

Town of Canandaigua

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ZONING BOARD OF APPEALS DECISION NOTIFICATION

Public Hearing Opened: October 18, 2022
Public Hearing Closed: October 18, 2022

Meeting Date: October 18, 2022
Project: CPN-22-062

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Marathon Engineering, c/o Matt Tomlinson, 39 Cascade Drive, Rochester, N.Y. 14614	Edgemere Development, 3850 Monroe Avenue, Pittsford, N.Y. 14534; representing James J. Volpe, 162 Amann Road, Honeoye Falls, N.Y. 14472	Façade Variance	0000 Parkside Drive, Canandaigua, NY 14424	70.11-1-30.000

Type of Application

☒ Area Variance ☐ Use Variance
☐ Interpretation ☐ Rehearing

Variance/Interpretation Requested

Section VI Mixed Use Development Subarea Façade Requirements for residential transparency are 50% for the ground floor and 40% for the upper floor; applicant is requesting 25% transparency for both ground floor and upper floor (25% variance for ground floor transparency and 15 % variance for upper floor transparency are required). Section VI Mixed Use Development Subarea required façade within build-to-zone is 75% minimum; applicant is requesting 56% façade within build-to-zone (19% variance for façade within build-to-zone required).

SEQR

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

A. Shall the applicant be granted a 19% variance for façade within the build-to-zone?

Shall the applicant be granted 25% ground floor transparency?

Shall the applicant be granted 15% upper floor transparency?

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 checked="" 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

- 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: 8/1/22, 8/19/22, 9/9/22, 9/8/22
- It is within the character of the neighborhood and in keeping with the unique character of the neighborhood.
- It is a minimal variance.
- The lot has bearing on the need for the configuration as does the fact that the utilities have already been buried closer to the structure than newly incepted town regulations, Form Base Code, would support.
- The wood structure, as opposed to steel, has a structural need for less transparency. The plan maximizes the transparency with regards to structural needs.
- The plan also takes into consider the need for privacy in residential buildings.

Conditions

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated August 1, 2022 and September 8, 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: *C. Suen*

Date: 10/26/22

CANANDAIGUA TOWN CLERK

OCT 26 2022

RECEIVED

[Signature]