**SYMONS USE VARIANCE DETERMINATION**

Mr. Peckham moved , seconded by Ms. Sciortino, that the application by Julie and Ken Symons, 67 Lanning Road, Honeoye Falls, NY, consisting of 15.54 acres, bearing Tax Account No. 223.02-1-29, located in an RA-1 zone, requesting a Use Variance to operate a personal dog training and running business, part-time, in a proposed 60’ x 80’ Morton Building Pole Barn, which is not an allowed use in this zone be approved subject to the following findings of fact and conclusions of law and a condition:

**FINDINGS OF FACT**

1. Julie and Ken Symons, 67 Lanning Road, Honeoye Falls, NY appeared before the Zoning Board of Appeals at a public hearing on October 26, 2017 and at a continuation of the public hearing on November 9, 2017.
2. The applicants wish to conduct a dog training business on their property on Lanning Road. The intent of the training is to improve a dog’s behavior so that it coexists comfortably with people and other animals.
3. Julie Symons has 25 years of experience with dog training activities which include obedience training and the training of K9 and special use dogs for drug searches, etc.
4. The applicants have spent several years trying to find a suitable commercial property to support this business. They have elected to construct a 60’ by 80’ building on their present RA-1 zoned property to specifically house the training activities.
5. Classes would be limited to a maximum of six participants per class. Most training activities would be conducted inside the building. No dogs will be boarded at the facility.
6. The applicants provided a “Proof of Financial Hardship” document.
7. No members of the public spoke at either hearing.

**CONCLUSIONS OF LAW**

1. Proof of Financial Hardship – The applicants have provided analysis that under zoning regulations, the applicants are deprived of all economic use or benefit from the property in question relating to their business goals. They have further demonstrated that alternative sites for the business within their marketing area will not yield a reasonable return while locating the business in a building on the property will accomplish this objective.
2. The proposed use will not alter the essential character of the neighborhood. The zoning regulations presently allow as a special permitted use “Riding Academies” which conduct a similar business as that proposed by the applicants - working with horses rather than dogs.
3. The hardship is unique to the applicants and not general to the zoning district. The zoning regulations do provide for several special permitted uses of RA-1 properties, many of which are business related. None of these permitted uses apply to the applicant’s business goals. Also, site physical limitations would also preclude other permitted uses on the applicant’s property.
4. The hardship is not self-created. The use sought by the applicants is neither stated in the zoning regulations, nor is it specifically prohibited. The difficulty is created by omission, not specific prohibition. The use conditions stated in the zoning regulations at the time the applicant’s purchased the property are not relevant to the requested use. The applicants have demonstrated that market conditions for commercial rental property are the major factor in the decision to locate the existing business activity to their RA-1 property.
5. This is a type II action under SEQR.

**CONDITION:**

The Use Variance granted by this Determination is conditioned on site plan approval by the Planning Board of the Town of Mendon within 90 days of its recording in the office of the Mendon Town Clerk. If site plan approval is not granted within this time frame, the Use Variance is void.