

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

CPN #: 22-045

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: Scott Hill
4220 Co Rd 16, Canandaigua 14424
Telephone Number of property owner: 585-739-9840
Fax # n/a E-Mail Address: geohil@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: _____

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: 4220 Co Rd 16
Nearest Road Intersection: Lake Hill Drive
Tax Map Number: 126.12 - 2-4.00 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?
Construct detached garage (asking for front setback
variance of 40') This is a renewed application for a 2014
approval.
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)

6/17/22
(Date)

Town of Canandaigua

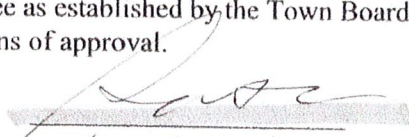
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***Property Owner is responsible for any consultant fees
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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)

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CPN #: _____

Sketch Plan Checklist

Applicant: Scott Hill

Project Address: 4220 Co Rd 116

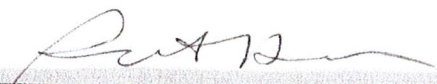
Tax Map #: 126.12-2-4.00

Zoning District: RLD

Project Description Narrative: New construction of attached garage
Renewal of 2014 variance of 40' front setback request

Sketch Plan Checklist – Chapter 220 §220-66 (Not required for any property in a major subdivision)	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.	✓		
2) Lot lines.	✓		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	✓		
4) Land use(s). (residential, agricultural, commercial, or industrial)	✓		
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*	✓		
6) Development including buildings, pavement and other improvements including setbacks.	✓		
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	✓		
B. Sketch plans shall be drawn to scale.	✓		
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.			

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.


Signature of Applicant / Representative

6/17/22
Date

*May be obtained from UFPO – dial 811 for assistance.

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.

There will not be an undesirable change to the character of the neighborhood or a detriment to nearby properties by granting the area variance

- (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.

An area variance is needed

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

The variance request was previously granted in 2014

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

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood

- (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.

The difficulty is self-created however the location of the accessory structure, placing it 30' from the R.O.W. allows for less disturbance of the steep slope area and was granted approval in 2014

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Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: Scott & Susan Hill
PROPERTY ADDRESS: 4220 County Road 16
TAX MAP NUMBER: 126.12-2-4.000
ZONING DISTRICT: RLD
PROJECT DESCRIPTION: Accessory Building

ISSUE: The property owner wishes to construct a detached garage on the portion of the lot opposite the lake side with a front setback of 20 feet, a rear setback exceeding 60 feet, a left side setback of 25 feet, a right side setback of 39 feet, a height of no more than 16 feet, and a percent of building coverage of 9%.

DETERMINATION: A detached garage is a permitted accessory use in the RLD zoning district. The accessory building is required to be a minimum of 60 feet from the street right-of-way, a minimum of 10 feet from the rear property line, a minimum of 10 feet from the side property lines, and cannot exceed 16 feet in height, and cannot exceed 15% in building coverage of the lot. Because the accessory building will be less than 60 feet from the road right-of-way, the property owner shall obtain an area variance from the Zoning Board of Appeals. This area variance shall be granted by the ZBA prior to a permit being issued for the detached garage. This application is not required to be reviewed by the Ontario County Planning Board (Exemption List #1).

REFERRAL TO (ZBA) (PLANNING BOARD) FOR: An area variance application shall be submitted to the ZBA.

CODE SECTION: Chapter 220 §9-B-2, Zoning Schedule for RLD

DATE: 2/6/14

BY: 

CPN-001-14

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

TOWN OF CANANDAIGUA	
TOWN CLERK	
F	F
I	I
L	L
E	E
D	D
JAN 06 2014	
11 11 11 11	

*R sb 39'
L sb 25'
front 20'
rear 121.68'
60' is required*

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Zoning Board of Appeals Written Decision Notification

CPN Number: 001 - 14

Date Action Taken: 3 / 18 / 14

Enclosed is written notification of the Zoning Board's resolution regarding your application. Please read it carefully, follow the steps below, and if you have any questions, please contact the Development Office at (585) 394-1120.

☒ Your variance(s) has/have been **GRANTED**.

The decision sheets for your application have been filed with the Town Clerk. A copy of the filed decision sheets is enclosed.

☒ Your project *does not* require Planning Board approval. Your application for a building permit will be processed and you will be contacted when your building permit is ready to be picked up.

☐ Your project *does* require Planning Board approval. This means a Planning Board application is required to be submitted to move your project forward. Forms are available in the Development Office or on the Town website at www.townofcanandaigua.org under the Departments/Development Office tab. We will be happy to help you complete these forms if you have any questions. Please call the number listed above.

☐ Your variance(s) has/have been **DENIED**.

If you feel the circumstances of your application have changed significantly, you may request a rehearing within one calendar year of the date of the original decision. After one year, you may submit a new application if desired.

Sincerely,


Amanda Catalfamo, Development Office