

Village of Lansing  
Board of Zoning Appeals  
Minutes of March 21, 2023

The meeting of the Village of Lansing BZA in person and via Zoom was called to order at 7:01 PM by Chair, Lynn Leopold.

**Present at the meeting:**

**BZA Members:** Roy Hogben, (Board Chair) Lynn Leopold, Marcie Robinson and John Wisor

**Village Legal Counsel:** Natalie French

**Village CEO:** Michael Scott

**Attending:** Dr. Lavelle Brown and Peter Wright

Wisor moved to open the public comment period. Seconded by Hogben.

Ayes: Hogben, Leopold, Robinson and Wisor

Nays: None

With no one wishing to speak, Hogben moved to close the public comment period. Seconded by Wisor.

Ayes: Hogben, Leopold, Robinson and Wisor

Nays: None

**First item on the agenda;**

*Luvelle Brown, being represented by Peter Wright, is requesting an area variance to construct an additional building located at 6 Jon Stone Circle (Tax Parcel 45.2-2-20). The proposed building is a 2-story 16 foot by 20 foot detached pool house. Because of the size and height, the proposed building is classified as a principal building requiring a 40 foot rear yard setback in the Medium Density Residential District. The applicant is requesting a variance of 34 feet to construct the building 6 feet from the rear property line. The following is the appeal request:*

**Appeal No. 2023-01;**

**Variance request for a 6 foot Rear Yard Setback for a Principal Building.**

Robinson moved to open the public hearing. Seconded by Wisor.

Ayes: Hogben, Leopold, Robinson and Wisor

Nays: None

Brown introduced himself and his contractor Peter Wright. Brown thanked the Board for their service to the Community and added that he is a resident at 6 Jon Stone Circle.

Brown continued by saying that he has children and recently installed an in-ground pool in the back yard and would like to build a pool house where his family or guests could change clothes or use a bathroom.

Wright added that the proposed placement of the new building is the only logical spot on the property but, would require a variance for the back yard setback. Wright stated that the land directly behind the residence is an overgrown field.

Leopold explained that the land behind the Brown residence is owned by the Lansing Trails HOA and that the area could be developed some day.

Wright stated that the appearance of the building will be pleasing and far better than just a storage shed. Wright also feels that the proposed pool house will not affect the neighbors and privatizes the Brown backyard area.

The building will be built on a slab and will not house anyone. The first floor will be a changing room and a bathroom while the second floor will be used as an exercise room.

Scott informed the BZA members that the building meets the criteria for a principal building therefore, requiring a larger property line setback. In this case the setback regulation is 40 feet. If this building were to contain a kitchen and sleeping quarters, a special permit would be needed for a second dwelling on a single parcel.

Scott stated that he did receive mailings.

Hogben moved to close the public hearing. Seconded by Robinson.

Ayes: Hogben, Leopold, Robinson and Wisor  
Nays: None

Leopold read through the resolution and the findings were discussed:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON  
MARCH 21, 2022 FOR APPEAL NO. 2023-01.*

*Motion made by:*     John Wisor

*Motion seconded by:* Roy Hogben

**WHEREAS:**

- A. *This matter involves consideration of the following proposed action: Appeal No. 2023-01, Luvelle Brown, being represented by Peter Wright, is requesting an area variance to construct an additional building located at 6 Jon Stone Circle (Tax Parcel 45.2-2-20). The proposed building is a 2-story 16 foot by 20 foot detached pool house. Because of the size and height, the proposed building is classified as a principal building requiring a 40 foot rear yard setback in the Medium Density Residential District. The applicant is requesting a variance of 34 feet to construct the building 6 feet from the rear property line.; and*
- B. *On March 21, 2023, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. *On March 21, 2023, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. *On March 21, 2023, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

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

*The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect to the specific criteria for such area variances(s) as set forth in Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1):*

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

*Finding: No, area behind property is undeveloped.*

*Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.*

*Finding: No, unless the building is downsized but, this may not suit the purpose of the building.*

*Whether the requested area variance is substantial.*

*Finding: Yes, 34 feet is substantial.*

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

*Finding: No*

*Whether the alleged difficulty was self-created.*

*Finding: Yes*

*It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following variance(s) is/are **GRANTED AND APPROVED** (with conditions, if any, as indicated), it being further determined that such variance is the minimum necessary and adequate to grant relief and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community:*

**Description of Variance:** *As described in "A"*

**Conditions of Variance:** *None*

*It is hereby determined by the Village of Lansing board of Zoning Appeals that the requested variance is **GRANTED**.*

*The vote on the foregoing motion was as follows:*

*AYES: Hogben, Leopold, Robinson, and Wisor*

*NAYS: None*

*The motion was declared to be carried.*

**Approval of minutes**

Hogben moved to approve the minutes of December 20, 2023. Seconded by Wisor.

Ayes: Hogben, Leopold, and Wisor

Nays: None

**Adjournment:**

Leopold asked for a motion to adjourn at 8:02 PM. Moved by Wisor. Seconded by Hogben

Ayes: Hogben, Leopold, Robinson and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO