

# AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on June 6, 2019

## NATURE OF REQUEST

Applicant: John Cake

Variance No: #052219-Z

Address: 31 Overbrook Road, Rochester, NY 14618

Zoning District: (LR)

Telephone: (585) 993-5379

Published Notice on DM (05-29-19)

Property Location: 1113 South Lake Road – Tax ID #21.48-1-5

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 an Area Variance for the purpose of installing a driveway at 1113 So. Lake Road in the Lake Residential Zoning District 5-feet from the side property line; whereas zoning requires 15-feet from the side property line pursuant to Section #403, Schedule II. Applicant is requesting a 10-foot setback for driveway.

## 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: In my opinion, there would be minimum impact with the proposed drainage.

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 does not appear to be feasible for the applicant to pursue any other method, as the owner is limited to the proposed location.

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

Reasons: The applicant is asking for a 10- foot setback for the driveway; whereas 15 feet is required.

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 proposed plan is reasonable and will not have a negative impact, but create an overall improvement.

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

Reasons: The owner has chosen to abandon the existing driveway to improve the overall access to the residence.

**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 Richard DeMallie , finds that:

- X 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.**

*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

June 6, 2019  
Date

**RECORD OF VOTE**

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