**VALIUKAS DETERMINATION**

Mr. Peckham moved, seconded by Mr. Wright, that the use variance requested by Steven Valiukas, 133 Daffodil Trial, Rochester, NY, 14626, to convert an existing first floor beauty shop into an apartment at 3906 Rush Mendon Road, Mendon, NY, consisting of 0.20 acres, bearing tax account no. 216.07-1-6, which will, because of a pre-existing apartment on the second floor, result in the establishment of an apartment building under Town of Mendon Code, be granted on the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Steven Valiukas appeared before the Zoning Board of Appeals on February 27, 2014.
2. 3906 Rush Mendon Road is a former residential structure modified to be commercial space on the ground floor, with a second floor apartment with a separate entrance on Rush Mendon Road. The commercial space was used as a hairdressing establishment in the Hamlet of Mendon for many years, but is currently unoccupied.
3. Mr. Valiukas has been unable to rent the first floor commercial space as a hairdressing establishment due to parking restrictions under Mendon Town Code. Mr. Valiukas cannot operate a retail business at this location. This restriction prevents Mr. Valiukas from achieving a reasonable rate of return on the property.
4. Mr. Valiukas intends to convert the former commercial space to an apartment. Prospective tenants have already shown an interest in renting the proposed apartment. The parking requirement under Mendon Town Code for residential dwellings is met by two driveways, one on each side of the building.
5. Mr. Valiukas submitted a financial summary for the property as part of his application. In that statement, he indicated that the lost rent on the commercial space is $840/month, and that he rents the second floor apartment for $525/month.

**CONCLUSIONS OF LAW**

1. Mr. Valiukas has demonstrated that the commercial space on the first floor of 3960 Rush Mendon Road is no longer usable as a beauty parlor and that its only economic value is an apartment.
2. The alleged hardship is unique due to the size and configuration of the lot as it relates to parking.
3. The granting of this variance would not alter the essential character of the neighborhood.
4. The hardship has not been self-created.
5. This is a Type II action under SEQR.

2/27/14