**HELLEMS AREA VARIANCE DETERMINATION**

Mr. Wright moved, seconded by Mr. Bassette, that the area variance requested by Mark Hellems, 561 Parrish Road, Honeoye Falls, NY at said property, consisting of 2.872 acres, bearing Tax Account No. 231.01-1-13, located in an RA-1 zone, to construct a 24’ x 36’ pole barn with a side setback of 5 feet, whereas Town Code requires a 20 foot side setback, be approved based on the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Mark Hellems appeared before the Zoning Board of Appeals at the public hearing on October 8 and October 22, 2015.
2. The Hellems property, although in the Town of Mendon, is “landlocked”; that is, it is only accessible from a private road, Turkey Run, in the Town of Victor. Although the address for the property is 561 Parrish Road, it does not front on Parrish Road. Turkey Run is accessed from Parrish Road at the Mendon-Victor line.
3. The property has only one visible developed neighbor. That neighbor’s property adjoins the Hellems property to the south. It is also in the Town of Mendon, is landlocked too, and has a Parrish Road address.
4. The proposed pole barn site, and the variance requested, is adjacent to the north property line. The property to the north is undeveloped and is part of a Monroe County Water Authority parcel that includes a reservoir a significant distance to the west of the Hellems property. The Water Authority parcel and reservoir are accessed from Parrish Road about 2,000 feet to the west of Turkey Run.
5. A significant portion of the Hellems property is subject to the conditions of two Town of Mendon Environmental Protection Districts (EPODS), Steep Slopes and Woodlot Protection. The proposed pole barn site is the only cleared, flat area, with access to the existing driveway, that doesn’t conflict with the home site or the EPODS.
6. Monroe County Water authority approval of building the pole barn at the proposed location is not required.
7. No members of the public appeared at the public hearing.

CONCLUSIONS OF LAW

1. The benefit Mark Hellems is attempting to achieve cannot be achieved by other means, and is consistent with the Town of Mendon’s EPOD development restrictions.
2. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
3. The request is substantial.
4. The request will not have adverse physical or environmental effects.
5. The difficulty is self-created.
6. This is a Type II action under SEQR.

10/22/15