

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on June 3, 2021

Applicant: James & Judith Fonzi

Variance No: #011521-ZBA

Address: 5980 Widmer Road, Middlesex NY 14507

Zoning District: (LR)

Telephone: (585) 721-9400

Published Notice on DM (05/26/21)

Property Location: Tax ID #31.03-1-3.1

Notice to County sent on N/A

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

County Hearing held on N/A

NATURE OF REQUEST

Applicant is requesting (3) three Area Variances for front setback to the shoreline's High Mean Water Line for a replacement of an existing guest cottage to be located: 1. Eight (8) feet from the edge of the covered deck 2. Ten (10) feet from the proposed screened porch; and 3. Fourteen (14) feet from the proposed structure's wall; whereas, zoning requires (40) forty feet front setback is required in the Lake Residential Zoning District per Section #403, Schedule II of the Town of Middlesex Zoning Code.

*Note, the following factors were identical findings for each of the three (3) variance requests.

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: The parcel is a significant size with lots of buffer from 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

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 needs and will aesthetically square up the structure to the shoreline with only a slight modification in its location. This cannot be 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 scrutiny, but in this instance, the proposed changes to the footprint will be an improvement to the existing structure that had issues.

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

