

**Village of Lansing
Board of Zoning Appeals
November 15, 1999**

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 Don Eckrich, John Dennis, Mike Ward, Code Enforcement Officer Curtis, and Village Attorney Marcus.

Appeal 1999-4 Sevanna Park Condominium Association, to install a nine square foot free standing sign at the entrance of their property at 2250 North Triphammer Road in the High Density Residential District, Tax Parcels No. 47.2-1-1 to 47.2-16-26.

Susan Wade, 2215 N. Triphammer Road, 5B, President of Sevanna Park Condominium Association, explained to the Board that the current Sevanna Park Condominium sign is restricted to 5 s.f. because their property borders a public road. Lansing West has a 9 s.f. sign because they do not border a public road. The proposal is to take down the planter structure on which the Lansing West sign and Sevanna Park sign are attached, and to erect a new Sevanna Park sign and the Lansing West sign on posts next to each other. Both signs would be 9 s.f. Lansing West is perfectly willing to change their sign to a freestanding sign. Sevanna Park will have a sign that would be very similar in design and the same size.

In their application, Sevanna Park Condominium Association listed five reasons for requesting a new sign:

1. Improvement of appearance of entrance to Sevanna Park property by replacing existing sign and landscaping with improved sign and landscaping plantings.
2. To be same size as adjacent Lansing West sign (9 s.f.).
3. To be easily readable from street, to prevent slowing of traffic at heavily traveled road and busy intersection.
4. To be easily identifiable for 911 responses.
5. Length of name (Sevanna Park Condominiums) needs to be large enough to be readable from road.

The application included a drawing showing the placement of the two signs with the Sevanna Park sign closest to the road. The Sevanna Park sign will be designed by the same person that designed the Lansing West sign and will be similar in appearance. The sign will be two sided and will not be lighted, although Lansing West would like to have the sign illuminated in the future. The sign will be located roughly where the front of the planter is now and the Lansing West sign will be next to it.

The current Sevanna Park sign that will be taken down is 24 inches in height, 10 feet in length. The Lansing West sign is 9 s.f. and is a conforming sign. Lansing West is entitled to have a 9 s.f. because they don't front on a public road. The Sevanna Park sign is only allowed to be 5 s.f. because their property line is contiguous with a public road. Sevanna Park would like their sign to be the same size

as that of Lansing West for symmetry.

Mary Roth, 2250 N. Triphammer Road, 6A, Secretary of the Sevana Park Condominium Association, was also present at the meeting.

The public hearing was closed and the Board discussed the proposal.

Eckrich liked the idea of improving the appearance of the area, but felt that the proposal lacked detail, such as how this will be implemented. Sirois said that the center structure will be removed and Sevana Park will erect their sign and the Lansing West sign would be erected several feet beyond that. There would be 4 posts in the ground, 2 for each double sided sign.

Curtis clarified that the Law stipulates that signs can be no closer than 15 feet to the edge of the road, and this would actually be 22 feet from the road and 8 feet from the sidewalk.

The 5 foot height and the 15 feet from the road edge are Village standards. The only issue is the size of the sign - 9 feet versus 5 feet.

Board members felt that a 5 foot sign would look odd next to a 9 foot sign. Eckrich asked what assurance they would have that the planter with the Lansing West sign would come down. Wade and Roth clarified that Sevana Park and Lansing West are under different owners, but the planter is on Sevana Park property. Curtis said that the approval could be conditioned on the planter coming down, in which case the Lansing West sign which is attached to the structure would have to come down as well.

Susan Wade said that she has spoken to Mr. Colbert of Integrated Property which owns Lansing West and sent him a copy of the application materials and he said this was fine and they wanted to do the same thing. They want the planter taken down also to improve the appearance of the entranceway.

Marcus said that if you impose a condition on this applicant because that structure is located on their property, it becomes their responsibility to see to it that the condition is satisfied.

The Board considered the five criteria required for area variances:

The BZA shall take into consideration the benefit of the applicant of the variance granted as weighed against the health, safety and welfare of the neighborhood or community by the grant of such a variance. In making such determination the BZA shall also consider:

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: The nearby properties are commercial in nature, and this may be a valuable aesthetic change as well as a functional improvement. It will not create an undesirable change.

- 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.*

Eckrich felt that perhaps the effect could be achieved with a smaller sign and that the Village maximum of 5 s.f. hasn't been demonstrated to be insufficient to get the job done. Other Board members felt that having one sign larger than the other was not as desirable aesthetically and perhaps puts Sevanna Park at a disadvantage. Sirois added that the State is now in the process of increasing the size of signs on State roads so this isn't too far out of character.

Finding: The other method of using the smaller sized sign is a less desirable method.

Curtis commented that he never understood the rationale for having two sizes of signs and if this Board has a hard time understanding the rationale, it might be a good idea to ask the Planning Board to reconsider this. If you're driving down the street you have the same need to see that information whether or not the establishment is located away from the main street or not. It may be that the Planning Board might look at this and say we don't see the rationale for this either and we'd like to see the same size signs.

- c) *Is the requested area variance substantial?*

Marcus pointed out for the benefit of the new members that these criteria are derivative of the State's criteria for variances. When dealing with an area variance this can be interpreted over a fairly broad spectrum. The State tells you have to consider this point, but does not give you any measuring stick with which to consider what is meant by substantial. Almost any area variance can be referred to in some respects as substantial and in other respects as not substantial. A 9 s.f. sign is 80% over what they are permitted and in that sense can be viewed as substantial. On the other hand what they are permitted is a sign that is approximately 2 1/4 feet square and they're asking to go to 3 ft. square, which is not substantial. The State requires you to consider each of these criteria. It doesn't mandate that you come out one way or the other on any one of these five items; you just have to bring them into discussion.

Finding: The Board felt that changing the sign from 2 feet high by 10 foot long to 9 s.f. is substantial, but it's an improvement.

- 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: This will make it more aesthetically appealing.

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

Marcus explained that this is one of those issues that is left open to a lot of interpretation. It's easy with an area variance to say it's self created because it's something that the applicant wants to do

and they have chosen that set of dimensions. On the other hand, the argument can be made that the oddity of a sign law that has two different standards depending on whether your property is on or off the road creates a problem and all they are looking for here is a sign that matches the other sign that will be going up as permitted. In that respect it's not self-created. It's a debatable point, and this doesn't preclude the Board from granting the variance it's just something that has to be considered

Eckrich moved that the Board approve the variance for a 9 s.f. sign to be erected in the location presented to the Board, and in accordance with the color and design set forth in the proposal. The planter structure is to be eliminated in total and the Lansing West sign on that structure will be removed and will be erected next to the Sevanna Park sign and the landscaping will be done as recommended in the proposal.

Eckrich moved to open the discussion to the public to discuss the landscaping plan. Ward seconded. All in favor.

The Board requested that the Sevanna Park Condominium Association develop a landscaping plan in consultation with the Green Space Advisory Committee as a condition of the approval.

Ward moved to close the public hearing and reconvene the Board's discussion. Seconded by Eckrich. All in favor.

Marcus said that this action is exempt under the SEQRA regulations.

Curtis noted that because this is within 500 feet of a State highway the proposal had to be submitted to the County for their 239 review. He has not received a response yet, but technically the Board's approval will have to be contingent upon not receiving a negative response.

Curtis verified that he has proof of mailing to contiguous property owners.

Eckrich moved that the application be approved with the addendum to the motion that stipulates that landscaping is to be designed in consultation with the Green Space Advisory Committee. Dennis seconded. All in favor.

July 19, 1999 Minutes

Eckrich stated that he had noted a few minor errors, but had failed to bring his marked up copy of the minutes. It was moved to approve the minutes of July 19 subject to the minor changes identified by Eckrich. All in favor. Eckrich will send Curtis the changes.

Adjourn

Sirois moved to adjourn the meeting at 8:35 p.m.. Dennis seconded. All in favor.

