

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on January 21, 2014

Applicant: Mr. Chris W. Shortz

Variance No: #121113-ZBA

Address: 7165 Herlford Shire Way, Victor NY 14564

Zoning District: LR

Telephone: (585) 755-5925

Published Notice on January 16, 2014

Property Location: 5650 Widmer Road, Middlesex, NY 14507

Notice to County sent N/A

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

County Hearing held on N/A

NATURE OF REQUEST

Applicant requests an area variance to build a 14 ft. x 26.3 ft. addition to an existing structure that does not meet the current Zoning Law minimum area requirement for lakefront property which requires forty feet from the High Mean Water Mark. The request is denied due to the proposed addition measuring 27.83 feet from the HMWM. The variance request is for 12 feet and 17 inches.

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 proposed modifications will enhance the property as it presently exists and the nearby neighbors have stated they are in favor of the proposed addition.

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 applicant could not feasibly achieve the same benefit to the existing structure without placing it where it currently is proposed.

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

Reasons: The front porch variance request does increase the overall square footage; however I do not believe that a four foot variance request is a substantial one.

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 addition of gutters will be a positive addition to improve the structure and control storm water runoff.

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

Reasons: All modifications to existing structures are self-created, but this is a reasonable solution and the benefit to the applicant outweighs any detriment created by the 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 Ms. Elizabeth Grant and seconded by Mr. 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 in order to minimize adverse impacts upon the neighborhood or community:

Arthur Radin
Chairperson, Zoning Board of Appeals

February 2, 2014
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Mr. Arthur Radin, Chair</u>	<u>X</u>	___
Member	<u>Mr. Richard DeMallie</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. Win Harper</u>	<u>X</u>	___