

**MINUTES
CITY OF CANANDAIGUA
ZONING BOARD OF APPEALS
November 20, 2019**

PRESENT: Ryan Akin, Chair
Joseph Bader, Vice Chairman
Carol Henshaw
Julie Harris
Susan Haller (arrived at 7:09)

ABSENT: James Hitchcock
James Davern

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 October 16, 2019. Mr. Bader moved to approve the minutes as written. Ms. Henshaw seconded the motion, which carried by unanimous voice vote (4-0).

REVIEW OF APPLICATIONS:

ITEM 1 **Application #19-352: 250 Gorham Street, CHOSEN ATHLETICS requesting a Use Variance necessary to operate a fitness center within an existing structure in the R-1B “Single-Family Residential” zone district. In accordance with §850-31 of the Zoning Ordinance of the City of Canandaigua, fitness centers are not a permitted use in this zone district.**

Amanda Petroccione of Chosen Athletics, represented the application. While the property is within a single-family zone district, the structure is certainly not a single-family home. Ms. Petroccione has been renting space for her crossfit business, which has become very successful. She is now looking to expand and believes this would be an ideal location, in part because of its close proximity to the Middle School. She currently has several students dropped off by bus each day.

Chairman Akin opened the Public Hearing. There was no one wishing to speak, so the Public Hearing was closed.

Beginning with question #1: *Show that the applicant cannot realize a reasonable return as demonstrated by competent financial evidence.*

Mr. Bader believes there is no feasible way to convert the structure to a single-family residence.

Chairman Akin noted that other approved uses have not worked out.

Regarding question #2: *Show that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.*

Ms. Henshaw noted that it has already been established that this property is unique, by several use variance applications in the past.

Mr. Bader compared the application to LaBarge Media at 236 Gorham Street. They were granted a use variance in that neighborhood under similar circumstances.

Chairman Akin realizes the use variances previously granted indicate the uniqueness of the zoning in that area. This is one of two buildings that are not of the same character as the others.

Regarding question #3: *Show that the requested use variance will not alter the essential character of the neighborhood.*

Mr. Bader stated that he lives in the neighborhood and feels that having the building actively used is better than having it remain vacant.

Ms. Harris questioned whether the exterior appearance of the building would change. Ms. Petroccione described her plan to make the structure aesthetically pleasing while blending in with the neighborhood.

Regarding question #4: *Show that the alleged hardship has not been self-created.*

Mr. Bader believes that if the property was vacant land and the applicant was proposing to build, then it may be considered a self-created hardship, however, in this case, the commercial structure already exists.

Chairman Akin asked if there were any other comments or discussions.

Ms. Haller observed that the parking lot and driveway are in poor condition. Ms. Petroccione's contractor, Nick, was present and acknowledged the disrepair. He stated that while paving may not be feasible right away, re-stoning is a viable option.

Ms. Henshaw confirmed that this differs from the previous variance by including the entire building, not only the second story.

Mr. Bader confirmed that all previously approved variances for this property will still remain in effect.

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

Mr. Bader moved that the board Approve the application as submitted and presented for the following reasons:

1. *The applicant cannot realize a reasonable return as demonstrated by competent financial evidence;*
2. *The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;*
3. *The requested use variance will not alter the essential character of the neighborhood; and*
4. *The alleged hardship has not been self-created.*

Ms. Harris seconded the motion, which **carried** with a roll call vote of (5-0):

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

ADJOURNMENT:

Mr. Bader moved to adjourn the meeting at 7:18 P.M., seconded by Ms. Henshaw and carried by unanimous voice vote (5-0).

Richard E. Brown, Secretary

Ryan Akin, Chairman