**ROBSON AREA VARIANCE DETERMININATION**

Mr. Peckham moved, seconded by Ms. Palmer, that the area variance requested by Stephen and Terri Robson, 45 Hopper Hills Way, Mendon, NY, consisting of 0.7137 acres, bearing Tax Account No. 216.12-1-39, located in an RS-30 zone, to construct a 20 x 40 foot pool with a side setback of 10 feet and a rear setback of 15 feet whereas Town Code requires a 15 foot side setback and a 20 foot rear setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Stephen Robson, the property owner appeared before the Zoning Board of Appeals at the public hearing on August 11, 2016.
2. The Robson's are requested a side setback of 10 feet and a rear setback of 15 feet to allow construction of a 20 x 40 foot pool.
3. The property line along the northern edge is irregularly shaped. It is in this region that the proposed pool would be constructed.
4. It is their belief that having a pool on site, in a secluded space, would be of significant benefit to the family.
5. Pat Welch, the neighbor whose property is just off the requested 10 foot setback, is in agreement with the requested zoning variance. A signed statement stating such was submitted to the zoning board.
6. Pat Welch has agreed to sell a small portion of their property to allow for this construction.
7. No members of the general public appeared before the board.

**CONCLUSIONS OF LAW**

1. The requested benefit **cannot** be achieved by other feasible means. The shape and size of the lot, combined with existing structures, deny the applicant other options.
2. The request will **not** have an undesirable change in the neighborhood. Multiple pools already exist in the neighborhood.
3. The request **is** substantial.
4. The request will **not** have any adverse physical or environmental effects.
5. The difficulty **was** self-created.
6. This is a Type II action under SEQR

**CONDITIONS**

1. The pending sale of a small parcel of property along the north border of the Robson property, as shown in the submitted application, must be completed and evidence of recording in Monroe County submitted to the Code Enforcement Officer prior to the construction of the swimming pool.