**WOOLAVER AREA VARIANCE DETERMINATION**

Ms. Sciortino moved, seconded by Mr. Maxon, that the area variance requested by David Woolaver, 3887 Rush Mendon Road, Mendon, for an area variance at said property, consisting of 0.5 acres, bearing Tax Account No. 216.110-1-4, located in an RS-30 zone, to build a second story deck off the existing barn, which will result in a rear setback of approximately 11.3 feet, whereas Town Code requires a 20 foot rear setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. David Woolaver, the property owner appeared before the Zoning Board of Appeals at the public hearing on April 25, 2019.
2. The decks proposed location would grant it a view of the sports fields to the south. The sports fields have been there, in some form, for at least 40 years.
3. Section 260-106 of the Mendon Zoning Code states the RS-30 has a rear setback of 20 feet. The applicant is requesting a rear setback of approximately 11 feet, to allow construction of a second story deck off their existing barn.
4. There is a leech field to the east of the barn.
5. The construction of the barn precludes a deck on the side.
6. Members of the public where given the opportunity to comment during the public hearing.
7. 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, because of the construction of the building.
2. The request **is** substantial, as it is approximately 45% of the required setback.
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 the proposed construction is minor.
4. The request will **not** have an undesirable change in the neighborhood, as the requested deck will be obscured from nearby residential lots by both it’s location on the lot and the existing foliage.
5. The difficulty **was** self-created, as the applicants chose to build a deck.
6. This is a Type II action under SEQR