

# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

TOWN OF CANANDAIGUA  
DEVELOPMENT OFFICE

DEC 17 2021

CPN #:

21-099

## ZONING BOARD OF APPEALS APPLICATION

FOR: ☒ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application: ☒ Yes ☐ No

1. Name and address of the property owner: Brendan Wood  
3569 Co Rd 16

Telephone Number of property owner: 240 338 0990

Fax # \_\_\_\_\_ E-Mail Address: brendan.wood@gmail.com

\*\*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: N/A

Telephone Number of Applicant: \_\_\_\_\_

Fax # \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

\*\*If you provide your e-mail address, this will be the primary way we contact you\*\*

3. Subject Property Address: 3569 Co Rd 16

Nearest Road Intersection: Co Rd 16 and Butler Rd

Tax Map Number: 90.17-1-17 Zoning District: RLD

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?

Add attached 2 car garage, ~~delete~~ convert existing garage to kitchen, deck top of new garage.  
Side setback (existing) of 4.5' and front setback 32.5'

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.*

  
(Signature of Property Owner)

12/17/21  
(Date)

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***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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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, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to 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 the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.

  
(property owner)

\_\_\_\_\_  
(property owner)

## 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.

N/A - No.

- (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, restricted by topology and existing grandfathered structure.

- (3) Whether the requested area variance is substantial.

No.

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

No, and improves safety.

- (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.

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.

I do not believe so. The proposed addition is largely below existing grade. The side setback is the same as the existing structure and the front setback is still larger than many properties in the immediate area (3554, 3564, 3589, 3591, 3595, 3597, 3670, 3674, 3682.) It also improves safety as the property is on the inside corner of WLR and the driveway is dangerous as it exists today (steep slope, risk for vehicles sliding in to the road and individuals getting hurt falling on ice.) Homeowner's insurance carrier has asked us to resolve the risk of personal injury with the driveway during a prior claim when the emergency brake of a vehicle failed and it rolled down across the road and hit the boathouse across the street (winter 2017.)

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 it is not otherwise possible. After consulting with multiple established contractors the ability to perform this project in a different location on the property is logistically and financially not viable based on topography and existing structures. The side setbacks are limiting for driveway placement, the back yard is steep and largely inaccessible to construction machinery and placing the garage at the rear of the house doesn't address the existing driveway pitch.

3. Whether the requested area variance is substantial.

I do not believe so. This project will add 4% to the finished livable square footage of the house (96 SF vs 2431 SF.)

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

The area consumed by the proposed addition will reclaim area covered by asphalt driveway today, which will result in a net zero change to total lot coverage. It also provides an opportunity to address issues with storm runoff today where downspouts from the house are ducted to the surface, where it then pools and runs in sheets across CR16 and causes wash out issues on the opposite side of the road.

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.

It is self-created in that some of the limitation is related to the pre-existing non-conforming house built in 1936. We were not aware of the driveway issues and personal injury risk prior to purchase.

