AREA VARIANCE FINDINGS & DECISION

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

Applicant: _ <i>Jeff & Nancy Wolk</i>	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 <u>N/A</u>
Applicable Section of Town Zoning Code: Sec. #403, Schedule	<u>II</u> County Hearing held on <u>N/A</u>
NATURE OF	REQUEST
Applicant is requesting (2) Area Variances for vacant pro Applicant is seeking 28% Lot Coverage; whereas, maximu also requesting a 10 ft. variance on the north side setback whereas, a side setback of 15 feet is required per Section #	m lot coverage in this zoning district is 20%. Applicant is for a driveway to be located 5 feet off the boundary line;
<u>FACTORS</u> 0	CONSIDERED:
Whether an undesirable change would be produced in the ch would be created: Yes	aracter of the neighborhood or a detriment to nearby properties No \underline{X}
Reasons: The contiguous properties have no complaint	s with the requested variances or the plans as submitted.
2. Whether the benefit requested by the applicant could be achi	eved by some method, feasible for the applicant to pursue, other
than a variance: Yes	No <u>X</u> _
Reasons: The pre-existing location of the septic leach fi	eld restricts the location of the pre-existing gravel access to the lo
narrows to only 10 ft. wide and places it 5 feet from the norther	n 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 <u>X</u>	No
Reasons: The side setback request of 10 ft., with the di	iveway 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	a't be moved according to NYSDOH. No other way with these on-
site restrictions.	
4. Whether the variance would have an adverse effect or impac	t on the physical or environmental conditions in the neighborhood
or district Yes _	No _ <u>X</u>
Reasons: <i>The driveway's location was already there, a</i>	nd so has no adverse effect or impact on the environmental

conditions as the applicants will be improving it and improving the drainage.

5. Whether the alleged difficult	ty was self-created:	Yes <u>X</u>	No			
Reasons: <u>It is simply b</u>	ecause they are placi	ng a house on	a vacant lot, but site	restrictions	on the width and location of	-
the driveway, and the NYSDOH	I restrictions on the s	eptic leach fie	eld also drove the nee	d for the var	iance request.	
DETERMIN	NATION OF TH	IE ZBA BA	ASED ON THE	ABOVE	FACTORS:	
The ZBA, after taking into co <u>Elizabeth Grant</u> , finds that:	onsideration the abo	ove five facto	ors, in a motion mad	le by <i>Win I</i>	Harper and seconded by	
☐ The benefit to the Ap welfare of the neighborhood				character, h	ealth, safety, and	
Any person or persons jointly or se of the Town, may apply to the Supr within thirty (30) days after the fili	verally aggrieved by an eme Court by proceedir	y decision of th ng under Article	e 78 of the Civil Practice	eals, or any of		
✓ The benefit to the welfare of the new		_	e detriment to the clariance request is G			
		CONDIT	ΓΙΟΝS:			
The ZBA finds that the or community:	ne following condit	ions are nece	essary to minimize a	ndverse imp	pacts upon the neighborhoo	d
	Chairper	son, Zoning	Rebecca F Board of Appeals	arshall_	<u>04-22-21</u> Date	
		RECORD (OF VOTE			
	MEMB	ER NAME		AYE	NAY	
Chair	Rebecca Parshall	!, Chair		<u>X</u>		
Member	Richard DeMallie			<u>X</u>		
Member	<u>Ted Carman</u>		<u> </u>	<u>X</u>	<u></u>	
Member	Elizabeth Grant		<u> </u>	<u>X</u>		
Member	Win Harper (alt)			<u>X</u>	_ _	
	C	Version update:	May 2011)			