

Town of Canandaigua

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

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: CASEY, JOHN
PROPERTY ADDRESS: 3814 COUNTY ROAD 16
TAX MAP NUMBER: 112.00-1-72.000
ZONING DISTRICT: RLD / SCR-1

DETERMINATION REFERENCE:

- Application for Area Variance, dated 04/10/2020. Received by Town on 4/13/2020.
- Application for One Stage Site Plan Approval, dated 07/22/2019. Received by Town on 07/24/2019.
- Application for Site Development/General Building Permit, dated 04/04/2020. Received by Town on 04/06/2020.
- Application for New Structure Permit, dated 02/14/2020. Received by Town on 02/20/2020.
- Site Plans titled "John Casey" by Venezia Land Surveyors and Civil Engineers, 04/06/2020, revised on 01/06/2021, signed/stamped on 1/20/2021, received by the town on 01/25/2021.
- Certificate of Non-conformity dated 10/01/2019. Filed with Town Clerk 10/01/2019.
- Zoning Board of Appeals decision, meeting dated 12/17/2019. Filed with Town Clerk 12/23/2019.
- Planning Board decision, meeting dated 09/10/2019. Filed with Town Clerk 09/12/2019.
- 'Order on Consent' from Attorney Dusty Tinsley of the NYSDEC, dated December 15, 2020, detailing civil penalties and remedial actions.
- Email from Luke Scannell of DEC dated 1/19/2021 – detailing approval of updated plan.

PROJECT DESCRIPTION:

- Subject property was previously granted site plan approval and area variances to reconstruct the shoreline of the property and to place an accessory structure. Work proceeded on property outside the scope of work approved by the Planning and Zoning Boards.
- Applicant is seeking revised approvals to relocate pre-existing, non-conforming accessory building on parcel, install a lift, retaining wall, stairs, and pavers along the lakefront portion of the subject parcel.

DETERMINATION:

- Area variances granted at the 12/17/2019 meeting was conditioned upon the plans as presented. As such, these variances are not applicable to the current proposal.
- Pre-existing non-conforming accessory building is 180 sq. ft. when such accessory building shall not exceed 100 sq. ft. Proposed development does not expand pre-existing non-conformity.
- Proposed accessory building has a front setback of 4.76 ft. when 60 ft. is required.
- Proposed accessory building has a rear (lake) setback of 17.9 ft. when 25 ft. is required.
- Proposed accessory structure (paver patio) has a rear (lake) setback of 2.5 ft. when 25 ft. is required.
- Stairs and similar structures as are necessary to permit access to a lot or portion thereof are exempt from 25 ft. lake setback requirement.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board as it relates to multiple variance requests within 500 ft. of the right-of-way of an existing county road.

REFERRAL TO ZONING BOARD of APPEALS FOR:

- Application received for 7.1 ft. accessory building rear (lake) setback area variance.
- Application received for 55.24 ft. accessory building front setback area variance.
- Application received for a 22.5 ft. accessory structure (paver patio) rear (lake) setback area variance when 25 ft. is required.

REFERRAL TO PLANNING BOARD FOR:

- Planning Board Site Plan approval is required for development in the Residential Lake District which exceeds 1,000 sq. ft.

CODE SECTIONS: Chapter §1-17; §165; §220-8; §220-9; §220-18; §220-21; §220-64; §220-107; §220a Sch. 1 Zoning Schedule

DATE: January 29, 2021

BY: _____

Chris Jensen PE Zoning/Code Officer

CPN- 19-059

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

