

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS AND DECISION**

APPLICANTS: Michael Bezer
6169 County Road 41
Farmington, N.Y. 14425

File: ZB #2025-0503
Zoning District: RS-25 Residential Suburban
Published Legal Notice on: June 17, 2025
County Planning Action on: N/A
County Referral #: N/A
Public Hearing held on: June 23, 2025

Property Location: 6169 County Road 41, Farmington, New York 14425

Applicable Section of Town Code: Chapter 165, Section 58 A.

Requirement for Which Variances are Requested: The applicant wishes to erect a 12-foot by 20-foot freestanding storage building within the side yard portion of the lot located at the above referenced address. The Town Code requires accessory structures to be located in the rear yard portion of a lot.

State Environmental Quality Review Determination: The granting of an Area Variance for an a 98-square-foot addition to an existing residential structure is classified as a Type II Action under Part 617.5 (c) (16) and (17) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under article 8 of the State Environmental Conservation Law (ECL).

County Planning Referral Recommendation: N/A. Exempt Action provided for in the Ontario County Planning Board Bylaws.

FACTORS CONSIDERED AND BOARD FINDINGS

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

☐ Yes ☒ No

Findings: The Zoning Board of Appeals (hereinafter referred to as the Board) finds that the residential character of this neighborhood is predominantly single-family dwellings fronting along a County Highway and a Town Highway. The Board further finds that the proposed freestanding storage shed is located in the side yard portion of the lot. The Board further finds that while there are other portions of the lot, the rear yard portions, where the storage shed could be located, such locations do not provide adequate access to the site's driveway and would not be in proximity to the principal structure. The Board further finds that placing the proposed storage shed in these other portions of the property would have the freestanding structure located closer to adjacent residential properties. The Board further finds that the proposed location for the storage shed provides the greater separation from adjacent residential properties. The Board further finds that the proposed location for the storage shed is well buffered from adjacent properties to the south and from the intersection of County Road 41 and New Michigan Road. The Board, based upon these findings, determines that the granting of the requested Area Variance will not create an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance.
☐ Yes ☒ No

Findings: The Board finds that the proposed freestanding storage building will be located approximately forty (40) feet from the edge of the north bound travel lane for New Michigan Road and approximately 85 feet from the east bound travel lane of County Road 41. The Board further finds that the proposed location of the storage shed is well buffered from along both of these public highways. The Board further finds that locating the proposed storage shed in the rear yard portion of the site would be more remote and less visible from the principal structure. Therefore, based upon these findings, the Board determines that the benefit to the applicant cannot be achieved by a feasible alternative design to that proposed.

3. Whether the requested variance is substantial. ☒ Yes ☐ No

Finding: The Board finds that the requested encroachment into the Front Yard Setback Areas of the lot, from the two adjacent public highways, constitutes a variance of one hundred (100) percent from that required by Town Code. The Board has consistently found that a variance involving fifty percent (50%) or more is a substantial variance.

4. Whether the proposed variance will have an adverse effect or impact upon the physical environmental conditions in the neighborhood or district. ☐ Yes ☒ No

Finding: The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQRA Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of the New York State Environmental Conservation Law (ECL), Article 8. The Board finds that Type II Actions have been determined not to have a significant adverse impact upon the environment and has thereby satisfied the procedural requirements of the ECL.

5. Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the Area Variance. ☒ Yes ☐ No

Finding: The Board finds that the alleged difficulty is self-created due to the applicant's choice of wanting to locate the storage shed in the side yard portion of the lot instead of a rear yard portion of the lot.

**DETERMINATION OF THE ZONING BOARD OF APPEALS
BASED UPON THE ABOVE FACTORS**

The Zoning Board of Appeals, after reviewing the above five proofs, finds:

The Board based upon its review of the record on this application finds that the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to erect a freestanding storage shed in the side yard portion of the lot is **APPROVED with the following conditions:**

- 1. The exterior of the storage shed is to match, to the extent practical, the exterior design and color of the principal structure.**
- 2. The site's natural vegetative cover provides a good buffer between the proposed storage shed and the adjacent residential properties to the south and from the intersection of County Road 41 and New Michigan Road. In the event, this natural buffer area no longer exists, the property owner will then be required to install a new landscape buffer along the west and south sides of the storage shed. In such event, the Town Code Enforcement Officer shall be required to approve of a new landscape buffer next to the storage shed.**
- 3. Any light fixture(s) to be installed as part of the proposed storage shed shall comply with the Town's Dark Sky lighting regulations contained in Chapter 165 of the Town Code.**
- 4. There shall be no water connection made to the proposed storage shed.**
- 5. The existing walking paths, located in the rear yard portions of the subject property, that are being used by the adjacent property owners to the south for private access to the Town-owned Auburn Trail are to be discontinued and closed-off permanently by the property owner prior to the Town Code Enforcement Officer issuing a Certificate of Compliance for the proposed Storage Shed.**
- 6. A Building Permit for the proposed storage shed shall be obtained by the applicant prior to the start of construction.**

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Applicant and a copy of this resolution filed with the Town Clerk's Office.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

The above resolution was offered by NAME and seconded by NAME at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, June 23, 2025. After discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye or Nay
Jody Binnix	Aye or Nay
Ralph Bocchino	Aye or Nay
Tom Lay	Aye or Nay
Thomas Yourch	Aye or Nay

Motion result:

I, Carol Marvel, Clerk *ProTem* of the Board, do hereby attest to the accuracy of the above Resolution being acted upon and recorded in the minutes of the Farmington Zoning Board of Appeals for the June 23, 2025, Meeting.

L.S.

Carol Marvel
Clerk *ProTem* of the Zoning Board of Appeals

DRAFT