

AREA VARIANCE FINDINGS & DECISION

Town of Middlesex ZONING BOARD OF APPEALS Public Hearing on March 3, 2022

Applicant: Brian & Ingrid Watkins Variance #: 021722-Z
Address: 76 Roosevelt Road, Rochester, NY 14618 Zoning District: Lake Residential
Telephone: (585) 709-9176 Published Notice(s) on: 02/22/2022
Tax Map #: 21.79-1-7 County Referral Deadline: N/A
Applicable Section of Zoning Code: Section 403, Schedule II County Hearing Date/Response: N/A

NATURE OF REQUEST

Per Section #403, Schedule II of the Zoning Code, Lake Residential Zoning District requires a 60' front setback and a 15' side setback. Applicant is requesting five (5) variances. (1) A front setback variance of 46.3', whereas 60' is required; (2) a side setback variance of 12.5', whereas 15' is required; (3) a side setback variance of 8.1', whereas 15' is required; (4) a side setback variance of 12', whereas 15' is required; and (4) a side setback variance of 11.4', whereas 15' is required.

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

Reasons:

No one will be able to see the results of these variances being granted. The neighbors have commented that they are in support of the project.

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

Reasons:

We've looked at all the reasons for rebuilding and approving the property to help with erosion problems. No other direction would be feasible. Happy with the proposal to mitigate the erosion coming down the hill.

3. Whether the requested variance is substantial: Yes No

None of the five (5) are substantial and they will assist in the erosion coming down the hill.

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

No adverse effects or impacts. The improvements will help erosion from coming down the hill.

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

This is a combination of self-creation and what was found when the Watkins bought the place. It is not necessarily going to preclude the granting of the variances.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Board Member Grant, and seconded by Board Member 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:

Rebecca Parshall

Chairperson, Zoning Board of Appeals

Date

