

ZONING BOARD OF APPEALS APPLICATION

F(FOR: MAREA VARIANCE USE VARIANCE INTERPRETA	MOIT					
	Permission for on-site inspection for those reviewing application: X Yes	_ No					
1.	1. Name and address of the property owner: David Wagner						
	4560 Bristol Cross Rd., Canandaigua,NY						
	Telephone Number of property owner: 585-415-2302						
	Fax # E-Mail Address:	· .					
	If you provide your e-mail address, this will be the primary way we contact you						
2.	2. Name and Address of Applicant if not the property owner: Qwiksolar, LLC						
	1 Keuka Business Park, Penn	<u>Yan, N</u> Y					
	Telephone Number of Applicant: 315-694-2506	527					
	Fax # 315-571-0778 E-Mail Address: christie@qwiksolar.com						
	**If you provide your e-mail address, this will be the primary way we contact	ct you **					
3.	3. Subject Property Address: <u>4560 Bristol Cross Rd., Canandaigua, NY</u>						
	Nearest Road Intersection: Smith Road						
	Tax Map Number: 139.00-1-10.200 Zoning District: RR3						
4.	4. Is the subject property within 500' of a State or County Road or Town Boundary? (If	ves the					
7.	Town may be required to refer your application to the Ontario County Planning Board.	,					
	Please circle one: YES NO	,					
	Tieuse circle one.						
5.	5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultur Statement must be completed and submitted with this application – for use variance applionly.)						
	Please circle one: YES NO						

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?

The home owners would like to add a 36 panel ground mounted solar array to their property

that will generate clean energy for their home. Since the rear of the house is wooded;
and has a severe slope leading to a gully they would like to install it on open acreage across the

read.
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.

With your completed application for an 'Area Variance, attach a tupe 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 aimensions must be precise:

- 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:
- 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 coning law determination, and a copy of the Zoning law determination of which said appeal is requested?
- (i) 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 DX(S)gn Regulations) of the frown of Ganandargua Zoning Law.

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

i (kereix) grant mydesigneespermission to represent meduning the application process.

Darid Wayyeu

(Signature of Poperty (Ounces)

(Date)

Town of Canandaigua

\$440 Routes S & 20 West Canandaigua, NY 14424 Phone: (585) 394-11[20]/ Fax: (585) 394-9476

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, projectire view, resolution preparation, SEQR; and findings of fact. RLEASE:NOTE that the number of hours will be SIGNIFICANTLY INCREASED ducto 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 ith Town/Engineer/for engineering/review/which/may/include/al/least/an/additional/eight/to/twelve thours of review time. The Property Owner will also be responsible for degal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals or the Town of Canandaigua Development Office. Rees for engineering and legal expenses traditionally/range/between/one/hundred/and/one/hundred/fifty/dellars/per/hour//A/copy/of/the Town's annual fee schedule is available upon request from the Development Office or the Fowr Glerk's Office. The <u>Property Owner's signature below indicates that the Property Owner</u> suiderstands that the <u>Property Owner will be responsible for all louiside consultant (fees incurred)</u> as, a result of the submitted application; and consents to these charges. Additionally projects approved by the Fown to Cananda gua Planning Board may be required to pay a parks and regreation(fee,as,established/by/the/Town)Board((currently,\$)((000)per,unit))(f)required as ipart of ube conditions of approval

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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.
 - Since the array is screened and is only 10' tall, there will be no undesirable change to the character of the neighborhood, or a detriment to nearby properties especially since there is limited traffic on this dead end road. The solar array will be placed in a location so that trees will not have to be removed.
- (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.

The solar array would be better suited on the acreage across the road, since the land to the rear of the house is extremely wooded and has a severe slope leading to a gully. The area behind the house does not provide the needed sun or space needed for the array to be installed due to the woods and gully.

Tree removal would be an extreme expense, and would disturb the soil possibly causing erosion.

(3) Whether the requested area variance is substantial.

Since the rear of the house is wooded we would like to place the array in the large grassy area across the road next to the barn. If the barn was a house, then it would be in the rear.

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

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, as it will be providing clean energy.

(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.

If the area to the rear of the house was open and level ground, we would be able to install a solar array. The difficulty was not self created, as the wooded area was not just planted but rather has been growing for decades.

Town of Canandaigua

5440 Routes 5 & 20 West Canandaigua, NY 14424

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

CPN #:	

		CIN#:_	
Sketch Plan Checklist	t		
Applicant: Owiksolar, LLC			
Project Address: 4560 Bristol Cross Road, Canandaigua			
	. D	nn2	
•	oning District: _	RR3	
Project Description Narrative: <u>The home owner would like to install a</u>	36 panel grou	<u>nd mounted</u>	l solar arra y
to their property that will provide their home with clean energy.			
	X Shown on Initial PRC		
Sketch Plan Checklist - Chapter 220 §220-66	Plan by	PRC	Follow
(Not required for any property in a major subdivision)	Applicant	Review	Up
(a to to quintou to tuny proposity in a major substitution)	', bbacano	1,0,10,1	Review
A. The sketch plan shall be clearly designated as such and shall	200		
identify all existing and proposed:			
Zoning classification and required setbacks.	X	A CAN THE PARTY OF	Ty Table 1 , gas to a tente as many 1 to a
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	X		
the lot.	Λ		
I have reviewed my submitted application and drawings a	gainst the aho	ve noted cri	iteria
and hereby certify that the submitted application			itti iu
Λ 11/2			
Signature of Applicant / Representative	_11/3/17		
Signature of Applicant / Representative	Date		

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