 065.-05-22.0) requesting two variances' for the placement of a 12' X 12' shed.

- **With an existing rear yard setback of 6' they will need a variance of 19' to meet the required 25'**
- **With an existing side yard setback of 4' they will need a variance of 11' to meet the required 11'.**

Mr. Stiles explained he is looking to replace an old 10' X 10' metal shed with a new 12' X 12' prefabricated shed with transit windows and shutters. Mr. Stiles stated they are requesting the variances so the shed will not end up in the center of the yard.

Member T. Kelly asked if the shed would match the house. Mr. Stiles stated the house is dark green and the shed is a dark red.

Chairman Kelly asked if the shed would have electricity and what the base for the shed will be. Mr. Stiles stated there will not be electricity in the shed and the base will be a new product that will not settle and will remain sturdy.

Member Salamone made a motion, seconded by Member T. Kelly to close the public hearing at 6:47 PM and it was carried unanimously.

Board Questions

Chairman Kelly proceeded with the board through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no, the new shed will be an improvement over the old shed.
- 3) Whether the requested Variance is substantial? The board answered no, the variances are needed to keep any useable yard space.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no.
- 5) Whether the alleged difficulty was self-created? The board answered yes, they wanted a larger shed.

Determination of ZBA Based on the Above Factors:

The ZBA, after taking into consideration the above five factors, finds that:

 X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

 The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that two variances for a **rear yard of 19' & side yard of 11'** is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None.

SEQRA Review

Chairman Kelly determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Miller made a motion, seconded by Member T. Kelly, to grant an area variance to Todd Stiles, for the real property located 115 Davis St., E. Syracuse, NY 13057. This variance is being granted for the sole purpose of permitting the construction of a 12' X 12' shed there by modifying the 25' rear line setback to that of 6' leaving a variance of 19' and modifying the 15' sideline setback to that of 4' leaving a variance of 11'.

The Board voted as follows:

Chairman KP Kelly	Aye
Member T. Kelly	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Chairman Kelly wanted to make sure the board received the notice of an April 17th training coming up in DeWitt. Chairman Kelly asked the board if they had not already done so to review the Planning Process Committees Local Law 2020-10 that was passed on December 2, 2020 Modifying Chapter 155 of the Code of the Town of Manlius ("Zoning Code") Commercial Zoning Classifications.

Adjournment

With there being no other business, Member Salamone made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:00 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals