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# Town of Lansing

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Tuesday, July 15, 2014 7:00 PM, Zoning Board of Appeals Meeting

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## ZONING BOARD OF APPEALS MEMBERS

(\*Denotes present)

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|---|---|---|------------------------|
| * | Gregg Travis, Chairman                  |   |                        |
| * | Linda Hirvonen                          | * | Dan Konowalow          |
| * | Henry (Hurf) Sheldon                    | * | Donna Scott, Alternate |
| * | Judy Drake                              |   |                        |
| * | Ruth Hopkins, Town Board Liaison        |   |                        |
|   | Lorraine Moynihan Schmitt, ZBA Attorney |   |                        |
| * | Lynn Day, Zoning Officer                |   |                        |

### PUBLIC PRESENT

Larry Fabbroni Jr, AIA  
Larry Fabbroni, P.E.  
Macallen Coats  
Maureen Coats  
Stephen Nash  
Mattison Burt  
Kristen Burt

### GENERAL BUSINESS

Chairman Gregg Travis called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:00 PM.

Chairman Travis acknowledged the Legal Notice(s) was duly published in The Ithaca Journal as required.

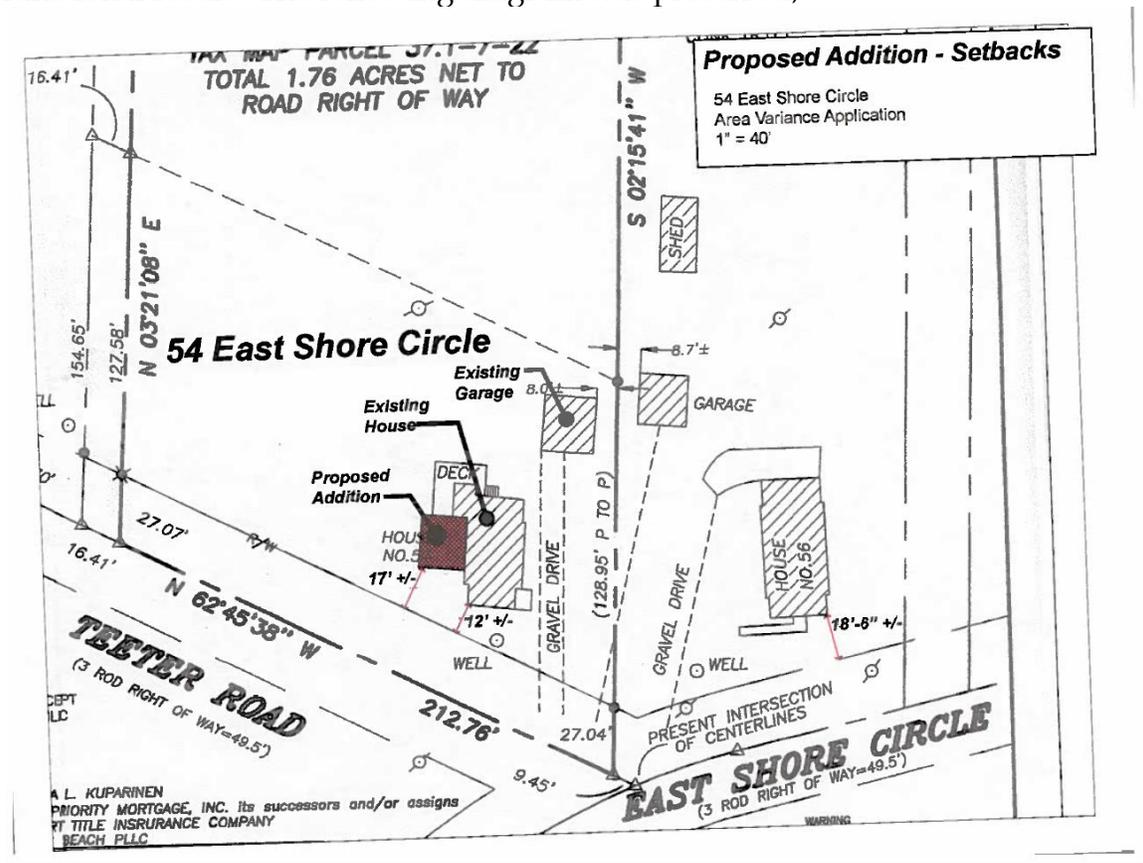
### Public Hearing - Area Variance, Applicant: Macallen Coats, 54 East Shore Circle, Tax # 37.1-7-22

Daniel Konowalow moved to open the Public Hearing at 7:02 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

**Vote of Zoning Board . . . (Aye) Judy Drake, Member**  
**Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**  
**Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

**APPROVED**

Larry Fabbroni Jr, Architect for the Coats appeared before the Board requesting an Area Variance to allow the Coats to build a small addition to their existing home. The property is located in the R2 District which requires the front yard set to be 30' from the road right of way. Due to the age of the neighborhood, a majority of the existing homes do not meet the current Zoning set backs. The Coats are requested to be 17' from the road right of way. Due to the layout of the house, as well as the locations of the existing driveway, garage, deck and several old mature trees, the proposed locations is the only place they can feasibly add on to the home without adding additional costs to achieve a less functional result. The following diagram was presented;



Dan Konowalow made a motion to close the Public Hearing at 7:10 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Judy Drake, Member**
- Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**
- Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Member Comments/Concerns

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Henry (Hurf) Sheldon stated the ZBA previously approved an Area Variance on an Auburn Road property that is very similar to this request.

Linda Hirvonen states she has no objection to this request due to the fact that the proposal is not to extend the project out any further than the house already is.

### **The Zoning Board reviewed the following criteria:**

#### FINDINGS:

1. Whether undesirable change would be produce in character of neighborhood or a detriment to nearby properties:

No. Substantiated by neighbor responses.

2. Whether benefit sought by Applicant can be achieved by a feasible alternative to the Variance:

No. Not for feasible house use.

3. Whether the requested Variance is substantial, and reason why:

Yes.

4. Would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood, and reason why:

No.

5. State whether the alleged difficult was self created and reason why:

Yes. The original house was there before Zoning was enacted.

The ZBA after taking into consideration the above five factors, finds that: The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community. The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or Community for the reasons following:

Condition No. 1: The decision shall be filed as a Miscellaneous Record in the

**APPROVED**

Tompkins County Clerk's Office with a deed notation linking the Area Variance Decision with the Applicant's deed. The responsibility for the filing fees shall be borne by the Applicants, and proof of filing shall be provided by the Applicants to the Zoning Board of Appeals Clerk. No Building Permits may be issued until such proof of filing has been effected.

Condition No. 2 There shall be an approval sunset expiration, one (1) year from the date of the Decision, if construction of the Applicant's proposed addition has not yet commenced. A one year extension of the sunset expiration shall be permitted, if applied for prior to the expiration of one year from the date of the decision. If no construction or request for an extension is commenced within one year, the Applicants shall be required to submit a new Area Variance Appeal request to the ZBA for full review.

Daniel Konowalow made a motion to grant the requested Area Variance with the above conditions. Henry (Hurf) Sheldon seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Judy Drake, Member**
- Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**
- Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

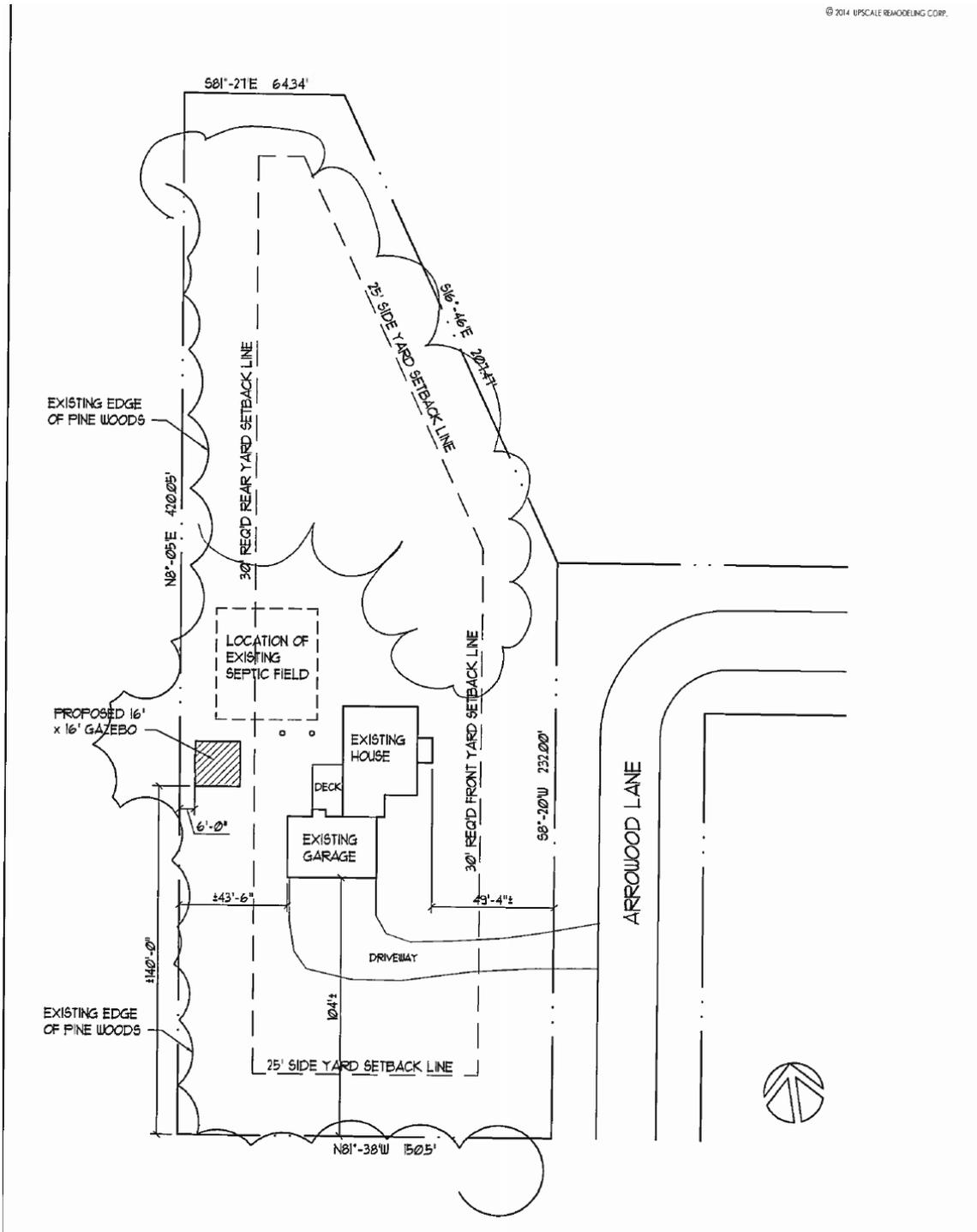
**Public Hearing-Area Variance, Applicants: Matt & Kristen Burt, 2 Arrowood Lane, Tax Parcel # 41.-2-22**

Linda Hirvonen made a motion to open the Public Hearing at 7:20 PM. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Judy Drake, Member**
- Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**
- Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Matt & Kristen Burt as well as their Contractor Stephen Nash appeared before the Board requesting an Area Variance on their rear setback to allow them to build a Gazebo with Fireplace on their property. The property is located in the R1 District which requires a rear set back of 30'. The Applicant is requesting the setback be within 6' of the property line.

Mr. Burt reviewed the property Map below with the Members.



**Member/Public Comments/Concerns**

Gregg Travis: Inquired if the existing septic system were to fail, where would they put a replacement one on the property?

Matt Burt: The Sewer System that is on the property is brand new this year. If for some reason it fails early, a new one could be installed in the same site.

## APPROVED

Daniel Konowalow: Have you thought of other locations on your property? Mr. Konowalow stated from looking at the size of the Gazebo and the property size, there are other locations it could be placed.

Matt Burt: The North area would not be considered due to the Septic System and the property being wet. On the South there is the driveway, also it would not allow much privacy for the Gazebo.

Gregg Travis: Inquired if the Gazebo could be placed closer to the house?

Matt Burt: Yes, it could possibly be placed there. However, it is part of a larger landscape plan that included a walk to garden.

Stephen Nash: There is quit a drop off from the house to the north where a swale is located.

Henry (Hurf) Sheldon: Are there any other structures like the proposed one that are close to the property line?

Matt Burt: There are Utility Sheds in the neighborhood that are on the property lines.

Daniel Konowalow made a motion to close the Public Hearing at 7:36 PM. Henry (Hurf) Sheldon seconded the motion and it was carried by the following roll call vote:

**Vote of Zoning Board . . . (Aye) Judy Drake, Member**  
**Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**  
**Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

### **Further Member Discussion**

Henry (Hurf) Sheldon stated the Board tries not to set precedence for a neighborhood so then it becomes arbitrary in a sense.

Daniel Konowalow feels there are other alternatives to be explored.

Linda Hirvonen agrees with Mr. Konowalow.

**The Zoning Board reviewed the following criteria:**

**APPROVED**

FINDINGS:

1. Whether undesirable change would be produce in character of neighborhood or a detriment to nearby properties:

Yes.

2. Whether benefit sought by Applicant can be achieved by a feasible alternative to the Variance:

Yes.

3. Whether the requested Variance is substantial, and reason why:

Yes.

4. Would the Variance have an adverse impact on the **physical** or environmental conditions in the neighborhood, and reason why:

Yes. Would set precedent in neighborhood for new structures in setbacks.

5. State whether the alleged difficult was self created and reason why:

Yes.

The ZBA after taking into consideration the above five factors, finds that: The Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community.

Daniel Konowalow made a motion to **deny** the requested Area Variance. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

**Vote of Zoning Board . . . (Aye) Judy Drake, Member**  
**Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**  
**Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

**Proposed Zoning Changes**

A couple of Members requested to have a copy of the proposed Land Use changes. Lynn Day referred them to the Town Clerk. Ruth Hopkins stated They are also on the Town's Website.

**APPROVED**

**Approval/Denial of May 20, 2014 Minutes**

Judy Drake made a motion to approve the Minutes as submitted. Henry (Hurf) Sheldon seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Judy Drake, Member**
- Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**
- Vote of Zoning Board . . . (Aye) Daniel Konowalow**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Daniel Konowalow made a motion to adjourn the Meeting at 7:58 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Judy Drake, Member**
- Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**
- Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**