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**Town of Lansing**

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**Zoning Board of Appeals Meeting**  
**Tuesday, July 13, 2021 6:30 PM**  
**At Lansing Town Hall, 29 Auburn Road**

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**Present**

Mary Stoe  
Judy Drake, Chair  
Jack Young, Alternate

**Excused**

Richard Hayes  
Peter Larson  
Maureen Cowen

**Other Staff Present**

C.J. Randall, Director of Planning      John Zepko, Planner      Guy Krogh, Town Attorney  
Heather Dries, Planning Clerk

**Public Present**

Jack Litzenberger      Mahlon Perkins      Kathleen Doherty      Wayne & Marcia Larsen  
Adele Gay Nicholson

**General Business**

Chair Judy Drake opened the meeting at 6:32pm.

Roll Call for Attendance:

Mary Stoe – Aye  
Judy Drake – Aye  
John Young – Aye

**PUBLIC HEARING #1:**

Consideration of an Appeal made by Jack Litzenberger of 2 Pros Construction, LLC, on behalf of Ivy & Todd Allen, Owners, 48 Teeter Rd, Tax Parcel No. 37.1-7-25 located in the Residential – Low Density (R1) Zoning District for an Area Variance from Town of Lansing Code § 270, Schedule II which requires a 60’ Minimum Yard Setback From Center of Road. Applicant is seeking a 13’ Area Variance from the Minimum Yard Setback to facilitate emplacement of a covered porch entry. This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16) and 6 NYCRR 617.5(c)(17).

The above referenced appeal and its supporting documents are available for inspection at <https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=52522&dbid=7&repo=Lansing>

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**Motion to Open the Public Hearing for 48 Teeter Road at 6:35 pm.**

Motioned by: Judy Drake    Seconded by: Mary Stoe    (Motion Carried)

**Variance request discussion with the ZBA**

Applicant Jack Litzenberger of 2 Pros Construction, LLC, was present to discuss this project.

**Summary of discussion**

- Jack Litzenberger described the project.
- The homeowner would like to create a safe entry for an elderly family member.
- The style of the entry will be similar to the style of the home.

**Public Comments**

- No public present.

**Motion to Close Public Hearing for 48 Teeter Road at 6:40pm**

Motion by: Mary Stoe    Seconded by: John Young    (Motion Carried)

**Board Deliberation**

- The Zoning Board members feel that the proposed entry is fitting with the other structures in the area.
- The house is already within the setback.
- The Zoning Board appreciates the increased safety the entry will create.

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

**BACKGROUND INFORMATION**

<p>Applicant: Jack Litzenberger 2 Pros Construction, LLC P.O. Box 5402 Cortland, NY 13045</p> <p>Property Location: 48 Teeter Rd Tax Parcel #: 37.1-7-25</p> <p>Requirement for which Area Variances are requested: Town of Lansing Code (the "Code"); Section 270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.</p>	<p>Variance No: 21-03 Zoning District: R1 Public Hearing Published on 7/7/2021 Mailed 600' Notices on: 7/6/2021</p>
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**RESOLUTION AND FINDINGS**

84 **WHEREAS**, Jack Litzenger for 2 Pros Construction, LLC, Applicant, on behalf Ivy & Todd Allen,  
85 Owners, applied an Area Variance to facilitate construction of a covered porch entry on an existing  
86 one-family dwelling unit;

87  
88 **WHEREAS**, 60' Minimum Yard Setback from Center of Road is required in the Residential – Low  
89 Density (R1) Zoning District and Applicant is requesting an Area Variance of 13' from the  
90 Minimum Yard Setback from Center of Road requirement; and

91  
92 **WHEREAS**, on July 13, 2021, the Town of Lansing Zoning Board of Appeals (the “ZBA”) thoroughly  
93 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support  
94 of the requested area variances; (ii) all other information and materials properly before the ZBA;  
95 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;  
96 and

97  
98 **WHEREAS**, this application is classified as a Type II Action under 6 NYCRR Parts 617.5 (c)(16) and  
99 (c)(17) (such that no further environmental review is required) and this matter also does not  
100 require General Municipal Law §239 -l, -m, and -n referral as the items are excluded per an Inter-  
101 Governmental Agreement between the Tompkins County Planning Department and the Town of  
102 Lansing dated December 17, 2003; and; so, upon due deliberation upon the foregoing, the  
103 application, and all evidence and testimony presented to the ZBA,

104  
105 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

106  
107 1. The Town of Lansing Zoning Board of Appeals (“ZBA”) hereby makes the following findings with  
108 respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other  
109 applicable provisions of law and of the Zoning Ordinance:

110  
111 **a. Whether an undesirable change will be produced in the character of the neighborhood or a**  
112 **detriment to nearby properties will be created by the granting of the area variance?**

113  
114 **Yes \_\_\_ No x** Findings: The Zoning Board finds the covered entry in character with the  
115 neighborhood.

116  
117 **b. Whether the benefit sought by the applicant can be achieved by some method, feasible for**  
118 **the applicant to pursue, other than an area variance?**

119 **Yes \_\_\_ No x** Findings: The Zoning Board finds the size of the covered entry to be  
120 appropriate.

121  
122 **c. Whether the requested area variance is substantial?**

123  
124 **Yes \_\_\_ No x** Findings: The Zoning Board stated that this appeal is a 22% variance and  
125 finds this to not be substantial.

126

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

129  
130 **Yes** \_\_\_ **No**  **x**  Findings: The Zoning Board finds the covered entry will improve the  
131 appearance of the residence.

132  
133 e. **Whether the alleged difficulty was self-created?**

134  
135 **Yes**  **x**  **No** \_\_\_ Findings: The Zoning Board finds that the applicant does not need to  
136 install a covered entry, making this appeal self-created.

137  
138 2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):

139  
140 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the “ZBA”) that the  
141 following area variance is **GRANTED** with any conditions hereafter stated (if any), it being  
142 further found and determined that (i) the benefit to the applicant outweighs any potential  
143 negative impacts or detriment to the neighborhood or community; and (ii) such area variances  
144 are the minimum necessary as adequate to grant relief and, at the same time, preserve and  
145 protect the character of the neighborhood and the safety and welfare of the community. In  
146 balancing impacts with the variance application, the placement largely within a prior footprint  
147 and minimal impact on the character of the community tilt the balance in favor of granting this  
148 variance, including as all but one factor favor granting the same.

149  
150 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED: 13ft Area Variance from the Minimum Yard**  
151 **Setback**

152  
153 ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCES AS GRANTED?  
154 Yes  **x**  No \_\_\_

155  
156 STATEMENT OF CONDITIONS:

- 157 1. As variances are exceptions based upon exigent need or emergency, should applicant fail  
158 to avail itself of the benefits of the above-described area variances within one year from  
159 the date hereof, this approval and such area variances shall expire. In cases where  
160 construction may be applicable, “avail itself of the benefits” shall mean a building permit  
161 obtained (if necessary) and substantial construction as commenced. Said one-year  
162 approval period may be extended for good cause by the ZBA if application for an  
163 extension is submitted before the expiration of the then applicable variances period.
- 164 2. Submission of construction plans which are substantially similar to plans submitted for this  
165 application.

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

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170 **Motion by:** John Young  
171 **Seconded by:** Mary Stoe

172 **Mary Stoe – Aye**  
173 **John Young – Aye**  
174 **Judy Drake – Aye**

175  
176 Dated: July 13, 2021

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178 **PUBLIC HEARING #2:**

179 Consideration of an Appeal made by Mahlon Perkins on behalf of Shaun & Kathleen Doherty,  
180 Applicants and Owners, 173 Nut Ridge Rd, Tax Parcel #1.-1-8 located in the Lakefront - with lake  
181 frontage (L1) Zoning District for an Area Variance from Town of Lansing Code § 270, Schedule II  
182 which requires a 25' Minimum Rear Yard Setback. Applicant is seeking a 15' Area Variance from  
183 the Minimum Rear Yard Setback to facilitate construction of a new one-family Dwelling. In  
184 denying the Building Permit, both proposed new structures were determined by zoning  
185 enforcement officials to be Dwelling Units. If determination is affirmed, Applicant seeks a  
186 concurrent .308-acre Area Variance from the Minimum Lot Area of .918 acres (20,000 square  
187 feet per dwelling unit) to facilitate construction of two (2) one-family Dwellings (1916 square  
188 feet and 432 square feet, respectively). This is a Type II Action under the State Environmental  
189 Quality Review Act 6 NYCRR 617.5(c)(16) and 6 NYCRR 617.5(c)(17). The above referenced  
190 appeal and its supporting documents are available for inspection at [https://lfweb.tompkins-](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=52523&dbid=7&repo=Lansing)  
191 [co.org/WebLink/Browse.aspx?id=52523&dbid=7&repo=Lansing](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=52523&dbid=7&repo=Lansing)

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193 **Motion to Open the Public Hearing for 173 Nut Ridge Road at 6:51 pm.**

194 Motioned by: Mary Stoe Seconded by: Jack Young (Motion Carried)

195  
196 **Variance request discussion with the ZBA**

197 Mahlon Perkins and Kathleen Doherty were present to discuss this project.

198  
199 **Summary of discussion**

- 200 - Mr. Perkins explained the restrictions the septic system creates on the lot.  
201 - Mr. Perkins stated that the Doherty family has considered other configurations for the  
202 house to try to minimize the variance required.  
203 - Mrs. Doherty stated that they considered making the home taller rather than longer,  
204 but they felt that option was more imposing and dramatic, and did not fit in the  
205 character of the neighborhood. The proposed layout is the best option for the space  
206 requirements for their family.  
207 - This will be a year-round residence.  
208 - The proposed plan would see the existing garage moved away from the property line.  
209 - The well may need to be moved.

210  
211 **Public Comments**

- 212 - Wayne and Marcia Larsen were present to comment on this project. They own the land
- 213 behind the applicant.
- 214 - Mr. Larsen’s concerns include:
- 215     o Multiple single-family homes on the lot.
- 216     o Parking.
- 217     o Future development.
- 218     o Septic.
- 219 - The Zoning Board clarified that the purpose of this meeting was to determine if the
- 220 second structure is a single-family dwelling or not.
- 221 - After discussion, Mr. Larsen said he understands the intent for this property and that he
- 222 no longer opposes the development of this property.

**Motion to Close Public Hearing for 173 Nut Ridge Road at 7:11pm.**

225 Motion by: Mary Stoe                      Seconded by: John Young           (Motion Carried)

**Board Deliberation**

- 228 - The Zoning Board does not see an alternate configuration of the lot.
- 229 - The placement of the garage allows for parking to be fully within the property lines.
- 230 - The Health Department has recommended the proposed septic system.

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

**BACKGROUND INFORMATION**

237 Applicant: Mahlon Perkins	Variances No: 21-04
238                      For Shaun & Kathleen Doherty	Zoning District: L1
239                      P.O. Box 393	Public Hearing
240                      King Ferry, NY 13081	Published on 7/7/2021
241	Mailed 600’ Notices
242 Property Location: 173 Nut Ridge Rd	on: 7/6/2021
243 Tax Parcel #: 1.-1-8	

245 Requirement for which Area Variances are requested: Town of Lansing Code (the “Code”):  
246 Section 270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.

**RESOLUTION AND FINDINGS**

250 **WHEREAS**, Mahlon Perkins on behalf of Shaun & Kathleen Doherty, Applicants and Owners,  
251 applied for an Area Variance to construct a new 1,916 sq. ft. one-family dwelling unit that is not  
252 compliant with the 25’ Minimum Rear Yard Setback; and

254 **WHEREAS**, Applicant is requesting a 15’ Area Variance from the Minimum Rear Yard Setback to  
255 facilitate construction of a new one-family Dwelling; and

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**WHEREAS**, Town zoning enforcement officials issued a written determination on July 1, 2021 that the proposed replacement cabana / cabin was also a one-family Dwelling, as it contained habitable space, and this was also not compliant with the .918 acre Minimum Lot Area requirement in Lakeshore Zoning District (L1 – with lake frontage) for construction of two (2) new one-family Dwellings on the parcel; and

**WHEREAS**, on July 13, 2021, the Town of Lansing Zoning Board of Appeals (the “ZBA”) thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in support of the requested area variances; (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**, this application is classified as a Type II Action under 6 NYCRR Part 617.5 (c)(17) (such that no further environmental review is required) and this matter also does not require General Municipal Law §239 -l, -m, and -n referral as the items are excluded per an Inter-Governmental Agreement between the Tompkins County Planning Department and the Town of Lansing dated December 17, 2003; and; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

**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 the area variance desired by applicant in respect of the findings above, each as set forth in Town Law § 267-b(3)(b), and other applicable provisions of law and of the 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 variances?**

Yes \_\_\_ No  x  Findings: The applicant has considered the configuration of the home on the lot to keep it within character of the surrounding properties.

**b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variances?**

Yes \_\_\_ No  x  Findings: The applicant could build something smaller, but it would not meet the space requirements for their family.

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

Yes  x  No \_\_\_ Findings: The applicant is requesting a 60% variance, which is substantial.

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

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Yes \_\_\_ No  x  Findings: It will be an environmental improvement.

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

Yes \_\_\_ No  x  Findings: Previous requirements allowed for the lot to be configured differently. With adding a complete septic and other improvements, there are restrictions to the way this lot can be configured.

**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 variances are **GRANTED**, 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 variances are 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. In balancing impacts with the variance application, the placement largely within a prior footprint and minimal impact on the character of the community tilt the balance in favor of granting this variance, including as all but one factor favor granting the same.

**DESCRIPTION OF SPECIFIC VARIANCES GRANTED: 15ft Area Variance from the Minimum Rear Yard Setback for construction of a single-family dwelling.**

**ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCES AS GRANTED?**

Yes  x  No \_\_\_

**STATEMENT OF CONDITIONS:**

1. As variances are exceptions based upon exigent need or emergency, should applicant fail to avail itself of the benefits of the above-described area variances within two years from the date hereof, this approval and such area variances 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 as 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 variances period.
2. Submission of construction plans which are substantially similar to plans submitted for this application.

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



342 **Motion by:** Mary Stoe  
343 **Seconded by:** Jack Young

**Mary Stoe – Aye**  
**Jack Young – Aye**  
**Judy Drake – Aye**

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348 **Motion to Re-open the Public Hearing for 173 Nut Ridge Road at 7:25 pm.**  
349 Motioned by: Jack Young    Seconded by: Mary Stoe    (Motion Carried)

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351 **Definition of ‘ Dwelling Unit’ discussion with the ZBA**  
352 Mahlon Perkins and Kathleen Doherty were present to discuss this project.

- 353  
354 **Summary of discussion**
- 355 - Mr. Perkins explained why the structure should not be considered a dwelling unit.
  - 356 - Mrs. Doherty explained the intended purpose of the structure.
  - 357 - The Director of Planning reviewed the definitions of cabana, cabin or cottage, dwelling
  - 358 unit, accessory structure, and habitable area.
  - 359 - There are concerns with this decision setting precedent for future decisions.
  - 360 - A condition of approval will be that the structure only be used as an accessory to the
  - 361 primary structure.

362  
363 **Public Comments**  
364 - No public present.

365  
366 **Motion to Close Public Hearing for 173 Nut Ridge Road at 7:56pm.**  
367 Motion by: Jack Young    Seconded by: Mary Stoe    (Motion Carried)

368  
369 **Board Deliberation**  
370 - The Zoning Board of Appeals has determined that the structure be considered a cabin or  
371 cottage, but not be considered a dwelling unit, per the definition.

372  
373 **Request for Extension of a Granted Variance**  
374 Request for Extension of a Granted Variance made by Adele Gay Nicholson, Owner and  
375 Applicant, of 1 Maple Ave, Tax Parcel #26.-10-13.2 located in the Residential – Moderate  
376 Density (R2) Zoning District for an Area Variance from Town of Lansing Land Use Ordinance  
377 Section 504, Schedule II which requires a 60’ minimum front yard setback from the center of  
378 the road. Applicant was granted an Area Variance (19-09) on November 26, 2019 for the  
379 requested 29’ from the minimum yard setback requirement to facilitate placement of a carport  
380 over an existing gravel parking space; Applicant was granted an Amended Area Variance (20-04)  
381 to allow placement of a carport that is wider by 2’-6” with overhangs and with a different  
382 aesthetic appearance. This is a Type II Action under the State Environmental Quality Review Act  
383 6 NYCRR 617.5(c)(16). The above referenced appeal and its supporting documents are available  
384 for inspection at [https://lfweb.tompkins-](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=46258&dbid=7&repo=Lansing)  
385 [co.org/WebLink/Browse.aspx?id=46258&dbid=7&repo=Lansing](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=46258&dbid=7&repo=Lansing)

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387 **Summary of Discussion:**

388 - The Applicant explained why an extension is required.

389

390 **Board Deliberation**

391 - The Zoning Board agreed to extend the variance for two years.

392

393 **Motion to Re-Open Variance 20-04.**

394 Motion by: Mary Stoe                      Seconded by: Jack Young                      (Motion Carried)

395

396 **Motion to Amend the expiration date of Variance 20-04 to August 5, 2023.**

397 Motion by: Jack Young                      Seconded by: Mary Stoe                      (Motion Carried)

398

399 **Chair Judy Drake adjourned meeting at 8:05 PM**

400

401 Minutes taken and executed by Heather Dries