

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

APPLICANT: Todd Cunningham
1674 Lillybrook Ct.
Farmington, N.Y. 14425

File: ZB #2025-0502
Zoning District: RR-80 Rural Residential &
IZ Incentive Zoning – Auburn Meadows
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: 1674 Lillybrook Court, 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 7-foot by 18-foot roof over an existing patio to be attached to the front of the residence located at the above address, with a proposed front setback of 35 feet. The Town Code requires a minimum front setback of forty (40) feet in the IZ Auburn Meadows Incentive Zoning District.

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. Property is not located within the jurisdictional area defined in Section 239-1 of the New York State General Municipal Law, therefore, no referral is required to the Ontario County Planning Board.

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 Town Highway and lying within an established residential neighborhood. The Board further finds that the proposed roof extension is in keeping with the character of other dwellings in the neighborhood. The Board further finds that the proposed roof will be an extension to the roof on the principal dwelling. The Board further finds that the applicant intends to install the proposed roof extension over an existing concrete patio and as part of a re-roofing of the principal structure in a manner that would have fewer seams. The Board further finds that the proposed design for this roof addition will complement the front elevation of the existing structure. 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 cause 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 existing structure, the front of the garage, is located forty (40)-feet from the Front Lot Line of Lillybrook Court. The Board further finds that the proposed roof will cover an existing patio which involves an encroachment of five (5) feet into the Front Yard Area of the Lot for placing the support structures for the extension of the roof line from the principal dwelling. The Board further finds that the proposed design for the roof support structures would leave thirty-five (35) feet between the front of the proposed roof structure and the Front Lot Line along Lillybrook Court. The Board further finds that there are utility easements on the property near the proposed roof expansion area that prevent another design option from being feasible for installing the support structures for the proposed roof. Therefore, based upon these findings, the Board determines that the benefit to the applicant cannot be achieved by a feasible alternative design.

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

Finding: The Board finds that the requested encroachment into the Front Yard Setback from Lillybrook Court Involves granting a variance of five (5) feet. The Board further finds that a five-foot variance is a variance of 13.5% 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 SEQR 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 extend a roof over top of an existing patio that is located in front of the principal dwelling and of the proposed size.

**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 an open-air roof over the top of an existing patio, resulting in a thirty-five (35) foot front set back from Lillybrook Court, instead of the required forty-feet (40) is **APPROVED with the following conditions:**

- 1. The roof addition is to match, to the extent practical, the roof of the existing structure.**
- 2. The roof addition shall not be enclosed.**
- 3. Any light fixture(s) to be installed as part of the proposed roof addition shall comply with the Town's Dark Sky lighting regulations contained in Chapter 165 of the Town Code.**
- 4. A Building Permit 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