**FORD AREA VARIANCE DETERMINATION**

**SETBACK**

Mr. Peckham moved, seconded by Mr. Lacey, that the request by Randy and Daena Ford, 185 Pond Road, Honeoye Falls, for an area variance at said property, near the Pond Road and Mendon Center Road intersection, consisting of 0.87 acres and bearing Tax Account No 204.04-1-60, located in an RA-5 zone, to allow them to construct a bird enclosure, measuring 24’ x 16’ x 10’ with a side setback of 24 feet, whereas Town Code requires a setback of 50 feet., be approved based on the following findings of fact and conclusions of law with a condition:

**FINDINGS OF FACT:**

1. Deana Ford appeared before the Zoning Board of Appeals at the public hearing on February 25, 2016.
2. The Fords wish to construct an accessory structure measuring 24 feet by 16 feet to be placed in the rear of their residence along the west property line. The proposed site would place the shed 24 feet from the property line.
3. The placement is mandated by the size of their lot (.87 acres) and to avoid encroachment on the septic system and leach field at the rear of the house.
4. The size of the structure is mandated by its intended use – namely the housing of a maximum of four raptors which will be placed with the Fords for rehabilitation purposes, and will reside permanently if rehabilitation to the wild is not possible. State and Federal wildlife agency permits require a shelter of the size proposed.
5. Mrs. Ford has experience as a wildlife rehabilitator and is familiar with site maintenance techniques. Once established the birds will be available for offsite educational demonstrations.
6. The permit/licensing process requires that an enclosure built to required standards be in place before approval from the appropriate authorities.
7. The west border of the property is substantially shielded from the adjoining residential property by a stand of mature pines. The southern and eastern borders also offer substantial cover.
8. A rendering of the structure is provided for the file demonstrating a utilitarian design constructed of wood and wire.

**CONCLUSONS OF LAW:**

1. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
2. The request will not have adverse physical or environmental effects.
3. The benefit the Fords are attempting to achieve cannot be achieved by other means.
4. The request is substantial.
5. The difficulty is self-created.
6. This is a Type II action under SEQR.

**CONDITION**

1. The shelter will not harbor more than 4 birds.