

RECEIVED

JUL 15 2016

Town of Canandaigua

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #:

04A-16

FOR: ☒ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application: X Yes No

1. Name and address of the property owner: David Peterson & Ellen Cuthbertson

2100 Brickyard Road, Canandaigua, NY 14424

Telephone Number of property owner: 607-351-4541 (Ellen Cuthbertson)

Fax # 585-387-8938 E-Mail Address: ellencuthbertson@yahoo.com

****If you provide your e-mail address, this will be the primary way we contact you****

2. Name and Address of Applicant *if not the property owner*: _____

MITCHELL ARCHITECTURE, 5800 Pittsford-Palmyra Road, Pittsford, NY 14534

Telephone Number of Applicant: 585-385-6800

Fax # 585-387-8938 E-Mail Address: rmitchell@mitchelldesignbuild.com

****If you provide your e-mail address, this will be the primary way we contact you ****

3. **Subject Property Address:** 2100 Brickyard Road, Canandaigua, NY 14424

Nearest Road Intersection: Yerkes Road, Canandaigua

Tax Map Number: 55.00-1-24.220 **Zoning District:** AR2

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)

Please circle one:

YES

NO

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)

Please circle one:

YES

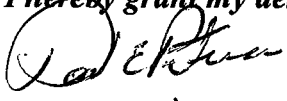
NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?
a) a variance of 4' to allow a new above ground pool and access deck to be 11' from the rear property line; b) a variance of 12' for an existing deck to be 8' from rear property line; c) a variance of 18.5' for existing shed to be 1.5' from the rear property line.
7. Have the necessary building permit applications been included with this form? If not, please verify with the Development Office which forms are required to be submitted.
8. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, and other documentation necessary describing the requested variance(s) illustrating why it is practically difficult for you to conform to the Zoning Law.
- All maps, surveys, or site plans shall accurately depict the property including all existing and proposed structures, setbacks, and dimensions. *All dimensions must be precise.*
9. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form.
10. With your completed application for an Interpretation, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you are appealing the zoning law determination, and a copy of the zoning law determination of which said appeal is requested.
11. If the variance requested is related to signs, attach a Sign Detail Sheet, a site plan, and colored renderings of the proposed signage, and any other documentation required in Article IX (Sign Regulations) of the Town of Canandaigua Zoning Law.

I have examined this application and declare that it is true, correct, and complete. I understand that my application and all supporting documentation will be examined by the Zoning Board of Appeals as an integral component of deliberations.

I hereby grant my designee permission to represent me during the application process.


Ellen J. Culbertson
(Signature of Property Owner)

7/14/16
(Date)

Town of Canandaigua


5440 Routes 5 & 20 West

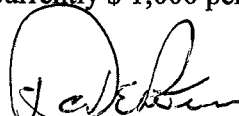
Canandaigua, NY 14424

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***Property Owner is responsible for any consultant fees
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.


(property owner)


(property owner)

TESTS FOR GRANTING AREA VARIANCES

BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) 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.

A private above ground pool associated deck and shed is not out of character for the neighborhood. Nearby properties are tillable fields so there are really no neighbors to affect. Additionally, a portion of the request already exists resulting in any changing being minimal.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Due to the dimensional properties of this site relative to the existing residence, a pool will not fit on the site without a variance of front, side or rear yard. For privacy reasons as well as visual impact, a rear yard variance was chosen.

- (3) Whether the requested area variance is substantial.

The rear setback variance requested is for very modest residential accessory structures, all located in the middle of large open farm fields. It is difficult to imagine this as substantial.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested variance would have no adverse effect or impact.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

The difficulty was self-created due to a misunderstanding of the location of the rear property line.

FOR TOWN USE ONLY

Circle Type of Application:

Special Use Permit

Site Plan Approval

Subdivision

Use Variance

Circle Review Authority:

Zoning Board of Appeals

Planning Board

Town Board

Notice Provision:

Date when written notice of the application described in Part I was provided to the land owners identified in the Agricultural Data Statement.

Date referral sent to the Ontario County Planning Department:

Name of Official Completing Form

Date

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: 049-16

Sketch Plan Checklist

Applicant: David Peterson

Project Address: _____

Tax Map #: _____ Zoning District: _____

Project Description Narrative: _____

Sketch Plan Checklist – Chapter 220 §220-66***	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.		0	
2) Lot lines.		✓	
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)		0	
4) Land use(s). (residential, agricultural, commercial, or industrial)		✓	
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*		# ✓	
6) Development including buildings, pavement and other improvements including setbacks.		0	
7) Location and nature of all existing easements, deed restrictions and other encumbrances.		NA	
B. Sketch plans shall be drawn to scale.**		✓	
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.		✓	

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.

Signature of Applicant / Representative _____

Date _____

*May be obtained from UFPO – dial 811 for assistance.

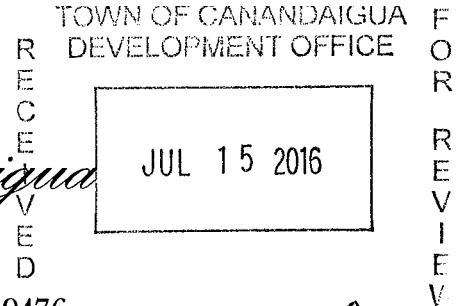
**Development that exceeds 1,000 square feet, requires the site plan to be completed by a NYS licensed professional engineer and/or surveyor. (§220-99-C-1-c)

***This form is not required for the construction of a new single-family dwelling within an approved subdivision.

Town of Canandaigua

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Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476



CPN #: 04016

Sketch Plan Checklist

Applicant: Mitchell Architecture

Project Address: 2100 Brickyard Road, Canandaigua, NY 14424

Tax Map #: 55.00-1-24.220

Zoning District: AR2 Agricultural

Project Description Narrative: Rear setback variance for existing shed and deck as well as new above ground pool and associated deck.

Sketch Plan Checklist – Chapter 220 §220-66 (Not required for any property in a major subdivision)	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.	X		
2) Lot lines.	X		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	X		
4) Land use(s). (residential, agricultural, commercial, or industrial)	X		
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*	X		
6) Development including buildings, pavement and other improvements including setbacks.	X		
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	X		
B. Sketch plans shall be drawn to scale.	X		
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.	X		

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.

F. L. Mitchell, Mayor
Signature of Applicant / Representative

7/14/2016
Date

*May be obtained from UFPO – dial 811 for assistance.