

**MINUTES
CITY OF CANANDAIGUA
ZONING BOARD OF APPEALS
June 17, 2020**

PRESENT: Ryan Akin, Chairman Julie Harris
Joseph Bader, Vice Chairman Carol Henshaw
James Davern James Hitchcock

ABSENT: Susan Haller

ALSO PRESENT: Richard E. Brown, Zoning Officer

CALL TO ORDER:

Chairman Akin called to order the regular meeting of the Zoning Board of Appeals at 7:00 P.M. (The meeting was held remotely via the Zoom online platform.)

APPROVAL OF MINUTES:

Chairman Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of May 20, 2020. Mr. Bader moved to approve the minutes as written. Mr. Davern seconded the motion, which carried by unanimous voice vote (6-0).

REVIEW OF APPLICATIONS:

ITEM 1 Application #20-124: 27 Gibson Street, KATHLEEN LABBE, for an Area Variance necessary to construct a 6-foot-high privacy fence within 1.5 feet of the Dailey Avenue right-of-way. In accordance with §85-54.B.3 of the Zoning Ordinance of the City of Canandaigua, no fence within 25 feet of the street line shall exceed 3 feet in height.

Kathleen, Labbe, the homeowner, presented the application. Her house is on the south side of West Gibson Street and Daily Avenue runs directly behind it, so she technically has two front yards. However, the fence is clearly in the back of the home.

Chairman Akin opened the public hearing. Mr. Brown read into the record a letter of support from the neighbor, Rachele Judkins of 20 West Gibson Street. No one else was present, so the Public Hearing was closed.

Chairman 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 believes the fence would not be a detriment and would help to clean up the area.

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 noted that there is no other way to achieve the desired benefit that would not also require a variance. Ms. Henshaw agreed.

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

Mr. Davern noted that there is an existing 4.5-foot fence in that location, so an additional 1.5 feet is not a substantial increase.

Mr. Bader believes it is not substantial for this setting since the side facing Daily Avenue functions as a back yard.

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.*

Ms. Henshaw does not believe it will.

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

Mr. Bader and Ms. Henshaw feel it is self-created. Chair Akin agrees. Ms. Harris noted that it is a very unique situation.

Chairman Akin asked if there were any comments or questions.

Mr. Davern asked if the fence would impede snow plowing on Dailey Avenue. Ms. Labbe said there was formerly a two-story attached garage in that same location that did not interfere with plowing.

Chairman Akin asked if there were any additional comments or questions. Hearing none, he called for a motion.

Mr. Bader moved for **approval** of the application, finding that the benefit of the variance to the applicant outweighs the detriment of the variance to the neighborhood. He made this motion stating 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 some other feasible means that would not require a variance.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.

Ms. Harris seconded the motion, which ***carried*** with a roll call vote of (6-0):

Joseph Bader	Voting	YES
James Davern	Voting	YES
Julie Harris	Voting	YES
Carol Henshaw	Voting	YES
Susan Haller	Absent	
James Hitchcock	Voting	YES
Ryan Akin	Voting	YES

ADJOURNMENT:

Ms. Harris moved to adjourn the meeting at 7:11 P.M., seconded by Mr. Hitchcock and carried by unanimous voice vote (6-0).

Richard E. Brown, Secretary

Ryan Akin, Chairman