

**Village of Lansing
Board of Zoning Appeals
August 24, 2015**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:00 P.M. by
2 Chairperson Lynn Leopold. Present at the meeting were Board members, John Wisor, Patrick
3 Gillespie, Roy Hogben, Don Eckrich, and Alternate member Mary Sirois; Code Enforcement
4 Officer Marty Moseley; and Village Attorney David Dubow; Tim Bonniwell; and Larry
5 Fabbroni, Jr.
6

7 **Public hearing to consider:**

8 Leopold opened the public hearing to consider:

9 *Appeal No. 2015-02, Timothy and Lisa Boniwell, propose to construct an approximately*
10 *300 Square foot garage addition to an existing attached single residential garage. An*
11 *area variance is required because the side yard setback would be deficient, where*
12 *Section 145-39 E(4)(a)[1] of the Village of Lansing Code requires a minimum of 20 feet*
13 *for the side yard setback. The side yard setback from the proposed garage addition would*
14 *be approximately 8.5 feet. The property is located at 2 Jon Stone Circle in the Medium*
15 *Density Residential District, Tax Parcel No. 45.2-2-18.*
16

17 Bonniwell indicated that he and his wife bought their house after it was built and there was a two
18 car garage, which was acceptable at the time, but now they have several children driving and
19 there is not enough adequate parking. Bonniwell noted that by allowing the addition to be
20 constructed, it would improve the aesthetics of the neighborhood by having more parking in a
21 garage instead of in their current driveway. Bonniwell added that they are next to proposed park
22 land that will eventually be owned by the Village, so he feels there is not an adverse effect on the
23 neighboring properties.
24

25 Fabbroni referred to the application materials and indicated that most other houses in the area
26 have three car garages and the visual impact from the neighboring properties would have
27 minimal impact because the vehicles would be parked in the garage. Any other addition option
28 would also require a variance. Fabbroni thought that this was not substantial because the
29 parkland is the immediate neighboring property and because there is an elevation change where 2
30 Jon Stone Circle is lower than the town houses in the area. Fabbroni noted that the change would
31 be desirable because there would be fewer cars that are visible when being parked. Fabbroni
32 acknowledged that this situation is self-created.
33

34 Moseley noted that the proof of mailings have been received. Moseley presented the following
35 document to the Board:
36

37 *To: Board of Zoning Appeals*
38 *From: Zoning Department*
39 *Subject: 2 Jon Stone Circle-Garage Addition*
40 *Date: August 17, 2015*
41

42 *Appeal No. 2015-02:*

43 Timothy and Lisa Boninwell, propose to construct an approximately 300 Square foot garage
44 addition to an existing attached single residential garage. An area variance is required because the
45 side yard setback would be deficient, where Section 145-39 E(4)(a)[1] of the Village of Lansing
46 Code requires a minimum of 20 feet for the side yard setback. The side yard setback for the
47 proposed garage addition would be approximately 8.5 feet. The property is located at 2 Jon Stone
48 Circle in the Medium Density Residential District, Tax Parcel No. 45.2-2-18.
49

50 **Report:**

51 The applicants are requesting to increase their existing garage to allow for additional parking area. The current garage is attached
52 to an existing single family home that has been granted variances previously for their swimming pool and yard setbacks thereto.

53 The applicant indicates that the proposed aesthetics of the project will be consistent with the existing building, which is also
54 consistent with the existing neighborhood.

55 This request has prompted an area variance due to the proximity to the side yard property line. The approximate distance from
56 the existing structure to the side yard property line is approximately 21.5 feet. The addition to the existing garage would reduce
57 the distance to the side yard property line to approximately 8.5 feet. The required side yard setback, as approved in the Lansing
58 Trails II cluster subdivision application, is a minimum of 20 feet.

59 **SEQRA:** Review is not required as this is a single family house and therefore is exempt.

60 **Tompkins County Planning Department GML 239 -l and -m:** Review is not required due to not being within
61 500 feet to any of the following: a municipal jurisdictional line, a state or county highway, the boundary of any existing or
62 proposed county or state park or recreation area, the existing or proposed boundary of any county/ state owned land with public
63 building

64 **Flood Plains:** The proposed project is not shown within any flood plains.

65 The area variance request is evaluated per the five questions that all area variances are required to answer:

- 66 a. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties
67 will be created by the granting of the area variance.
- 68 b. Whether the benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other
69 than an area variance.
- 70 c. Whether the requested area variance is substantial.
- 71 d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the
72 neighborhood or district.
- 73 e. Whether the alleged difficulty was self-created

74 The area directly affected by the proposed variance is slated to be proposed park area, dedicated to the Village, which will house
75 the walking path for residents in the development. The approximate width of the proposed park land is 23.40 feet. Therefore the
76 proposed project, if approved and constructed, will be approximately 12 feet from the sidewalk area.

77 The Board members discussed the documentation provided by the applicant and Mosely, as well
78 as comments by Dubow, after which they addressed the required criteria for area variances and
79 provided input for the anticipated action to be taken. Leopold read through the draft resolution,
80 acknowledged the input from the Board members, and suggested that there should be some
81 vegetative buffering installed on the east side to minimize the impact on the neighboring
82 properties.

83
84 Wisor moved to close the public hearing. Seconded by Eckrich; Ayes by Leopold, Wisor,
85 Eckrich, Hogben, and Gillespie.

86

87 Gillespie moved the following resolution with conditions:

88

89 ***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON***
90 ***AUGUST 24, 2015 FOR APPEAL NO. 2015-02***

91

92

93 *Motion made by:* Pat Gillespie

94

95 *Motion seconded by:* Roy Hogben

96

97 ***WHEREAS:***

98

99 A. *This matter involves consideration of the following proposed action: Appeal No.*
100 *2015-02, Timothy and Lisa Boniwell, propose to construct an approximately 300*
101 *Square foot garage addition to an existing attached single residential garage. An*
102 *area variance is required because the side yard setback would be deficient, where*
103 *Section 145-39 E(4)(a)[1] of the Village of Lansing Code requires a minimum of 20*
104 *feet for the side yard setback. The side yard setback for the proposed garage addition*
105 *would be approximately 8.5 feet. The property is located at 2 Jon Stone Circle in the*
106 *Medium Density Residential District, Tax Parcel No. 45.2-2-18 ; and*

107

108 B. *On August 24, 2015, the Village of Lansing Board of Zoning Appeals held a public*
109 *hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i)*
110 *the materials and information presented by and on behalf of the applicant(s) in*
111 *support of this appeal, (ii) all other information and materials rightfully before the*
112 *Board, and (iii) all issues raised during the public hearing and/or otherwise raised in*
113 *the course of the Board's deliberations; and*

114

115 C. *On August 24, 2015, in accordance with Article 8 of the New York State*
116 *Environmental Conservation Law - the State Environmental Quality Review Act*
117 *("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Board of Zoning*
118 *Appeals determined that the proposed action is a Type II action, and thus may be*
119 *processed without further regard to SEQR; and*

120

121 D. *On August 24, 2015, in accordance with Section 712-b of the Village Law of the State*
122 *of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing*
123 *Board of Zoning Appeals, in the course of its deliberations, took into consideration*
124 *the benefit to the applicant if the area variance is granted as weighed against the*
125 *detriment to the health, safety and welfare of the neighborhood or community by such*
126 *grant;*

127
128 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
129

130 1. *The Village of Lansing Board of Zoning Appeals hereby makes the following findings*
131 *with respect to the specific criteria for such area variance as set forth in Section 712-*
132 *b of the Village Law of the State of New York and Village of Lansing Code Section*
133 *145-74 A(1):*

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

138
139 *Finding: No; it would appear that there would not be an undesirable change*
140 *to the neighborhood because the garage addition would provide for a three*
141 *car garage which would remain in character with the existing houses in the*
142 *immediate area, and the garage addition would keep the same aesthetics of*
143 *the existing house.*

144
145 *Whether the benefit sought by the applicant can be achieved by some method*
146 *feasible for the applicant to pursue other than an area variance.*

147
148 *Finding: No; the applicant would be required to request additional variances*
149 *if the garage addition were to be placed in a different location.*

150
151 *Whether the requested area variance is substantial.*

152
153 *Finding: Yes; the variance request is substantial because the applicant is*
154 *requesting that a variance be granted to infringe upon the side yard setback*
155 *by 11.5 feet.*

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

159
160 *Finding: No; the variance will not have an adverse impact on the because the*
161 *parking of vehicle would be inside of the garage addition instead of in the*
162 *existing driveway and the garage is proposed to be similar in aesthetics to the*
163 *existing house and surrounding properties.*

164
165

166 *Whether the alleged difficulty was self-created.*

167
168 *Finding: Yes; the area variance is self-created, but it would appear that it is*
169 *the most reasonable solution to the applicants parking issue.*

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

177
178 **Description of Variance:**

179 *The variance is granted to allow the construction of approximately 300 square feet*
180 *garage addition, which would provide for a total of a three car garage, onto the*
181 *existing single family home with existing attached garages. The addition would*
182 *infringe upon the side yard setback and allow for the reduced side yard (east side)*
183 *setback to be 8.5 feet.*

184
185 **Conditions of Variance:**

- 186
187 1. *Vegetative buffering shall be installed on the east side of the garage to minimize*
188 *the visual impact from neighboring properties.*

189
190
191 *The vote on the foregoing motion was as follows:*

192
193 *AYES: Lynn Leopold, Don Eckrich, Pat Gillespie, Roy Hogben, and John Wisor*

194
195 *NAYS: None*

196
197 *The motion was declared to be carried.*

198
199 **Approval of Minutes:**

200
201 *Wisor moved to accept the June 21, 2014 minutes as amended. Seconded by Eckrich. Ayes by*
202 *Leopold, Gillespie, Eckrich, Wisor, and Hogben.*

203
204 **Adjournment:**

205
206 *Gillespie moved to adjourn at 7:25PM. Seconded by Hogben; Ayes by Leopold, Gillespie,*
207 *Eckrich, Wisor and Hogben.*