

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

BACKGROUND INFORMATION

Applicant and Owner:
Jon Lucente
40 Sun Path Road
Lansing, NY 14850

Variance No: 24-XX
Zoning District: R1
Public Hearing Published on:
600' Notices Mailed:

Property Location: 40 Sun Path Road
Tax Parcel #: 42.-1-2.28

Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11 Schedule II, Frontage, Yard, Height and Coverage Requirements

RESOLUTION AND FINDINGS

WHEREAS, Jon Lucente, Applicant and Owner of 40 Sun Path Road, Tax Parcel No. 42.-1-2.28, located in the R1 Zone, applied for an Area Variance from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements, to keep an existing deck. The following variance is requested: side (east), 0 feet, where 15 feet is required. The project is within the R1 Zone.

WHEREAS, on 14 February 2024 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 617.5(c)(12), (construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density), such that no further environmental review is required, nor does this matter require a GML Section 239 review; 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 area variances 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 ___ Findings:

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 ___ Findings:

c. Whether the requested area variance is substantial?

Yes ___ No ___ Findings:

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 ___ Findings:

e. Whether the alleged difficulty was self-created?

Yes ___ No ___ Findings:

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/DENIED**, 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 is 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 VARIANCES GRANTED: Variance from § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to keep an existing deck. The following variance is requested: side (east), 0 feet, where 15 feet is required. The project is within the R1 Zone.

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

Yes ___ No ___

STATEMENT OF CONDITIONS:

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

Motion by:
Seconded by:

- Richard Hayes –
- Mary Stoe –
- Susan Tabrizi -
- Jack Young –

Dated: 14 February 2024

Received in the Lansing Town Clerk's Office on _____

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