## AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on April 15, 2021, hearing reconvened on April 22, 2021

Applicant: <i>Jeff &amp; Nancy Wolk</i>	Variance No:#040921-ZBA (Lot Coverage)	
Address: <u>3830 Canal Road, Spencerport, NY 14459</u>	Zoning District:(LR)	
Telephone: <u>(585)</u> 721-1153	Published Notice on <i>DM</i> (04/06/21	
Property Location: 894 South Lake Rd. – Tax ID #21.26-1-	Notice to County sent on N/A	
Applicable Section of Town Zoning Code: Sec. #403, Sched	<i>ule II</i> County Hearing held on <i>N/A</i>	
NATURE OF REQUEST		
Applicant is seeking 28% Lot Coverage; whereas, maxialso requesting a 10 ft. variance on the north side setbo	property located in the Lake Residential Zoning District.  imum lot coverage in this zoning district is 20%. Applicant is ack for a driveway to be located 5 feet off the boundary line; on #403, Schedule II of the Town of Middlesex Zoning Code.	
FACTOR	RS CONSIDERED:	
	character of the neighborhood or a detriment to nearby properties No $\underline{X}$	
Reasons: The applicants have provided due diligent	ce in reducing the lot coverage as much as possible from 28% to	
26.7% with site constraints of an existing septic and drivewo	y location, and the drainage has been mitigated with engineered	
drainage plans in two reviews by the Planning Board.		
2. Whether the benefit requested by the applicant could be a	achieved by some method, feasible for the applicant to pursue, other	
than a variance: Yes _	No _ <u>X</u>	
Reasons: The applicants have done everything to rea	duce the footprint of the house, attached garage and pre-existing	
driveway by providing retaining walls, swales and landscap	ing to improve drainage, while keeping the house value commensurate	
with the value of the lot as purchased.		
3. Whether the requested variance is substantial: Yes	<u>X</u> No	
Reasons: <u>It is substantial</u> , as it is 6.7% over the ma	eximum lot coverage, yet it depends on how one perceives it. In	
comparison to the confines of other building along the lake	in this Zoning District, it is not substantial nor overbearing, They have	
tastefully worked with the constraints of a septic leach field	that NYSDOH would not allow to be revised or reduced in size to	
locate the house footprint, and improved a pre-existing narr	ow driveway to improve the access to the property.	
4. Whether the variance would have an adverse effect or im	pact on the physical or environmental conditions in the neighborhood	
or district Ye	s No _ <u>X</u>	

Reasons. After research	ening all available buistae resources, an	a working with an architect	and engineer, the building as
olanned on this lot, won't cha	nge anything adversely or create a negat	tive impact on the environme	ntal conditions in the
neighborhood or district as th	e lot coverage has been carefully engine	ered and landscaped to impr	ove drainage.
5. Whether the alleged difficu	alty was self-created: Yes $X$ No	)	
Reasons: <i>The applica</i>	nts purchased the property without knov	ving the site constraints invo	lved. They have reduced the
footprint by 2%. They have re	duced the length of the driveway and retu	aining wall, reconfigured the	e driveway turnaround, trying
o bring the lot closer into con	apliance. The site is driven by the constr	aints of a pre-existing drivev	vay and septic leach field that
could not be changed.			
DETERMI	NATION OF THE ZBA BASI	ED ON THE ABOVE	FACTORS:
The ZBA, after taking into on <u>Richard DeMallie</u> , finds	consideration the above five factors, is that:	n a motion made by <i>Elizo</i>	abeth Grant and seconded
	pplicant <u>DOES NOT</u> outweigh the deal and therefore the variance request is		ealth, safety, and
of the Town, may apply to the Sup	NOTE: SEC. 908.0 of the Town of Midd everally aggrieved by any decision of the Zon treme Court by proceeding under Article 78 of ling of a decision in the Office of the Town C	ning Board of Appeals, or any o If the Civil Practices Law and R	
	he Applicant <u>DOES</u> outweigh the deneighborhood and therefore the varian		
	CONDITIO	NS:	
The ZBA finds that or community:	the following conditions are necessar	y to minimize adverse imp	pacts upon the neighborhood
		<u>Rebecca Parshall</u>	04-22-21
	Chairperson, Zoning Boa	rd of Appeals	Date
	RECORD OF	<u>VOTE</u>	
	MEMBER NAME	AYE	NAY
Chair	Rebecca Parshall, Chair		
Member	<u>Richard DeMallie</u>		
Member	<u>Ted Carman</u>		<u>X</u> _
Member	Elizabeth Grant		
Member	Win Harper (alt)		<u>X</u> _
	(Version update: May 2	2011)	