

AREA VARIANCE FINDINGS & DECISION

Town of Middlesex ZONING BOARD OF APPEALS Public Hearing on January 6, 2022

Applicant:	Diana Rainaldi	Variance #:	121621-ZBA
Address:	662 Fisher Road, Rushville, NY 14544	Zoning District:	(LR)
Telephone:		Published Notice(s) on:	12/22/22
Tax Map #:	11.50-1-11	County Referral Deadline:	N/A
Applicable Section of Zoning Code:	<u>Section #403, Schedule II</u>	County Hearing Date/Response:	<u>N/A</u>

NATURE OF REQUEST

On December 16, 2021, the applicant requested three (3) variances:

1. 4' setback for a lift station; the reason for denial is a 15' side setback is required.
2. 25' front setback for a lift station; the reason for denial is a 40' front setback is required.
3. 6' setback for a garden wall.

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
Reason(s): No appreciable change in the neighborhood is going to take place as a result. Very low profile, walkways are flat with ground level. Retaining wall on the north side is in keeping essentially with what others have done.

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
Reason(s): Applicant looked at alternative ways to find a solution which included a tram and selected this as the best option in keeping with the neighborhood, this is less obtrusive than alternatives and the best approach to make the property more accessible from a handicap standpoint.

3. Whether the requested variance is substantial: Yes No
Reason(s): The project is warranted in order to make the property more accessible and meet the needs of the disability that is being addressed.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes No
Reason(s): The features that are going to be put in place are all low profile, meaning at ground level, or a minimal height (30' garden retaining wall on N side). From view standpoint it is not going to show up or stick out in any manner that would be objectionable. As stated the waterfront setback is less nonconforming than existing stairway that is there that is being replaced.

5. Whether the alleged difficulty was self-created: Yes No
Reason(s): The need for this was not self-created. We are granting the variance to address an ada type of need with respect to owner accessibility.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by _____, and seconded by _____ 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.

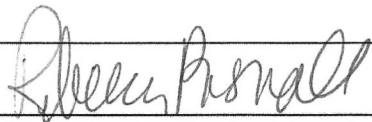
NOTE: SEC. 908.0 of the Town of Middlesex, NY Zoning Law states:

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: _____



Rebecca Parshall

Chairperson, Zoning Board of Appeals

1-6-22

Date

