

Village of Lansing
Board of Zoning Appeals
Minutes of August 18, 2020

The meeting of the Village of Lansing BZA via Zoom was called to order at 7:02 PM by Chair, Lynn Leopold.

Present at the meeting:

BZA Members: Patrick Gillespie, Roy Hogben, Board Chair; Lynn Leopold, Simon Moll and John Wisor

Village Legal Counsel: William Troy

Village CEO: Michael Scott

Attending: Ken Fogarty

Leopold complimented Fogarty and Hogben for their joint cooperative effort to resolve this issue in a neighborly manner.

Leopold read the following agenda item:

Kenneth Fogarty is proposing to build a 21' X 19' garage using materials similar to the existing home located at 2 St Joseph Lane (Tax Parcel # 47.1-2-10). A previously approved variance (#2009-2) allowed for a carport to be located within 15' of the Votapka Road Right-Of-Way. The carport has since been removed and as per the new site plan presented, the proposed garage will require the following area variance appeal:

Appeal No. 2020-03, Minimum Front Yard Setback (all other uses) is 75 Feet: Proposed 8 Feet.

Fogarty explained that the garage will now be much closer to the existing gravel parking area and require its own access to Votapka Road. At that point, the existing gravel area will be removed and seeded over. Leopold asked if there was a driveway currently going to the small shed. Fogarty said no but, there are remnants of an old car shed near that area. Hogben believes that the previously approved carport was never built. There may have been one there before they moved in 22 years ago. Fogarty had assumed that that area had the previously approved carport built and wanted to have his garage there to avoid any variance difficulty. Since Fogarty had met with Hogben at his place, Fogarty could see why it would be beneficial to move the garage towards the existing gravel area and out of Hogben's view. Fogarty is also considering moving the existing small shed. Moll asked which side is the entry to the garage. Fogarty said the garage door will open onto Votapka Road. Leopold confirmed with Scott that there would be a condition to remove the old driveway once the new driveway was installed. A condition in the variance resolution would allow Fogarty to avoid the Planning Board process for approval of two driveways.

Leopold read through the following resolution:

VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
AUGUST 18, 2020 FOR APPEAL NO. 2020-03.

Motion made by: Pat Gillespie

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2020-03, Kenneth Fogarty of 2 St Joseph Lane (Tax Parcel # 47.1-2-10), Ithaca, New York, is requesting an area variance for a front yard setback for a 22' X 18' garage. The Village front yard setback, as per Section 145-40 E(4)a, requires 75-feet for any use other than a residence in the MDR district. Mr. Fogarty is asking to adjust the requirement to 8 feet resulting in a 67-foot deficiency of the Village code requirement. A similar request (Appeal #2009-2) was granted for a car port to be built with a 15-foot front yard setback on this property. The structure was built and since been removed by a past owner.*
- B. *On July 22, 2020 and August 18, 2020, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. *On July 22, 2020, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. *On July 22, 2020 and August 18, 2020, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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, Unanimous

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, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, Unanimous. But exists on a dead end road.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, Unanimous

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

Description of Variance: *As described in "A"*

Conditions of Variance:

If a new driveway is created for the approved garage, the existing driveway shall be eliminated.

*It is hereby determined by the Village of Lansing Board of Zoning Appeals that the requested variance is **GRANTED**.*

The vote on the foregoing motion was as follows:

Ayes: Gillespie, Hogben, Leopold, Moll and Wisor

Nays: None

The motion was declared to be carried

Fogarty thanked the BZA for their patience.

Minutes of July 22, 2020

Leopold asked if there were any corrections needed for the July 22 meeting minutes.

Hogben motion to accept the minute as written. Seconded by Moll.

Ayes: Gillespie, Hogben, Leopold, Moll and Wisor

Nays: None

Motion carried

Troy advised the Board to go into executive session to discuss a situation with pending litigation.

Leopold asked for a motion to go into executive session to discuss an issue with pending litigation.

Moll moved to go into executive session. Seconded by Gillespie

Ayes: Gillespie, Hogben, Leopold, Moll and Wisor

Nays: None

BZA went into executive session at 7:20

BZA came out of executive session at 7:33

Adjournment:

Leopold asked for a motion to adjourn at 7:37 PM. Moved by Gillespie. Seconded by Moll

Ayes: Gillespie, Hogben, Leopold, Moll and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO