

APPLICATION FOR AREA VARIANCE (REQUEST FOR 7.3' REAR (LAKE) SETBACK VARIANCE)

*** NOTE: PROPOSED REAR (LAKE) SETBACK IS 22.7' WHERE 30' 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 impacted by the proposed home's rear setback given the elevations of existing overhead wires with respect to the top of the proposed home versus where 3616 is situated further uphill. Additional landscaping is proposed in the rear yard to better screen views of the lot from Canandaigua Lake. The rear building line of the lower level is essentially aligned with that of the southern neighbor.

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 small area of the existing developed lot results in very little buildable area that would meet current zoning requirements. The intent with the lowest level of the proposed home is to mostly stay within the existing footprint (i.e. matching the roadside building line and coming out slightly farther towards Canandaigua Lake). Improvements of the proposed home, versus the existing home, balance needs for ingress / egress, vertical movement within the home, and interior functionality of space, resulting in the building footprint shown.

3. Whether the requested area variance is substantial.

No, the intent with the lowest level of the proposed home is to mostly stay within the existing footprint (i.e. matching the roadside building line and coming out slightly farther towards Canandaigua Lake). While the rear (lake) setback is worsened, the front (road) setback, which is currently non-existent given that the existing porch encroaches within the ROW of County Road 16, is improving; the approximately 3.36 ft improvement with the front (road) setback balances with the 2.2 ft worsening of the rear (lake) setback.

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 outside 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 existing developed lot results in very little buildable area that would meet current zoning requirements. The intent with the lowest level of the proposed home is to mostly stay within the existing footprint (i.e. matching the roadside building line and coming out slightly farther towards Canandaigua Lake).