

# AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS hearing on 9/17/09

Applicant: Mr. & Mrs. Curt & Diane Nehring Bliss Variance No. # 082609-Z

Address: 96 Chapin Street, Canandaigua, NY 14424 Zoning District: LR

Telephone: (518) 396-8917 Published Notice on: 9/08/09

Property Location: 1308 Upper Hill Rd., Middlesex, NY 14507 Notice to County sent: N/A

Applicable Section of Town Zoning Code: Section # 4 03, Schedule II 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: It was viewed onsite and the proposed addition is not visible from the road, or from the neighboring parcels, hence there is no undesirable change produced by this project.

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 is determined that because of the topography of the land and how it slopes down dramatically in several directions from the existing barn/garage, there is no other feasible way to add on to the present structure.

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

Reasons: It is substantial, however the existing structure is already non-conforming to the setbacks and the proposed addition would not make it more non-conforming and would be an improvement.

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: Any storm water run-off would definitely run downhill to wooded land and not adversely effect or impact any neighboring parcels.

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

Reasons: The applicant purchased the property with the existing barn/garage. The existing topography of the land is also pre-existing. The addition is proposed to be built on the only level part of the property that exists.

**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 Ted Carmen, 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.

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:

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Chairperson, Zoning Board of Appeals                      9/17/09  
Date

**RECORD OF VOTE**

	MEMBER NAME	AYE	NAY
Chair	<u>Arthur Radin, Chair</u>	<u>X</u>	___
Member	<u>Benjamin Dunton</u>	<u>X</u>	___
Member	<u>Elizabeth Grant</u>	<u>X</u>	___
Member	_____	___	___
Member	<u>Richard DeMallie</u>	<u>X</u>	___
Member	<u>Ted Carmen (alternate)</u>	<u>X</u>	___

(Version update: January, 2007)