

AREA VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on April 4, 2019

NATURE OF REQUEST

Applicant: Donald Tesch, represented by Ted Carman
Mailing Address: 19019 21st Ave. NW, Shoreline WA 98177

Variance No: #012819-Z
Zoning District: (LR)

Agents' Address: 638 Fisher Road, Rushville NY 14544
Applicants' Telephone: (585) 734-9022 Agents' cell: 240-460-0095

Published Notice on DM (03-27-19)

Property Location: Tax ID #11.56-1-2
Applicable Section of Town Zoning Code: Sec. #403, Schedule II

Notice to County sent on 4-16-19
County Hearing held on 4-25-19

Applicant is requesting an Area Variance to build a Pole Barn 37 feet from the centerline of the road, whereas, Lakeside Residential Zoning District requires 60-feet from the centerline of the road per Section #403, Schedule II of the Middlesex Zoning Ordinance. Applicant is asking for a 23-foot variance.

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: The design and placement will be consistent with the surrounding neighborhood.

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: The proposed location is the most feasible location to locate the Pole Barn in respect to topography of the land, line-of-sight from connecting roads, and visual aesthetics of the surrounding neighborhood.

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

Reasons: The variance request is substantial, based on the amount requested for setback.

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: There will be no adverse effect or impact on the physical or environmental conditions as there are similar structures in the surrounding area, and the design of the Pole Barn will be minimal in height, and constructed to blend into the surrounding neighborhood.

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

Reasons: I believe the difficulty was self-created, it is a new build and could've been built further away from the road.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, in a motion made by Win Harper and seconded by Richard DeMallie, 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.**

X 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.***

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.

CONDITIONS:

The ZBA finds that the following conditions are necessary to minimize adverse impacts upon the neighborhood or community: * determination conditional on pending County Planning Review on April 25, 2019 – YCPB referral #2019-16: recommendation to approve with no significant county-wide impact.

Arthur Radin
Chairperson, Zoning Board of Appeals

April 4, 2019
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Mr. Arthur Radin, Chair</u>	<u>X</u>	<u> </u>
Member	<u>Mr. Win Harper</u>	<u>X</u>	<u> </u>
Member	<u>Mr. Ted Carman</u>	<u>recused</u>	<u> </u>
Member	<u>Ms. Elizabeth Grant</u>	<u>absent</u>	<u> </u>
Member	<u>Mr. Richard DeMallie</u>	<u>X</u>	<u> </u>
Member	<u>Ms. Rebecca Parshall (alt.)</u>	<u>X</u>	<u> </u>

(Version update: May, 2011)