

# AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on February 15, 2018

## NATURE OF REQUEST

Applicant: Charles & Michele Peters

Variance No: #011518-Z

Address: 1205 Upper Hill Rd., Middlesex NY 14507

Zoning District: (AR)

Telephone: (585) 752-6875

Published Notice on DM (02-04-18)

Property Location: 00 Sunflower Drive – Tax ID #23.73-1-10

Notice to County sent on N/A

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

County Hearing held on N/A

Applicant is requesting an Area Variance on his vacant lot (Parcel A) for existing road frontage to become 156.22 feet after subdividing a portion of it (Parcel B) as a 2-lot subdivision in order to sell (Parcel B) to his neighbor. The parcel is located in the Agriculture/Residential Zoning District in which the road frontage requirement is 200 feet per parcel pursuant to Sec. #403, Schedule II of the Town 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: In my opinion, there would be no change. It is a vacant lot and the topography of the land would remain the same. The new owner plans to keep this parcel as vacant land without interest in developing it in the future.

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: It does not appear to be feasible for the applicant to pursue any other method, as the owner is selling off half of his parcel to his neighbor as a vacant lot and the new owner plans to keep the parcel as vacant in the future.

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

Reasons: The variance is 20% of the allowable amount. Once sold, it will remain as it was prior to the sale of the parcel.

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 property will remain physically and environmentally the same as it was prior to the variance request.

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

Reasons: The owner has decided to sell off half of his property, which created the need for a variance request.

**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 Win Harper, 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:

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Arthur Radin  
Chairperson, Zoning Board of Appeals

February 15, 2018  
Date

**RECORD OF VOTE**

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