

**AREA VARIANCE FINDINGS AND DECISION
TOWN OF LANSING ZONING BOARD OF APPEALS**

BACKGROUND INFORMATION

Applicant: Amy Newman & Eric Clay
281 Bill George Road
Groton NY 13073

Variance No: 21-07
Zoning District: L1
Public Hearing
Published on 09/29/2021
Mailed 600' Notices
on: 09/30/2021

Property Location: 281 Bill George Road
Tax Parcel #: 24.-4-2

Requirement for which Area Variance is requested: Town of Lansing Code (the "Code"): Section 270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.

RESOLUTION AND FINDINGS

WHEREAS, Amy Newman & Eric Clay, Applicants, are proposing to demolish an existing shed and construct an 8' x 12' accessory building at the same location. The proposed accessory building will extend 2' to the South from the existing footprint. The applicant is requesting permission to replace and expand a nonconforming structure per Town of Lansing Zoning Code § 270-44; and

WHEREAS, on September 14, 2021, the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in support of the requested area variance; (ii) all other information and materials properly before the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

WHEREAS, this application is classified as a Type II Action under 6 NYCRR Part 617.5 (c)(17) (such that no further environmental review is required) and this matter also does not require General Municipal Law §239 -l, -m, and -n referral as the items are excluded per an Inter-Governmental Agreement between the Tompkins County Planning Department and the Town of Lansing dated December 17, 2003; and; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings with respect to the specific criteria for an Area Variance as set forth in Town Law § 267-b(3)(b), and other applicable provisions of law and of the Zoning Ordinance:

a. **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?**

Yes ___ No x Findings: The Zoning Board of Appeals finds that by using the existing footprint with only a slight modification, there is not an undesirable change to the character of the neighborhood. From the neighbor's photographs, it does not appear that the proposed structure would reach the base of his windows. There would be no impact to other neighbors.

b. **Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance?**

Yes ___ No x Findings: The Zoning Board of Appeals finds that it would be difficult to achieve the desired use by staying in the current footprint.

c. **Whether the requested area variance is substantial?**

Yes ___ No x Findings: The Zoning Board of Appeals finds that the requested area variance is not substantial. The structure is very small in size, is staying mostly within the same footprint, and is expanding two feet away from the closest neighbor's residence.

d. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

Yes ___ No x Findings: The Zoning Board of Appeals finds there would not be an adverse effect on the physical or environmental conditions in the neighborhood. The applicant is replacing an existing shed.

e. **Whether the alleged difficulty was self-created?**

Yes ___ No x Findings: The Zoning Board of Appeals finds that the cost of rebuilding exceeding 51% of the value of the existing structure and the proximity to the floodplain have triggered the necessity to comply with floodplain regulations in raising the height of the building, this difficulty is not self-created.

2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):

It is hereby determined by the Town of Lansing Zoning Board of Appeals (the "ZBA") that the following area variance is **GRANTED**, with any conditions hereafter stated (if any), it being further found and determined that (i) the benefit to the applicant outweighs any potential negative impacts or detriment to the neighborhood or community; and (ii) such area variance are the minimum necessary as adequate to grant relief and, at the same time, preserve and protect the character of the neighborhood and the safety and welfare of the community.

DESCRIPTION OF SPECIFIC VARIANCE GRANTED: 8'x12' shed raised 3 ½' extending to the south 2' off the original footprint

ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCE AS GRANTED?

Yes No

STATEMENT OF CONDITIONS:

1. As variances are exceptions based upon exigent need or emergency, should applicant fail to avail itself of the benefits of the above-described area variance within one year from the date hereof, this approval and such area variance shall expire. In cases where construction may be applicable, "avail itself of the benefits" shall mean a building permit obtained (if necessary) and substantial construction as commenced. Said one-year approval period may be extended for good cause by the ZBA if application for an extension is submitted before the expiration of the then applicable variance period.
2. These conditional area variance approvals are not, and do not constitute, a determination upon, or concurrence respecting, the nature or quality of underlying rights in title or in the littoral use of Cayuga Lake, but are only issued in respect to the bulk, density, setback, yardage, and any other dimensional requirements of zoning respecting the lots and parcels of the subject application.

THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND RESOLUTION OF THE TOWN OF LANSING ZONING BOARD OF APPEALS WAS AS FOLLOWS:

Motion by: Richard Hayes

Seconded by: Jack Young

Maureen Cowen – Aye

Judy Drake – Aye

Richard Hayes – Aye

Mary Stoe – Aye

Jack Young – Aye

Dated: October 12, 2021

Received in the Lansing Town Clerk's Office on 10/18/21



Debbie Munson, Town Clerk
Town of Lansing
Tompkins County, New York