

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on June 3, 2021

Applicant: Jeff Gerstner

Variance No: #050521-ZBA

Address: 1345 South Lake Road, Middlesex, NY 14507

Zoning District: (LR)

Telephone: (585) 737-1187

Published Notice on DM 05/26/21

Property Location: same, Tax ID #21.79-1-8.1

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 an Area Variance for the purpose of constructing an extension to an existing wrap-around porch on the east side of existing residence which is located 53.7 feet from the centerline of the road; whereas, local zoning requires (60) sixty feet for a front setback in the Lake Residential Zoning District per Section #403, Schedule II of the Town of Middlesex Zoning Code. Applicant is requesting a 6.7ft. front setback variance.

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: Variance request is not substantial being just over 10%. The addition to the porch will wrap-around the house balancing it the property out nicely as the road frontage wraps around the house.

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: There is no other way to wrap the porch evenly onto what was existing.

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

Reasons: I don't believe a 10% variance request is substantial, compared to the size of the property acreage.

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: It is not big enough of a variance to impact the neighborhood physically and has no environmental impact.

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

Reasons: It is simply by nature of the request, however, it adds to the character of the residence. An addition to a wrap-around porch though self-created, also creates a pleasing effect and value 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 Win Harper and seconded by Liz Grant, finds that:

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 is 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.

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.

CONDITIONS:

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

Rebecca Parshall
Chairperson, Zoning Board of Appeals

06-03-21
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Rebecca Parshall, Chair</u>	<u>X</u>	____
Member	<u>Richard DeMallie</u>	<u>X</u>	____
Member	<u>Ted Carman</u>	<u>X</u>	____
Member	<u>Elizabeth Grant</u>	<u>X</u>	____
Member	<u>Win Harper (alt)</u>	<u>X</u>	____

(Version update: May, 2011)