

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on August 8, 2019

NATURE OF REQUEST

Applicant: Thomas Drennen

Variance No: #071719-Z

Address: 28 Scotland Road, Canandaigua NY 14424

Zoning District: (LR)

Telephone: _____

Published Notice on DM (08-02-19)

Property Location: 1089 South Lake Road, Middlesex NY 14507

Notice to County sent on N/A

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

County Hearing held on N/A

Applicant requests an area variance from the side setback for the construction of a new single-family residence. Pursuant to Section #403, Schedule II of local zoning, the Lake Residential Zoning District requires a 15 ft. side setback. Applicant is requesting 7.8 ft side setback from the side property line.

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: Applicant is constructing a new residence on the same footprint. I believe this is an upgrade aesthetically and will be a desirable change from the road. Plans submitted show a well-planned enhancement to what is currently there.

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: I believe this to be the most feasible and cost-effective method of action for the applicant as he is using the current foundation to build on.

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

Reasons: The requested variance is approximately 50% variance request for the side setback, so I believe it is substantial; however, the intent makes reasonable sense from a planning & zoning standpoint.

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: Due to the construction on the same footprint, the Applicant has demonstrated his intent to keep excavation at a minimum, compared to starting from scratch digging a new foundation. It will be congruent with the surrounding neighborhood as the Applicant's design is building only a portion of the house with a second story, leaving the side closest to the abutting neighbor a single-story.

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

Reasons: The applicant wants a new residence and so the difficulties are part of that decision.

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 Win Harper, 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(s) are **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:

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>	_____
Member	<u>Mr. Win Harper</u>	<u>X</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>absent</u>	_____