

# *Town of Canandaigua*

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

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** West Lake Estates, LLC

**PROPERTY ADDRESS:** 4788 County Road 16

**TAX MAP NUMBER:** 140.14-1-14.211

**ZONING DISTRICT:** Residential Lake District

### **DETERMINATION REFERENCE:**

- Application for Single-Stage Subdivision Approval, dated 4/15/2016. Received for review by Town on 5/12/2016.
- Zoning Board of Appeals Area Variance Application, dated 4/15/2016. Received for review by the Town on 5/12/2016.
- Plans titled 'Subdivision Plan – Mink Property' by Grove Engineering, dated May 12, 2016, Revised on May 19, 2016, received by the town on May 20, 2016.

### **PROJECT DESCRIPTION:**

- The owner has applied to subdivide an 18.57 acre parcel into a 1.68 acre parcel (Lot #1) and a 16.89 acre parcel (Lot #2).
- Proposed lot #1 contains an existing 2-story single family residence.
- Proposed lot #2 contains an existing barn/garage and tennis court.
- The existing residential dwelling on proposed lot #1 is 27.17ft. from the right-of-way of County Road 16, when the required front setback is 60ft.
- The existing barn/garage on proposed lot#2 is proposed to be renovated into a single-family dwelling.
- The existing barn/garage on proposed lot#2 is 2.91ft. from the right-of-way of County Road 16, when the required front setback is 60ft.
- The existing tennis court is a 'structure' per Town Code.
- The existing tennis court is located in the side yard of the existing barn/garage. No detached accessory structure shall be closer to the street or right-of-way line than the minimum front yard setback for the principal building.

### **DETERMINATION:**

- When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of the Town Code, either with respect to any existing structures or use and any proposed structures or use or setbacks.
- Preexisting nonconformities shall not be altered by way of property boundary modifications, or by any other way that increases the degree of nonconformance without first obtaining a variance from the Zoning Board of Appeals. Upon application for such variance, a request shall be made to the Planning Board for a recommendation regarding potential impacts.
- Project involves the disturbance over such thresholds in the Residential Lake District as would require a Soil and Erosion Control Permit.
- Any disturbance within the Residential Lake District which requires a Soil and Erosion Control permit requires Site Plan Approval from the Planning Board. No permits may be granted without site plan approval from the Planning Board. No Site Plan Approval Application has been made.
- Renovation of the existing barn/garage structure will be regulated under the 'Change of Occupancy' section of the existing building code of NYS.

- Plan details a 'gully' along the south property boundary. The NYSDEC environmental mapper details this 'gully' as a regulated stream. No structure shall be built within 100 feet of the bed of a stream carrying water on an average of six months of the year. The existing tennis court is within 100ft. of the bed of the stream.

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

- This application is required to be reviewed by the Ontario County Planning Board due to proximity to County Road 16 and Canandaigua Lake.

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

- The existing residential dwelling on proposed lot #1 requires a 32.83ft. front setback area variance.
- The existing barn/garage on proposed lot #2 requires a 57.09ft. front setback area variance.
- The existing tennis court on proposed lot #2 requires an area variance to allow an accessory structure to be located within the side yard.
- The existing tennis court on proposed lot #2 requires an area variance to allow an accessory structure to be located within 100ft. of a stream bed.

**REFERRAL TO PLANNING BOARD FOR:**

- Due to the requirement for variances in relation to pre-existing nonconforming structures, a recommendation regarding potential impacts is required.
- No application for site plan approval has been made. Prior to issuance of any building permits site plan approval will be required.
- Plats for all proposed subdivisions shall be filed with the Planning Board for approval.

**CODE SECTIONS:** Chapter 1 §1-17, Chapter 174, Chapter 220 §220-9, §220-21, §220-64, §220-107, §220a Sch 1 Zoning Schedule

DATE: 5/24/2016

BY:   
Chris Jensen - Zoning Officer

CPN- 035-16

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 File  
Property Owner  
Town Clerk

