

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on August 19, 2010

Applicant: Mr. and Mrs. Andy and Sharon Paterson

Variance No: #072810-Z

Address: 6354 Glenn Avenue, Middlesex NY 14507

Zoning District: LR

Telephone: (804) 202-0852

Published Notice on August 8, 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: It was determined that the proposed project will be an improvement to the house. The original house is pre-existing and non-conforming so to enclose the existing structure within the same footprint is a desirable option and similar to structures like this on neighboring parcels.

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: Absolutely, there are other options, but with a metal structure already in place, it would be expensive.

3. Whether the requested variance is substantial: Yes X No___

Reasons: The variance request is substantial, and yet at the same time, I believe it to be a positive move in the right direction for the project as proposed.

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: Water runoff is not a problem as it has been stated that Glenn Avenue drains towards the lake and water never collects in this area due to grade level. There will not be any adverse impact to the neighborhood as they are only enclosing a pre-existing structure.

5. Whether the alleged difficulty was self-created: Yes X No___

Reasons: It is self-created because they desire to build it, however it will increase the quality of the structure.

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

8/19/2010
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. Ted Carman</u>	<u>X</u>	___
Member	<u>Ms. Elizabeth Grant</u>	<u>X</u>	___
Member	<u>Mr. Mr. Benjamin Dunton (alternate)</u>	___	___

(Version update: February, 2009)