

**CITY OF CANANDAIGUA
ZONING BOARD OF APPEALS
COURT ROOM, CITY HALL
March 16, 2016**

PRESENT: Ryan Akin, Chair Lloyd Peterson
Michelle Albrecht, Vice Chair Andrew Cotter
Dwight Symonds Joseph Bader

ABSENT: James Hitchcock

ALSO PRESENT: Richard E. Brown, Zoning Officer

CALL TO ORDER:

Chairperson Akin called to order the regular meeting of the Zoning Board of Appeals at 7:00 P.M.

APPROVAL OF MINUTES:

Chairperson Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of February 17, 2016. Mr. Peterson moved to approve the minutes as written. Mr. Cotter seconded the motion, which carried by voice vote (6-0).

REVIEW OF APPLICATIONS:

ITEM 1 Application #16-038: 67, 71, 73 Saltonstall Street, HABITAT FOR HUMANITY OF ONTARIO COUNTY, requesting Area Variances necessary to subdivide three lots into four lots. In accordance with Zoning Schedule 1 of the Municipal Code of the City of Canandaigua, the following variances are required:

		<u>Minimum</u>	<u>Provided</u>	<u>Variance</u>
67 Saltonstall:	Lot width	55 ft.	49 ft.	6 ft.
Foster Street, Lot #1:	Lot Area	6,000 SF	5,216 SF	784 SF
	Lot width	55 ft.	51.8 ft.	3.2 ft.
Foster Street, Lot #2:	Lot Area	6,000 SF	5,216 SF	784 SF
	Lot width	55 ft.	51.8 ft.	3.2 ft.

Mike Farrell, construction manager of Habitat for Humanity of Ontario County presented the application. He noted that Habitat does not actually own the properties, but that he is the representing agent for all three parties; the owners have each signed the application.

Habitat's interest is to subdivide three lots 67, 71 and 73 Saltonstall Street into four lots. Plans are to demolish current structure at 71 Saltonstall Street, apportion footage to the neighbors and create two new building lots. They will be two; equal size lots facing Foster Street. The intention is to build a single family detached home on both lots. A floor plan has not been chosen as of yet, but a rough site

plan was presented to indicate that no further variance should be required. There are no plans to build garages; perhaps sheds. But there will be driveways sufficient for two cars.

Chairperson Akin opened the public hearing. Hearing no one, the public hearing was closed.

The Board proceeded with questions to the applicant. Chairperson Akin reminded the Board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Bader noted granting the variance will be a positive addition to the area, it improves on the current situation with the narrow lots.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Mr. Cotter noted applicant can only work with what is there. It would not be possible to reconstruct the home without variances.

Mr. Cotter said that the variances for the lot would allow compliant new construction.

Chairperson Akin asked for clarification on Lot #1 and Lot #2 having a 20 foot setback, when code requires 25 feet. Mr. Brown said that front steps and open porches are permitted in the front setback area.

Regarding question #3: *Show that the requested variance is not substantial.*

Mr. Cotter believes the variance is not substantial relative to the existing lots in the neighborhood.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Cotter believes removing the condemned house will be a positive environmental improvement.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Cotter said it is not self-created; the lots are preexisting.

Chairperson Akin asked for clarification on the remaining process. Mr. Ferrell explained that, if the variances are approved and the subdivision is approved by the Planning Commission, Habitat would take ownership of 71 Saltonstall and demolish the house. They would then execute the subdivision and seek to develop the new Foster Street lots.

Chairperson Akin called for a motion.

Mr. Bader moved for approval of the variances, finding that the benefit of the variances to the applicant outweigh the detriment of the variances to the neighborhood for the following reasons;

- #1 The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2 The benefit sought by the applicant cannot be achieved by other feasible means that do not require a variance;
- #3 The variance is not substantial, based on the conditions of the site.
- #5 The hardship is not self-created.

Mr. Cotter seconded the motion, which *carried* with a roll call vote of 6-0:

Lloyd Peterson	Voting	YES
Michele Albrecht	Voting	YES
Dwight Symonds	Voting	YES
Andrew Cotter	Voting	YES
James Hitchcock	Voting	YES
Joseph Bader	Voting	YES
Ryan Akin	Voting	YES

ADJOURNMENT:

Ms. Albrecht moved to adjourn the meeting at 7:25 P.M., seconded by Mr. Bader and carried with a voice vote (6-0).

Richard E. Brown, Secretary

Ryan Akin, Chairperson