

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, April 27, 2023 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette  
Stephen Maxon  
Dustin Cichon  
Christian Mahood

ABSENT: Stephen Tudhope

ATTORNEY: David Hou

Minutes were taken by Katrina Allen.

Mr. Bassette opened the meeting at 7:03 pm.

**MINUTES**

Mr. Maxon moved, seconded by Mr. Cichon to approve the minutes from March 9, 2023 meeting.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

**G. SMITH AREA VARIANCE PUBLIC HEARING**

An area variance application by Gordon Smith, 12 Lantern Lane, Honeoye Falls, consisting of .72 acres to build a 144 square-foot lean-to addition to an existing shed with a rear setback of five feet, whereas code requires a 20-foot rear setback, and therefore requires an area variance. Zoned RA-1. Tax account no. 215.02-1-55.

Mr. Bassette opened the public hearing at 7:03 pm.

Mr. Bassette waived reading the public notice as it was published in the Sentinel.

Mr. Bassette asked if the members of the Board were familiar with the property. They all were.

Mr. Gordon Smith was welcome to the table.

Mr. Smith explained the location and shed he is proposing. It will not be visible from the street, and it will be used to store lawn equipment and children’s toys. Mr. Smith stated once he cleared out trees in the back, he realized he needs to amend the setback of his variance request. He originally asked for a five-foot setback, but he now needs three-feet.

The Board discussed the amended setback variance, as well as the applicant’s original area variance in 1993.

Mr. Bassette waived the formal reading of the five questions as they were answered.

**PUBLIC COMMENT**

None

**MOTION**

Mr. Mahood moved, seconded by Mr. Cichon, to close the public hearing at 7:11 pm.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye

The Board discussed the Smith Area Variance determination.

**MOTION**

Mr. Mahood moved, seconded by Mr. Cichon to approve the Smith Area Variance.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye

**SMITH AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Mr. Mahood, that the area variance requested by Gordon Smith, 12 Lantern Lane, Honeoye Falls, Tax account no. 215.02-1-55, Zoned RA-1 consisting of .72 acres to build a 144 square-foot lean-to addition to an existing shed with a rear setback of five feet, whereas code requires a 20-foot rear setback, be **approved** based on the following:

WHEREAS, Gordon Smith, the property owner appeared before the Zoning Board of Appeals at the public hearing on April 27, 2023; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the RA-1 District has a rear setback of 20 feet. The applicant is requesting a rear setback of approximately 3 feet; and

WHEREAS, In July of 1993, the applicant received a variance to build the existing barn with a rear setback of ~17 feet; and

WHEREAS, The current request is to build a 12' x 12' shed attached to the existing barn. The intended use of this shed is to store lawn equipment and similar; and

WHEREAS, The shed would be behind the existing barn, causing it to be effectively screened from the road; and

WHEREAS, The neighboring property past the rear setback is currently farmed, and there is a tree line before reaching the field; and

WHEREAS, The applicant acknowledges the possibility of building a separate structure, he states this would be more costly and not as aesthetically pleasing; and

WHEREAS, At the Public Hearing the applicant asked for an additional two feet; and

WHEREAS, No members of the public commented during the public hearing.

WHEREAS, 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.

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested benefit **cannot** be achieved by other feasible means, as other locations would be cost prohibitive.
2. The request **is** substantial, as it is a 75% reduction 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 impact is too small.
4. The request will **not** have an undesirable change in the neighborhood, as the location has sufficient screening.
5. The difficulty **was** self-created, as it is the applicants desired construction location.
6. This is a Type II action under SEQOR

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** for the reasons stated above.

### **GENERAL DISCUSSION**

The Board discussed upcoming training, and the deadline to let Katrina know is May 1, 2023.

The Board reviewed upcoming meeting agenda items:

- May 11, 2023 – Flowers by Steve Appeal of the Code Enforcement Officer’s Interpretation.
- May 25, 2023 – McKean Area Variance

### **MOTION**

Mr. Mahood moved, seconded by Mr. Cichon to adjourn at 7:18 pm.

### **APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye