

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on March 4, 2021

Applicant: Bill & Jan Scott

Variance No: #040821-ZBA (front setback)

Address: 845 South Lake Road, Middlesex NY 14507

Zoning District: (LR)

Telephone: (585) 329-4351

Published Notice on DM (04/06/21)

Property Location: 818 Green Cove Drive – Tax ID #11.74-1-53

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 locating a 6 ft. privacy fence (8) eight feet from the front property line; whereas, local zoning requires (40) forty feet for a front setback from the lake's High Mean Water Line as required in the Lake Residential Zoning District per Section #403, Schedule II of the Town of Middlesex Zoning Code.

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: No, aesthetically it will improve and clean it up as well as act as a barrier, reducing any possible trespassing as well as clearly marking public and private property onsite.

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: No, as the goal of the application's request is to create demarcation between public and private properties. This will work for both property entities and create peace, harmony for all.

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

Reasons: It is substantial, as it extends considerably into the property's front setback of 40 feet, but it is the best plan for all involved and doesn't preclude granting of the variance.

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: The variance request will improve it for reasons previously stated and physically will improve the area.

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

Reasons: The applicant is purchased the property knowing that public property was contiguous to the parcel. Locating a privacy fence as a line of demarcation between properties makes sense for all entities.

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 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

4-15-2021
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Rebecca Parshall, Chair</u>	<u>X</u>	_____
Member	<u>Richard DeMallie</u>	<u>absent</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>	_____