

**BZA BOARD MEETING  
PUBLIC HEARING  
VIDEO CONFERENCE/TELECONFERENCE  
5-28-2019  
Agenda  
6:00 PM**

Virtual Meeting ID: 867 5639 6427

Call-in no.: (929)436-2866

1. CALL TO ORDER
2. ROLL CALL
3. **PUBLIC HEARING #1: USE VARIANCE-Kate Frazer and Marc Devokaitis:  
6 Bradley St. (Tax Parcel # 4.-4-1.1), Trumansburg, NY 14886,**

**Criteria for Use Variance:**

1. The Board of Appeals, on appeal from the decision or determination of the zoning officer, shall have the power to grant use variances, as defined herein.

2. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- A. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- B. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- C. that the requested use variance, if granted, will not alter the essential character of the neighborhood;
- D. that the alleged hardship has not been self-created.

4. **PUBLIC HEARING #2: USE VARIANCE-Jonathan Ferrari and Rana Chen  
16 Cayuga St. (Tax Parcel# 5.-1-5) Trumansburg, NY 14886**

**Criteria for Use Variance:**

1. The Board of Appeals, on appeal from the decision or determination of the zoning officer, shall have the power to grant use variances, as defined herein.

2. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- A. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

- B. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- C. that the requested use variance, if granted, will not alter the essential character of the neighborhood;
- D. that the alleged hardship has not been self-created.

5. **PUBLIC HEARING #3: AREA VARIANCE-Kira Lallas  
11 Kentucky Ave. (Tax Parcel# 8.-1-1.2) Trumansburg, NY 14886**

In making its determination, the 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:

- 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 Board of Appeals, but shall not necessarily preclude the granting of the area variance.

- 6. OTHER BUSINESS:
- 7. ADJOURNMENT

Relevant Meeting Materials and Information Available Upon Request

**MEETING RULES OF PROCEDURE ON BACK**

## MEETING GUIDELINES

Meetings of the Board of Zoning Appeals are open to the public, and residents are encouraged to attend. In an effort to foster an orderly meeting process, we ask the public to kindly observe the following rules and guidelines.

### GENERAL RULES OF PROCEDURE

The BZA Chair (“Chair”) shall preside at meetings. In the Chair’s absence the BZA Board members present shall select a meeting chair by majority vote of the members present.

The presiding officer may debate, move and take other action that may be taken by other members of the Board.

Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.

A member, once recognized shall not be interrupted when speaking unless it be to call him/her to order. If a member, while speaking, be called to order, they shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motions to close/limit debate may be entertained but require a two-thirds vote.

### GUIDELINES FOR PUBLIC COMMENT

The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as a majority of the Board shall allow.

Speakers must step to the front of the room.

Speakers must give their name, and organization, if any.

Speakers must be recognized by the presiding officer.

Speakers must limit their remarks to 3 minutes on a given topic.

Speakers may not yield any remaining time they may have to another speaker.

Board members may, with the permission of the Chair, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the Board and not any member thereof.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Interested parties or their representatives may address the Board by written communications.

### ADJOURNMENT

Meetings shall be adjourned by motion.

### AMENDMENTS TO THE RULES OF PROCEDURE

The foregoing procedures may be amended from time to time by a majority vote of the board.