**SMITH AREA VARIANCE DETERMINATION**

Mr. Lacey moved, seconded by Mr. Maxon, that the area variance requested by Michael and Katelynn Smith, 102 Klink Road, Rochester, NY 14625, for an area variance at property located on Quaker Meeting House Road and Cheese Factory Road, consisting of 20.562 acres, bearing Tax Account No. 222.03-1-19.11, located in an RA-5 zone, to build a new home on said property that has 60.06 feet of frontage on Quaker Meeting House road, whereas Town Code requires 100 feet of road frontage, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Michael and Katelynn Smith, the property owner appeared before the Zoning Board of Appeals at the public hearing on April 25, 2019.
2. Section 260-8(D) of the Mendon Zoning Code states “Every principal building shall have access to a public street. Access is to ... be a minimum of 100 feet in an RA-5 District”. The applicant is requesting access of approximately 60 feet.
3. A map of the property, dated August 14, 2018, was provided showing it as having been part of a “Suor Subdivision”. When that subdivision occurred, this lot was left with road frontage of approximately 60 feet.
4. Section 5-4 of the Mendon Zoning Code defines a “LOT, FLAG”, and this property matches that definition. As such, the approximately 60 feet wide portion of the lot “shall not be considered buildable”.
5. A driveway already exists on the property, connecting the road to the buildable portion of the lot.
6. The property does not currently have a street address. It is between 380 and 402 Quaker Meeting House Road.
7. Whereas the property has an additional access to Cheese Factory Road through an easement, and it was represented to the applicant by the previous owner that this easement would count for an additional 60 feet of frontage.
8. No members of the public commented 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 requested benefit can**not** be achieved by other feasible means, as additional land cannot be created to bring the lot into compliance.
2. The request **is** substantial, as it is approximately 40% reduction of required road frontage.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as allowing one more house will have no meaningful impact on the environment.
4. The request will **not** have an undesirable change in the neighborhood, as there are other flag lots with houses setback a significant distance from the road.
5. The difficulty was **not** self-created, as the previous property owner divided the land into its current configuration.
6. This is a Type II action under SEQR