

# AREA VARIANCE FINDINGS & DECISION

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

Applicant: Jeff & Nancy Wolk

Variance No: #040921-ZBA (Lot Coverage)

Address: 3830 Canal Road, Spencerport, NY 14459

Zoning District: (LR)

Telephone: (585) 721-1153

Published Notice on DM (04/06/21)

Property Location: 894 South Lake Rd. – Tax ID #21.26-1-4

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 (2) Area Variances for vacant property located in the Lake Residential Zoning District. Applicant is seeking 28% Lot Coverage; whereas, maximum lot coverage in this zoning district is 20%. Applicant is also requesting a 10 ft. variance on the north side setback for a driveway to be located 5 feet off the boundary line; whereas, a side setback of 15 feet is required 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: The applicants have provided due diligence in reducing the lot coverage as much as possible from 28% to 26.7% with site constraints of an existing septic and driveway 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 achieved by some method, feasible for the applicant to pursue, other than a variance: Yes \_\_\_ No X

Reasons: The applicants have done everything to reduce the footprint of the house, attached garage and pre-existing driveway by providing retaining walls, swales and landscaping 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 X No \_\_\_

Reasons: It is substantial, as it is 6.7% over the maximum 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 narrow driveway to improve the access to the property.

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

