



# ZONING BOARD OF APPEALS MEETING

Lansing Community Library, 27 Auburn Rd  
Tuesday, October 11, 2022  
6:30 PM

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## AGENDA

SUBJECT TO CHANGE

Meeting is open to the public.

### 1. Call Meeting to Order

### 2. Action Items

- a. Rehearing of an Appeal made by Dale and Judy Williams, 99 Armstrong Road; Tax Parcel No. 38.-1-12, located in the Low Density Residential – R1 Zoning District. The applicant was granted a variance on September 14, 2021 to construct a 28' x 24 car port and is requesting a 16' Area Variance from Town of Lansing Zoning Law § 270, Schedule II which requires a 60' Minimum Front Yard Setback from the center line of the road. The applicant is requesting to modify the condition of approval which required substantial construction to begin within one year of the variance's issuance. 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).

### 3. Adjourn Meeting

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact the Town Clerk's Office at 607-533-4142. Request should be made 72 hours prior to the meeting.

**Town of Lansing Zoning Board of Appeals  
Application for Variance**

Application Fee \$175<sup>00</sup>/<sub>2</sub>

Application Date 7/21/21

**Property for which Variance is being requested**

Tax Parcel No. 38-1-12 Street Address 99 ARMSTRONG ROAD

**Applicant's Name and Address**

DALE + JUDY WILLIAMS

MPK MANAGEMENT SERVICES

**Zoning District (check one)**

Phone 607-592-1324 R1

Cell 562-533-7019 R2

Email ICML9851@icloud.com R3

(If Applicant different from owner, notarized written permission of owner must be attached hereto.)

**Owner's Name and Address (if different)**

DALE + JUDY WILLIAMS

Phone 607-592-1324

Cell SAME

Email \_\_\_\_\_

B1

B2

L1

RA

IR

**Application for (check applicable item)**

- A. Interpretation of Zoning Ordinance or Map  
 B. Area Variance  
 C. Use Variance  
 D. Appeal of decision of Code Enforcement Officer



**RECEIVED**

7/30/21 HJD

**Request relates to provisions of (check applicable item)**

- A. Town of Lansing Land use Ordinance, Section \_\_\_\_\_  
 B. Town of Lansing Subdivision Regulations, Section \_\_\_\_\_  
 C. Other (Identity) \_\_\_\_\_

**Purpose of Request: (attach additional information if necessary)**

- (1) ASKING FOR A 16' VARIANCE SO A 2 CAR 28X24 CARPORT  
CAN BE ADDED TO THE EXISTING GARAGE.  
(2) 8' VARIANCE OFF THE FRONT TO THE HOUSE SO A NEW 10X10 DECK  
+ STAIRS TO SIDEWALK CAN BE INSTALLED

**Justification of Request: (attach additional information if necessary)**

- (1) FROM CENTERLINE OF ARMSTRONG RD TO GARAGE IS ~~78'~~ 73'  
WOULD ASK FOR 16' VARIANCE SO WE CAN FIT A 28' DEEP CARPORT  
(2) CENTER OF ROAD TO FACE OF HOUSE IS 60' TO ADD A 10' DECK  
WE NEED A 10' VARIANCE.

CTR Line of  
ARMSTRONG ROAD



FACE OF  
EXISTING GARAGE  
73.5' FROM  
CENTER OF ROAD

ASKING FOR A  
16' VARIANCE  
TO ADD A  
25' CARPORT.

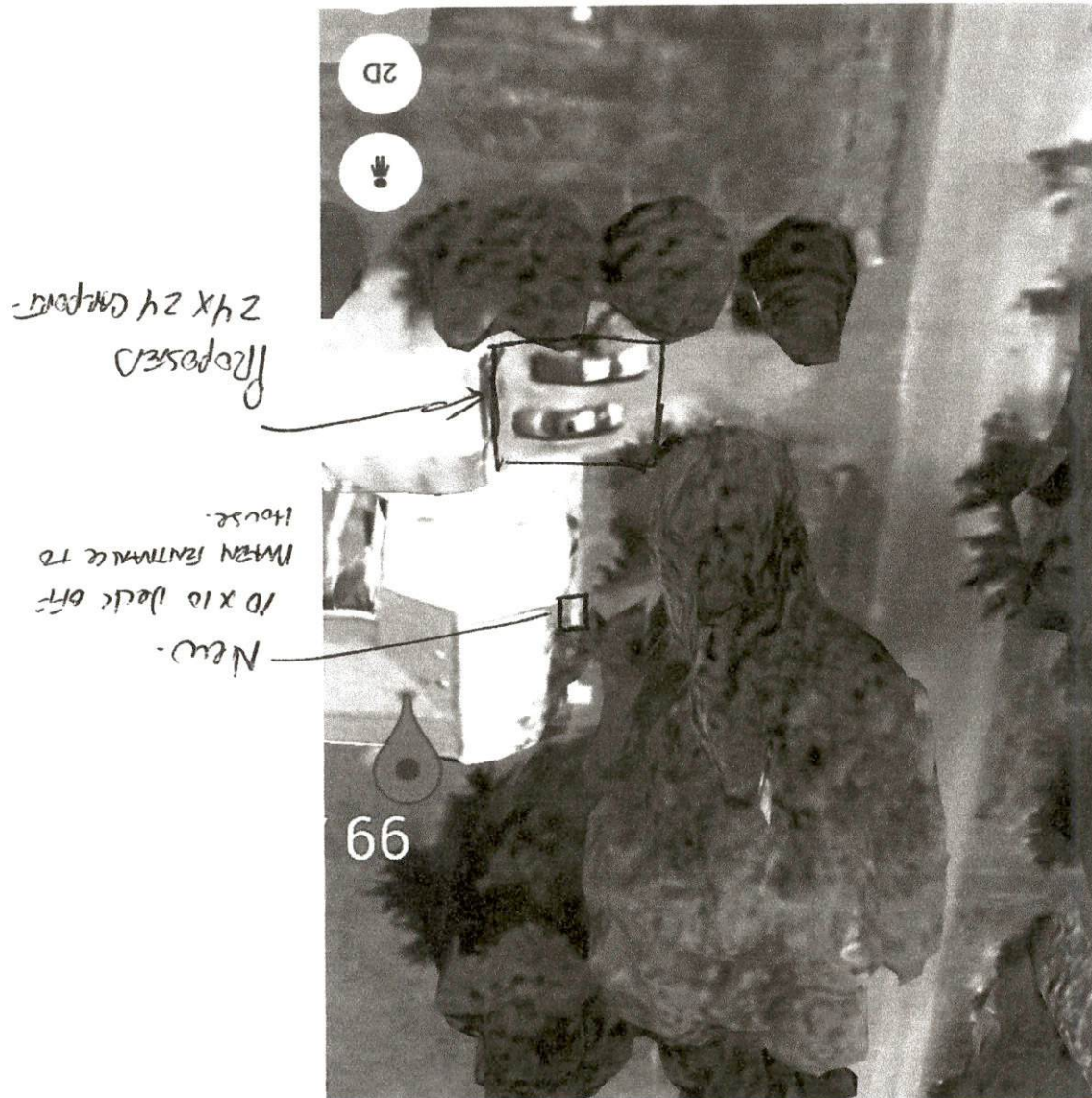
ASKING FOR A

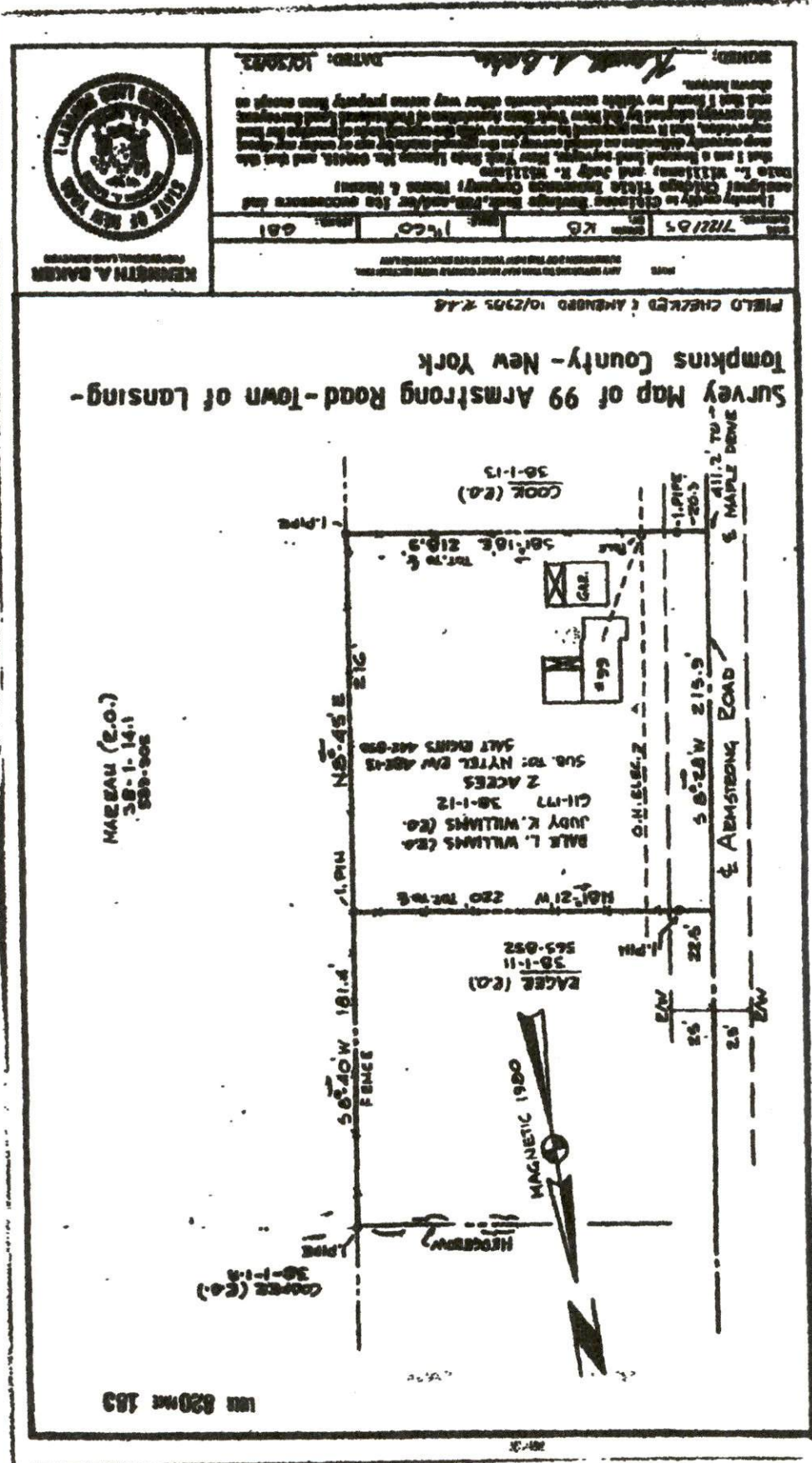
PROPOSED NEW  
CARPORT

EDGE OF



99 ARMSTRONG ROAD





## Letter of Intent

## In support of request for variance

This Letter of Intent is in support of our request for a variance for construction of a carport and covered front porch. Both structures will be of heavy wood timber frame construction for longevity and appearance. As we understand the building code, the town of Lansing has the right of way 60 feet back from the center of the road. The carport will be approximately 24 feet out from the existing garage which falls 12 feet within the 60 foot right of way. We have placed an orange traffic cone at the point roughly 24 feet out from the garage. That shows at least one car length in front of the proposed carport to the road. The porch would extend out 10 feet from the existing house putting it approximately 6 feet into the town right of way.

We believe it's important to note that the construction of the two covered structures will very much improve the appearance of a plain looking property. In addition, the car port will allow us to protect our vehicles while making it much easier to use them in retirement during the winter months. The front porch will allow us to sit outside and better enjoy our retirement years.

We are submitting a variance application for the next meeting and need signatures before the end of April.

Judy and Dale Williams are requesting the support of our neighbors with this variance. Please sign below (add your address) to show your support.

Dale and Judy Williams

99 Armstrong Rd.

Lansing, NY

Johnathan Licita	Johnathan Licita	102 Armstrong Rd.	20 Apr 2021 - Awesome Project
Gary Bathwell	Gary Bathwell	33 Maple Dr.	4/20/21
Lucy Cooper	Lucy Cooper	123 Armstrong Rd.	4/20/21 - Great Job!
Jenny Armstrong	Jenny Armstrong	127 Armstrong Rd.	4/20/21 - Awesome
Perry Cook	Perry Cook	87 Armstrong Rd.	4/20/21
Perry Cook	Perry Cook	97 Armstrong Rd.	4/20/21
Mary Cook	Mary Cook	97 Armstrong Rd.	4/20/21
Christina Rice	Christina Rice	124 Armstrong Rd.	4/21/21
		110 Armstrong	4/21/21
		29 Franklin Dr.	4/21/21
Chris Pettagrosso	Chris Pettagrosso	45 Maple	4/21/21
Gary Bathwell	Gary Bathwell	18 Murfield Dr.	4/21/21

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

**BACKGROUND INFORMATION**

Applicant and Owner:  
Dale & Judy Williams  
99 Armstrong Road  
Lansing, NY

Variance No: 21-05  
Zoning District: R1 –  
Public Hearing  
Published on: 9/3/2021  
Mailed 600' Notices  
Sent on: 9/1/2021

Property Location: 99 Armstrong Road  
Tax Parcel #: 38.-1-12

Requirement for which Area Variances are requested: Town of Lansing Land Use Ordinance (the "Zoning Ordinance"): Section 504, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.

**RESOLUTION AND FINDINGS**

WHEREAS, Dale & Judy Williams, Applicant and Owner of 99 Armstrong Road, Tax Parcel No. 38.-1-12 located in the Residential Low Density Zoning District (R1) applied for an Area Variance from Town of Lansing Land Use Ordinance Section 504, Schedule II requiring a Minimum Front Yard Set Back of 60'; and

WHEREAS, Applicant is requesting an Area Variance of 16' to facilitate placement of a 28'x24' Carport Structure; and

WHEREAS, on September 14, 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 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, 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 a GML Section 239 review; 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 area variances 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 variance?**



Yes \_\_\_ No x Findings: The Zoning Board of Appeals finds that the proposed structure would fit the character of the neighborhood.

**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 x Findings: The Zoning Board of Appeals finds that there is not another feasible method to allow this structure in the available space on this lot.

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

Yes \_\_\_ No x Findings: The Zoning Board of Appeals finds that this is not a substantial request.

**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 x Findings: The Zoning Board of Appeals finds that this would not impact any conditions of the neighborhood. Several neighbors have shown support for this project.

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

Yes x No \_\_\_ Findings: The Zoning Board of Appeals finds that this difficulty is self-created because they are choosing to install the carport.

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**, 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 VARIANCES GRANTED: 16ft Area Variance from the Minimum Yard Setback**

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

Yes x No \_\_\_

STATEMENT OF CONDITIONS:

- 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 one year 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.

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

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

Maureen Cowen – Aye  
Jack Young – Aye  
Peter Larson – Aye  
Mary Stoe – Aye  
Judy Drake – Aye

Dated: September 14, 2021

Received and filed in the Lansing Town Clerk's Office on

*9/17/21*  
*Debbie Munson*

Debbie Munson  
Town Clerk  
Town of Lansing  
Tompkins County, New York

DRAFT

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

**BACKGROUND INFORMATION**

Applicant and Owner:  
Dale and Judy Williams  
99 Armstrong Road  
Lansing, NY

Variance No: 22-XX  
Zoning District: R1  
Public Hearing Published on: 9/29/22  
600' Notices Mailed: 9/28/22

Property Location: 281 Bill George  
Tax Parcel #: 38.-1-12

**RESOLUTION AND FINDINGS**

WHEARAS on September 14, 2021, the applicant was granted a 16' area variance to from Town of Lansing Code (the "Code"): Section 270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements, to construct a 28' x 24 carport 44' from the center line of the road where a 60' setback is required. The proposal was located at 99 Armstrong Road, tax map #38.-1-12; and

WHEREAS, the applicants Dale and Judy Williams, Applicants, are requesting to modify a condition of the original approval which required substantial construction to begin within one year from the granting of an area variance on September 14, 2021, from Town of Lansing Code (the "Code"): Section 270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements; and

WHEARAS, the condition of approval which the applicant has requested to modify states:

“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 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 variance period.”; and

WHEREAS, the Zoning Board of Appeals affirms the findings of the September 14, 2021 decision in regards to the balancing questions required by NYS Town Law for area variances; and

WHEREAS, the previous application was and continues to be classified as a Type II Action under NYCRR 617.5(c)(16), granting of individual setback and lot line variances and adjustments, such that no further environmental review is required, nor does this matter require a GML Section 239 review; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

**NOW, THEREFORE, BE IT RESOLVED.**

It is hereby determined by the Town of Lansing Zoning Board of Appeals (the “ZBA”) finds that removal of the condition of the September 14, 2021, area variance approval requiring substantial approval within one year of the issuance of the area variance, will not have an effect upon either the area variance granted or its conditions, review, determinations or the environmental impacts incident to the same.

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

**Motion by:**

**Seconded by:**

- Judy Drake –
- Richard Hayes –
- Mary Stoe –
- Susan Tabrizi –
- Jack Young –

Dated: 11 October 2022

Received in the Lansing Town Clerk’s Office on \_\_\_\_\_

\_\_\_\_\_  
 Debbie Munson, Town Clerk  
 Town of Lansing  
 Tompkins County, New York