

AREA VARIANCE FINDINGS & DECISION

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

Applicant: Mr. Gregory Pankratz, represented by agent - Fred Taylor Variance No. # 080509-Z
Address: 1173 South Lake Road, Middlesex NY 14507 Zoning District: LR
Telephone: (585) 738-0186 Published Notice on: 9/08/09
Property Location: same as above address 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: There is no undesirable change. An onsite visit determined that what is proposed is not visible from 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. They plan to take out The shrubbery and build a small deck in that area.

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

Reasons: It is determined that the variance request of 5' to meet the minimum front yard setback of 60' from road centerline in the LR District is not substantial.

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: It would not have an adverse effect of impact on the environmental conditions surrounding the site, Because whether the deck is built or not, the rain run-off will still be absorbed by the ground which is sloped away from The house presently and will be absorbed further by the lawn between the house and the road.

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

Reasons: The proposed project is desired by the owner, yet is not considered self-created because the house they purchased already encroached on the front setbacks some and this proposed lower deck addition is less non-conforming than what already existed upon purchase.

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 Ted Carmen, 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.

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:

Chairperson, Zoning Board of Appeals

9/17/09
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Arthur Radin, Chair</u>	<u>X</u>	___
Member	<u>Benjamin Dunton</u>	<u>X</u>	___
Member	<u>Elizabeth Grant</u>	<u>X</u>	___
Member	_____	___	___
Member	<u>Richard DeMallie</u>	<u>X</u>	___
Member	<u>Ted Carmen (alternate)</u>	<u>X</u>	___

(Version update: January, 2007)