

# *Town of Canandaigua*

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** ORTLOFF, JEREMY H & DEBORA HINDERLITER

**PROPERTY ADDRESS:** 5010 Butler Rd

**TAX MAP NUMBER:** 97.20-1-10.000

**ZONING DISTRICT:** R-1-20

### **DETERMINATION REFERENCE:**

- Application for Area Variance, dated 05/27/2020. Received for review by Town on 05/29/2020.
- Application for New Structure, dated 04/23/2020. Received for review by Town on 04/30/2020.
- Plans titled "Plan of Land to be developed by Jeremy H. Ortloff & Debara Hinderliter" by Greene Land Surveying, PLLC, dated 06/18/2020, no revision noted, received by the town on 06/19/2020.

### **PROJECT DESCRIPTION:**

- Applicant proposes to construct a 1,500 sq. ft. accessory building.

### **DETERMINATION:**

- Proposed accessory building to have a height of 25 ft. when 22 ft. is the maximum accessory building height.
- Proposed accessory building to have a stream setback of 38.1 ft. when a 100 ft. setback from streams is required for structures.
- Proposed accessory building contains habitable space when accessory buildings shall not be used as habitable space.

### **REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is required to be reviewed by the Ontario County Planning Board as it relates to multiple area variances within 500 ft. of a County Agricultural District.

### **REFERRAL TO ZONING BOARD of APPEALS FOR:**

- Application received for 3 ft. building height area variance.
- Application received for 61.9 ft. stream setback area variance.
- Applicant SHALL make application for Use Variance to allow Habitable Space within an accessory building.

### **REFERRAL TO PLANNING BOARD FOR:**

- Planning Board Site Plan approval required for Uses allowed by a use variance.
- Applicant SHALL make application for Site Plan approval.

**CODE SECTIONS:** Chapter §1-17; §220-9; §220-19; §220a Sch.1 Zoning Schedule

**DATE:** June 23, 2020

**BY:** 

Eric Cooper – Planner

**CPN- 20-033**

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder  
Property Owner  
Town Clerk

