AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on June 3, 2021

Applicant: <u>Dan Blankenberg</u>

Address: 154 Route #245, Rushville NY 14544

Telephone: (585) 314-7036

Property Location: same, Tax ID #003.02-1-14

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

Variance No: <u>#050621-ZBA</u>
Zoning District:(HR)
Published Notice on
Notice to County sent on <u>N/A</u>
County Hearing held on N/A

NATURE OF REQUEST

<u>Applicant is requesting an Area Variance for the purpose of locating a 24 ft. x 24 ft. pole barn for storage - four 4) feet</u> from the side property line; whereas, local zoning requires (15) fifteen feet for a side setback in the Hamlet Residential Zoning District per Section #403, Schedule II of the Town of Middlesex Zoning Code.

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: Variance requested brings the storage shed 4 feet from the property line; however the contiguous neighbor is in

support of the proposed variance request and there is no other structure in close proximity.

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 _<u>X__</u>

Reasons: *This location is the best option for all parties without doing a lot of excavation into the hillside. It will also be*

located at the end of the owner's driveway which is ideal for unloading.

3. Whether the requested variance is substantial: Yes X_ No ____

Reasons: It is substantial, but at the same time with it within the fifteen feet setback allowance does not change my

decision to grant the variance as requested.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood

or district

Yes ____ No <u>_X</u>___

Reasons: *It is a reasonable request and having a place to put stuff inside a structure will improve the neighborhood.*

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

Reasons: It is, by nature of the request, but the nature of the request has no impact on the granting of the variance

request in my opinion as the benefits to each of the parcel owners, outweighs the negatives.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by <u>*Win Harper*</u> and seconded by <u>*Liz*</u> <u>*Grant*</u>, finds that:

The benefit to the Applicant <u>DOES NOT</u> outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the variance request is <u>DENIED</u>.

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 <u>DOES</u> outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the variance request is <u>GRANTED</u>.

CONDITIONS:

The ZBA finds that the following conditions are necessary to minimize adverse impacts upon the neighborhood or community:

<u>Rebecca Parshall</u>	<u>06-03-21</u>
Chairperson, Zoning Board of Appeals	Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	Rebecca Parshall, Chair	X	
Member	Richard DeMallie	<u>X</u>	
Member	Ted Carman	X	
Member	Elizabeth Grant	X	
Member	Win Harper (alt)	X	

(Version update: May, 2011)