

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

**BACKGROUND INFORMATION**

Applicant and Owner:  
Erin Worsell and Derek Osborne  
2 Beach Road  
Lansing, NY

Variance No: 22-XX  
Zoning District: B1  
Public Hearing Published on: 6/7/22  
600' Notices Mailed: 6/6/22

Property Location: 2 Beach Road  
Tax Parcel #: 31.-2-4

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

**RESOLUTION AND FINDINGS**

WHEREAS, Erin Worsell and Derek Osborne, Applicants and Owners of 2 Beach Road, Tax Parcel No. 31.-2-4 located in the Mixed Use – B1 Zone applied for an Area Variance from Town of Lansing Zoning Law § 270-24 A., Fences and Walls, to construct approximately 146 feet of eight foot high fence where six feet in height is the maximum permitted;and

WHEREAS, on 14 June 2022 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: Area Variance under 270-24 A., Fences and Walls, to construct approximately 146 linear feet of eight foot high fence where six feet in height is the maximum permitted.**

ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCES 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 variances within two years 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:**  
**Seconded by:**

Richard Hayes –  
Mary Stoe –  
Susan Tabrizi –  
Jack Young –  
Judy Drake –

Dated: 14 June 2022

Received in the Lansing Town Clerk's Office on \_\_\_\_\_

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

DRAFT