

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS hearing on 10/15/09

Applicant: Mr. Thomas V. Northrop

Variance No. # 091009-Z

Address: 10665 E. Ironwood Drive, Scottsdale, AZ 85258

Zoning District: LR

Telephone: (602) 738-3027 cell (585) 554-6326

Published Notice on: 10/11/09

Property Location: 54 50 Sunnyside Road Ext., Middlesex, NY

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 variance would make a more undesirable situation if the applicant expands this structure. If he increases to the proposed height of 21', there is a conflict with the Canandaigua Lake Uniform Dock and Mooring Law, pg. 5, "item J" : Boat accessory structures are instructed to not exceed 15' in height.

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: Yes, it is possible for the applicant to make renovations to the structure and stay within the footprint and the 15' height requirement.

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

Reasons: The variance is believed to be substantial. This structure's height is significant when you build closer to the lake, the views both lake to land and land to lake are to be protected.

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

Reasons: The variance would have an adverse effect and would impact the physical condition of the neighborhood because of the height restrictions in the area. This section of the Zoning District is densely populated and tight right now.

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

Reasons: The proposed renovation to the structure would expand it and make it more non-conforming than it currently is right now.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Ted Carman and seconded by Donald Burkard, finds that:

X 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.

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 10/15/09
 Chairperson, Zoning Board of Appeals Date

RECORD OF VOTE

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

(Version update: January, 2007)