

**ZONING BOARD OF APPEALS  
TOWN OF CANADICE**

Canadice Town Hall

May 12, 2021

Present: Linda Moorhouse, Chairperson  
Diane Horning, Vice Chairperson  
Marty Gascon  
Renee Boone  
Steve Smith, CEO  
Ed Bott - Absent

Guest: Roy Simmons  
Daniel Lauffer  
Deanna Duffy

**PUBLIC HEARING – Roy Simmons**

Chairperson, Linda Moorhouse called the meeting to order at 7:30 p.m.  
Chairperson, Linda Moorhouse introduced the Zoning Board of Appeals members and stated that a quorum was present to hear the application. The criteria, which the Zoning Board of Appeals uses to make decisions regarding an area variance were reviewed.

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance.
- Whether the requested area variance is substantial.
- Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- Whether the alleged difficulty was self-created, in which consideration shall be relevant to the decision to the Board of Appeals but shall not necessarily preclude the granting of the area variance.

L. Moorhouse - Mr. Simmons, could you tell us what you want to do.

R. Simmons - Explained the cost difference if he were to build the garage 50ft. from County Rd. 36, compared to the 29ft. set back he is asking for. He gave the board members drawings of the grade difference they were asking for.

L. Moorhouse - At this point it doesn't matter what size he puts up, it's just the distance that he needs?

S. Smith - Right. It just can't be over 800 sq. ft. Then he would have to go before the Planning Board. The Honeoye Lake Shore District, anything over 800 sq. ft., has to go before the Planning Board.

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L. Moorhouse - He's not going over 800 sq. ft., is he?

S. Smith - It's 26' X 30', that's 780 sq. ft.

L. Moorhouse - So the variance we are looking for is 29ft.?

S. Smith - Yes.

R. Simmons - It's on a diagonal, so it's 21 ft. on one side and 29 ft. on the other.

D. Horning - Then you will decide what size on the estimates he gives you?

R. Simmons - Yes.

L. Moorhouse - Do any of the board members have any questions?

There were no questions.

R. Boone - Made a motion to accept the application as it stands, seconded by D. Horning, all in favor.

Roll Call Vote to accept or deny:

L. Moorhouse **YES**, D. Horning, **YES**, M. Gascon, **YES**, R. Boone, **YES**.

L. Moorhouse - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

D. Horning - 1. No, 2. No, 3. Yes, 4. No, 5. Yes - **YES**

M. Gascon - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

R. Boone - 1. No, 2. No, 3. Yes, 4. No, 5. Yes - **YES**

L. Moorhouse - Your request for a variance has been approved.

R. Simmons - Thank you very much.

The Public Hearing concluded at 7:42 p.m.

**PRELIMINARY HEARING - Daniel Lauffer**

L. Moorhouse invited Daniel Lauffer and Deanna Duffy to come and sit before the board.

D. Duffy explained the pictures to the board members. I am buying 30 ft.

L. Moorhouse - I thought they would have to go before the Planning Board to do a subdivision?

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S. Smith - No, because it's an area variance of two non-conforming lots. We have to give the ok, before it goes to the Planning Board.

L. Moorhouse - So, what are we looking for?

S. Smith - He's reducing his non-conforming lot to a smaller non-conforming lot.

They discussed the map and where the lot lines are now and what they would be if approved.

D. Horning - Are there set-backs on non-conforming lots, specifically?

S. Smith - Only if you are building something. There are set-backs on any lot.

L. Moorhouse - These are non-conforming lots, but they are pre-existing, correct?

S. Smith - Yes, they are pre-existing. It states right there that the lot will not be reduced by the minimum required. In order to build in a rural area, you have to have a minimum of 3 acres. 250ft. of road frontage, 250ft. of depth and 250ft. of width.

L. Moorhouse - Right.

S. Smith - Minimum, if not, it comes before us.

L. Moorhouse - Even though we are dealing with properties that are grandfathered in?

S. Smith - It has to be passed to become more non-conforming by the Zoning Board. If it's not, then she won't get her land.

L. Moorhouse - Do we have any other questions for Mr. Lauffer or Ms. Duffy?

D. Horning - How much land will you have left after you take away the 25?

S. Smith - It's 30ft. 30X68 ½ ft., right?

D. Duffy - 1.33 acres.

L. Moorhouse - That will be what's left?

D. Lauffer - Yes.

D. Duffy - I will have almost one half an acre.

L. Moorhouse - Ok, we will have a Public Hearing on June 9th at 7:30 p.m.

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D. Duffy - Do we have to be present?

L. Moorhouse - It's to your advantage. I think this is pretty much cut and dry.

D. Duffy - Is this the final step that we have to do?

D. Horning - After we give you the variance, then you have to go to the Planning Board.

S. Smith - For the subdivision.

D. Duffy - Seriously?

L. Moorhouse - Yes.

S. Smith - Explained to D. Duffy and D. Lauffer that they needed to get in touch with Ted Mayhood to get on the Agenda for the Planning Board for their next meeting, then they would be able to get everything done in June.

S. Smith - I will give you Ted Mayhood's information, so you can get in touch with him and get on the agenda for the Planning Board meeting next month. Ted will want to see the full site plan.

D. Duffy - I did leave one here.

L. Moorhouse - Ok, we will see you next month.

**Old Business**

L. Moorhouse made a motion to approve the minutes from the April 14, 2021 meeting,  
R. Boone seconded, all in favor.

D. Horning made a motion to adjourn the meeting, L. Moorhouse seconded, all in favor.

Meeting adjourned at 8:10 p.m.

Respectfully,

Stephanie Seeley, Secretary