

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS hearing on 7/16/09

Applicant: Mr. Donald Sheive Variance No. # 061709-Z
Address: 1159 South Lake Road, Middlesex, NY 14507 Zoning District: LR
Telephone: (585) 554-6525 Published notice: 7/12/09
Property Location: 1159 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: 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 building a canopied roof over his retaining wall would not be a detriment to the neighborhood or create an undesirable change except to the applicant as it was to be built directly in front of his house.

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 was determined that because of the topography of the property, the applicant had no other feasible method of achieving the desired effect because his current driveway to the house was too steep to access reasonably.

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

Reasons: It was determined because the proposed project was within the same footprint of the retaining wall currently there, that this request was minimal.

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 only deterrent to the environment due to this project would be possible storm water runoff, however, this is minimal due to the way this project will be built with north and south facing eaves and the neighbor to the south has written a letter stating he approves of the variance request.

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

Reasons: It was determined that this alleged difficulty was not self-created due to the topography of the property and the size of it.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Don Burkard and seconded by Benjamin Dunton, 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:

<u>Arthur Radin</u>	<u>7/16/09</u>
Chairperson, Zoning Board of Appeals	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	<u>Don Burkhard</u>	<u>X</u>	___
Member	<u>Richard DeMallie</u>	<u>X</u>	___
Member	<u>Ted Carmen (alternate)</u>	___	___

(Version update: January, 2007)