

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS hearing on 7/16/09

Applicant: Mr. Robert Palmateer Variance No. # 051508-Z

Address: 480 East Lake Road, Rushville, NY 14544 Zoning District: LR

Telephone: (315) 879-8467 Published Notice on: 7/12/09

Property Location: 480 East Lake Road, Rushville, NY 14544 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 is determined that the variance requested would not create an undesirable change to the character of the neighborhood or a detriment to nearby properties even though this proposed building site may be too close to the neighboring parcel to the south.

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 is determined that because of the large amount of land available to build this project , another placement of the proposed garage away from neighboring property lines would be a better choice for all parties affected.

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

Reasons: It is determined that the variance request is asking 2/3 of the variance restrictions and so is very substantial. The applicant wants to build a garage within 5' of the boundary line when 15' is the required distance.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes X No ___

Reasons: It definitely could adversely affect physical land or environmental conditions due to the steep slope of the terrain it is on and the proposed project to be built so close to a gully which produces active runoff.

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

Reasons: The alleged difficulty was determined to be self-created because there are other locations whereby a building project of this scope could be placed that is more conceivable to all parties involved and to the topography of the land where a variance is not needed.

