

# AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on August 8, 2019\*

*\*Continuation of Public Hearing from July 18, 2019*

## NATURE OF REQUEST

Applicant: James A. Bellis Jr.

Variance No: #062219-Z

Address: P.O. Box 151, East Bloomfield NY 14443

Zoning District: (LR)

Telephone: \_\_\_\_\_

Published Notice on DM (07-12-19)

Property Location: Widmer Road – Tax ID #43.22-1-3

Notice to County sent on N/A

Applicable Section of Town Zoning Code: Sec. #403, Schedule II

County Hearing held on N/A

Applicant is requesting Area Variances for the purpose of locating a storage shed on property off Widmer Road in the Lake Residential Zoning District. Pursuant to Section #403, Schedule II of local zoning, setback requirements are 40 ft. front setback, 15 ft. side setback, and rear setback of 60 ft. from centerline of the road. Applicant is requesting 2.75 ft side setback, 18.7 feet front setback, and a rear setback infringement as shed is located on the side of road.

## 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 X No \_\_\_

Reasons: Applicant has replaced a pre-existing & non-conforming shed without a permit, with a shed that is approximately double in size in an already tight, congested neighborhood with narrow lots. This action creates further congestion and is not in line with the intent of the Town of Middlesex Zoning Law, put in place to protect abutting properties and any future potential landowner.

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 X No \_\_\_

Reasons: I believe there are other options. It could go back to its' original size, or the applicant could spin the location of the shed to create less of a variance infringement and less variance requests.

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

Reasons: The applicant has located a shed on his property without a permit, doubled the footprint with the new structure which has created three substantial variance requests on a very narrow lot (40' x 100') in a very congested neighborhood.

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

Reasons: Applicant is increasing congestion in an already congested area on the lake which has tremendous weed growth

believed to be in part from water run-off from development and density issues.

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

Reasons: The applicant has doubled the structure size, having done so without application for a zoning permit from the Town. This, in my estimation is the best example of a self-created difficulty brought on by the applicant.

### **DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above five factors, in a motion made by Ted Carman and seconded by Richard DeMallie, finds that:

X 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(s) are **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.*

### **CONDITIONS:**

The ZBA finds that the following conditions are necessary to minimize adverse impacts upon the neighborhood or community:

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Arthur Radin  
Chairperson, Zoning Board of Appeals

August 8, 2019  
Date

### **RECORD OF VOTE**

	MEMBER NAME	AYE	NAY
Chair	<u>Mr. Arthur Radin, Chair</u>	<u>X</u>	<u>    </u>
Member	<u>Mr. Win Harper</u>	<u>X</u>	<u>    </u>
Member	<u>Mr. Ted Carman</u>	<u>X</u>	<u>    </u>
Member	<u>Ms. Elizabeth Grant</u>	<u>X</u>	<u>    </u>
Member	<u>Mr. Richard DeMallie</u>	<u>X</u>	<u>    </u>
Member	<u>Ms. Rebecca Parshall (alt.)</u>	<u>absent</u>	<u>    </u>