



TOWN OF ULYSSES

BOARD OF ZONING APPEALS

Board of Zoning Appeals Resolution No. 2025-005

A Resolution for Three Area Variances for the Culler Chase Accessory Building Located at 123 Maplewood Road, Town of Ulysses, Tax Parcel 28.-1-17

WHEREAS, the Board of Zoning Appeals finds the following:

1. A request for three area variances was submitted to the Board of Zoning Appeals (BZA) by Ryan James, on behalf of the property owners, Jonathan Culler & Cynthia Chase, for property located at 123 Maplewood Road (tax parcel 28.-1-17); and
2. The variance requests are related to a site plan application with the Planning Board to renovate and construct an addition to an existing non-conforming detached accessory building; and
3. The subject lot is zoned LS: Lakeshore zone and is in the HsD3: Hudson silty clay loam, 12 to 20 percent slopes, eroded steep slope overlay and the Maplewood Glen and Lake Slopes Unique Natural Area; and
4. The first area variance request is relief from the Code of the Town of Ulysses (CTU) 212-47.E in conjunction with CTU 212-167.A, to construct an addition to the detached accessory building within the 40-foot minimum required front yard setback; and
5. The second area variance request is relief from CTU 212-47.H to exceed the maximum permitted five percent lot coverage; and
6. The third area variance is relief from CTU 212-156.A to increase both the square footage and height of the existing non-conforming building; and
7. The proposal is an Unlisted Action for which the Town of Ulysses Board of Zoning Appeals made a negative determination of environmental significance in an uncoordinated review on September 17, 2025 after having reviewed and accepted as adequate a Short Environmental Assessment Form prepared by the applicant; and
8. The action required 239 review, and Tompkins County determined in their comment letter dated August 8, 2025, that the proposal will not have a significant county-wide or inter-community impact; and
9. The BZA did conduct a public meeting on September 17, 2025 and discussed the proposed

variance requests; and

10. Notice of the public hearing was published in the Ithaca Journal, was posted on the Town's Public Legal Notice Board, was posted on the Town's webpage, was posted on the subject property, and was mailed to property owners within a 500-foot radius of the subject property; and
11. The BZA did conduct a public hearing on September 17, 2025 where it reviewed a site plan entitled "Proposed Site Plan, Parcel 28.-1-17", prepared by Brotherton Construction LLC dated September 5, 2025 and other application materials; and
12. By considering the criteria listed in the Consolidated Laws of New York Chapter 62, Article 16, Section 267-B.3.b, the BZA reviewed the record and weighed the benefits to the applicant against the detriment to the health, safety and welfare of the neighborhood if the variances were granted; and
 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 variances.
 2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variances.
 3. Whether the requested area variances are substantial.
 4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 5. Whether the alleged difficulty was self-created.

NOW, THEREFORE, THE BOARD OF ZONING APPEALS RESOLVES THE FOLLOWING:,

1. The benefit to the applicant in the granting of the area variance to decrease the front yard setback from 40 feet to 20 feet 6 inches for the building expansion will outweigh the detriment to the health, safety and welfare of the neighborhood.
2. The granting of the area variance to decrease the front yard setback will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties. The structure is minimally disruptive and consistent with others in the neighborhood.
3. The benefit sought by the applicant to decrease the front yard setback cannot be achieved by some method, feasible for the applicant to pursue other than an area variance. The applicant has considered other alternatives but the only option to increase the building footprint without this variance would impact a mature tree and its root system which would negatively impact the soil integrity of the subject work site.

4. The requested area variance to decrease the front yard setback is substantial.
5. The proposed area variance to decrease the front yard setback will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because as discussed, the mature tree in proximity will be preserved subject to the condition of approval.
6. The alleged difficulty necessitating the request to decrease the front yard setback is self-created.
7. The benefit to the applicant in the granting of the area variance to increase the maximum permitted lot coverage from five percent to 10.45 percent will outweigh the detriment to the health, safety and welfare of the neighborhood with the condition in place.
8. The granting of the area variance to increase the maximum permitted lot coverage will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.
9. The benefit sought by the applicant to increase the maximum permitted lot coverage cannot be achieved by some method, feasible for the applicant to pursue other than an area variance. The applicant has considered other alternatives but there were no options that did not require an area variance.
10. The requested area variance to increase the maximum permitted lot coverage is substantial.
11. The proposed area variance to increase the maximum permitted lot coverage will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, subject to the condition of approval.
12. The alleged difficulty necessitating the request to increase the maximum permitted lot coverage is self-created.
13. The benefit to the applicant in the granting of the area variance to increase the existing non-conforming building's square footage from 126 square feet to 315 square feet, and to increase the building height from 13.56 feet to 19.47 feet will outweigh the detriment to the health, safety and welfare of the neighborhood with the condition in place.
14. The granting of the area variance to increase the building's square footage and building height will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.
15. The benefit sought by the applicant to increase the building's square footage and building height cannot be achieved by some method, feasible for the applicant to pursue other than

an area variance. The applicant has considered other alternatives but there were no options that did not require an area variance.

16. The requested area variance to increase the building's square footage and building height is substantial.
17. The proposed area variance to increase the building's square footage and building height will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, subject to the condition of approval.
18. The alleged difficulty necessitating the request to increase the building's square footage and building height is self-created.

For the reasons set forth above, and upon the evidence, law and facts, the BZA hereby

- does grant the area variance to decrease the front yard setback from 40 feet to 20 feet 6 inches for the building expansion,
- does grant the area variance to increase the maximum permitted lot coverage from five percent to 10.45 percent, and
- does grant the area variance to increase the existing non-conforming building's square footage from approximately 126 square feet to 315 square feet (most of which is open porch) and to increase the building height from 13.56 feet to 19.47 feet, subject to the following conditions:

Conditions of Approval:

1. There shall be minimal disturbance of the land during construction to the maximum extent feasible. No trees shall be removed.
2. A rain garden will be provided to capture up 3 inches in a 24 hour period to mitigate the effects of the additional hard surface area.

Ayes: Chair Morreale, Meador, Thompson

Nays: None

Absent: Hillman, Moore

Abstain: None


Board of Zoning Appeals Chair

17 Sept 2025
Date