

Village of Lansing
Board of Zoning Appeals
May 22, 2001

The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:35 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board members Don Eckrich, Mike Ward, Alternate Member John Dennis, Code Enforcement Officer Curtis, Village Attorney Randy Marcus, and members of the public.

Appeal 2001-2, The Lake Watch Inn, to relocate an outdoor barbecue pit and construct a roof and storage room for it at 1636 East Shore Drive, in the Low Density residential District, Tax Parcel No. 42.1-1-28.2. A variance is required because the Lake Watch Inn is a pre-existing nonconforming use which Section 402.03(a)&(b) of the Village of Lansing Zoning Law states must not be enlarged or increased, nor extended to occupy a greater area of land; nor moved in whole or part to any other portion of the lot.

Leo Mahool, 18 Ladoga Park, stated he is the owner of the Lake Watch Inn. He stated that when he purchased the property it was in the Town of Lansing before the creation of the Village. When he purchased it, it was open zoning and was not nonconforming at that time although subsequently through the Village Zoning Laws it is now nonconforming. The reason he is proposing this is because he would like to cover the barbecue pit with a vented roof with room for those working there to be out of the rain, move the pit a little in order to accommodate the extra area of the roof and would like to enclose a charcoal storage area at the end of the pits. He feels it would improve safety during storms and also to clean up the area of his business. The variance would allow for an outdoor cooking area approx. 6 ft. to the south of the existing area, adding a roof over the cooking area, and incorporates a 10 ft. x 10 ft. storage room. He stated that this area can only be seen from three vantage points because of fences and bush screening. The building will be designed to be compatible with that which is presently there in terms of color, siding and roofing. The roof will also be vented to better control the smoke. The pits will be made of heavy galvanized metal similar to other barbecuing operations in the area. Mahool stated it will be moved three feet to the south of the present location to provide room for workers on both sides of the pit while maintaining clearance for delivery vehicles. The paved driving surface runs across the front, down along the side and half way down the back side and a outdoor porch runs the other half way. The permanent storage building will be on the west end of the barbecue pit. It will hold the grills, charcoal and racks. Mahool stated the pit will be screened and is not visible from the road. Dennis stated he felt the area was very underlandscaped as reflected in the pictures presented. Eckrich asked about the benefit being sought could be obtained by any other measures and whether it could be placed in another location where it would not be visible from the road and neighbors. Mahool stated it is at the end of the building because the rear area is used for weddings and this would not be an appropriate place to put the storage area and pit. A partial screening will also be expanded along the road side. The present area is 3.5 ft. x 16 ft. and the

proposed area will be 10 ft. x 30 ft. Stone will also be placed along the edge to define it from the grass area. Eckrich questioned the distance measurements from the E. Shore Dr. property line to the pit. Some diagrams show it as 100+ feet and others indicate 64. ft. and he wondered why the discrepancies. Mahool stated he may have measured incorrectly. Forsythia will be relocated from the present site and utilized for the front screening. Mahool is amenable to suggestions from Curtis for screening but he would like to see how the project looks before agreeing to do so. Sirois asked if this could be a temporary structure and Mahool stated it would be permanent and would be built on site with anchor pilings.

Curtis stated that the Proof of Mailing as required was given to him. The only communication received about this proposal was provided by Mahool which was a letter from someone whose group had used the facilities that expressed appreciation and support based on the free use of his facility for nonprofit organizations. Ward is uncomfortable that under the Village's Zoning Law only the property owners are notified but tenants are not.

Ward moved to close the Public Hearing. Seconded by Eckrich. All aye.

The Board discussed the proposal. Sirois referenced the letter from the Tompkins County Planning Dept. that they have reviewed the proposal and have determined that there are no negative intercommunity, County or State impacts from this project.

Curtis stated he would classify this as an area variance because it pertains to dimensional requirements (size) and the location of structures on the site, and therefore this would be an exempt action under SEQRA.

Sirois took a straw vote for granting the variance. Ward and Sirois were in favor of the proposal. Dennis stated he would be in favor with some landscaping suggestions or conditions attached. Eckrich was wavering but would like to see the site improved.

Dennis would like to see evergreen screening such as blue spruce, white pine or conifers between E. Shore Dr. and the facility. Mahool stated he has recently placed trees and flowers between the parking area and the building to make it more attractive but it is being done slowly due to costs. Sirois stated there are currently forsythia bushes between the pit and the parking which will be replanted for screening but they will not screen the building. Mahool is not opposed to planting evergreens as long as they are not large ones due to costs. Sirois stated junipers or other shrubs might also be a possibility. Dennis stated white pines are eaten by deer and would provide no screening. Dennis asked Mahool for his budget and Mahool stated he has none but he would consider up to \$1200 for landscaping. Discussion ensued as to whether the screening would be placed on the south side of the property between the pit and the residence or between the pit and E. Shore Dr.. Dennis would like to see it in both locations and feels the \$1200 budget would be adequate. Ward felt natural grasses were also fine. Eckrich expressed concerns about the discussed landscaping budget and height of the building being presented as neither was in the documentation provided. Curtis stated his building permit would include the parameters set by this board for screening, height, etc. Dennis

recommended Mahool have a landscaper draw up a proposal and submit it to the Board for approval. Marcus stated the Board could informally look at plans and respond to Sirois and that would avoid putting the responsibility for the final decision on Curtis' shoulders. Mahool would like to see this completed this season. Dennis would like to see the project approved tonight and then Mahool can proceed with the landscape sketch. Curtis could then issue the permit to build with the condition that the approved landscape plan be implemented before the certificate of compliance would be issued. Although not typical to issue a Certificate of Compliance for a building such as this, Curtis stated a Certificate of Compliance would be issued upon completion in this case since a variance was required with attached conditions.

In making their determination, the Board based their decision on the following findings:

- a) *Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the variance.*

Finding: With appropriate screening, the granting of the variance would result in an improvement of the existing condition.

- 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.*

Finding: If the applicant were to put the proposed structure in another part of the property, it would result in other problems. Placing it on the west side would interfere with current uses such as weddings, etc. Placing it on the east side would make it more visible from E. Shore Dr. Placing it on the north side is impossible because it is the parking lot. It would also be infeasible to place the grill inside because it must be outside.

- c) *Is the requested variance substantial?*

Finding: The variance will substantially improve the site with screening plan submitted by Mahool and subsequently approved by the Board. The proposal is not substantial as it is well within the requirements for the Low Density Residential District for height and setbacks.

- d) *Consider whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Finding: No one was present to respond negatively to the proposal and there was no written negative communication received regarding it. Also there will be more plantings to improve the environment.

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

Finding: It was not self-created and Mahool is improving what currently exists.

Regarding *d)* above, Dennis will research the possible adverse effects of burning charcoal on the neighborhood.

The Board desired to review any conditions to be placed on this variance. Marcus stated that one condition would be for Mahool to provide a sketch of a screening plan that is satisfactory to the BZA members for the purpose of screening the structure from E. Shore Drive and the residence on the south. Eckrich desires screening but would like to defer to Dennis and Sirois. Ward is concerned about the neighbor to the south and feels if the screening is placed closer to the structure it would screen it better. His recommendation would be for a wooden screen on the road side and a vegetative screen on the south side. Sirois would recommend granting a variance reserving subsequent approval of a screening plan. Curtis stated the Planning Board will typically make one of the conditions of approval the implementation of a landscaping plan approved by the Planning Board. When the applicant is ready, the applicant will bring in the Landscaping Plan. In this case Curtis would notify the BZA when a Landscape Plan has been submitted so they may review it. Marcus noted the new facility should not be used until the approval has been granted. Curtis stated the final Certificate of Compliance would be issued upon the implementation of a Landscaping Plan approved by 2 or more members of the BZA. Another condition would be to limit the height to 15 ft.

Dennis moved to grant the variance as requested with the following conditions: 1) Implementation of a landscaping/screening plan approved by the BZA; and 2) the maximum height of the proposed structure is 15 ft. Seconded by Eckrich. All aye.

Dennis excused himself from the meeting.

Approval of Minutes – April 17, 2001

Next, the Board reviewed the minutes of April 17, 2001. Eckrich moved the minutes be approved with revisions. Seconded by Ward. All aye.

Adjournment

Sirois moved to adjourn the meeting at 9:44 P.M. Seconded by Ward. All aye.