

# Town of Canandaigua

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

Canandaigua, NY 14424  
Fax (585) 394-9476

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## ZONING BOARD OF APPEALS DECISION NOTIFICATION

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**Public Hearing Opened:** January 25, 2023  
**Public Hearing Closed:** January 25, 2023

**Meeting Date:** January 25, 2023  
**Project:** CPN-22-092

<u><b>Applicant</b></u>	<u><b>Owner</b></u>	<u><b>Project Type</b></u>	<u><b>Project Location</b></u>	<u><b>Tax Map #</b></u>
Mark and Karen Kreiser, 5945 Knapp Road, Canandaigua, N.Y. 14424	Mark and Karen Kreiser, 5945 Knapp Road, Canandaigua, N.Y. 14424	Side Setback	5945 Knapp Road, Canandaigua, N.Y. 14424	125.00-1-38.300

### **Type of Application**

☒ Area Variance      ☐ Use Variance  
☐ Interpretation      ☐ Rehearing

### **SEQR**

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

### **Variance/Interpretation Requested**

Requesting 4.4 foot side setback (35.6 feet existing when 40 feet is required) Area Variance. House positioned 35.6 feet from the west property line instead of the required distance of 40 feet.

**A.) Shall the applicant be granted a 4.4' side setback variance?**

### **Applicant Request**

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

### **A. Voting:**


Shannon Chevier	<input checked="" 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

### Reasons

- The benefit to the applicant does outweigh the detriment to the neighborhood and therefore the variance is granted. The decision is based upon the facts presented at the public hearing and the documents dated: 11/17/22, 1/3/23.
- This is a minimal variance.
- It will not change the character of the neighborhood.
- This was due to a mistake of the builder.

### Conditions

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated November 17, 2022. Any change in plans, shall invalidate the variance.

Certified By: 

Date: 1/31/23

CANANDAIGUA TOWN CLERK  
JAN 31 2023  
RECEIVED

