

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 (Side Setback)

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 contiguous properties have no complaints with the requested variances or the plans as submitted.

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 pre-existing location of the septic leach field restricts the location of the pre-existing gravel access to the lot narrows to only 10 ft. wide and places it 5 feet from the northern property line.. The applicants have pursued all alternatives in planning the location of the house they are proposing.

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

Reasons: The side setback request of 10 ft., with the driveway placement within 5 feet of the neighbor's lot is quite substantial at 66 2/3%, however they need a driveway to access the lot, this one is pre-existing and can't be relocated due to the location of the septic leach field which they also need, but it can't be moved according to NYSDOH. No other way with these on-site restrictions.

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 driveway's location was already there, and so has no adverse effect or impact on the environmental conditions as the applicants will be improving it and improving the drainage.

