

## APPLICATION FOR AREA VARIANCE (REQUEST FOR 6' BUILDING HEIGHT VARIANCE)

\*\*\* NOTE: PROPOSED HEIGHT IS 31' WHERE 25' 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 site of the project & the proposed home are both mostly situated lower than West Lake Road. Views of Canandaigua Lake from 3616 West Lake Road will not be greatly impacted by the proposed home given the elevations of existing overhead wires with respect to the top of the proposed home versus where 3616 is situated further uphill.

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 of the project is such that entry from the roadside with a walkout on the lake side is the only feasible option. The existing home's lower floor elevation currently is not 2' higher than the BFE of Canandaigua Lake. The proposed home's lower floor elevation is proposed to be 2' higher than the BFE of Canandaigua Lake. This adjustment to the lower floor coupled with the entry on the roadside and the proposed upper floors leads to the need for an area variance. Strategies to reduce average grade by adding fill on the lake side have not been incorporated into the proposed site plan given the need blend grade between the project site and neighboring properties appropriately. A majority of the proposed home is situated lower than 25', with the only portions over 25' belonging to walls providing safe access onto the rooftop.

3. Whether the requested area variance is substantial.

No, A majority of the proposed home is situated lower than 25', with the only portions over 25' belonging to walls providing safe access onto the rooftop.

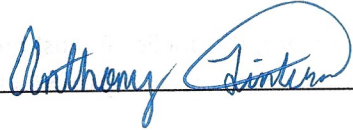
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No, there will be no adverse effects / impacts on the physical or environmental conditions in the neighborhood / district. Existing drainage paths will continue to be utilized coming towards Canandaigua Lake. The proposed home will be situated within the existing home's footprint, without encroaching within the ROW of West Lake 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.

No, the small area of the site coupled with the calculation of building height emphasizing lower lakeside grades drove us towards the proposed design with the requested variance. A majority of the proposed home is situated lower than 25', with the only portions over 25' belonging to walls providing safe access onto the rooftop.

Representative Signature



Date 5-9-22