

Town of Canandaigua

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

NOTICE OF VIOLATION – ORDER TO REMEDY

April 2, 2020

John Casey
3814 County Road 16
Canandaigua, NY 14424

Parcel Address: 3814 County Road 16
Tax Parcel Number: 112.00-1-72.000
Zoning District: RLD

Mr. Casey,

You are hereby notified that you have been found to be in violation of the Zoning Law Section 220 – Schedule I – Zoning Schedule – RLD District. The specific violation is:
Construction of multiple structures in violation of required accessory structure setback requirements.

The rear (lake side) setback requirement for accessory structures, on lots over 20,000sq.ft., is 15ft.

The side setback requirement for accessory structures, on lots over 20,000sq.ft., is 12ft.

Section 1-17 of Town Code defines a Structure as: Anything constructed or erected which requires temporary or permanent support, placement or attachment to the ground, beneath the ground or to something having permanent location on the ground, including, but not limited to, gasoline and oil tanks, buildings, sheds, pools, decks, docks, manufactured homes, fences, signs, billboards, towers, antennas, satellite TV dishes, **patios, sidewalks**, driveways, and **impervious or substantially impervious surfaces**.

The violations were observed by the Code Enforcement Officer on Thursday March 26, 2020.

Currently the Governor's Executive Order 202.11 of March 27, 2020 reads that non-essential construction is a violation of Uniform Code.


The following corrective measures should be taken no later than ten (10) business days after revocation of the aforementioned Executive order, or penalties may be assessed:

Removal of all structures installed without a permit and stabilization of the lakefront parcel per Planning Board approved plan. Drawing titled 'Site Plan', project 'Shoreline Reconstruction', by Meagher Engineering, signed/approved by Planning Board Chair on October 10, 2019.

PLEASE NOTE: Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or where there shall be placed on or there exists anything in violation of any of the provisions of this chapter and any person, firm, company or corporation who or which shall assist in the commission of any violation of this chapter or any conditions imposed by the Town Board, Planning Board or the Board of Appeals; or who or which shall build or use any building or parcel of land contrary to the plans or specifications submitted to the Code Enforcement Officer and

certified as complying with this chapter and the Uniform Code; and any person, firm, company or corporation who or which shall omit, neglect or refuse to do any act required by this chapter shall be guilty of an offense and subject to a fine not exceeding \$350, for a first offense; for conviction of a second offense, both of which were committed within a period of five years, subject to a fine of not less than \$350 nor more than \$700; and, for conviction of a third and subsequent offenses, all of which were committed within a period of five years, subject to a fine not less than \$700 nor more than \$1,000; and in addition may be ordered to pay all costs and expenses involved in the case. Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such local law, ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Jensen', is written over the word 'Sincerely,'.

Chris Jensen P.E.

Code Enforcement Officer – Town of Canandaigua

Enc:

- Photos dated March 26, 2020 & March 30, 2020.
- Drawing titled 'Site Plan', project 'Shoreline Reconstruction', by Meagher Engineering, signed/approved by Planning Board Chair on October 10, 2019.
- Letter to John Casey from CEO Chris Jensen – dated April 2, 2020