

# AREA VARIANCE FINDINGS & DECISION

Town of Middlesex ZONING BOARD OF APPEALS Public Hearing on January 6, 2022

Applicant: Lynn B. Lersch  
Address: 890 South Lake Road, Middlesex, NY 14507  
Telephone: \_\_\_\_\_  
Tax Map #: 11.82-1-11  
Applicable Section of Zoning Code: Section #403, Schedule II

Variance #: 121521-ZBA  
Zoning District: (LR)  
Published Notice(s) on: 12/22/22  
County Referral Deadline: N/A  
County Hearing Date/Response: N/A

## NATURE OF REQUEST

On December 15, 2021, the applicant requested two (2) variances:

1. one (1) 6.3 side setback; pursuant to Section #403, Schedule II the reason for denial is LR requires 15' setback from side boundary line.
2. upgrade to existing generator with similar footprint; Section #403, Schedule II the reason for denial is LR requires 60' rear setback.

## 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  
Reason(s): New generator will be not visible from anyone passing by
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  
Reason(s): All connections are available at the position requested
3. Whether the requested variance is substantial:  Yes  No  
Reason(s): The two variances are not substantial because they are consistent with existing setbacks on the site of other preexisting structures on site.
4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:  Yes  No  
Reason(s): The relocation of the generator from inside the shed to outside the shed is not going to have an adverse effect impact on physical or environmental conditions in the neighborhood. Rain will hit the generator where it didn't before but the water and snow will melt off it and run down towards the house and be absorbed by the ground before it hits the lake so there is no adverse effect. The Generator won't be blocking current flow of water.
5. Whether the alleged difficulty was self-created:  Yes  No  
Reason(s): The project is being done to comply with current codes.

The ZBA, after taking into consideration the above five factors, in a motion made by D. Dimallie, and seconded by Elizabeth \_\_\_\_\_ 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:*

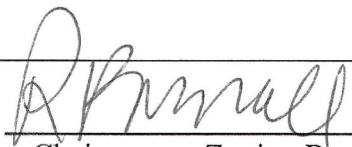
*Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court by proceeding under Article 78 of the Civil Practices Law and Rules. Such action must be instituted within thirty (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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



Rebecca Parshall

Chairperson, Zoning Board of Appeals

1-6-22

Date

