**STEFANOU AREA VARIANCE DETERMINATION**

Mr. Bassette moved, seconded by Mr. Lacey, that the area variance requested by Dimitri Stefanou, 6 Country Meadows Drive, Honeoye Falls, NY, consisting of 2.66 acres, bearing Tax Account No. 216.01-1-46.1, located in an RA-1 zone, requesting an area variance allowing him to have one rooster on his property whereas Town Code states the keeping of roosters is only permitted in an RA-5 zone, be approved based on the following findings of fact and conclusions of law and conditions:

**FINDINGS OF FACT**

1. Dimitri Stefanou, the property owner appeared before the Zoning Board of Appeals at the public hearing on October 12th, 2017.
2. On July 27th 2017, Mr. Stefanou appeared before the Zoning Board of Appeals to request a code Interpretation on this issue. As the interpretation was not in his favor, he is now asking for a variance.
3. Section 200-8.N.(5). of the Mendon Zoning Code says Roosters are permitted only in an RA-5 District. As Mr. Stefanou’s property is zoned RA-1, he is requested a variance for his one (1) rooster.
4. Mr. Stefanou and his rooster live on an approximately 2 acre lot. In addition, Mr. Stefanou owns an adjacent lot approximately 15 acres in size. Much of this larger lot is currently farmed by the Stefanou’s.
5. An RA-5 zone is adjacent to the northern border of the property Mr. Stefanou currently farms.
6. Mr. Stefanou has a chicken coop in his back yard that contains one (1) rooster, in addition to a number of hens. This coop is double fenced to contain both the animals and a small garden.
7. A number of residents submitted letters and petitions both for and against this action.
8. Neighbors, Kellie Reed, Anthony Sousou, Marcia Napolitano, and Victor Tifone commented during the public hearing.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means.
2. The request **is** substantial, as it adds a creature to a zone that would otherwise be denied it’s kind.
3. Upon review of Short Form Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as the rooster will be housed in a preexisting chicken coop that provides secure storage of feed.
4. The request will **not** have an undesirable change in the neighborhood, as adequate steps will be taken to minimize the impact on neighbors.
5. The difficulty **was** self-created.
6. This is a Type II action under SEQR

**CONDITIONS**

1. This variance is offered for this particular rooster and property owner, it does not extend to any others that may replace it.
2. The approval of this variance is on the condition that a no crow collar be utilized to eliminate the rooster from crowing. Should this be unsuccessful and crowing continues, the variance is void and the rooster must be removed from the property.