

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS hearing on 4/16 & 4/23/09

Applicant: Mr. Philip & Gayle Edgerton represented by Don Miller, contractor Variance No. # 031109-Z
Address: (agent's address): 464 Bare Hill Rd., Rushville NY 14544 Zoning District: LR
Telephone: agent's # (585) 455-6134 Published Notice on: 4/ 08/ 09
Property Location: 1519 South Lake Road, Middlesex, NY 14507 Notice to County sent: N/A
Applicable Section of Town Zoning Code: Section # 4 03, Schedule II 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 requested 3' variance will not obstruct lake views or impinge on adjacent road in a substantial way, and with agreed upon reconfiguration of building plans the aesthetics, neighboring lake views and storm water runoff has been greatly reduced and actually beneficial to all parties involved.

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 X No ___

Reasons: The porch could be eliminated or moved to another location, but a design plan reconfiguration has been agreed upon that will alleviate storm water runoff concerns with gutter placement and side ditches along the driveway.

3. Whether the requested variance is substantial: Yes ___ No X

Reasons: The requested variance of 3' is only 10% of the existing non-conforming footprint.

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: The proposed reconfiguration of design plan will include porch roof gutters to distribute rainwater runoff
Will provide optimum storm water relief whether porch is placed 3' closer to the road or not.

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

Reasons: A determination was made that this was self-created by institution of old zoning laws and as amended in current zoning to make the footprint non-conforming. The layout of the house on the lot prohibits other options in porch placement without considerable excavation and increased drainage control concerns.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

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

X 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
Chairperson, Zoning Board of Appeals

4/23/09
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Arthur Radin, Chair</u>	<u> </u>	<u> X </u>
Member	<u>Benjamin Dunton (not present)</u>	<u> </u>	<u> </u>
Member	<u>Elizabeth Grant</u>	<u> X </u>	<u> </u>
Member	<u>Don Burkhard</u>	<u> X </u>	<u> </u>
Member	<u>Richard DeMallie</u>	<u> X </u>	<u> </u>
Member	<u>Ted Carmen (alternate)</u>	<u> </u>	<u> X </u>

(Version update: January, 2007)