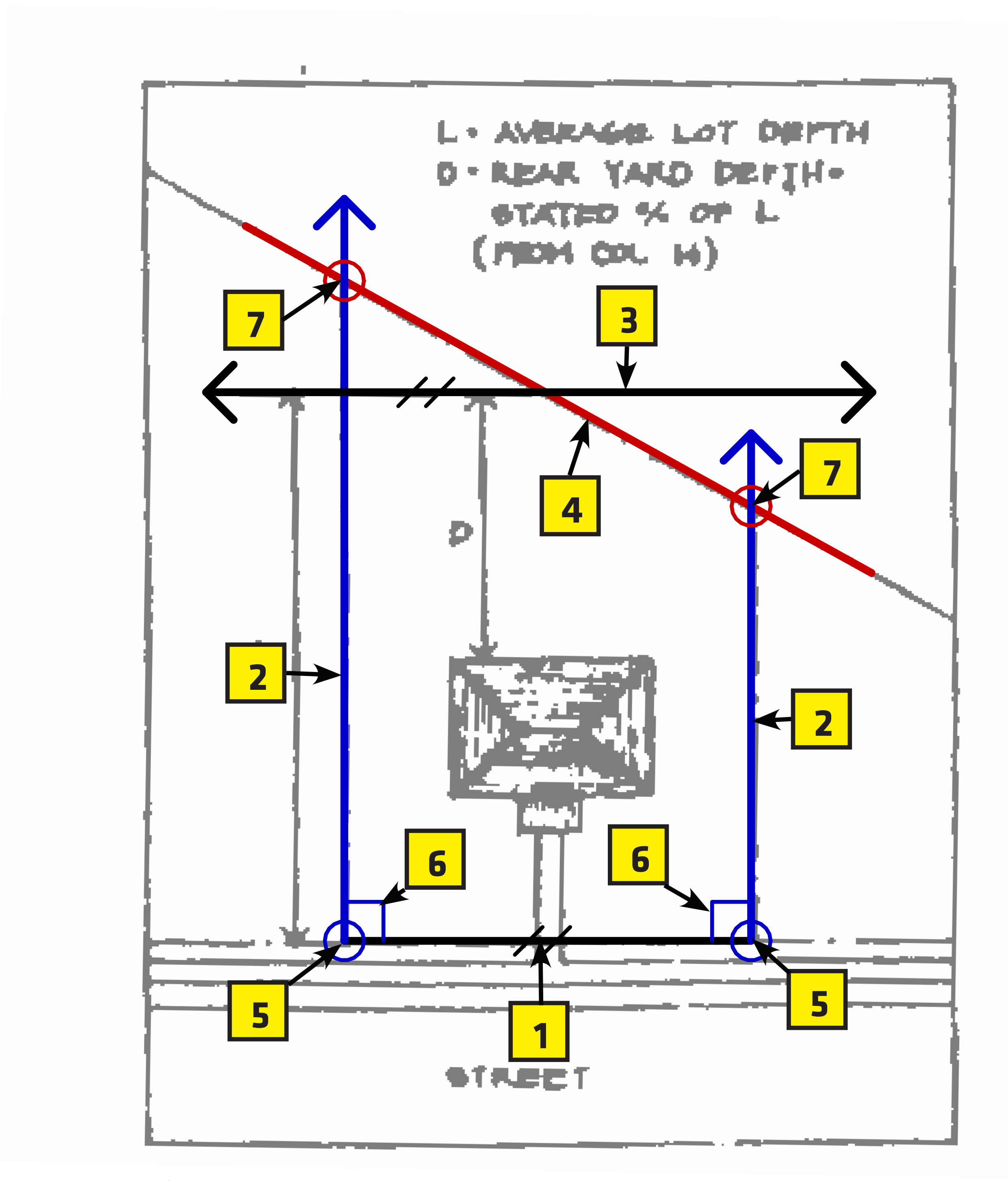


*Base Source: Affidavit of Gino Leonardi  
Dated November 27, 2019*

## Issue 1 - Zoning: Method of Calculating Rear Yard Setback

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*Base Source: Zoning Ordinance Section 325-8(A)(14)(a)*

## Keynote Legend For Sheet

- 1** Front Lot Line Shown With Heavy Black Line. Front Lot Line Parallel To Average Lot Depth.
- 2** Side Lot Line Shown With Heavy Blue Line.
- 3** Average Lot Depth Shown With Heavy Black Line. Average Lot Depth Parallel To Front Lot Line.
- 4** Furthest Rear Line Shown With Heavy Red Line.
- 5** End Point of Front Lot Line Center of Blue Circle.
- 6** Side Lot Lines Drawn Perpendicular To Front Lot Line At Front Lot Line End Points.
- 7** Intersection of Side Lot Line With Furthest Rear Line at Center of Red Circle.







Project Architect Provided Values & Calculations

DEPTH 1: 342.81'  
DEPTH 2: 183.52'

Average Lot Depth (ALD) = (DEPTH1 + DEPTH 2)/2  
ALD = (342.81' + 183.52')/2  
ALD = (526.33')/2  
ALD = 263.17'

Required Rear Yard = ALD(20%) OR 50'MAX  
(Whichever Value is Smaller)  
Required Rear Yard = 263.17'(20%) OR 50'MAX  
Required Rear Yard = 52.63' OR 50'MAX  
Required Rear Yard = 50'MAX

JSA Zoning Analysis Values & Calculations

DEPTH 1: 325.69'  
DEPTH 2: 183.52'

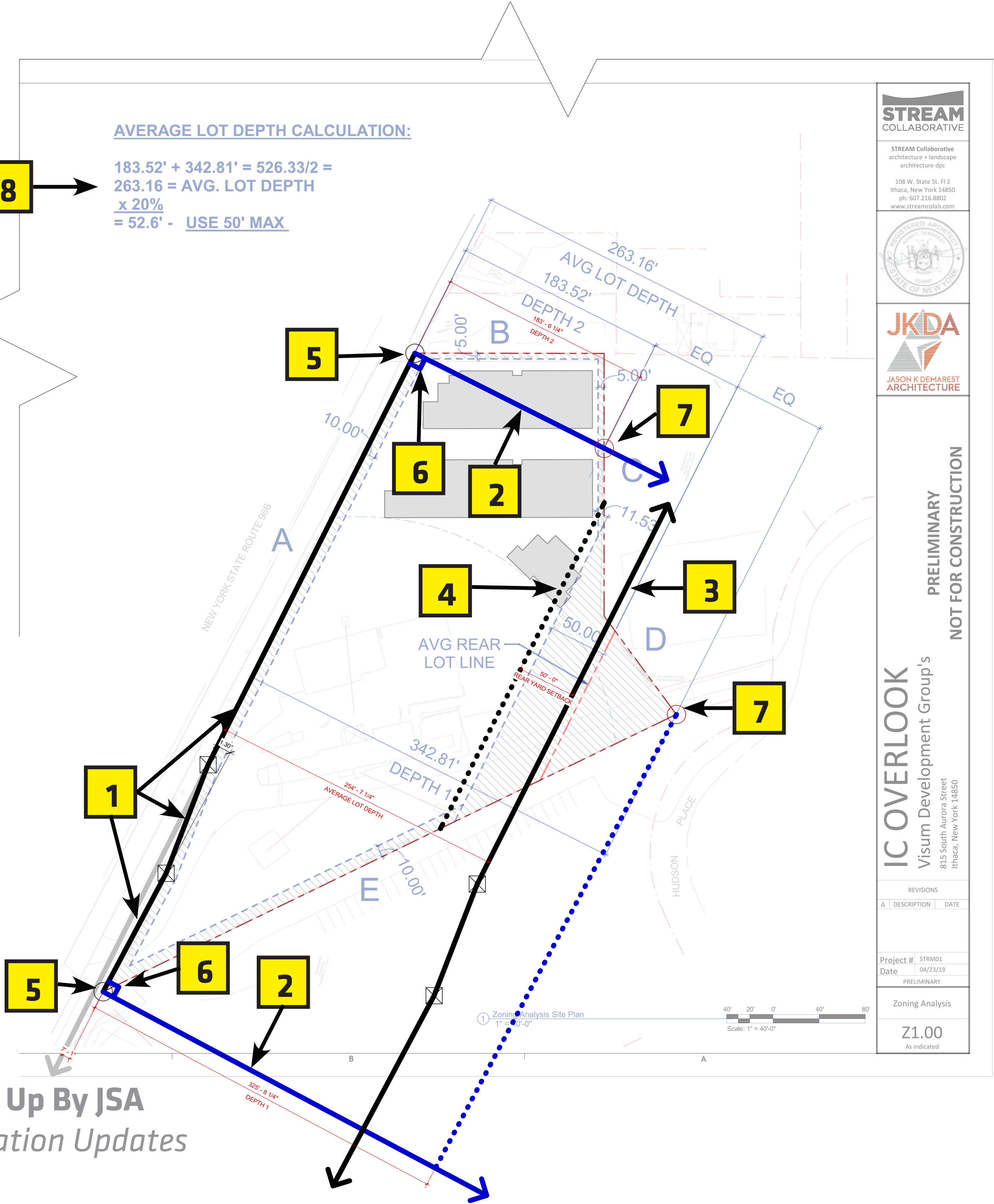
Average Lot Depth (ALD) = (DEPTH1 + DEPTH 2)/2  
ALD = (325.69' + 183.52')/2  
ALD = (509.21')/2  
ALD = 254.61'

Required Rear Yard = ALD(20%) OR 50'MAX  
(Whichever Value is Smaller)  
Required Rear Yard = 254.61'(20%) OR 50'MAX  
Required Rear Yard = 50.92' OR 50'MAX  
Required Rear Yard = 50'MAX

Provided Zoning Analysis Marked Up By JSA  
Base Source: SPR Complete Application Updates  
Dated July 3,2019

Code Analysis For Appeal  
Issue 1 - Zoning: Method of Calculating Rear Yard Setback

Board of Zoning Appeals: Appeal #3202  
In Regards To The Project Located At:  
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Keynote Legend For Sheet

- 1** Front Lot Line Shown With Heavy Black Line. Front Lot Line is Composed of (3) Property Lines.
- 2** Side Lot Line Shown With Heavy Blue Line.
- 3** Average Lot Depth Shown With Heavy Black Line. Average Lot Depth is Parallel To Front Lot Line.
- 4** Required Rear Yard Line Shown With Heavy Black Dotted Line.
- 5** End Point of Front Lot Line Center of Blue Circle.
- 6** Side Lot Lines Drawn Perpendicular To Front Lot Line At Front Lot Line End Points.
- 7** Intersection of Side Lot Line With Furthest Rear Line at Center of Red Circle. Note That "Depth 1" Would Never Intersect With Furthest Rear Line. Code is Unclear if Extrapolation is Allowed. Recommend Clarification in Code. Given Provided Document Chose To Extrapolate, This Provided Analysis Will As Well. Extrapolation Shown With Heavy Blue Dotted Line.
- 8** Rounding Error.

**Reviewer's Note:**  
Project Architect's Incorrect "DEPTH 1" Resulted In:  
**8.56' ERROR OF AVERAGE LOT DEPTH**

"Building C" Further Violates Required Rear Yard. "Building B" Is Approximately 3' From Required Rear Yard. Later In This Document It Will Be Shown That The Updated Footprint of "Building C" is Still in Violation.



Keynote Legend For Sheet

- 1

Front Lot Line Shown With Heavy Black Line. Front Lot Line is Composed of (3) Property Lines.
- 2

Side Lot Line Shown With Heavy Blue Line.
- 3

Average Lot Depth Shown With Heavy Black Line. Average Lot Depth is Parallel To Front Lot Line.
- 4

Required Rear Yard Line Shown With Heavy Black Dotted Line.
- 5

End Point of Front Lot Line Center of Blue Circle.
- 6

Side Lot Lines Drawn Perpendicular To Front Lot Line At Front Lot Line End Points.
- 7

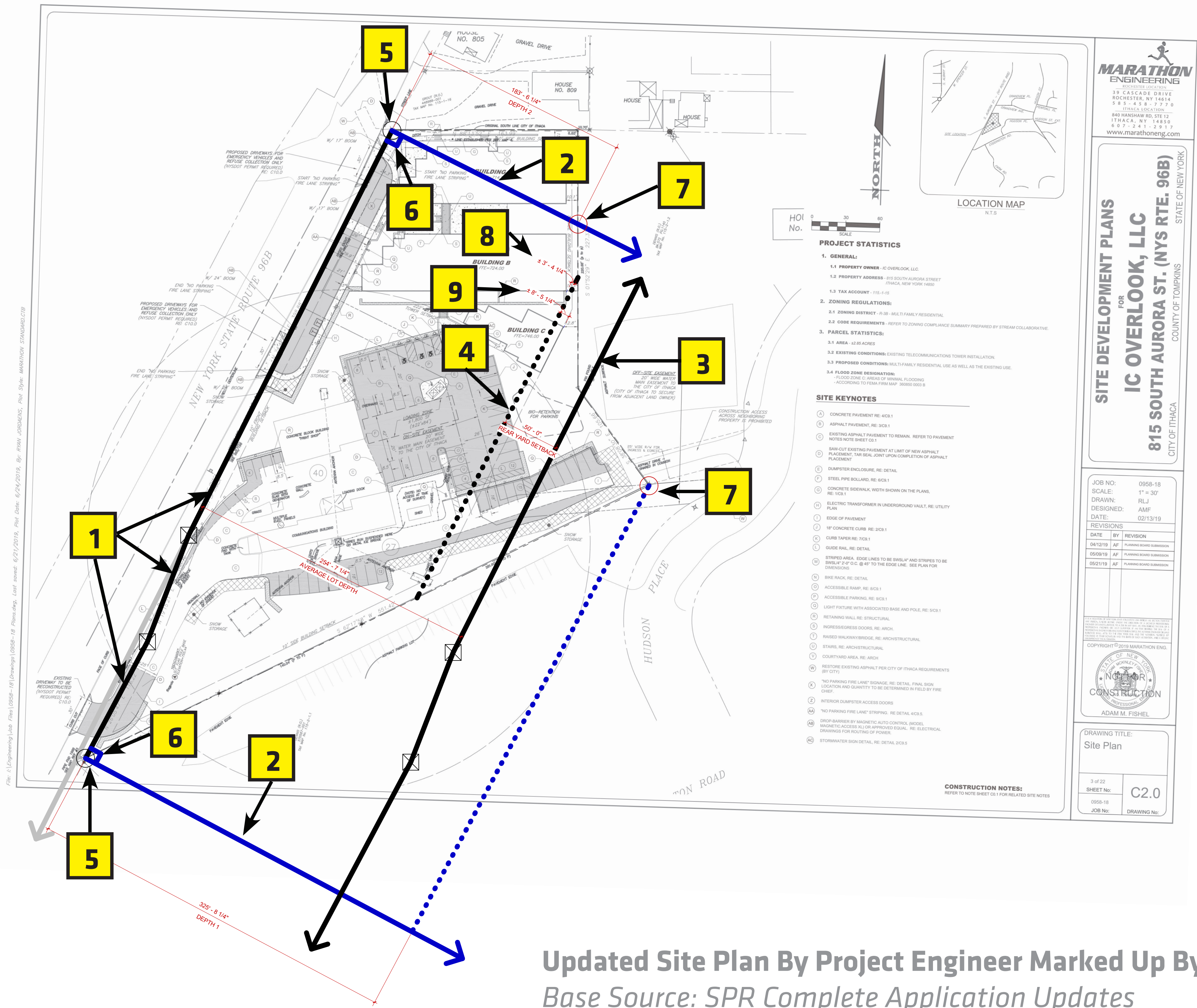
Intersection of Side Lot Line With Furthest Rear Line at Center of Red Circle. Note That “Depth 1” Would Never Intersect With Furtest Rear Line. Code is Unclear if Extrapolation is Allowed. Recommend Clarification in Code. Given Provided Document Chose To Extrapolate, This Provided Analysis Will As Well. Extrapolation Shown With Heavy Blue Dotted Line.
- 8

“Building B” Distance From Required Rear Yard Line is Approximately 3’-4” Away. “Building B” is in Compliance.
- 9

“Building C” Distance From Required Rear Yard Line is Approximately Negative 8’-5” Away. “Building B” is Not In Compliance.
- Reviewer’s Note:**

**“Building C” as Currently Presented in The Approved Site Plan Application Does Not Comply With Zoning. A Variance Was Never Granted. Given This Information It Appears That The Site Plan Application Was Approval was Issued in Error.**

**AS THE PROJECT CURRENTLY STANDS, AN APPROVED ZONING VARIANCE WAS REQUIRED**



Code Analysis For Appeal

Issue 1 - Zoning: Method of Calculating Rear Yard Setback

Board of Zoning Appeals: Appeal #3202  
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Section 325-20 Off-street parking

D. General requirements

(2) General standards for all off-street parking areas, driveways and curb cuts.

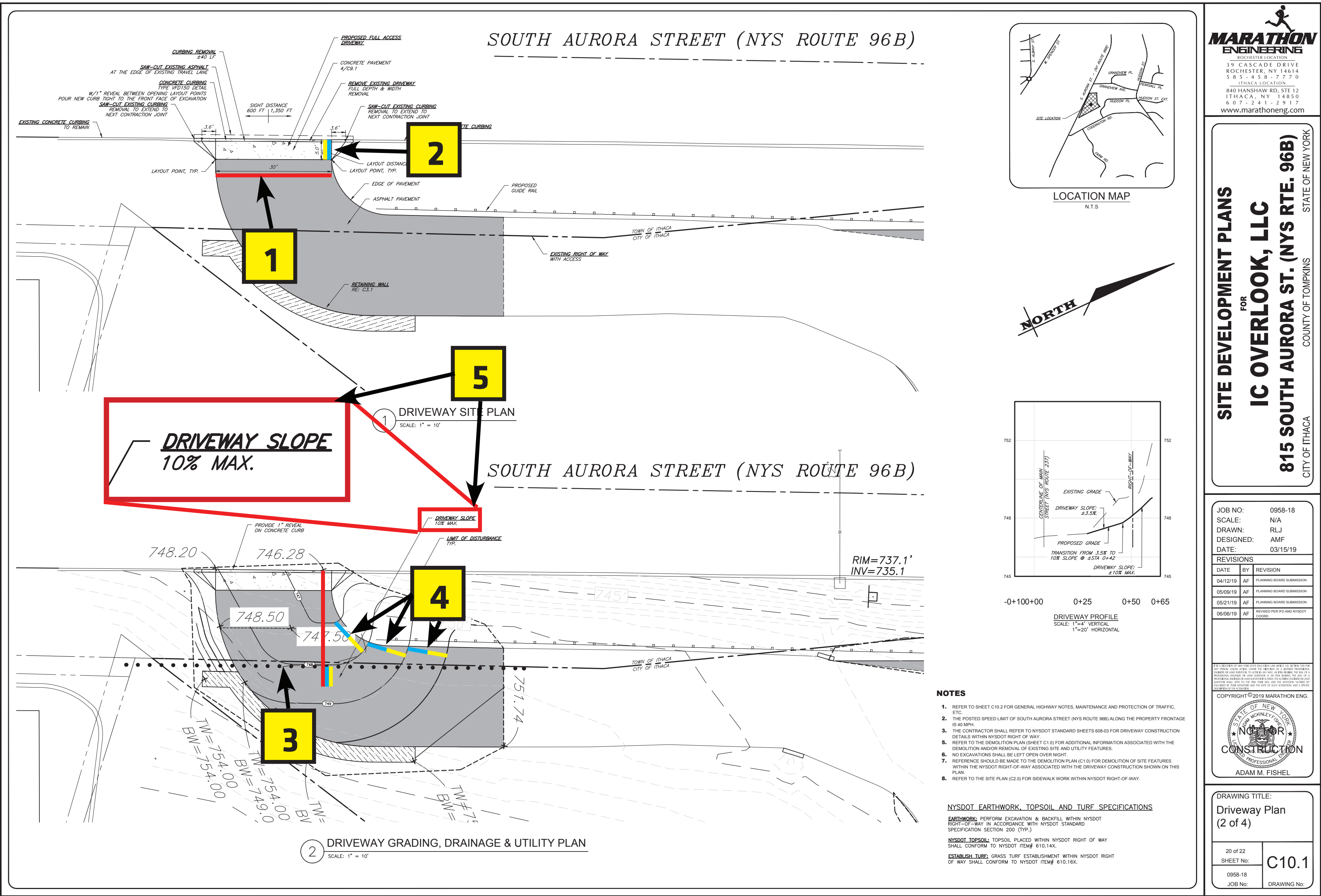
(e) Access requirements. All parking spaces shall have access to the street by way of a driveway.

[2] Driveways must be at least eight feet wide in residential zoning districts and at least 10 feet wide in nonresidential zoning districts, and must have clear visibility to the street. Any required screening must be so designed that it shall not interfere with sight lines necessary for pedestrian and driver safety.

[a] Maximum driveway grades. Driveways to areas containing parking spaces for three or more vehicles shall be graded to form a street entry with a maximum grade of 8% for a distance of 25 feet from the curbline.

Code Analysis For Appeal  
Issue 2 - Zoning: Driveway Access Requirements

Board of Zoning Appeals: Appeal #3202  
In Regards To The Project Located At:  
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Updated Driveway Plan By Project Engineer Marked Up By JSA  
Base Source: SPR Complete Application Updates  
Dated July 3, 2019

Keynote Legend For Sheet

- 1 Scale Reference of 30'. Indicated With Red Line Typically Unless Otherwise Noted.
- 2 Scale Reference of 5'. Indicated With Blue or Yellow Line Typically Unless Otherwise Noted.
- 3 25' Distance From Curbline Indicated By Black Dotted Line.
- 4 (3) Examples of Driveway Entrance Rising 1' for Every 10' Run Between Curbline and 25' Distance From Curb.
- 5 Project Engineer Acknowledgement That The Driveway has a 10% Grade.

**Reviewer's Note:**  
"Building C" as Currently Presented in The Approved Site Plan Application Does Not Comply With Zoning. A Variance Was Never Granted. Given This Information It Appears That The Site Plan Application Was Approved in Error.

**AS THE PROJECT CURRENTLY STANDS, AN APPROVED ZONING VARIANCE WAS REQUIRED**





Section 325-20 Off-street parking

E. Parking in front yards

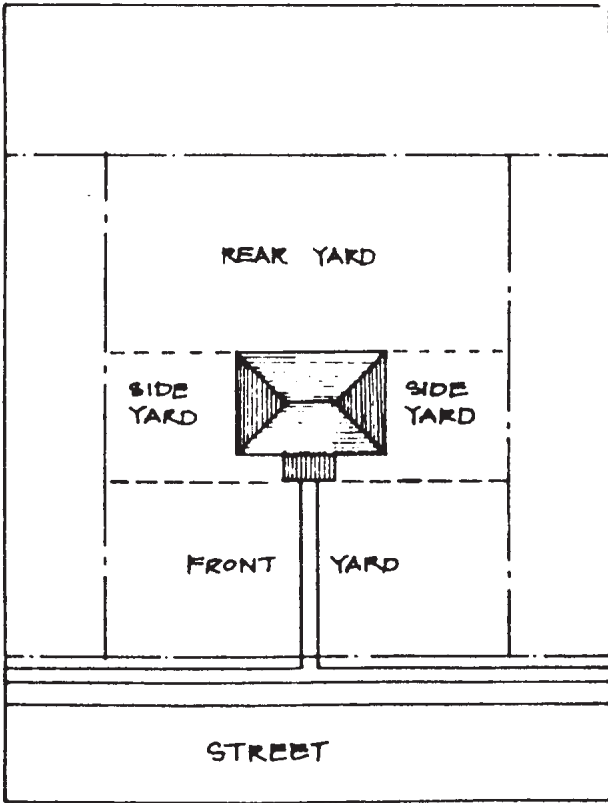
(3) In all residential districts, parking in the front yard of lots which have a width at the street line of more than 50 feet shall be restricted to an area not greater than **25% of the total area of the front yard, including turnaround and other vehicle maneuvering areas and driveways leading to garages and parking areas.** The setback for any such parking area must meet the minimum front yard setback dimensions specified in § 325-8, District Regulations Chart,[9] for the zoning district in which the parking area is to be constructed.  
[9]Editor’s Note: A copy of the District Regulations Chart is on file in the City Clerk’s office.

Section 325-3 Definitions and word usage.

B. Specific terms or words...(Section Abrivated For Clarity)

**YARD**  
That part of a lot not occupied by the principal building or structure and which shall not be occupied by any other building or structure from the ground upward unless specifically authorized in this chapter or other provisions of the City of Ithaca Code.

(1) **FRONT YARD**  
An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the **depth of which shall be the least distance between the front lot line and the front of such main building.**

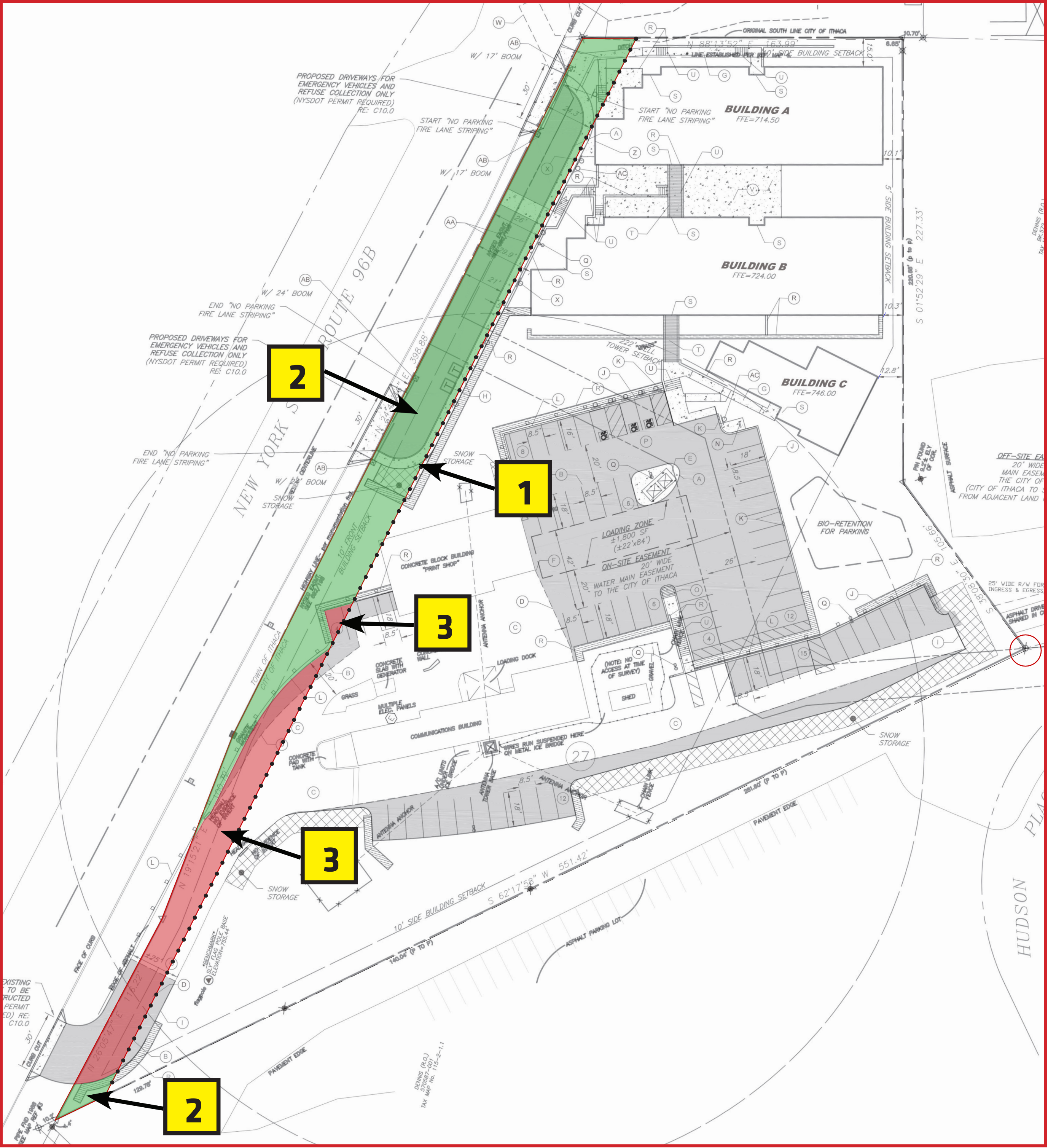


**Example of Front Yard**  
*Base Source: Zoning Ordinance Section 325-3(Yard)*

Code Analysis For Appeal

Issue 3 - Zoning: 25% Front Yard Parking Maximum

Board of Zoning Appeals: Appeal #3202  
In Regards To The Project Located At:  
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**Updated Site Plan By Project Engineer Marked Up By JSA**  
*Base Source: SPR Complete Application Updates (Imaged Clipped)Dated July 3,2019*

Keynote Legend For Sheet

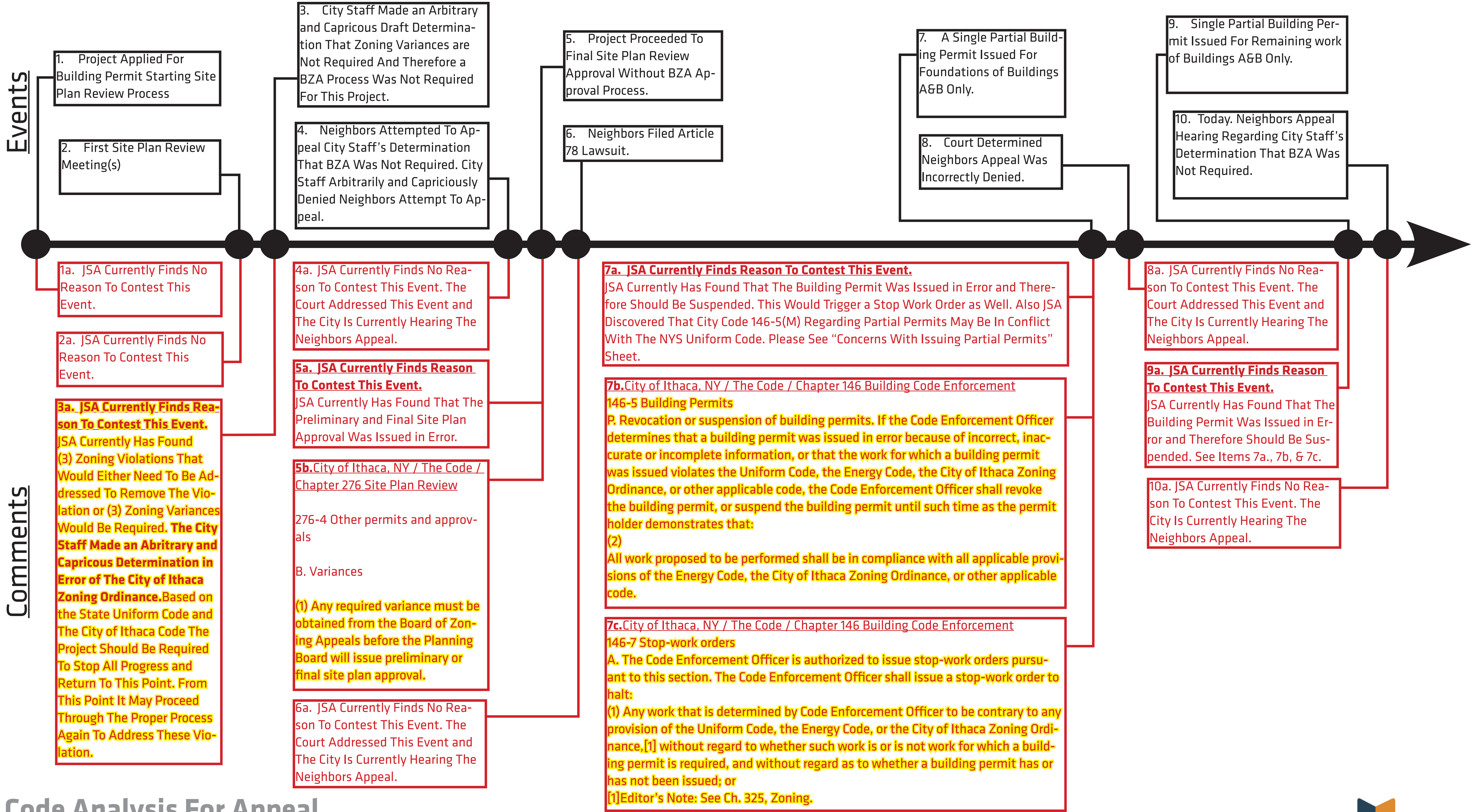
- 1** Furthest Extents of Front Yard Indicated By Black Dotted Line. The Location of This Line is Determined By “Building A” As it is The Closest To The Front Lot Line at 24.3’ Away.
- 2** Front Yard Not Encumbered With Parking Lot, Turnaround,Other Vehicle Maneuvering Areas, or Driveways Leading To Parking Is Indicated By Transparent Green Region.
- 3** Front Yard Encumbered With Parking Lot, Turn-around,Other Vehicle Maneuvering Areas, or Driveways Leading To Parking Is Indicated By Transparent Red Region.

Front Yard Parking Percentage		
Green Region:	9,561 SF	(71.1%)
Red Region:	3,884 SF	(28.9%)
Total Front Yard:	13,445 SF	(100.0%)

**Reviewer’s Note:**  
The Driveway and Some Parking Leading To The Required Parking For All (3) Building Exceeds The Allowable Coverage of The Front Yard.

**AS THE PROJECT CURRENTLY STANDS, AN APPROVED ZONING VARIANCE WAS REQUIRED**





## Code Analysis For Appeal

### Current Sequence of Events For The Project and Concerns

Board of Zoning Appeals: Appeal #3202

In Regards To The Project Located At:

815 S. Aurora Street, Ithaca, NY 14850

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**JOHN SNYDER**  
ARCHITECTS



# OLD 2015 NYS Building Code

2015 International Building Code (3rd Printing as Adopted By New York State)  
Chapter 1 - Scope and Administration  
Section 107 Submittal Documents

107.3.3 Phased Approval  
The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s risk with the building operation and without assurance that a permit for the entire structure will be granted.  
***Reviewer’s Note:***  
***This Code Section Was Apart of The Old Building Code However Has Been Removed From The Current Code. This is Cause For Concern That This Practice is No Longer Allowed.***

## City of Ithaca Code

City of Ithaca, NY / The Code / Chapter 146 Building Code Enforcement

Section 146-5 Building Permits

M. Permit to erect part of a building. Nothing in this chapter shall be construed to prevent the Code Enforcement Officer from issuing a permit for the construction of part of a building or structure, other conditions having been complied with, before the entire plans and a detailed statement concerning said building or structure have been submitted or approved, provided that, when a foundation permit is applied for, sufficient information shall be furnished about the superstructure to enable satisfactory determination of the strength of the proposed work.  
***Reviewer’s Note:***  
***This code section implies that a partial permit can be issued based on partial construction documents. This is a less strict requirement compared to the current Uniform Code.***

# CURRENT 2020 NYS Building Code

**2020 Building Code of New York State**  
**Chapter 1 - Scope and Administration**  
**Section 105 Building Permits, Construction Inspections, Stop Work Orders, Certificates of Occupancy, and Operating Permits**  
**105.2.2 Applications for building permits**

A person or entity applying for a building permit shall submit an application to the authority having jurisdiction. An application for a building permit shall include all of the following:

1. Construction Documents that satisfy the requirements of Section 106.2;
2. Any and all other submittal documents required by Section 106;
- 3. Any and all other information and documentation that may be required by the stricter of the authority having jurisdiction’s Code Enforcement Program or a Part 1203 - Compliant Code Enforcement.**
4. Such other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

***Reviewer’s Note: This indicates that New York State’s intent is municipalities can be more restrictive, not less.***

**105.2.4 Validity of building permit**  
The issuance or granting of a building permit shall not be construed to be a permit for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code, or any other applicable law. **A building permit purporting to give authority to violate or cancel any provision of the Uniform Code, the Energy Code, or any other applicable law shall not be valid.** The issuance of a building permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data.

***Reviewer’s Note: If the State is no longer allowing partial permits then the currently issued permits would be invalid.***

**Section 106 Submittal Documents**  
**106.2.1 Information on construction documents**  
Construction documents (1) shall define the scope of the proposed work; (2) shall be of sufficient clarity to indicate the location, nature and extent of the proposed work; (3) shall show in detail that the proposed work will conform to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; **(4) shall include all information required by any provision of this code (including but not limited to the information described in Sections 106.2.2 through 106.2.8), all information required by any other application provision of the Uniform Code, and all information required by an application provision of the Energy Code;** and (5) shall include any and all additional information and documentation that may be required by the stricter of the Code Enforcement Program of the authority having jurisdiction or a Part 1203 - Compliant Code Enforcement Program. [highlight, bold, and underline added]

***Reviewer’s Note: This indicates that a complete submission of documents must be made to get a permit as the construction documents “shall include all information required by any provision of this code”[Underline added]. Being that Section 105.2.2 refers to this section it appears that partial submissions or partial permits are not permissible.***

**Reviewer’s Note:**  
**The Original Building Permit Application Was For (3) Buildings, and Currently a Partial Permit Has Been Issued For Buildings “A” & “B” Only. It is Assumed This is Because Construction Documents Have Been Provided and Approved For Only Those (2) Buildings. It Appears The City Code is Less Strict Than The Current NYS Uniform Code In Regards To Submission Requirements of Construction Documents. Based On These Items JSA Believe’s Separately From The Zoning Violations That The Currently Issued Partial Building Permit For (2) Buildings When The Project Name on The Permit is “IC Overlook - 3 buildings” is Invalid. A Complete Submission of Construction Documents For All (3) Buildings and a Permit Issued For All (3) Buildings Would Be Required By The Uniform Code.**

## Code Analysis For Appeal

### Concerns With Issuing Partial Permits

Board of Zoning Appeals: Appeal #3202  
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