

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Zoning Board of Appeals

Wednesday, January 25, 2023, 6:00 p.m.

Rev. 2/26/2023

Notice of the format of the meeting, the agenda, and the video conference identification number were posted upon the Town website and in the Town's Newspaper of record.

MEETING MINUTES

MEETING CALLED BY: **Chip Sahler**

BOARD MEMBERS: **David Emery, Kelly LaVoie (R), Shannon Chevier**

ALTERNATE MEMBER:

SECRETARY: **Kimberly Burkard**

STAFF MEMBERS: **Shawna Bonshak, Town Planner Michael Warner, Zoning Officer**

Guests in attendance:

Catherine (R)	Erin Joyce (R)	Jamie Alexander (R)	Chuck Oyler (R)
Rick Nelson (R)	John Alvermann	Logan Rockcastle	

R=Remote Attendance

PLEDGE OF ALLEGIANCE

Mr. Sahler opened the meeting at 6:01pm.

MOMENT OF SILENCE

ZOOM MEETING PROCEDURE

CPN-22-091 Marks Engineering, c/o Brennan Marks, P.E., 42 Beeman Street, Canandaigua, N.Y. 14424; representing Enicnarf Properties LLC, c/o Sarah Genecco, 1880 Rochester Road, Canandaigua, N.Y. 14424; owner of property at 5534 Mobile Road. TM #55.02-1-5.000. Requesting a 10.1-foot side setback Area Variance (14.9 feet is proposed when 25 feet is required) for a new residence.

Discussion:

Logan Rockcastle of Marks Engineering presented to the Board. A mobile home and garage was demolished on the site. Applicant is keeping the existing driveway and the pad from what was a garage. Proposed new residence will not meet side setback. The demolished building did not meet front or **side** setbacks. Proposed plan will improve conditions from what was there before as the previous home was

closer to the road (20.2' instead of 60' required). New home will be 66' from the road. New residence is a modular home and the variance is needed because of the size of the home and the secondary egress stairway.

Paper plan shared with the Board. Variance is for the side setback which is the same distance as the existing building.

Ms. Bonshak said that the building was demolished without a permit and before certification of existing nonconformities could be done. If that had been done, there would not be an issue building the proposed structure.

Mr. Sahler closed the public hearing.

Town of Canandaigua

5440 Routes 5 & 20 West
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Canandaigua, NY 14424
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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-22-091

Applicant

Marks
Engineering, c/o
Brennan Marks,
P.E., 42 Beeman
Street,
Canandaigua,
N.Y. 14424

Owner

Enicnarf
Properties LLC,
c/o Sarah
Genecco, 1880
Rochester Road,
Canandaigua,
N.Y. 14424

Project Type

Side Setback

Project

Location
5534 Mobile
Road,
Canandaigua,
NY 14424

Tax Map #

55.02-1-5.000

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 a 10.1-foot side setback Area Variance
(14.9 feet is proposed when 25 feet is required) for a
new residence.

**A.) Shall the applicant be granted a 10.1' 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: 11/10/22, 11/13/22.
- It is in keeping with the character of the neighborhood.
- It will not change the character of the neighborhood.
- This work would have been allowed if the demolition permit had been got before the demolition of the existing structure was done.
- There was a reduction in the previous nonconformity of the front setback.

Conditions

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated November 10, 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.

Certified By: _____

Date: _____