

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on July 22, 2010

Applicant: Mr. and Mrs. Thomas D. Clutz

Variance No: #032510-Z

Address: 1385 South Lake Road, Middlesex NY 14507

Zoning District: LR

Telephone: (585) 554-3522

Published Notice on July 9, 2010

Property Location: same as above

Notice to County sent N/A

Applicable Section of Town Zoning Code: Section #403, Schedule II

County Hearing held on _____

FACTORS CONSIDERED:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created: Yes___ No X

Reasons: This was determined through statements written by current neighbors and read at the hearing. Also, the proposed addition is compatible with the present design of the house and only squares off the southeastern corner.

2. Whether the benefit requested by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance: Yes___ No X

Reasons: It was determined that this was the most feasible method for the applicant to pursue. The proposed design squares off the current design of the house and completes it.

3. Whether the requested variance is substantial: Yes___ No X

Reasons: The variance is not substantial. It will only be a small sitting room and completes the existing design where there is an open corner now.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes___ No X

Reasons: There are no gutters on the front of the house nor where the addition will be placed, however water runoff is controlled by an area of gravel that will absorb any roof water runoff during storm events.

5. Whether the alleged difficulty was self-created: Yes___ No X

Reasons: The present owners inherited the current configuration when they purchased the house which was built in 1948.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Elizabeth Grant, and seconded by Mr. Richard DeMallie, finds that

The benefit to the Applicant DOES NOT outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the variance request is **denied**.

NOTE: SEC. 908.0 of the Town of Middlesex, NY Zoning Law states:

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court by proceeding under Article 78 of the Civil Practices Law and Rules. Such action must be instituted within thirty (30) days after the filing of a decision in the Office of the Town Clerk

The benefit to the Applicant DOES outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the variance request is **granted**.

CONDITIONS:

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

Arthur Radin, Chair
Chairperson, Zoning Board of Appeals

8/3/2010
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Mr. Arthur Radin, Chair</u>	<u>X</u>	_____
Member	<u>Mr. Richard DeMallie</u>	<u>X</u>	_____
Member	<u>Mr. Donald Burkard</u>	<u>X</u>	_____
Member	<u>Mr. Benjamin Dunton</u>	<u>X</u>	_____
Member	<u>Ms. Elizabeth Grant</u>	<u>X</u>	_____
Member	<u>Mr. Ted Carman (alternate)</u>	_____	_____

(Version update: February, 2009)