

**CITY OF CANANDAIGUA
ZONING BOARD OF APPEALS
COURT ROOM, CITY HALL
July 20, 2016**

PRESENT: Ryan Akin, Chair Andrew Cotter
Michelle Albrecht, Vice Chair James Hitchcock
Joseph Bader Andrew Cotter
Lloyd Peterson

ABSENT: Dwight Symonds

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 June 15, 2016. Ms. Albrecht moved to approve the minutes as written. Mr. Bader seconded the motion, which carried by voice vote (6-0).

REVIEW OF APPLICATIONS:

ITEM 1 **Application #16-179: 227 Parrish Street, THOMAS AND MELISSA WORMER, requesting an Area Variance necessary to construct a 336 SF accessory structure. In accordance with 850-30.B. of the Municipal Code of the City of Canandaigua, storage buildings shall not exceed 165 SF. Therefore the applicant seeks a variance of 171 SF.**

Gary Garlock presented the application. He said the owner would like to construct the pool house for storage and to create privacy from the surrounding medical offices.

Chairperson Akin opened the public hearing. There were no speakers present and Chairperson Akin closed the public hearing.

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 that the surrounding neighborhood was entirely medical offices and that this structure would not impact that character.

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. Bader said that a fence would provide the privacy, but not the storage space and a smaller shed might provide some storage, but not the privacy.

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

Mr. Hitchcock said the size of the structure is not especially large considering the size of the surrounding structures.

Mr. Bader agreed and said that the lot is large and the structure is not out of proportion for the lot.

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 said that the previous responses address this issue—the lot is large and the surrounding properties are commercial.

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

Mr. Cotter said that the house was there before the office buildings which cause much of the hardship, therefore it is not self-created.

Chairman Akin called for a motion.

Mr. Bader moved to Approve the variance, finding that the benefit of the variances to the applicant outweigh the detriment of the variance 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.
- #4 The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

#5 The alleged hardship is not self-created.

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

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

ITEM 2 **Application #16-188: 133-135 Niagara Street, ROBERT GIBB, requesting an Area Variance necessary to create a 1,250 SF parking area in a residential district. In accordance with 850-51 of the Municipal Code of the City of Canandaigua, residential parking areas shall not exceed 700 SF. Therefore the applicant seeks a variance of 555 SF.**

Robert Gibb presented the application. He said that he had recently purchased the two-family home, which currently has no off-street parking other than a narrow driveway. He proposes to add a parking area for five cars: two for each unit, plus an extra space for guests.

He said he has spoken to the neighbor to the east and offered to increase the height of the existing fence to create a 6-foot privacy fence. He also said he would improve the runoff between the two houses when he installs the parking area by installing subsurface drainage.

Chairperson Akin opened the public hearing. There were no speakers present and Chairperson Akin closed the public hearing.

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 that the neighbor to the east would have the largest impact and that neighbor appears to be satisfied.

Mr. Hitchcock said that the parking area would eliminate illegal parking in the front lawn and across the street, which would improve the appearance of the neighborhood.

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 joked that only an underground parking structure could provide the parking without paving the yard.

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

Mr. Bader said that the area is substantial, but not overwhelming to the lot. There will still be a sizable lawn area for the tenants.

Chairman Akin said the total area seemed substantial to him.

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. Peterson asked the applicant to explain the improved drainage he spoke of. Mr. Gibb said that both homes have roof drains that empty into the narrow space between the two homes and he is afraid this is too close to the foundations. He proposes to capture the runoff from both homes and direct it to the rear of his lot.

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

Mr. Bader said he felt the variance was more of a convenience; the five cars could be stacked in the driveway.

Chairman Akin called for a motion.

Ms. Cotter moved to **Approve** the variance, finding that the benefit of the variances to the applicant outweigh the detriment of the variance 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;

To this he added the following condition:

1. The development permit for the paving shall indicate the drainage patterns of the runoff to ensure there is no adverse impact to the surrounding properties.

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

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

ADJOURNMENT:

Mr. Hitchcock moved to adjourn the meeting at 7:30 P.M., seconded by Mr. Peterson and carried with a voice vote (6-0).

Richard E. Brown, Secretary

Michelle Albrecht, Vice Chair