

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on November 2, 2017

NATURE OF REQUEST

Applicant: Terry Hafler

Variance No: #101817-Z

Address: 301 Bare Hill Road, Rushville, NY 14544

Zoning District: (LDR)

Telephone: (585) 554-4010 or (585) 750-1605

Published Notice on DM (10-27-17)

Property Location: Tax ID #3.04-1-1

Notice to County sent on N/A

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

County Hearing held on _____
Determination:

Applicant is requesting an Area Variance to locate a 30' x 40 ft. Pole Barn 58-ft. from the center line of the road. Applicant is requesting a 42-ft. variance from the Low Density Residential Zoning District in which it is located which requires a front setback of 100 ft. from the centerline of the road 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: Pole Barns are typical in this area and many are located close to the road for convenience purposes.

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: Because of the topography of the property and its' slope to the east, this location seems to create the least disturbance to the land and in my estimation this project is not relevant in importance for this area.

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

Reasons: I believe it is substantial in terms of the setback as the variance request is 40% of the total setback required in this Zoning District, but still does not create a major significance in the area.

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: No I don't believe so, it is a rural road with little development and the neighbor down the road has a wood workshop that is clearly closer to the road than this project will be.

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

Reasons: I do not believe the difficulty was self-created due to the slope of the land and the owner's need to bypass

buried water lines on 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 Arthur Radin and seconded by Elizabeth Grant, 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: _____

Arthur Radin
Chairperson, Zoning Board of Appeals

November 2, 2017
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>(absent)</u>	_____
Member	<u>Ms. Rebecca Parshall (alt.)</u>	<u>(absent)</u>	_____

(Version update: May, 2011)