**MINUTES**
**CITY OF CANANDAIGUA**
**ZONING BOARD OF APPEALS**
**June 26, 2019**

| | | |
|---|---|---|
| PRESENT: | Ryan Akin, Chair | Julie Harris |
| | Joseph Bader, Vice Chairman | Carol Henshaw |
| | James Davern | James Hitchcock |
| | 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 7:02 P.M.

**APPROVAL OF MINUTES:**
Chairman Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of May 15, 2019. Mr. Bader moved to approve the minutes as written. Ms. Haller seconded the motion, which carried by unanimous voice vote (7-0).

**REVIEW OF APPLICATIONS:**

**ITEM 1** **Application #19-144: 82 Chapel Street, JOHN AND LINDA FRASCA, requesting an Area Variance necessary to construct a 720 SF addition to their attached garage with a side yard setback of 5 feet. In accordance with Schedule 1 of the Zoning Ordinance of the City of Canandaigua, the minimum side yard setback is 8 feet.**

John and Linda Frasca, the homeowners, represented the application. They propose to add to the rear of the existing attached garage. The western wall would extend from the current wall, which is currently nonconforming at 5 feet from the property line. Mr. Frasca said he recently retired and will be moving auto maintenance equipment into this addition.

Chairman Akin opened the public hearing.

Laurie DeSantis of 93 Chapel Street spoke. She asked for clarification of the exact location of the proposed addition. She was concerned that it would be an extension from the side of the existing garage. Mr. Bader clarified that the addition would extend from the rear, following the same distance from the property line as the existing structure.

Mr. Hitchcock asked if there is a fence between the property line and the proposed addition. Mr. Frasca stated that there is a partial fence, however, it is not on his property.

Mr. Hitchcock asked if the addition was for commercial purposes. Mr. Frasca said he would only be working on his own vehicles

Chair Akin asked if there was anyone else present who wished to speak. Seeing no one, he closed the Public Hearing.

The board proceeded with questions to the applicant. 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 said there would be no noticeable impact to the character of the neighborhood. The proposed addition would not be seen from the street, as it would be hidden behind the existing garage.

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 there is an option to shrink or slide the existing footprint of the garage. However, it would require much more difficult construction. Chairman Akin agreed and noted that the existing pool would also be in the way if the addition were to be on the east side of the existing garage. Ms. Haller agreed.

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

Ms. Henshaw felt the variance request is reasonable, based on the lot width. Mr. Bader noted that it is no closer than the existing garage.

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. Bader asked about the impact of water runoff on the west side. Mr. Frasca stated that his neighbor's property is higher.

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

Ms. Henshaw felt that the hardship is self-created. Chairman Akin said that the variance was necessary in part due to the narrowness of the lot.

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

Mr. Hitchcock 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 method that would not require a variance.

Mr. Bader seconded the motion, which ***carried*** with a roll call vote of (7-0):

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

**ADJOURNMENT:**

Chairman Akin moved to adjourn the meeting at 7:15 P.M., seconded by Mr. Hitchcock and carried by unanimous voice vote (7-0).

_____ _____

Richard E. Brown, Secretary Ryan Akin, Chairman