**ALLEN USE VARIANCE DETERMINATION**

Mr. Peckham moved, seconded by Ms. Sciortino, that the application requested by Mike and Vicki Allen, P.O. Box 309, Mendon, NY, for a use variance at 3902 Rush Mendon Road, Mendon, NY, consisting of .39 acres, bearing Tax Account No. 216.07-1-5, located in a Business Zone, to convert a single family dwelling to a 2-Unit dwelling which requires a use variance under the Town of Mendon Code be approved under the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Mike Allen appeared before the Zoning Board of Appeals at a public hearing on November 10, 2016.
2. Mr. Allen stated that he purchased the property in 2013 as a rental property. He experienced difficulties in maintaining tenant occupancy in a single unit rental. During times of vacancy the financial drain was considerable. Mr. Allen then decided to convert the property to a two- family unit, thereby allowing him to achieve a reasonable rate of return on his investment. He further stated that the financial drain as a single unit rental is reduced with two sources of income. If one unit is vacant there is still cash flow from the other.
3. Mr. Allen provided a financial summary for the property as part of his application which demonstrates the improved rate of return as a two-family unit.
4. Mr. Allen related circumstances unique to the property that have prevented its rental in conformity with uses accepted in the Zoning Code, - principally location, parking, renovation costs and water issues. He also provided a list of his efforts to rent this and other properties he owns in the hamlet between 2012 and 2015 which could not be achieved due to these and other similar issues.
5. Mr. Allen stated his belief that the conversion to a two-family unit does not alter the essential character of the locality. The Hamlet does contain single and multiple family dwellings mixed together with single family residences and commercial properties. Multi-family housing for the hamlet is a component in the Town’s Comprehensive Plan. The property directly adjacent to the east converted vacant commercial space to a two-family unit under a use variance granted in 2014.
6. Mr. Allen contracted to have the property converted, and later learned that the contractor, despite assurances, had failed to secure the necessary permit. Mr. Allen promptly contacted the Town, resulting in this ex post facto application.

**CONCLUSIONS OF LAW**

1. Mr. Allen has demonstrated that property is not financially viable as a single family rental unit and that its only economic value is as a two-family rental unit.
2. The property, originally purchased as a single family rental unit, has created a financial hardship due to the fact that code restrictions and economic conditions within the hamlet have prevented Mr. Allen from realizing a reasonable rate of return.
3. The granting of the use variance will not alter the essential character of the Hamlet.
4. The hardship is not self-created.

12/8/16