

AREA VARIANCE FINDINGS AND DECISION
TOWN OF LANSING ZONING BOARD OF APPEALS

BACKGROUND INFORMATION

Applicant:

Norman L. Davidson
1812 Ridge Road
Lansing, NY 14882

Variance No: _____

Zoning District: (RA) Rural Agricultural
Mailed 600' Notice on November 3, 2017

Notice to County Sent on: N/A

SEQRA: N/A

Hearing Held On: N/A

Property Location: 1187 Ridge Road, Lansing, NY 14882

Tax Parcel #: 15.-1-17.2

Requirement for which Variance is Requested: An Area Variance for the side yard setback to be able to enlarge the footprint of the damaged building from 20' x 16' to 24' x 24' with attic trusses for storage above.

Applicable Section of Town Zoning Ordinance: _____

_____, and Sec. 504, Schedule II Area, Frontage, Yard, Heights and Coverage Requirements.

RESOLUTION AND FINDINGS

WHEREAS, _____ has applied for _____; and

WHEREAS, on _____, 20__ the Town of Lansing Zoning Board of Appeals (the "ZBA") _____ and thereafter thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant(s) in support of the requested area variance; (ii) all other information and materials properly before the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

WHEREAS, in accordance with Article 8 of the New York State Environmental Conservation Law and the State Environmental Quality Review Act, and its implementing regulations at 6 NYCRR Part 617, the ZBA has determined that this action—considering and approving or denying an area variance—is a Type II Action per 6 NYCRR 617.5(c)__, and therefore no environmental review is required; and

WHEREAS, on _____ the ZBA, in accordance with Town Law § 267 *et seq.* and the Town of Lansing Land Use Ordinance, considered the application and all materials before the ZBA and, in the course of deliberations, took into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community arising from the potential granting of an area variance.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings

with respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other applicable provisions of law and of the Town Zoning Ordinance:

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

Yes ___ No ___

Findings: _____

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?**

Yes ___ No ___

Findings: _____

c. **Whether the requested area variance is substantial?**

Yes ___ No ___

Findings: _____

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

Yes ___ No ___

Findings: _____

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

Yes ___ No ___

Findings: _____

2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):

It is hereby determined by the Town of Lansing Zoning Board of Appeals (the "ZBA") that the following area variance is **GRANTED AND APPROVED**, with any conditions hereafter stated (if any), it being further found and determined that (i) the benefit to the applicant outweighs

any potential negative impacts or detriment to the neighborhood or community; and (ii) such area variance is the minimum necessary as adequate to grant relief and, at the same time, preserve and protect the character of the neighborhood and the safety and welfare of the community.

DESCRIPTION OF SPECIFIC VARIANCE GRANTED: _____

ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCE AS GRANTED:
Yes ____ No ____

STATEMENT OF CONDITIONS:

1. _____
2. _____
3. _____

4. As variances are exceptions based upon exigent need or emergency, should applicant fail to avail itself of the benefits of the above-described area variance within one year from the date hereof, this approval and such area variance shall expire. In cases where construction may be applicable, "avail itself of the benefits" shall mean a building permit obtained (if necessary) and substantial construction has commenced. Said one-year approval period may be extended for good cause by the ZBA if application for an extension is submitted before the expiration of the then applicable variance period.

--OR--

It is hereby determined by the Town of Lansing Zoning Board of Appeals that the request for an area variance is **DENIED**.

THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND RESOLUTION OF THE TOWN OF LANSING ZONING BOARD OF APPEALS WAS AS FOLLOWS:

- Chair: Henry (Hurf) Sheldon-
- Member: Judy Drake -
- Member: Linda Hirvonen -
- Member: Daniel Konowalow -
- Member: Maureen Cowan-

Dated: _____

Chairman, Zoning Board of Appeals