**TSCHIDERER AREA VARIANCE DETERMINATION**

Mr Maxon moved, seconded by Mr Cook, that the area variance requested by Stephen and Amy Tschiderer, 1140 Mile Square Rd., Mendon, consisting of .69 acres, bearing Tax Account No.216.08-1-7.1, located in an RS-30 zone, for an addition on the existing, two car garage at said property, with a side setback of approximately 8.3 feet, whereas code requires a 15- foot side setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Stephen Tschiderer, the property owner, appeared before the Zoning Board of Appeals at the public hearing on September 10, 2020.
2. Section 260-106 of the Mendon Zoning Code states the RS-30 has a side setback of 15 feet. The applicant is requesting a side setback of approximately 8.3 feet.
3. This property and it’s southern neighbor are laid out such that the driveways are in proximity to the shared property line. This puts the garage portions of the houses as the nearest portions of each structure.
4. The applicant intends to build an addition onto their house. The portion relevant to the setback is the expansion of their garage to the south, replacing an area that is currently covered with black top.
5. No members of the public commented during the public hearing.
6. 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 existing usage of the lot discourages alternative locations.
2. The request **is** substantial, as it is approximately half 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 new construction replaces existing impervious surfaces without expanding the total footprint in a significant way.
4. The request will **not** have an undesirable change in the neighborhood, as sufficient space exists between this structure and the most impacted neighbor.
5. The difficulty **was** self-created, as it is the applicants desired use of the property that is driving this variance.
6. This is a Type II action under SEQR