**BELMONT USE VARIANCE DETERMINATION**

Ms. Sciortino moved, seconded by Mr. Cook, that the use variance requested by Diane Belmont, 61 Elmford Road, Rochester, NY, for property located at Mendon Pet Supply, 11 Mill Road, Mendon, NY, consisting of 0.50 acres, bearing Tax Account No. 216.07-1-13, located in a Business zone, to add cat boarding, which is not an allowed use, to the existing retail pet supplies sales, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Diane and Johnny Belmont, the business owners appeared before the Zoning Board of Appeals at the public hearing on April 11, 2019.
2. The applicant has requested to board cats on site. Section 260-17 of the Mendon Zoning Code lists all the permitted uses in the Business District.
3. The applicant intends to convert an existing space, approximately 11 x 22, in order to house cats. No external modifications would be needed.
4. The applicant provided sales figures showing they were averaging $24640 per month in 2017, and are currently averaging $18351 per month for the year to date. They attribute this ~25.5% decrease to customer purchases being made through the internet instead.
5. The applicant explicitly stated there will be no dogs, only cats.
6. Across the street from a veterinary and pet grooming service.
7. The applicant expects increased revenue from the boarding directly, and hopes traffic will improve other sales.
8. Members of the public where given the opportunity to comment during the public hearing.
9. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review.

**CONCLUSIONS OF LAW**

1. The request will **not** have an undesirable change in the neighborhood, as there will be no external changes to the property and people in the area are already engaged in similar activities.
2. The difficulty was **not** self-created, as the internet continues to disrupt previous business models, requiring us all to adapt.
3. The business owner can**not** realize a reasonable return on investment, as demonstrated through the financial records provided. In addition, the cost of converting to any of the other allowed uses would be significant.
4. The alleged hardship does **not** apply to a substantial portion of the neighborhood, as there are no other pet stores in the area.
5. This is a Type II action under SEQR

**CONDITIONS OF APPROVAL**

1. Subject to compliance with building code, as determined by Town Code Enforcement Officer.