

**TOWN OF CORTLANDVILLE
3577 TERRACE ROAD
CORTLAND, NY 13045**

USE VARIANCE FINDINGS & DECISION

Applicant: _____Joshuah Finn_____ Phone #: __607-283-6365_____

Address: __13 Townley Ave_____ Fee: _____\$15_____

Property Owner: _____Joshuah Finn_____

Appeals concerns Property at the following address: _3553 Pendelton St. Ext. _____

Tax Map Number: __96.00-05-03.00_____

Zoning District Classification: _____

Use for which Variance is requested: __Construction of shed/outbuilding__ **See attached** _____

Applicable Section of Zoning Code: _____

Signature: _____*Joshuah Finn*_____ Date: ____5/12/20_____

TEST: No Use Variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following test must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. Has the Applicant demonstrated that the Applicant cannot realize a reasonable return, and that the lack of return is substantial and has been demonstrated by competent financial evidence?
Yes _____ No _____

Proof: _____

2. Has the Applicant demonstrated 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?
Yes _____ No _____

Proof: _____

Use Variance Findings & Decision

3. Has the Applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood? Yes _____ No _____

Proof: _____

4. Has the Applicant demonstrated that the alleged hardship has not been self-created?
Yes _____ No _____

Proof: _____

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grant a variance to allow use of the property in the manner detailed below, which 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:

(USE) _____

USE VARIANCE FINDINGS & DECISION

Question #1

ILLUSTRATIONS OF FINANCIAL EVIDENCE

Bill of sale for the property, present value of property, expenses for maintenance.

Leases, rental agreements.

Tax bills.

Conversion costs (for a permitted use).

Realtor's statement of inability to rent/sell.

Question #2

ILLUSTRATIONS OF UNIQUENESS

Topographic or physical features preventing development for a permitted use.

Why would it be possible to construct the applicant's proposal and not any of the permitted uses?

Board member observations of the property and surrounding area.

Question #3

ILLUSTRATIVE NEIGHBORHOOD CHARACTER FACTORS

Board members' observations of neighborhood.

Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

Question #4

SELF-CREATED

What were the permitted uses at the time the property was purchased by the applicant?

Were substantial sums spent on remodeling for a use not permitted by zoning?

Was the property received through inheritance, court order, divorce?

I am seeking a use variance in order to build a detached shed on my property at 3553 Pendleton St Ext. I purchased the land with the long-term goal of building a house and, while that goal is far out, I have begun preparing for living at the land. I have been mowing, gardening, planting trees and developing walking trails for my family and I. I keep the tools and materials required for maintenance at the property. I also have some equipment, tools and materials that I store at the property that will not fit at my primary residence in the city of Cortland. When purchased the land was completely unimproved save a culvert.

#1 & #4 - I would like to build a shed in order to store the tools and equipment used to maintain the land and from my home. I believe a shed would allow me to keep the property tidy and my belongings secure. Earlier this year I had a trailer stolen from the property (Sheriff's Record: S20-04204 3/14/2020) and I am concerned my other belongings, worth several thousands of dollars, (listed below) are at risk of likewise being stolen if I am not able to secure them.

#2 - While many people buy land and immediately build, we are attempting to use the land before construction of a primary building. The shed would allow me to begin the process of more fully utilizing my property. I feel this makes my request unique.

#3 - I plan to side the shed with board and batten siding in keeping with the rural character of the neighborhood; there are several farms with stand-alone buildings similarly fashioned in close proximity. I feel that having an enclosed building will also improve the appearance of the property as many of the items currently out in the open would be out of sight. When I do eventually build a house on the property, I intend to build in the area of the shed and the structures will be similar in appearance and proportions.

Thank you for your consideration.

Equipment and tools at property:

Generator - \$1200

Riding Mower - \$600

Adult 4 wheeler - \$800

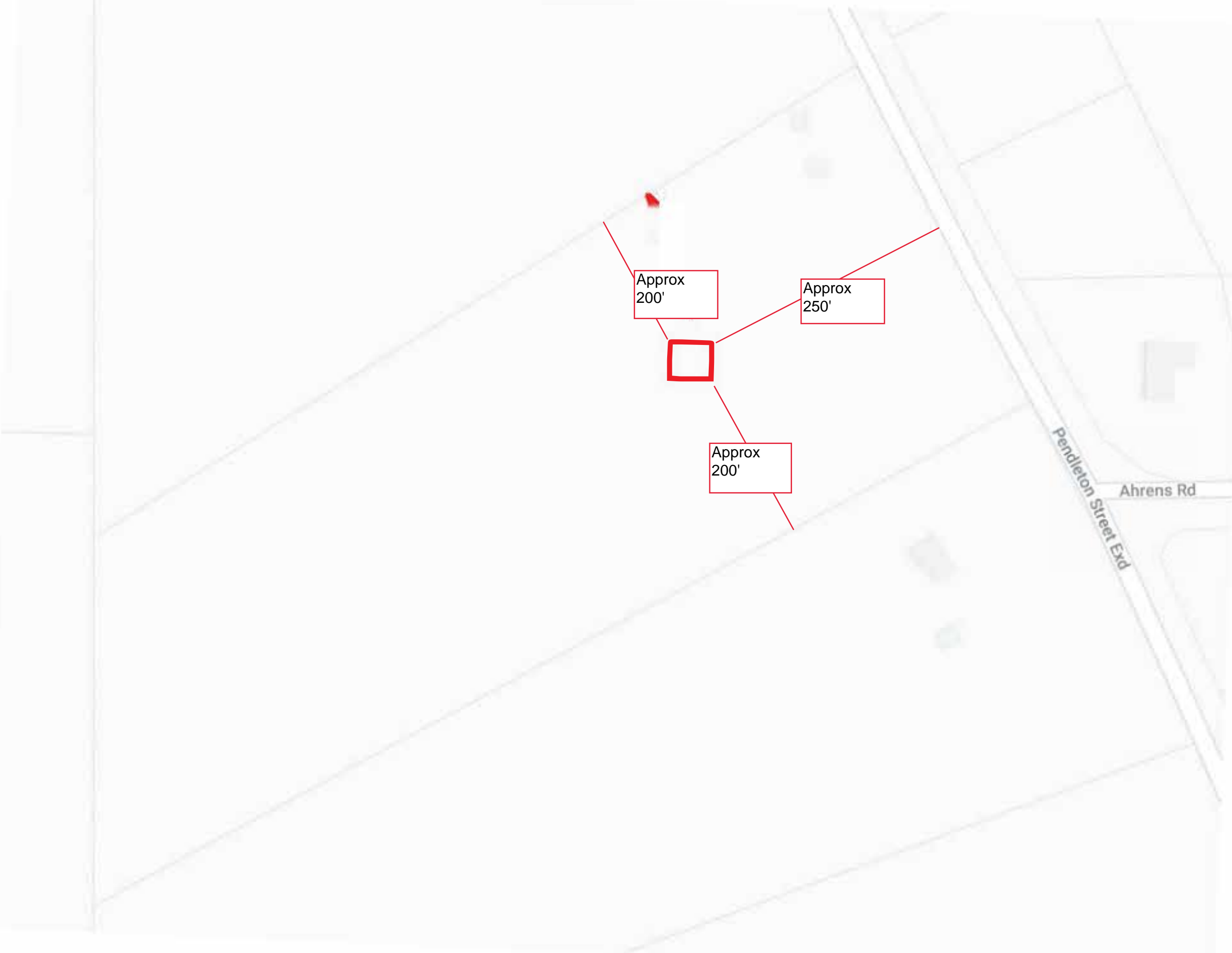
Child 4 wheeler - \$400

Pressure washer - \$200

Lumber - \$500

Wheelbarrow - \$100

Hand tools - \$300



Approx
200'

Approx
250'

Approx
200'

Pendleton Street Exd

Ahrens Rd