

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on 3/18/2010

Applicant: Mr. Thomas Fusco

Variance No: # 12710-Z

Address: 28 Blandford Lane, Fairport, NY 14450

Zoning District: AG/Residential

Telephone: (585) 857-3823

Published Notice on 3/5/2010

Property Location: Mertz Road, Middlesex Tax Map ID # 22.01-1-13

Notice to County sent N/A

Applicable Section of Town Zoning Code: #501.4 & 604.2

Hearing held on N/A

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: This is not a typical mobile home. It is attractive and well-kept. There is only a 6-7% difference in the current square footage of this mobile home (784 Sq. ft.) and the Zoning Code Minimum Square Footage Requirement which is 850sq. ft. It was determined that this difference is minimal and would not be an undesirable change if a variance is granted.

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 X No ___

Reasons: Applicant could purchase a larger mobile home to meet zoning requirements and then would not have to apply for a variance in front of this board, however applicant already owns this home and prefers it to newer, bigger models.

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

Reasons: A 6-7% difference is only 4 feet and therefore is not determined to be substantial.

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: This mobile home structure is still required to meet all of the building and septic requirements to meet our Town Law and NYS codes as any other style home would also have to.

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

Reasons: One could say that it was self-created, however the applicant has owned this home for six years and they would prefer to move it to property they own rather than sell it and buy another.

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. Don Burkard, and seconded by Mrs. Elizabeth Grant, 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

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:

Mr. Arthur Radin, Chair
Chairperson, Zoning Board of Appeals

3/18/2010
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Arthur Radin</u>	<u>X</u>	___
Member	<u>Benjamin Dunton</u>	<u>X</u>	___
Member	<u>Don Burkard</u>	<u>X</u>	___
Member	<u>Ted Carman</u>	<u>X</u>	___
Member	<u>Elizabeth Grant</u>	<u>X</u>	___
Member	_____	___	___