

# AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on February 7, 2019

## NATURE OF REQUEST

Applicant: Phillip G. Trautman

Variance No: #010919-Z

Address: 6363 Glenn Avenue, Middlesex NY 14507

Zoning District: (LR)

Telephone: (585) 233-2025

Published Notice on DM (01-25-19)

Property Location: Tax ID #11.74-1-38

Notice to County sent on N/A

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

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

Applicant is requesting an Area Variance from Sec. #403, Schedule II of the Town Zoning Code for a front setback for the purpose of constructing a two-story manufactured home 30 feet from the centerline of the road; whereas Lakeside Residential Zoning District requires 60 feet. Applicant is requesting a 30 ft. 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: After visiting the site, it was evident that the requested setback will not create an undesirable change. It is in line with the rest of the front setbacks for the neighboring dwelling's on Glenn Avenue, which many are non-conforming and pre-existing to Zoning. This new structure will replace an old one and will be more desirable aesthetically as well.

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 location of the manufactured home is the same as the original dwelling's front setback and in line with neighboring structures front setback. Due to the lot size, well location and the septic system, no other location was feasible to the applicant. The structure meets all side and rear property line setbacks.

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

Reasons: I believe the variance request is not substantial, due to its' non-conforming and pre-existing front setback location. The structures on the parcels on Glenn Avenue line up to the road as they do and have for years.

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 applicant is allowed to build a two-story house on his parcel and to replace a pre-existing one if desired. The front setback is in line with neighboring structures on parcels on Glenn Avenue.

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

Reasons: I believe the difficulty was self- created, because the desire to build; however, as a replacement was necessary and desired, the proposed location seems to be the best suited for the applicant and the neighborhood.

**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: It was noted that a neighboring landowners' written comments were read and reviewed by the Zoning Board of Appeals prior to the boards' determination.

Arthur Radin  
Chairperson, Zoning Board of Appeals

February 7, 2019  
Date

**RECORD OF VOTE**

	MEMBER NAME	AYE	NAY
Chair	<u>Mr. Arthur Radin, Chair</u>	<u>X</u>	<u>   </u>
Member	<u>Mr. Win Harper</u>	<u>X</u>	<u>   </u>
Member	<u>Mr. Ted Carman</u>	<u>X</u>	<u>   </u>
Member	<u>Ms. Elizabeth Grant</u>	<u>X</u>	<u>   </u>
Member	<u>Mr. Richard DeMallie</u>	<u>X</u>	<u>   </u>
Member	<u>Ms. Rebecca Parshall (alt.)</u>	<u>absent</u>	<u>   </u>

(Version update: May, 2011)