

APPLICATION FOR AREA VARIANCE (REQUEST FOR 17.83' FRONT SETBACK VARIANCE)

*** NOTE: PROPOSED SETBACK IS 42.17' ON THE FRONT SIDE (BY ONNALINDA DRIVE) WHERE 60' IS PERMITTED ***

"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. Attached 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.

No, the proposed variance is within the character of similar variances granted recently in this area.

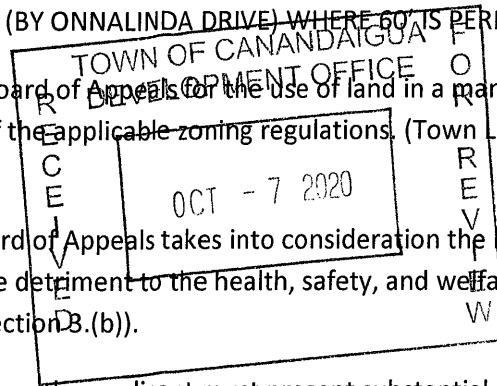
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

No, the site itself is split by West Lake Road with approximately 20% average native slope in the buildable region between Onnalinda Drive and West Lake Road. That being said, a less steep slope exists closer to Onnalinda Drive. Given that development of a single-family home could not occur in the already developed region between West Lake Road and Canandaigua Lake, it was determined that the best placement for the proposed home would be up off Onnalinda Drive, as opposed to off West Lake Road where the site's slope is more restrictive. Consideration for the placement of the house off Onnalinda Drive included balancing the requested front setback variance with use of the less steep region directly by Onnalinda Drive.

3. Whether the requested area variance is substantial.

No, the request is less than other variances granted recently in this area. We found the following variances granted in the Residential Lake District:

- 51.96' front setback variance granted to 3542 Sandy Beach Drive on 2/28/18
- 54.80' front setback variance granted to 5265 Menteth Drive on 6/19/18
- 30.00' front setback variance granted to 3740 County Road 16 on 7/17/18
- 50.00' front setback variance granted to 5325 State Route 21 on 9/18/18
- 16.52' front setback variance granted to 4571 Steep Drive West on 10/16/18
- 36.00' front setback variance granted to 4519 Davidson Landing on 11/20/18
- 7.30' front setback variance granted to 3524 Sandy Beach on 12/18/18
- 27.00' front setback variance granted to 4609 Misty Hill Drive on 5/21/19
- 39.20' front setback variance granted to 4959 Island Beach Drive on 5/21/19
- 33.30' front setback variance granted to 3320 Fallbrook Park on 8/20/19
- 21.50' front setback variance granted to 5393 State Route 21 on 12/17/19



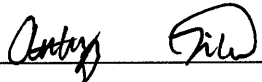
- 32.71' front setback variance granted to 4971 Island View Drive on 2/18/20
- 25.85' front setback variance granted to 3459 Lakeview Lane on 2/18/20
- 13.66' front setback variance granted to 0000 County Road 10 on 4/21/20

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

No, the site itself is split by West Lake Road with approximately 20% average native slope in the buildable region between Onnalinda Drive and West Lake Road. That being said, a less steep slope exists closer to Onnalinda Drive. Given that development of a single-family home could not occur in the already developed region between West Lake Road and Canandaigua Lake, it was determined that the best placement for the proposed home would be up off Onnalinda Drive, as opposed to off West Lake Road where the site's slope is more restrictive. Consideration for the placement of the house off Onnalinda Drive included balancing the requested front setback variance with use of the less steep region directly by Onnalinda Drive.

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.

No, the site itself is split by West Lake Road with approximately 20% average native slope in the buildable region between Onnalinda Drive and West Lake Road. That being said, a less steep slope exists closer to Onnalinda Drive. Given that development of a single-family home could not occur in the already developed region between West Lake Road and Canandaigua Lake, it was determined that the best placement for the proposed home would be up off Onnalinda Drive, as opposed to off West Lake Road where the site's slope is more restrictive. Consideration for the placement of the house off Onnalinda Drive included balancing the requested front setback variance with use of the less steep region directly by Onnalinda Drive.

Representative Signature  Date 10/7/20