Petrisak Determination

Mr. Irvine moved, seconded by Mr. Peckham, that the application for an area variance requested by Dennis Petrisak, 24 Island Lane, Canandaigua, NY, for an area variance for property located on Rush Mendon Road, consisting of 193.75 acres, bearing Tax Account No. 215.02-1-45.2, located in an RA-1 zone, to allow a re-subdivision of this property with an adjoining property which will result in this property having 50 feet of frontage on Rush Mendon Road, whereas Town Code requires 100 feet of frontage, be granted based on the following findings of fact and conclusions of law:

# **FINDINGS OF FACT**

1. Dennis Petrisak, 24 Island Lane, Canandaigua, NY appeared before the ZBA on April 25, 2013 and May 23, 2013.
2. Mr. Petrisak stated that in 2009 he entered into a transaction with Jonathan Freidlander (Equi Center), where he would retain ownership of a 15 acre land-locked parcel and gain ownership of another parcel that would be subdivided after the closing.
3. Mr. Petrisak stated at the time of closing he thought the road frontage requirement for a driveway was 20ft.
4. Mr. Petrisak stated issues with the bank that holds the Equi Center’s mortgage; make this variance the only viable solution for access to his 15 acre land-locked parcel.
5. Mr. Petrisak stated that if the variance was granted and the subdivision completed, only one home would be constructed on his existing land locked parcel and that nothing would be built on the subdivided parcel.
6. Mr. Petrisak stated that he is responsible for this difficulty by not checking the zoning laws.

**CONCLUSIONS OF LAW**

1. The benefit Mr. Petrisak is attempting to achieve cannot be achieved by any other means.
2. The granting of this variance will not create an undesirable change to the neighborhood.
3. The request is substantial.
4. The granting of this request will not have adverse physical or environmental effects.
5. The difficulty is self-created.
6. This is a Type II action under SEQR.