

**TOWN OF POMPEY
ZONING BOARD OF APPEALS**

AREA VARIANCE FINDINGS & DECISION

UPON A MOTION BY MEMBER PATRICK FRAZEE AND SECONDED BY MEMBER KEVIN SHARPE, THE ZONING BOARD OF APPEALS PASSED THE FOLLOWING RESOLUTION:

WHEREAS, The applicant, David Warren came before the Zoning Board of Appeals on November 9, 2020 requesting the following variances:

1. Relief from Section 165 of the Code per “Schedule Limiting the Use of Land and Buildings” required regarding Where the front yard setback required is 50 feet , from the highway boundary, but the actual set-back is, at its furthest point 20 feet; requiring a 30 foot variance.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals adopts the following findings and decisions:

Applicant: David Warren

Zoning District: Farming

Published Notice on: N/A

Property Location: 2854 Gardner Road, Fabius, NY 13063

Use for which Variance is Requested: Front yard variance

Applicable Sections of Town Zoning Code: 165 of the Zoning Code of the Town of Pompey

Tax Map No. 017.-02-09.3

I. Notice Sent to the County Planning Board:

_____ x _____ Not Applicable
_____ Date: _____
_____ County Determination: said referral will have no significant adverse inter-community or county-wide implications.

NOW, THEREFORE, BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

II. SEORA (State Environmental Quality Review Act)

_____ x _____ Unlisted Action
_____ Type I Action
_____ Type II Action

Therefore no further environmental review is required.

III. Factors Considered:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes _____ No x _____

Reasons: Only other option would be to shorten the building. Almost inaccessible behind the house due to grades. Well screened from road by evergreen trees

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Yes _____ No x _____

Reasons: Structure is not undesirable. Fits in very well with the neighborhood.

3. Whether the request variance is substantial: Yes x _____ No _____

Reasons: The variance is going from 30 feet to meet requirements of 50 feet to a variance of 20 feet.

4. Would the variance have an adverse impact on the physical or environmental conditions of the neighborhood:

Yes _____ No x _____

Reasons: No there are no drainage or watershed problems in the location of the structure.

5. Whether the alleged difficulty was self-created: Yes x _____ No _____

Reasons: Applicant does not have to build a pole barn.

IV. DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

x The benefit to the application **DOES** outweigh the Detriment to the Neighborhood or Community.

The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that the variance granted herein are the minimum variances that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the following variances:

1. An area variance of 30 feet on the front yard set-back

RECORD OF VOTE

Member Name	Aye	Nay
David Tessier	x	
Patrick Frazee	x	
David Hale	x	

Donald Neugebauer

x

Kevin Sharpe

x

Chairman, David Tessier, then declared the Resolution duly adopted.

I, Donna Alnutt, CLERK OF THE ZONING BOARD OF APPEALS OF THE TOWN OF POMPEY, hereby certify that the foregoing is a true and correct excerpt from the minutes of a meeting of said Board duly convened and held on November 9, 2020, a quorum being present.

Donna Alnutt
Donna Alnutt, CLERK