

**TOWN OF CANANDAIGUA**

5440 Route 5 & 20 West  
Canandaigua, NY 14424  
(585) 394-1120

**ZONING BOARD OF APPEALS PROCEEDINGS**

**Meeting Date:** March 11, 2008

**Public Hearing Opened:** March 11, 2008

**Public Hearing Closed:** March 11, 2008

**Decision Date:** March 11, 2008

**Project #:** CPN-007-08

**Name of Applicant(s):** John & Colleen Carson

**Address of Applicant(s):** 2070 Risser Road; Canandaigua, NY 14424

**Subject Property Address & Tax Map #:** 2070 Risser Road; TM# 56.04-1-16.110

  X   Area Variance           Use Variance           Interpretation           Rehearing

**Variance / Interpretation Requested:** Shall the applicant be granted an area variance to construct a detached garage with a height of 19 feet, 8 inches when 16 feet is allowed? Applicant is requesting a height variance of 3 feet and 8 inches.

**Zoning Board of Appeals Decision:**


  X   Granted           Denied           Continued

**Voting:**

Suellyn Hunt	<u>  X  </u>	Aye	<u>      </u>	Nay	<u>      </u>	Abstained
Rick Szkapi	<u>  X  </u>	Aye	<u>      </u>	Nay	<u>      </u>	Abstained
Chip Sahler	<u>  X  </u>	Aye	<u>      </u>	Nay	<u>      </u>	Abstained
Gary Davis	<u>  X  </u>	Aye	<u>      </u>	Nay	<u>      </u>	Abstained
Graham Smith	<u>  X  </u>	Aye	<u>      </u>	Nay	<u>      </u>	Abstained

**Reasons/ Conditions:** The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community therefore, the variance is granted. The Board's decision is based upon the facts as presented during the public hearing. As depicted in the descriptions and drawings received 2-27-08. Granting this variance is in keeping with the character of the neighborhood as demonstrated by the applicant. Applicant shall provide an as built survey map to the Town Development Office prior to the Certificate of Occupancy being issued. The detached garage shall not be placed in the front yard, and shall have no more than three (3) overhead doors on the structure. The utilities to the building shall consist only of electric and water. The structure to have vinyl siding and a shingled roof to match the principle residence; no second floor is permitted within the structure.

CERTIFIED BY:

  
Chairperson, Zoning Board of Appeals



# Town of Canandaigua

## ZONING BOARD OF APPEALS

Tuesday, February 21, 2012, 6:00 p.m.



### MEETING MINUTES

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<b>MEETING CALLED BY:</b>	<b>Graham Smith, Chairperson</b>
<b>BOARD MEMBERS:</b>	<b>Gary Davis, Terence Robinson, Chip Sahler (Excused), Rick Szkapi</b>
<b>ALTERNATE MEMBER:</b>	<b>Roy Beecher</b>
<b>SECRETARY:</b>	<b>Cheryl Berry</b>
<b>STAFF MEMBERS:</b>	<b>Jean Chrisman, Zoning Officer</b>

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#### PLEDGE OF ALLEGIANCE

**CONTINUED PUBLIC HEARINGS:** *None at this time*

#### NEW PUBLIC HEARINGS:

CPN-008-12 Geoffrey & Tracey Hanford, owners of property at 2400 Andrews Road, TM#71.00-1-5.070, are requesting an area variance to construct an accessory structure in the AR-1 zoning district.

Geoffrey Hanford was present to speak for his application. He explained that he would like to construct a 40' x 100' building, with a 10' x 100' overhang, for a total building footprint of 50' x 100' to be used for storage of his motorhome and boat, as well as two indoor batting cages and a basketball court. The size of the building and the height necessary for the batting cages is what is driving the height of the building. Chairperson Smith asked if the pitch on the roof could be lessened to lower the height, to which the applicant replied no. Mr. Hanford stated that more than half of the building would be used for storage. There would be electricity in the building, but no other utilities.

Chairperson Smith asked the applicant if he was aware of any other similar variances that had been granted in the neighborhood. Mr. Hanford replied that there was a large horse barn directly across the road, but he didn't know if any variances had been granted for it.

Mr. Hanford stated there would be no commercial use in this building. There was no County input on this application, no ag statement required, and the site was visited by the Board. There were no comments from the audience and the Public Hearing was closed at 6:10 p.m.

**Public Hearing Opened: 2/21/2012**

**Meeting Date: 2/21/2012**

**Public Hearing Closed: 2/21/2012**

**Project: 008-12**

<b><u>Applicant</u></b>	<b><u>Owner</u></b>	<b><u>Project Type</u></b>	<b><u>Project Location</u></b>	<b><u>Tax Map #</u></b>
Geoffrey & Tracey Hanford	Geoffrey & Tracey Hanford	Construct	2400 Andrews Road	71.00-1-5.070
2400 Andrews Road	2400 Andrews Road	50x100		
Canandaigua, NY 14424	Canandaigua, NY 14424	accessory structure		

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**TYPE OF APPLICATION:**

☒ Area Variance      ☐ Use Variance      ☐ Interpretation  
☐ Rehearing

Variance/Interpretation Requested:    Shall the applicant be granted an area variance to construct an accessory structure with a height of 26 feet when 16 feet is allowed? Applicant is requesting a 10' height variance in the AR-1 zoning district.

**SEQR:**

☐ Type I      ☒ Type II  
☐ Unlisted  
☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

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

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**VOTING:**

Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Rick Szkapi	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Gary Davis	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Graham Smith	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received January 11, 2012 and February 21, 2012 as well as facts as presented during the Public Hearing. The granting of this variance will not have an adverse affect on the property or neighborhood. Electricity will be the only utility to this building; no water, sewer, or gas. Use of the building will be part storage, indoor batting cages, and basketball court. No commercial use shall be allowed. Actual building will be 40' x 100', with a 10' x 100' overhang for a total footprint of 50' x 100'.

CPN-009-12    Brian Ellis, representing Catherine Buksar, owner of property at 6252 Rossier Road, TM#111.00-1-72.211, is requesting an area variance to construct a detached garage in the AR-2 zoning district.

Brian Ellis and Catherine Buksar were present at the meeting and explained they would like to construct a 40' x 38' garage to store farm machinery and other miscellaneous items. They really have no other options due to the steep drop off at the rear of the property, as well as the location of the leach fields. There will be electricity to the garage, but no other utilities. Building meets all setback requirements and other code requirements, except for the location in the front yard.

Immediate neighbor Ruben Rivera came forward from the audience stating his opposition to the application. He stated he likes the open view he has now, and is afraid this new structure will ruin the view and objects to how close it is to his property. He presented digital pictures of the view of the property from his own, looking out from his house onto the applicant's property. He also feared that the vegetative barrier would have to be cut down to allow for construction of this building, and was opposed to that. Mr. Ellis stated that the measurements weren't definite. He filled them in to the best of his ability at the time of his application. The applicants further stated that none of the hedgerow or vegetation would be cut down. They wanted to keep the barrier and will construct the garage well away from that. The Zoning Board members felt it was a good idea to require an as-built survey upon completion, should the application be approved. Jean Chrisman also stated that a more precise drawing would need to be submitted to the Town with the exact location of the structure, to which the applicant agreed.