**BHAMBRA AREA VARIANCE DETERMINATION**

Mr. Peckham moved, seconded by Ms. Sciortino that the request by John Bhambra, 893 Mile Square Road, Pittsford, NY for an area variance at said property, consisting of 12.63 acres, bearing Tax Account No. 205.02-1-17.2, located in an RA-5 zone, to construct a gate at the end of a driveway with a height of 66 inches at the highest point, whereas Town Code states the maximum height of a gate in the front yard is 48 inches, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Mr. and Mrs. Bhambra appeared before the Zoning Board of Appeals at a public hearing on March 8, 2018.
2. Mr. Bhambra wishes to place the gate at the end of his driveway to provide for the safety of his daughter while riding her bicycle along the driveway. The posted speed limit on Mile Square Road is 50 mph. He feels the gate will serve as a deterrent to her entering the roadway.
3. The length of the driveway from a frame garage behind the house to the road is approximately .10 mile.
4. A drawing was provided for the file showing an additional 42.7 ft. barrier fence consistent with the gate design extending the barrier southward to rough ground unsuitable for a bicycle. A similar northern barrier is formed by a 6.5 ft. length of fence and an existing 5.8 ft. by 8.3 ft. frame shed which sits 33 ft. from the right of way on Mile Square Road.
5. No members of the public commented on the application during the public hearing.

CONCLUSIONS OF LAW

1. The request will not have an undesirable change in the neighborhood, or nearby properties. Large entry gates are becoming more common in the town especially for security purposes. A recommended change in Town Code to raise gate heights is pending before the Town Board.
2. The requested benefit cannot be achieved by other feasible means. The driveway on the property is the only smooth run space to provide for the bicycle.
3. The request will not have any adverse physical or environmental effects.
4. The request is not substantial, especially in the light of Conclusion #1 above.
5. The difficulty is not self-created. Child safety mandates the request.
6. This is a Type II action under SEQR.