

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on December 3, 2013

Applicant: Mr. Thomas V. Northrop

Variance No: #112013--Z

Address: 10665 East Ironwood Drive, Scottsdale, AZ. 85258

Zoning District: LR

Telephone: (602) 738-3027

Published Notice on November 26, 2013

Property Location: 5450 Sunnyside 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 (2) two area variance: 1) Front Yard Setback. Current zoning requires 40 ft. from the High Mean Water Mark. Applicant requests 19 ft. in order to locate a screened porch addition at 21 feet from the High Mean Water Mark. (2) Side Yard Setback. Current zoning requires 15 ft. in this district. Applicant is requesting an 11ft. variance locating the proposed structure to be 4 ft. from the property line. These proposed modifications do not meet current Zoning Code Area Requirements in the Lake Residential District, according to Sect. #403, Schedule II, and are therefore denied without a variance.

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: Variance #1 Front Yard Set Back & Var. #2 Side Set Back: Yes ___ No X

Reasons: Var. #1) Even though this request makes the Front Yard Setback more non-conforming at 21ft. instead of 40ft. there is still 33 ft. remaining and due to eclectic style neighborhood, it doesn't detract or affect the neighborhood a bit.

Var. #2) The proposed project only extends the screened-in porch to be in alignment with the pre-existing dwelling which is also pre-existing and non-conforming, so it is not visibly more.

2. Whether the benefit requested by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance: Variance #1 Front Yard Set Back & Var. #2 Side Set Back: Yes X No ___

Reasons: Var. #1) The applicant could locate the project facing the north side of the dwelling, but it still would not alleviate the pre-existing side setback which is the south side of the dwelling. Var. #2) The applicant could move it over 11 ft., however it visibly would look patched on. The proposed extension to the dwelling is the appropriate place visually.

3. Whether the requested variance is substantial: Variance #1 Front Yard Set Back: Yes X Var. #2 Side Set Back: No X

Reasons: Var. #1): Yes, the Front Yard Set Back is substantial considering currently is pre-existing. Var. #2: No, the Side Set Back request is not substantial because it is in alignment with the southern side Set Back of the dwelling which is the same Set Back and is pre-existing and non-conforming.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood

or district: Variance #1 Front Yard Set Back & Var. #2 Side Set Back: Yes ___ No X

Reasons: The proposed modifications are minimal and certainly will not have an adverse environmental impact on the conditions of the neighborhood; however will make a positive physical improvement to the dwelling and will be in keeping with the character of the neighborhood .

5. Whether the alleged difficulty was self-created: Variance #1 Front Yard Set Back & Var. #2 Side Set Back: Yes X No ___

Reasons: I believe the difficulty is definitely self-created, as the owner could make the proposed improvements to meet the Front and Side setbacks; however it visibly would not be as appealing and would not improve the pre-existing current Side Setback

Comments: In determining both of these variance requests, it was noted by Chairman Radin, that the proposed addition to the primary dwelling conforms to the rest of the neighborhood architectural design and does not depart from the character of Sunnyside Road, but will be an improvement to the property.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Mr. Arthur Radin and seconded by Ms. Elizabeth Grant, finds that:

X The benefit to the Applicant DOES outweigh the detriment to the character, health, safety, and welfare of the neighborhood in both instances and therefore the (2) variance request (s) are **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

December 3, 2013
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u><i>Mr. Arthur Radin, Chair</i></u>	<u><i>X</i></u>	_____
Member	<u><i>Mr. Donald Burkard</i></u>	<u><i>X</i></u>	_____
Member	<u><i>Mr. Ted Carman</i></u>	_____	<u><i>X</i></u>
Member	<u><i>Ms. Elizabeth Grant</i></u>	<u><i>X</i></u>	_____
Member	<u><i>Mr. Richard DeMallie</i></u>	<u><i>X</i></u>	_____
Member	<u><i>Mr. Benjamin Dunton (absent)</i></u>	_____	_____

(Version update: May, 2011)