

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

RECEIVED	TOWN OF CANANDAIGUA DEVELOPMENT OFFICE	FOR REVIEW
	NOV 6 2017	

CPN #: 080-17

ZONING BOARD OF APPEALS APPLICATION

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 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. Name and Address of Applicant *if not the property owner*: Qwiksolar, LLC

1 Keuka Business Park, Penn Yan, NY

Telephone Number of Applicant: 315-694-2506 14527

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 you

3. Subject Property Address: 4560 Bristol Cross Rd., Canandaigua, NY

Nearest Road Intersection: Smith Road

Tax Map Number: 139.00-1-10.200 Zoning District: RR3

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?
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 road.
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.

David Wagner

(Signature of Property Owner)

11/3/17

(Date)

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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.

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CPN #: _____

Sketch Plan Checklist

Applicant: Qwiksolar, LLC

Project Address: 4560 Bristol Cross Road, Canandaigua

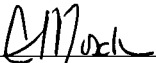
Tax Map #: 139.00-1-10.200

Zoning District: RR3

Project Description Narrative: The home owner would like to install a 36 panel ground mounted solar array to their property that will provide their home with clean energy.

X			
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.


Signature of Applicant / Representative

11/3/17
Date

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