

**Town of Manlius
Zoning Board of Appeals
June 15, 2023
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here: <https://youtu.be/Ih9BYpklLFE>

Chairman Timothy Kelly presided, and the following Board members present:

Member	K P Kelly
Member	Clare Miller
Member	Karrie Catalino
Member	Warren Linhart
Secretary	Debi Witzel
Attorney	Jamie Sutphen
Code Officer	Tom Poitras

In Person Attendees that signed in: James Hence, Syracuse.

Virtual Attendees:

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

Legal Notices

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

Eric Hrbac, 4649 Whetstone Rd., Manlius NY (tax map # 112.-01-18.1.) A Public Hearing requesting two variances to construct a 28 X 30 garage on the north side of the yard. With an existing side yard setback of 7 feet, they will need a variance of 13 feet to meet the required 20-foot side yard setback. With a proposed height of 24 feet, they will need a variance of 7 feet above the required 17 feet height.

Member Linhart made a motion, seconded by Member Miller, to open the public hearing at 6:33 PM and it was carried unanimously.

Jamie Hence representing the owners, stated they would like to demolish and remove the existing 28X43 foot garage combination carport and replace it with a new 28X30 foot garage with a bonus room above. The garage will have bonus room trusses, unfinished second floor and unfinished interior on the first and second floor. Mr. Hence is requesting the variances because the current garage sits seven feet back from the current property line and they would like the new garage in the same area with the same setback.

Chairman T. Kelly asked about the existing retaining wall. Mr. Hence stated they will be building a new retaining wall and removing one tree.

Chairman T. Kelly stated they have also moved the water line that was under the existing garage to the middle of the yard towards the house.

Town Attorney Sutphen asked where the height requirement is in the code. Code Officer Poitras stated the height requirement is not in the code, it is part of the definitions.

Member KP Kelly asked if the garage will be on a floating slab or a foundation. Mr. Hence answered it will be a foundation.

Member Catalino asked if the garage will be the same aesthetically as the house. Mr. Hence stated it will be exactly like the house and the upstairs will have a window at each end and no power to the upstairs.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:44 PM and it was carried unanimously.

Board Questions

Chairperson T. 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 it is reasonable to use the existing footprint (it will be a bit smaller than the existing footprint). The new garage will be a useful structure where the old garage was not.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no, as it will provide a space to store their cars.
- 3) Whether the requested Variance is substantial? The board answered yes.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no, because the new structure will cover the same footprint, there is no concern that the runoff will be any different and there are other similar structures along that road.
- 5) Whether the alleged difficulty was self-created? The board answered yes, they wish to have a new and usable garage.

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 a **side yard variance of 13 feet and a height variance of 7 feet** are the minimum variances 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**.

SEORA Review

Chairperson T. 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

Member Catalino made a motion, seconded by Member KP Kelly to grant an area variance to Eric Hrbac, 4649 Whetstone Rd., Manlius NY (tax map # 112.-01-18.1) for the purpose of constructing a new 28 X 30 detached garage. With an existing side yard setback of 7 feet, they will need a variance of 13 feet to meet the required 20-foot side yard setback. With a proposed height of 24 feet, they will need a variance of 7 feet above the required 17 feet height.

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Member Linhart, Member Catalino.

Nays: 0

All in Favor.

Motion Carries.

Other Business

None

Adjournment

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:14 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals