

# AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on September 6, 2018

## NATURE OF REQUEST

Applicant: Thomas V. Northrop

Variance No: #080718-Z

Address: 5450 Sunnyside Road, Middlesex NY 14507

Zoning District: (LR)

Telephone: (602) 738-3027

Published Notice on DM (8-30-18)

Property Location: Tax ID #43.38-1-2

Notice to County sent on N/A

Applicable Section of Town Zoning Code: UDML

County Hearing held on \_\_\_\_\_

Applicant is requesting an Area Variance from the Uniform Docks and Mooring Law (UDML) to construct a permanent dock on the same footprint as a pre-existing 27 ft. x 4ft. seasonal dock located next to a boat launch ramp with tracks in order to grant access to a boat. The UDML does not allow structures to be within 10 ft. of the "Facility Line." This variance requests locates the proposed permanent replacement dock 6 ft. from the "Facility 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: The permanent dock is proposed to be in the same footprint as the seasonal dock it is replacing so therefore there the only change is there will be a dock in the water year-round, so therefore if it wasn't a problem in the summer months, it certainly will not be one during the winter months, and the existing Boat House would not accommodate a larger boat.

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 permanent dock will alleviate the need to take in the seasonal docking currently there. There is no other change except the structure being there seasonally or all year-round in my opinion.

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

Reasons: I do not believe the variance request is substantial, as it is only 4 inches away from the water rights line and the pre-existing dock is already in the same position. It can't be moved as the boat ramp track is there and it is their access to the boat.

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: No, because the seasonal existing dock is currently already there, and only will be replaced with a permanent

one that is the same size. No adverse effect or environmental impact in the neighborhood as everyone on the lake has either a dock or a boat and a dock to access the lake.

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

Reasons: I believe all variance requests are self-created by the nature of the request, however Mr. Northrop has a rational reason for a reasonable solution without impact to anyone else and so though self-created, this does not preclude my reason for requesting a motion to grant the variance.

### **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 Ted Carman, 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:

\_\_\_\_\_  
*Arthur Radin*  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
*September 6, 2018*  
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>	___