

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
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## **ZONING BOARD OF APPEALS DECISION NOTIFICATION**

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**Public Hearing Opened:** April 21, 2020  
**Public Hearing Closed:** April 21, 2020

**Meeting Date:** April 21, 2020,  
**Project:** CPN-20-014

<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>
Marks Engineering	Mark Laese	Area variance for rear (lake) setback	3516 Sandy Beach Drive	98.15-1-43.100

### **Type of Application**

☒ Area Variance      ☐ Use Variance  
☐ Interpretation      ☐ Rehearing

### **Variance/Interpretation Requested**

Applicant is requesting an Area Variance for 4.62 ft. rear (lake) setback when no structure shall be built within 25 ft. of the Mean High Watermark of Canandaigua Lake. Shall the applicant be granted a 20.38 ft. area variance for a 4.62 ft. setback when no structure shall be built within 25 ft. of the Mean High Watermark of Canandaigua Lake?

### **SEOR**

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

### **Applicant Request**

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

### **Voting:**

John Casey (Alternate)	<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 (Vice Chair)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson (Chair)	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

### Reasons

The Board's decision is based on facts presented during the Public Hearing at the April 21, 2020, meeting as well as information received on March 12, 2020. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar. Property line is above MHW is setback from the adjacent neighbors on North & South which reduces lakeside area. Deck along North property line provides safe access to dwelling from lakeside and from Sandy Beach.

### Conditions

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated March 12, 2020. Any change in plans, shall invalidate the variance.
2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted. Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By:

Terence Robinson

Date: April 29, 2020

