
Town of Lansing

Tuesday, April 18, 2017 6:30 PM, Zoning Board of Appeals Meeting

ZONING BOARD OF APPEALS MEMBERS

(*Denotes present)

	Linda Hirvonen		Dan Konowalow
*	Henry (Hurf) Sheldon, Chairman	*	Judy Drake
*	Maureen Cowen		
	Chris Williams, Alternate		

Other Staff

*	Lynn Day, Zoning Officer
	Robert Cree, TB Liaison

PUBLIC PRESENT

Rick Uhl
Brian Boerman
Cindy Lion

GENERAL BUSINESS

Chairperson, Henry (Hurf) Sheldon called The Town of Lansing Zoning Board of Appeals Meeting to order at 6:30 PM.

Approval/Denial of Minutes for: February 21, 2017

Page 3, under Linda Hirvonen: should read aesthetically

Page 7, last paragraph: should read lit

Judy Drake made motion to approve as amended. Maureen Cowen seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair

DRAFT

Chairman Sheldon acknowledged the Legal Notice has been published in The Ithaca Journal as required by Law.

Maureen Cowen made a motion to open the Public Hearing on the Application made by Rick Uhl at 6:35 PM. Judy Drake seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair

Public Hearing - Consideration of an Use Variance made by; Rick Uhl, 197 Lansing Station Road, Tax # 19.-1-30

Mr. Uhl appeared before the Zoning Board of Appeals requesting a Use Variance for a self-created, noncompliant use of a residential structure on his property. The property in question is located in the Town's L1 district, which prohibits Multi-Unit Residences. The Code Office was recently made aware of the third apartment and then verified it as living space. A Certificate of Occupancy has not been issued for the basement apartment nor has any Building/Electrical Inspections been completed.

Mr. Uhl submitted the following written explanation;

DRAFT

Town of Lansing- Zoning Board of Appeals

March 20, 2017

RE: Basement Apartment at 197 Lansing Station Rd, Lansing NY 14882

Purpose of Request: Zoning Use Variance for 3 unit multi-residence

Justification of Request:

- 197 Lansing Station Rd was contracted to be built in 2013 as a multi unit residence. Upon completion of units 1 and 2 there remained a deficit in the rate of return based on mortgage costs and taxes so a 3rd unit was contracted to be added to the basement, at an approximate additional investment of \$60,000. This decision was in no way made in a malicious fashion. It was unknown to myself, Rick Uhl, property owner, that a 3 unit multi-residence was not permitted in this zone (L1) as other properties were looked at in the same zone that are currently 3 unit residences prior to the decision being made to purchase land and build new in 2013. I was under the impression that the building permit obtained for 197 Lansing Station Rd encompassed the home in its entirety, including the basement unit (#3).
- I have claimed the unit as a 3 unit residence on personal income taxes and have the home insured for 3 units showing a lack of intent to keep additional unit secretive.
- I admit my own ignorance in this entire matter and I am very willing to comply with any/all needed inspections and/or requirements to bring current apartment up to code as decided by the Lansing code enforcement.
- The home is currently set up with well and septic adequate to supply the current number of units/bedrooms as set forth by the Health Department regulations.
- It is felt that the proposed variance will not cause a significant negative impact on the surrounding natural environment, neighborhood property values, and/or neighborhood safety, traffic, or sense of community. There is ample parking available and the 3rd unit will in no way be a nuisance to the immediate neighbors nor alter the aesthetics of the neighborhood.
- Again in closing, I regret my own ignorance in this matter and hope that the board will grant the aforementioned use variance for 197 Lansing Station Rd. There has been significant investments made in the home and loss of use would be devastating to myself, as the homeowner/investor but also to the family who currently resides in the unit in question.

Thank you for your time and consideration in this matter.

Member Questions/ Comments/Concerns

DRAFT

Maureen Cowen inquired if Mr. Uhl built the unit as a rental? Mr. Uhl states he lived there until January 2017 and it was built as a rental.

Judy Drake inquired who was the Contractor? Mr. Uhl stated Sunset Homes, Philip Bachelor.

Henry Sheldon inquired who applied for the Building Permit. Mr. Uhl assumed the Contractor had.

Judy Drake inquired from Mr. Uhl as to why he waited to construct the basement apartment? Mr. Uhl states originally he did not plan on doing it as soon as he did, but with the high taxes he needed something to supplement his income and also help with his mortgage.

Judy Drake and Maureen Cowen inquired about other Multi Units in the area. Lynn Day, Zoning Officer advised them that the ones that are there, are Grandfathered.

Mr. Uhl states if this request is denied, it will not only cause a hardship for the tenants having to move, it would also be a financial hardship for him to covert back.

Public Comments/Concerns

Cindy Lion states from her point of view, the current tenants have not caused any problems. Ms. Lion states by granting this Use, it will set a precedent. She felt it would be unfortunate if the character of the neighborhood changed and became more apartments. Apartment tenants do not tend to help in the Neighborhood clean- up which has been an ongoing event for the last 22 years.

Brian Boerman has concerns that the value of his home will decrease due to a Multi-Unit Apartment being next to his property. Mr. Boerman has not had any issues with the current tenants, but he is not guaranteed that he couldn't have a conflict with them, since the owner does not reside there. Mr. Boerman states he does not think ignorance is a justification for not following Town Zoning. Mr. Uhl states the ignorance part was, he relied on his Contractor. This is the first time he has ever had a residence built.

Lynn Day, Zoning Officer states the Comprehensive Plan Committee is planning on changing the L1 Zone to allow Multi-Units. Mr. Day does not know when this is going to officially take place.

DRAFT

Maureen Cowen indicated this is such a sufficient request, that she feels it should be heard before a full Board, and three people are absent this evening.

Maureen Cowen made a motion to table the Public Hearing until the next meeting to be held on Tuesday, May 16, 2017 @ 6:30 PM to allow for a full Board and further clarify. Judy Drake seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair

Mr. Uhl requested clarification from the Zoning Officer, Lynn Day as to whether he could erect an additional Duplex (2 Unit) on the property. Mr. Day states the way it stand right now, no. If the Apartment building was still a two (2) family, and there was enough land then, yes he could have erected another structure.

Maureen Cowen states she will be recusing herself from the next vote on this issue as she resides close to the property and she feels she is not objective enough.

Judy Drake made a motion to adjourn the Meeting at 7:12 PM. Maureen Cowen seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair