

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

**BACKGROUND INFORMATION**

Applicant and Owner:  
Dale & Judy Williams  
99 Armstrong Road  
Lansing, NY

Variance No: 21-05  
Zoning District: R1 –  
Public Hearing  
Published on: 9/3/2021  
Mailed 600' Notices  
Sent on: 9/1/2021

Property Location: 99 Armstrong Road  
Tax Parcel #: 38.-1-12

Requirement for which Area Variances are requested: Town of Lansing Land Use Ordinance (the "Zoning Ordinance"): Section 504, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.

**RESOLUTION AND FINDINGS**

WHEREAS, Dale & Judy Williams, Applicant and Owner of 99 Armstrong Road, Tax Parcel No. 38.-1-12 located in the Residential Low Density Zoning District (R1) applied for an Area Variance from Town of Lansing Land Use Ordinance Section 504, Schedule II requiring a Minimum Front Yard Set Back of 60'; and

WHEREAS, Applicant is requesting an Area Variance of 16' to facilitate placement of a 28'x24' Carport Structure; 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 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 x Findings: The Zoning Board of Appeals finds that the proposed structure would fit the character of the neighborhood.

**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 there is not another feasible method to allow this structure in the available space on this lot.

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

Yes \_\_\_ No x Findings: The Zoning Board of Appeals finds that this is not a substantial request.

**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 that this would not impact any conditions of the neighborhood. Several neighbors have shown support for this project.

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

Yes x No \_\_\_ Findings: The Zoning Board of Appeals finds that this difficulty is self-created because they are choosing to install the carport.

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 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: 16ft Area Variance from the Minimum Yard Setback**

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

Yes x 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 variances within one year from the date hereof, this approval and such area variances 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 variances period.

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

**Motion by:** Mary Stoe  
**Seconded by:** Jack Young

Maureen Cowen – Aye  
Jack Young – Aye  
Peter Larson – Aye  
Mary Stoe – Aye  
Judy Drake – Aye

Dated: September 14, 2021

Received and filed in the Lansing Town Clerk's Office on

*9/17/21*  
*Debbie Munson*

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