

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS hearing on 9/17/09

Applicant: Mr. Phil Edgerton, representing agent – Don Miller Variance No. # 081209-Z
Address: 1814 Sun Mountain Dr., Santa Fe, NM 87505 Zoning District: LR
Telephone: (585) 554-5562 or (505) 988-5103 Published Notice on: 9/08/09
Property Location: 1519 So. Lake Rd., Middlesex, NY 14507 Notice to County sent: N/A
Applicable Section of Town Zoning Code: Section # 4 03, Schedule II Hearing held on: N/A

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: It was determined that it would be a desirable change for the applicant , and the placement of the stairs is a direct access to the lakeshore property across the road.

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 is determined that there was no other method feasible for the applicant. The driveway is inconvenient for using to access lakeshore property and stairs leading to the road for lake access is the norm on South Lake Road.

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

Reasons: It is considered not substantial because the stairs will be going back only a foot and will be less non-conforming than the existing set of stairs. They will not need a retaining wall. It will be an improvement to what is currently there.

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: Providing the applicant pays attention to careful construction and attention to the steep and exposed terrain, there will be no adverse effects or impacts on the physical or environmental conditions in the neighborhood.

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

Reasons: The applicant purchased the property with the existing set of stairs already built as currently positioned and the proposed project will be less non-conforming than the original set of stairs as planned.

