

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on April 15 , 2010

Applicant: Mr. Leon Button

Variance No: #032510-Z

Address: 5768 North Vine Valley Road, Rushville NY 14450

Zoning District: A/R

Telephone: (585) 554-5389

Published Notice on April 4, 2010

Property Location: same as above

Notice to County sent 5/18/10

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

County Hearing held on 5/27/10

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: It was determined that there would be no undesirable change as this building would provide adequate storage for many farm equipment now housed outside; hence making the building more desirable from the road.

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 was determined that constructing a building to store farm equipment is the most feasible solution.

3. Whether the requested variance is substantial: Yes X No___

Reasons: The variance is substantial as the setback request is 60' from Co. Rte. #10 instead of 100' as zoning requires

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: I do not think the variance from road centerline will cause an adverse effect or impact in the neighborhood or with environmental conditions in the neighborhood, as all neighboring parcels are owned by the applicant.

5. Whether the alleged difficulty was self-created: Yes X No___

Reasons: I believe the variance to be self-created as the size of the structure was determined by the size of the farm equipment to be stored, ; however this provides ample future growth for the farm, which is important to the district and to the community of MiddMiddlesex.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Richard DeMallie, and seconded by Mr. Donald Burkard, finds that

The benefit to the Applicant DOES NOT outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the variance request is **denied**.

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

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**.

CONDITIONS:

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

This Zoning Board of Appeals has moved to grant area variance from Zoning Code Section #403, Schedule II contingent on Yates County Planning Board Review and forthcoming determination of approval

Arthur Radin, Chair
Chairperson, Zoning Board of Appeals

6 / 2 / 2010
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. Donald Burkard</u>	<u>X</u>	___
Member	<u>Mr. Ted Carman</u>	<u>X</u>	___
Member	_____	___	___

(Version update: February, 2009)