

**Village of Lansing
Board of Zoning Appeals
September 16, 2014**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:35 P.M. by
2 Chairperson Mary Sirois. Present at the meeting were Board members, John Wisor, Roy
3 Hogben, Don Eckrich, and Patrick Gillespie; Code Enforcement Officer Marty Moseley; Village
4 Attorney David Dubow; Applicant: Zellman Warhaft

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6 **Public Hearing to Consider:**

7 Sirois opened the public hearing to consider Appeal No. 2014-04, Zellman Warhaft, propose to
8 construct an approximately 203 square foot car port. An area variance is required because the
9 front yard setback and side yard setback would be deficient, where Section 145-39 E(4)(a)[1]
10 and 145-39 E(5)(a)[1] of the Village of Lansing Code requires a minimum of 40 feet to the road
11 right of way. The property is located at 1030 Cayuga Heights Road in the Low Density
12 Residential District, Tax Parcel No. 43.1-1-14.

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14 Moseley indicated that he had received the proof of mailings for the public hearing. Moseley
15 added that there is no formal environmental review since this is a small residential project.

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17 Dubow indicated that the Tompkins County Planning Department has provided a response that,
18 in accordance with General Municipal Law 239 -l,-m, &-nn, indicated that there is no negative
19 or county wide impact for the proposed project. Moseley indicated that the Town of Lansing has
20 sent a response as well, which indicates that the Town of Lansing has no issues with the
21 proposed project.

22
23 Warhaft indicated that he resides at 1030 Cayuga Heights Road and would like to erect a carport.
24 Warhaft noted that they had recently made their attached garage into a study. Warhaft noted that
25 they would not be enclosing the structure and it would have four posts and a roof. The
26 approximate front yard setback is 23 feet and the approximate side yard setback is 23 feet 9
27 inches.

28
29 Sirois asked where a vehicle would enter the car port.

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31 Warhaft indicated that it would be from the Cayuga Heights Road side.

32
33 Dubow noted that the Village Planning Board will have to provide special permit approval too,
34 due to the Village Zoning Map indicating that there is a steep slope on the property.

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36 Eckrich asked if the survey map was accurate because it indicated that the existing driveway was
37 encroaching on the neighboring property.

38
39 Warhaft indicated that the driveway has been in existence for some time, but it could be
40 incorrect.

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42 Eckrich noted that the car port could be moved back to accommodate for a lesser variance.
43 Warhaft indicated that there is an existing pergola in front of the new study and he would like to
44 keep the pergola in the same location.

45
46 Warhaft presented the Board with pictures of the site.

47
48 Dubow indicated that the lot in question is a non-conforming lot of record.

49
50 Moseley noted that one neighbor did attempt to stop by to discuss the variance, but Moseley
51 missed them and the neighbor never returned.

52
53 With no further input from the public, Eckrich moved to close the public hearing, Seconded by
54 Gillespie; Ayes by Sirois, Wisor, Gillespie, Eckrich, and Hogben.

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56 Eckrich asked if a condition could be attached to stipulate that the carport remain open and not
57 be enclosed.

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59 Dubow indicated that conditions can be attached to an approval.

60
61 Eckrich indicated that he thought that the project would not be detrimental to the neighborhood,
62 feels that it could be achieved on other ways, is a substantial infringement on the front yard
63 setback, and is self-created.

64
65 Sirois indicated that there is a lot of area behind the house, but there is no way that it could be
66 accessed if the carport is built behind the house. Sirois noted that if a driveway leads to the back
67 of the house, it would negatively impact the lot and neighborhood aesthetically.

68
69 Wisor agreed with Eckrich, and this seems to be an afterthought of converting the old garage into
70 a study and not having a garage to park the vehicle in. Wisor did agree that the vegetative cover
71 over the existing pergola is important to be maintained.

72
73 Gillespie noted that the front yard setback is tight and the side yard setback is minimal. Gillespie
74 agrees with having a condition not allowing the carport to become enclosed.

75
76 Sirois noted that the existing house and new study are grandfathered.

77
78 Eckrich asked about the functionality of the old garage.

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80 Moseley indicated that, based on site inspections, one would need a very small car which would
81 still be difficult to open doors in the old garage.

82
83 After further discussion the Board determined that the grandfathering of the lot and the lack of
84 functionality of the old garage played a key role in their decision making process.

85
86 Gillespie moved the following variance resolution:

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88 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON**
89 **SEPTEMBER 16, 2014 FOR APPEAL NO. 2014-04**
90

91
92 *Motion made by:* _____ *Patrick Gillespie* _____
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94 *Motion seconded by:* _____ *John Wisor* _____
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96 **WHEREAS:**
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- 98 A. *This matter involves consideration of the following proposed action: Appeal No.*
99 *2014-04, Zellman Warhaft, propose to construct an approximately 203 Square foot*
100 *car port. An area variance is required because the front yard setback and side yard*
101 *setback would be deficient, where Section 145-39 E(4)(a)[1] and 145-39 E(5)(a)[1]*
102 *of the Village of Lansing Code require respectively a minimum of 40 feet to the road*
103 *right of way and a minimum of 25 feet to the side yard boundary. The property is*
104 *located at 1030 Cayuga Heights Road in the Low Density Residential District, Tax*
105 *Parcel No. 43.1-1-14; and*
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- 107 B. *On September 16, 2014, the Village of Lansing Board of Zoning Appeals held a*
108 *public hearing regarding such action, and thereafter thoroughly reviewed and*
109 *analyzed (i) the materials and information presented by and on behalf of the*
110 *applicant(s) in support of this appeal, (ii) all other information and materials*
111 *rightfully before the Board, and (iii) all issues raised during the public hearing*
112 *and/or otherwise raised in the course of the Board's deliberations; and*
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- 114 C. *On September 16, 2014, in accordance with Article 8 of the New York State*
115 *Environmental Conservation Law - the State Environmental Quality Review Act*
116 *("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Board of Zoning*
117 *Appeals determined that the proposed action is a Type II action, and thus may be*
118 *processed without further regard to SEQR; and*
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- 120 D. *On September 16, 2014, in accordance with Section 712-b of the Village Law of the*
121 *State of New York and Village of Lansing Code Section 145-74 A(1), the Village of*
122 *Lansing Board of Zoning Appeals, in the course of its deliberations, took into*
123 *consideration the benefit to the applicant if the area variance is granted as weighed*
124 *against the detriment to the health, safety and welfare of the neighborhood or*
125 *community by such grant;*
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127 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
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- 129 1. *The Village of Lansing Board of Zoning Appeals hereby makes the following findings*
130 *with respect to the specific criteria for such area variance as set forth in Section 712-*

131 *b of the Village Law of the State of New York and Village of Lansing Code Section*
132 *145-74 A(1):*

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134 *Whether an undesirable change will be produced in the character of the*
135 *neighborhood or detriment to nearby properties will be created by granting the*
136 *area variance.*

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138 *Finding:*

139 *An undesirable change would not be produced because there are other*
140 *similar lots in the area with similar situations that pre-date the Village.*

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142 *Whether the benefit sought by the applicant can be achieved by some method*
143 *feasible for the applicant to pursue other than an area variance.*

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145 *Finding:*

146 *There are no other feasible options that the applicant could achieve.*

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148 *Whether the requested area variance is substantial.*

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150 *Finding:*

151 *The area variance is substantial based on the Villages requirement for a*
152 *front yard setback. The side yard area variance is not substantial based on the*
153 *Villages side yard setback. Other properties in the area have similar*
154 *situations.*

155
156 *Whether the proposed area variance will have an adverse effect or impact on the*
157 *physical or environmental conditions in the neighborhood or district.*

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159 *Finding:*

160 *There are no adverse impacts or effects, and both the Tompkins County*
161 *Planning Department and the Town of Lansing agree that there are no negative*
162 *impacts.*

163
164 *Whether the alleged difficulty was self-created.*

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166 *Finding:*

167 *The difficulty is self-created.*

- 168
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170 2. *It is hereby determined by the Village of Lansing Board of Zoning Appeals that the*
171 *following variance is **GRANTED AND APPROVED** (with conditions, if any, as*
172 *indicated), it being further determined that such variance is the minimum necessary*
173 *and adequate to grant relief and at the same time preserve and protect the character*
174 *of the neighborhood and the health, safety and welfare of the community:*

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Description of Variance:

A carport that is approximately 203 square feet is allowed to be erected with a side yard setback of 23 feet 9 inches and a front yard setback of 23 feet.

Conditions of Variance:

- 1. The carport sides shall remain open and shall be prohibited from being enclosed.*

The vote on the foregoing motion was as follows:

AYES: Mary Sirois, John Wisor, Patrick Gillespie, Roy Hogben, and Don Eckrich.

NAYS: None

The motion was declared to be carried.

Approval of the Minutes

None

Adjournment:

There being no other business, Gillespie moved to adjourn at 8:13 P.M.. Seconded by Eckrich. Ayes by Sirois, Gillespie, Wisor, Eckrich, and Hogben.