

Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

ZONING BOARD OF APPEALS DECISION NOTIFICATION

Public Hearing Opened: August 16, 2022
Public Hearing Closed: August 16, 2022

Meeting Date: August 16, 2022
Project: CPN-22-051

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Theodore Shepard & Laureen Burke	Theodore Shepard & Laureen Burke	Front setback, rear setback, lot coverage, setback for driveway	5007/5009 Co Rd 16, Canandaigua, NY	154.09-1-21.000

Type of Application

☒ Area Variance ☐ Use Variance
☐ Interpretation ☐ Rehearing

Variance/Interpretation Requested

Applicant is requesting:

A) A 40-foot front setback when 60 feet is required, *a 20-foot front setback area variance is required.*

B) A 37-foot rear setback when 60 feet is required, *a 23-foot rear setback area variance is required.*

C) A 26.9 percent lot coverage when a 25 percent maximum is required, *a 1.9% lot coverage variance is required.*

D) An expansion to a pre-existing, non-conforming driveway that will be 3.8 linear feet from the property line when 10 feet are required, *a 6.2 feet area variance for driveway distance to property line is required.*

A.) Shall the applicant be granted a 20 foot front setback variance?

B.) Shall the applicant be granted a 37 foot rear

SEQR

☐ Type I
☒ Type II
☐ Unlisted
☐ See Attached Resolution(s)
Neg Dec Date:
Pos Dec Date:

setback variance?

C.) Shall the applicant be granted a 1.9 percent lot coverage variance?

D.) Shall the applicant be granted a 6.2 foot driveway distance to the property line variance?

Applicant Request

- ☒ Granted
- ☐ Denied
- ☐ Continued to:
- ☐ See attached resolution(s)

A. Voting:

John Casey	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler (Chair)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

Shannon Chevier (Alternate)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
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B. Voting:

John Casey	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler (Chair)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

Shannon Chevier (Alternate)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
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C. Voting:

John Casey	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler (Chair)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

Shannon Chevier (Alternate)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
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D. Voting:


John Casey	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler (Chair)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Shannon Chevier (Alternate)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

Reasons

As depicted in the descriptions, drawings, and materials presented during the Public Hearing on August 16, 2022 plus the materials submitted on 7/1/2022, 7/15/2022, and 7/27/2022, the benefit to the applicant does outweigh the detriment to the neighborhood or community and the variance is granted. The board's decision is based on the facts from the public hearing. The variances are minimal. The applicant has done a good job in adjusting their plan to minimize the variances. Paths and walks are 30% grass and 70% pavers. The applicant has given attention to drainage issues and runoff, including a large rain garden. There is a limitation of what can be done because of the shape of the property and topography. The applicant has managed to keep all but one of the mature trees. The size of the house is in keeping with the character of the neighborhood. They are not using the pool for runoff as stated in the ECB minutes and the original MMR letter.

Conditions

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated July 27, 2022. Any change in plans, shall invalidate the variance.
2. The variance is conditioned on a building permit being obtained within one (1) year of the date the variance is granted. Failure to obtain a building permit within one (1) year shall invalidate the variance.

Certified By: 
Chairperson of the Zoning Board of Appeals

Date: 8/19/22

CANANDAIGUA TOWN CLERK

AUG 22 2022

RECEIVED

