

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on July 22 , 2010

Applicant: Mr. and Mrs. John & Tina Hullings

Variance No: #63010-Z

Address: 5144 Sunflower Road, Middlesex NY 14507

Zoning District: A/R

Telephone: (585) 554-4149

Published Notice on July 9 , 2010

Property Location: same as above

Notice to County sent N/A

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

County Hearing held on _____

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: Neighbors' statements read at the hearing attest to the support and acceptance of this proposed garage in the neighborhood and the positioning of the garage will not have a negative impact to road or neighboring parcels.

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: It was determined that it could go elsewhere, but would be costly and inconvenient because of the land terrain behind and the septic/leach field that exists underground.

3. Whether the requested variance is substantial: Yes___ No X

Reasons: The variance request is not substantial due to the location that it is in.

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: It was determined that there would not be a negative impact to the drainage in this location, nor would it interfere with the road or abutting property.

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

Reasons: It was determined to be self-created due to the owners' desire to have additional storage space, however in this case it would not be a negative concern and it was determined to be a positive addition to the parcel.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Ted Carman, and seconded by Mr. Benjamin Dunton, 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:

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>Ms. Elizabeth Grant</u>	<u>X</u>	___
Member	<u>Mr. Benjamin Dunton</u>	<u>X</u>	___
Member	<u>Mr. Ted Carman (alternate)</u>	___	___