

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

Meeting Date: January 25, 2023
Project: CPN-22-093

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Marks Engineering, c/o Jonathan Jones and Brennan Marks, P.E., 4303 Route 5&20, Canandaigua, N.Y. 14424	Richard Nelson, 5635 County Road 30, Canandaigua, N.Y. 14424	Driveway Setback	0000 Middle Cheshire Road, Canandaigua, NY 14424	97.04-1-58.200

Type of Application

☒ Area Variance ☐ Use Variance
☐ Interpretation ☐ Rehearing

Variance/Interpretation Requested

Requesting two setback Area Variances from the parcel boundaries for a new driveway. A 6.92 foot set back variance (*3.08 feet when 10 feet is required*) and an 8 foot setback variance (*2 feet when 10 feet is required*).

A.) Shall the applicant be granted a 6.92' driveway setback variance?

B.) Shall the applicant be granted 8' driveway setback variance?

Applicant Request

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

SEQR

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

A. & B. 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: 11/18/22, 12/2/22, 12/13/22, 1/5/23, 12/2/22.
- This is the only suitable location for the driveway because of the lot lines, topography, and narrow access to the lot. This is the only way to not make it land-locked.
- It is a considerable variance but it is necessitated by the size of the lot and road.

Conditions

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated December 13, 2022. Any change in plans, shall invalidate the variance.
2. The variance is conditioned on the building permit being granted within one (1) year of the date the variance is granted. Failure to do so within one (1) year shall invalidate the variance.
3. The applicant will need to obtain a number of permits including from the DEC and Planning Board for this to be properly installed. The Environmental Conservation Board also noted that special driveway construction will be required for this site. The variance is contingent on meeting these requirements.

Certified By: CS

Date: 1/31/23

CANANDAIGUA TOWN CLERK
JAN 31 2023
RECEIVED

[Signature]