

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 10, 2020, at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette  
Dustin Cichon  
David Cook  
Stephen Maxon

ABSENT: Stephen Tudhope

ATTORNEY: David Hou

OTHERS: Town Councilman John Hagreen

Minutes were taken by Michelle Booth.

Mr. Bassette opened the meeting at 6:59 p.m.

**TSCHIDERER AREA VARIANCE PUBLIC HEARING**

Stephen and Amy Tschiderer, 1140 Mile Square Road, Honeoye Falls, consisting of .69 acres, for an addition on the existing, two-car garage at said property with a side setback of approximately 8.3 feet whereas code requires a 15-foot side setback. Zoned RS-30. Tax account no. 216.08-1-7.1

Mr. Bassette acknowledged the affidavit of posting in the file and waived the reading of the public notice.

Mr. Tschiderer explained the need for the area variance. He stated that he has spoken to the neighbors, there were no objections that he is aware of.

There was a discussion about moving the garage to a different area of the property. Mr. Tschiderer stated due to the septic placement and topography this is the best area.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated yes.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated yes.

**PUBLIC COMMENT**

There was no public comment.

**MOTION**

Mr. Cook moved, second by Mr. Maxon, to close the Public Hearing.

**APPROVED**

Mr. Bassette – aye; Mr. Cichon– aye; Mr. Cook – aye; and Mr. Maxon - aye.

**MINUTES**

**MOTION**

Mr. Cook moved, second by Mr. Cichon, to approve the minutes from August 13, 2020 as submitted.

**APPROVED**

Mr. Bassette – aye; Mr. Cichon– aye; Mr. Cook – aye; and Mr. Maxon - abstained.

**TSCHIDERER AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Mr. Cook, that the area variance requested by Stephen and Amy Tschiderer, 1140 Mile square Rd., Honeoye Falls, consisting of .69 acres, bearing Tax Account No.216.08-1-7.1, located in an RS-30 zone, for an addition on the existing, two car garage at said property, with a side setback of approximately 8.3 feet, whereas code requires a 15- foot side setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Stephen Tschiderer, the property owner, appeared before the Zoning Board of Appeals at the public hearing on September 10, 2020.
2. Section 260-106 of the Mendon Zoning Code states the RS-30 has a side setback of 15 feet. The applicant is requesting a side setback of approximately 8.3 feet.
3. This property and the southern neighbor are laid out such that the driveways are in proximity to the shared property line. This puts the garage portions of the houses as the nearest portions of each structure.
4. The applicant intends to build an addition onto their house. The portion relevant to the setback is the expansion of their garage to the south, replacing an area that is currently covered with black top.
5. No members of the public commented during the public hearing.
6. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review.

**CONCLUSIONS OF LAW**

1. The requested benefit **cannot** be achieved by other feasible means, as existing usage of the lot discourages alternative locations.
2. The request **is** substantial, as it is approximately half of the required setback.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as the new construction replaces existing impervious surfaces without expanding the total footprint in a significant way.

4. The request will **not** have an undesirable change in the neighborhood, as sufficient space exists between this structure and the most impacted neighbor.
5. The difficulty **was** self-created, as it is the applicants desired use of the property that is driving this variance.
6. This is a Type II action under SEQOR

**APPROVED**

Mr. Bassette – aye; Mr. Cichon– aye; Mr. Cook – aye; and Mr. Maxon - aye.

**MOTION**

Mr. Cook moved, second by Mr. Maxon, to adjourn the meeting at 7:11pm.

**APPROVED**

Mr. Bassette – aye; Mr. Cichon– aye; Mr. Cook – aye; and Mr. Maxon - aye.