## AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on *June 3*, 2021

Applicant: _James & Judith Fonzi	Variance No:#011521-ZBA			
Address: <u>5980 Widmer Road, Middlesex NY 14507</u>	Zoning District: (LR)			
Telephone: (585) 721-9400	Published Notice on _DM (05/26/21			
Property Location: <u>Tax ID #31.03-1-3.1</u>	Notice to County sent on <u>N/A</u>			
Applicable Section of Town Zoning Code: <u>Sec. #403, Schedule II</u>	County Hearing held on			
NATURE OF REQU	<u>EST</u>			
Applicant is requesting (3) three Area Variances for front setback replacement of an existing guest cottage to be located: 1. Eight (8 feet from the proposed screened porch; and 3. Fourteen (14) feet requires (40) forty feet front setback is required in the Lake Reside of the Town of Middlesex Zoning Code.  *Note, the following factors were identical findings for each of the	from the edge of the covered deck 2. Ten (10) from the proposed structure's wall; whereas, zoning ential Zoning District per Section #403, Schedule II			
FACTORS CONSIDERED:				
1. Whether an undesirable change would be produced in the character of would be created:  Yes No				
Reasons: The parcel is a significant size with lots of buffer from	n contiguous parcels. The proposed construction will only			
improve the location aesthetically compared to what is existing.				
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	<u>-</u>			
Reasons: The proposed configuration of the replacement to the	pre-existing and non-conforming cottage will provide the			
owner with more storage and habitable living space for his family's nee	eds and will aesthetically square up the structure to the			
shoreline with only a slight modification in its location. This cannot be a	achieved any other way, in my opinion.			
3. Whether the requested variance is substantial: Yes No	_X			
Reasons: Any variance requested on the waterfront needs close	e scrutiny, but in this instance, the proposed changes to			
the footprint will be an improvement to the existing structure that had is	ssues.			
4. Whether the variance would have an adverse effect or impact on the	physical or environmental conditions in the neighborhood			
or district Yes No	<u>X</u>			

Reasons: <i>The owner is replacing</i>	g what is existing which h	<u>has structui</u>	ral issues, with a new	v structure i	that will better suit their needs
and provide the changes requir	ed for a growing family's	needs.			
5. Whether the alleged difficult	ty was self-created: Y	Yes_X	No		
Reasons: <u>Changes usua</u>	ally are self-created, how	vever in this	s situation, these vari	iance reque	sts will make the existing
cottage more useable for their r	needs, and so is not releve	ant to alteri	ing my decision to gr	ant the var	iance requests.
DETERMIN	NATION OF THE 2	ZBA BA	SED ON THE A	ABOVE	FACTORS:
The ZBA, after taking into concentrate the Richard DeMallie, finds that		five factor	s, in a motion made	e by <i><u>Ted</u> (</i>	Carman and seconded by
☐ The benefit to the Ap welfare of the neighborhood	plicant <u>DOES NOT</u> out and therefore the varian	_		naracter, h	ealth, safety, and
Any person or persons jointly or se of the Town, may apply to the Supra within thirty (30) days after the fili	eme Court by proceeding un	cision of the . der Article 7	Zoning Board of Appea 78 of the Civil Practices	als, or any o <u>f</u>	
✓ The benefit to the Ap welfare of the neighb	plicant <u>DOES</u> outweigh orhood and therefore th				safety, and
	9	CONDITI	IONS:		
The ZBA finds that the or community:	ne following conditions	are neces	sary to minimize ac	dverse imp	acts upon the neighborhood
	Chairperson,	, Zoning B	<u>Rebecca Pa</u> Board of Appeals	urshall_	<u>06-03-21</u> Date
RECORD OF VOTE					
	MEMBER 1	NAME		AYE	NAY
Chair	Rebecca Parshall, Ch	hair		<u>X</u>	
Member	Richard DeMallie			<u>X</u>	
Member	<u>Ted Carman</u>			<u>X</u>	<del></del>
Member	Elizabeth Grant		<u> </u>	<u>X</u>	
Member	Win Harper (alt)			<u>X</u>	

(Version update: May, 2011)