

**Village of Lansing
Board of Zoning Appeals
October 16, 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 John Dennis, Don Eckrich, Lorraine Johnson and Mike Ward, Code Enforcement Officer Curtis, Village Attorney William Troy, and members of the public.

Appeal 2001-7, T. Colin and Karen L.C. Campbell for a side yard deficiency of their home at 26 Beckett Way, in the Shannon Park Planned Development District, Tax Parcel Number 47.1-6-42. A variance is required because the house was constructed 5'9" from the side property line and Section 202.045(d)5 of the Village of Lansing Zoning Law states that the maximum side yard setback for a one or two unit residential building in the Shannon Park Planned Development District is twenty-five feet.

T. Colin Campbell provided Proof of Mailing to Curtis.

Applicant T. Colin Campbell presented his case first. He stated he has been living at 26 Beckett Way for approximately sixteen years. At the time his home was constructed, it was the first residence built in Shannon Park and the area was heavily wooded. While he was out of the country the residence was being built and it was placed too close to the property line. No one realized this until a couple of years later when the neighboring residence was being constructed and that was the first the applicants heard of the deficiency. Neither of the property owners considered it a problem. Recently, as the Campbells were in the process of selling the property, the buyer's attorney brought it to Campbell's attention. Campbell is now requesting a variance as the house has already been built and landscaping completed and there is no way to rectify the deficiency. The builder was Jim Ferro from Cortland and the surveyor was George Schlecht from Dryden. Curtis stated the plat was drawn incorrectly and showed a setback of 22 ft. from the property line and was subsequently approved by the Village Code Enforcement Officer Barbara Irish.

Sirois stated she walked the property and saw the house had been located to accommodate the garage and the wet stream area on that side. Campbell stated that after moving in, they did place perforated pipe underground in that area to help the situation.

Dennis moved to close this portion of the Public Hearing. Seconded by Ward. All aye.

Dennis asked for alternatives. The Board noted that the residence could not be easily moved and additional property could not be purchased from the neighbor without making that property deficient in side yard setback.

In making their determination, the Board considered 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 area variance.*

Finding: No, because the house has been in place for many years as have the adjoining residences.

- 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: No, because it would not be feasible to move the house as the cost of moving the residence would be prohibitive.

- c) *Whether the requested area variance is substantial.*

Finding: Yes, because there has been a request for approximately an additional 20 feet or 80% increase in setback deficiency.

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

Finding: No.

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

Finding: No.

Johnson moved to grant the variance as requested based upon these findings. Seconded by Ward. All aye.

Approval of Minutes – September 24, 2001

Next, the Board reviewed the minutes of September 24, 2001. Eckrich moved the minutes be approved with revisions. Seconded by Johnson. All aye.

Ornithology Lab

Sirois stated that Curtis had informed her that the Ornithology Lab would be altering their plans for the chimney. Curtis stated the chimneys would be below 45 ft. or below what is permitted by the building code.

Appeal No. 2001-3, Colbert Variance

Curtis stated that the Colberts have withdrawn their application and are considering alternative means

to connect their parking lot to the adjoining Sciarabba property which would allow Sciarabba's to have the availability for overflow parking. Curtis also stated the building is proceeding aggressively and there may have been insufficient time to pursue a variance and Colbert's attorney may have advised that an appeal might well be unsuccessful.

Adjournment

Johnson moved to adjourn the meeting at 8:35 P.M. Seconded by Ward. All aye.