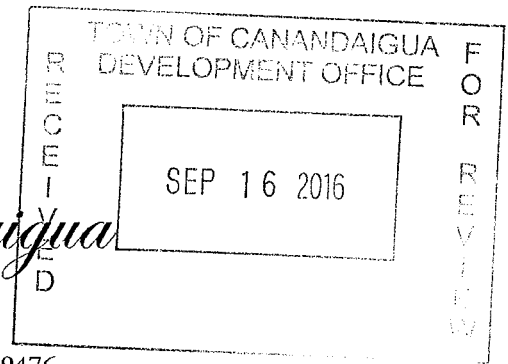


Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

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



CPN #: 066-16

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: Joy Wegman
4417 Co. Rd. 16

Telephone Number of property owner: _____

Fax # _____ E-Mail Address: _____

****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*: Karen Kosten

Telephone Number of Applicant: 783-4253 (cell 698-3449)

Fax # _____ E-Mail Address: Karen.kosten@wegmans.com

****If you provide your e-mail address, this will be the primary way we contact you****

3. Subject Property Address: 4417 Co. Rd. 16

Nearest Road Intersection: FOSTER RD.

Tax Map Number: 126.16-2-3.310 Zoning District: R2LD

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?

Construction of a Swimming pool with integral spa.

The applicant is seeking two variances, 1) POOL LOCATION
and 2) POOL WIDTH.

✓ 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. yes

✓ 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. N/A

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. N/A

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. N/A

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)

9/13/14
(Date)

Town of Canandaigua

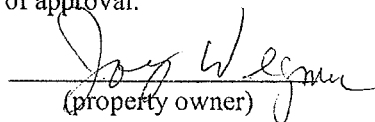
5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

***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)

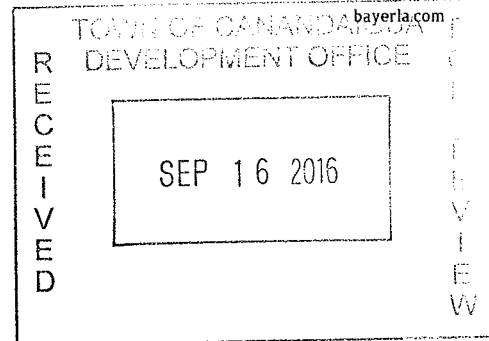
September 16, 2016

Mr. Doug Finch, Director of Development
Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua New York. 14424

Re: Joy R. Wegman – 4417 county Road 16
Zoning Board of Appeals - Area Variance Application
Tax Map No. 126.16-3.31

Bayer Landscape Architecture, PLLC
19 North Main Street
Honeoye Falls, NY 14472

P: 585.582.2000
F: 585.582.2005



Dear Mr. Finch,

On behalf of our clients, Joy Wegman, Colleen Wegman and Chris O'Donnell, Bayer Landscape Architecture is submitting the following information for receipt and record at the Town of Canandaigua Development Office. We are requesting (2) area variances associated with our client's desire to add a pool area to their summer residence. The pool area is inclusive of a swimming pool with integral spa, ornamental water feature, paved pool deck, a retaining wall and stairs, pool safety enclosure, and significant plantings. As required by the Town, the following documents are included with this submission:

- (1) Area Variance Application Checklist
- (1) Zoning Board of Appeals Application, Signed by Property Owner
- (1) Consultant Fee Responsibility Form, Signed by Property Owner
- (1) Tests for Granting Area Variances (Supplemental narrative attached for each variance requested)
- (1) Sketch Plan Checklist, Signed by Applicant/Owner's Representative
- (1) Site Survey, Existing Conditions Plan
- (1) Site Plan, Illustrating the proposed pool area improvements
- (1) Pool Area Site Plan, A rendered site plan illustrating the detailed proposed pool area improvements.
- (3) Photo Simulations illustrating the existing condition and proposed pool area improvements.

Upon receipt of the Town Comments from the PRC meeting scheduled for Monday September 19, we will update our submission and submit the required (4) copies to the Town. Please contact me at (585) 582-2000 or mhb@bayerla.com if there are any questions, comments or concerns with the enclosed application.

Sincerely,

Mark Bayer, RLA
Principal
Bayer Landscape Architecture, PLLC

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

ZONING BOARD OF APPEALS REQUIRED PAPERWORK FOR APPLICATION SUBMITTAL

Area Variance Application

- X Variance Application (Zoning Board of Appeals)
- X Description of documents which would support a determination that it is practically difficult for you to conform to the dimensional requirements of the zoning law (Tests for Granting Area Variances).
- X Map showing size and location of all existing and proposed structures, including lot width, lot area, setback dimensions and computations of percentage of lot coverage. (See attached Sketch Plan Checklist) Projects over 1,000 square feet will require a professionally prepared site plan.
- X Front elevation or view of proposed structure showing the height measured from the average finished grade.
- X Property owner signatures on all application forms and checklists

You must submit the original application and attachments / survey map / site plan.

Contact the Zoning Officer to determine which additional building/sign permit application is required to be submitted with this application.

Additional copies of the site plan, etc. will be requested after the Planning Review Committee (PRC) has reviewed your application.

FEES:

1. The \$100 application fee is required upon submission of the application. This fee is non-refundable. A separate, additional fee will be rendered for the building permit.
2. Building permit fees vary – the fee will be determined by the Town Code Enforcement Officer.
3. The property owner is responsible for reimbursement of any Town Engineer and/or Town Attorney fees incurred during application review.

| | | |
|--------------------------------------|---|---|
| R E C E I V E D | TOWN OF CANANDAIGUA DEVELOPMENT OFFICE | F O R R E V I E W |
| | SEP 16 2016 | |
| | | |
| | | |

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.

SEE ATTACHED

- (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.

SEE ATTACHED

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

SEE ATTACHED

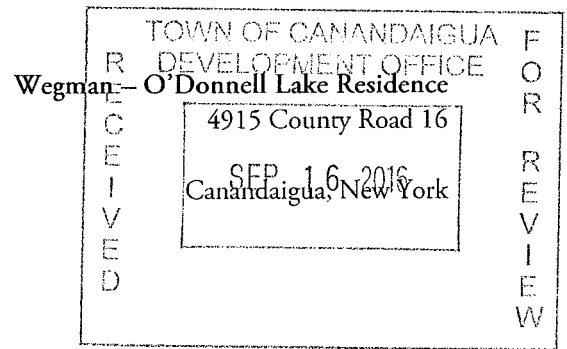
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

SEE ATTACHED

- (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.

SEE ATTACHED

ZBA Application
September 16, 2016
Test for Granting Variances, Supplemental
Narrative



Project Summary

The applicant would like to add a pool area to their summer residence. The pool area is inclusive of a swimming pool with integral spa, ornamental water feature, paved pool deck, a retaining wall and stairs, pool safety enclosure, and significant plantings. The proposed swimming pool area is illustrated on the site plan, site plan rendering, and photo simulations included in this application.

Requested Variance

Swimming Pool Location

The proposed swimming pool is located in the rear (lakeside) yard. The Town of Canandaigua permits swimming pools in the side yard (§220-21 RLD).

1. **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by the granting of the variance:**

No, an undesirable change to the character of the neighborhood will not be produced by granting the variance requested. We have given careful consideration to the property and neighborhood characteristics and have been sensitive in planning the pool area to ensure that it will be harmoniously integrated into the surrounding neighborhood and lakeside landscape.

The proposed pool area will function as an extension of the lower level of the house and will be situated at the same elevation as the finished grade on the lakeside of the house (elevation $\pm 705'$). The pool area also includes a retaining wall and stair access along the lakeside of the pool area. This is consistent with the existing condition of the property, where there is a lakeside patio (elevation $\pm 708'$) with a retaining wall and stair system along the lakeside of the existing home.

From the lake, the pool area will have a similar relationship to the lake as the existing patio and retaining wall. The proposed swimming pool is situated more than 15' above the mean high water (elevation 689.40) and swimming pool activities will not be visible from lake users.

Consistent with the shoreline development guidelines, extensive planting is proposed along the retaining wall to minimize its presence and create a green, lush hillside. The planting will enhance the natural appearance of the lake's edge, and will render the pool area virtually imperceptible from the lake.

The proposed pool area and lakeshore enhancements are further illustrated in photo simulations included in this application.

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 benefit sought by this variance request cannot be achieved by other feasible methods. The variance is necessary to overcome the unique challenges of this property. The site design for this property has been carefully considered and represents the only feasible and environmentally sensitive way to achieve the benefit.

The permitted location for the swimming pool, in the side yard, is not suitable for construction of a swimming pool due to the existence of extremely steep and densely vegetated slopes. Because of the steep slopes in both side yards, construction of a pool area in these areas would present many engineering challenges and require an extensive retaining wall system. Placement of a pool area in either of the side yards would result in severe alteration of the natural topography and removal of existing vegetation, resulting in a serious negative visual impact from the lake.

Although it would also require a variance, the front yard was considered. However, the front yard location is not feasible because the proximity to the house does not support the applicants intended use of the pool area.

3. Whether the requested area variance is substantial.

No, we believe the requested area variance is not substantial for the reasons noted above.

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

No, the project will not have an adverse impact on the environmental conditions or neighboring properties. The placement of the pool area in the rear yard allows the owner to avoid development of the steep wooded slopes located in the side yards, which would have an extremely adverse impact on environmental and physical conditions in the neighborhood, as described in the responses No. 2.

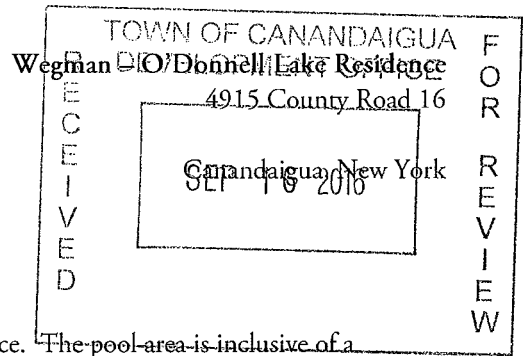
We believe that the project is a very tasteful and sensitive addition to the property that will enhance the current conditions of site and neighborhood. In the future, the applicant plans to make additional improvements to the shoreline with the removal of the temporary boat accessory structures and installation of a single boat station. The ultimate vision for the shoreline is a much improved, less cluttered condition, with repairs to the existing breakwall and the installation of significant

plantings at the top of break wall (bottom of the sloped lawn) to capture and infiltrate stormwater runoff from the property. This 'greener' design approach will soften the existing break wall and restore a more natural appearance to the shoreline.

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.

Yes, the swimming pool is requested by the applicant to fit with the approved site plan and is therefore a self-created difficulty; however for all of the reasons noted in the above test questions, we believe granting this variance will have no adverse impacts on character of the neighborhood, and will ultimately improve the current condition of the property as viewed from the lake.

ZBA Application
September 16, 2016
Test for Granting Variances, Supplemental
Narrative



Project Summary

The applicant would like to add a pool area to their summer residence. The pool area is inclusive of a swimming pool with integral spa, ornamental water feature, paved pool deck, a retaining wall and stairs, pool safety enclosure, and significant plantings. The proposed swimming pool area is illustrated on the site plan, site plan rendering, and photo simulations included in this application.

Requested Variance

Swimming Pool Dimensions

The proposed inside width of the swimming pool is 27' wide. The Town of Canandaigua permits swimming pools with a 20' maximum width (§220-9 Applicable to All Districts).

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by the granting of the variance:

No, an undesirable change to the character of the neighborhood will not be produced by granting this the variance. The swimming pool is appropriately sized for the scale of the home and exterior spaces, while also meeting the functional and aesthetic requirements of the applicant. The lakeside edge of the swimming pool is curved, ranging from 20' (allowed) to 27' wide at the widest point, which requires a variance.

The proposed swimming pool is under the permitted dimensions for both swimming pool length and perimeter. The inside length of the proposed swimming pool is 36' (40' allowed by code) and has a perimeter that is under the 125' allowed by code. Because of this, we believe granting this variance will not produce a significant, nor undesirable change in the character of the neighborhood or detriment to the nearby properties.

The proposed swimming pool is further illustrated in the site plans and photo simulations included in this application.

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 benefit sought by this variance request cannot be achieved by other feasible methods. The size of the pool is required by the applicant. As noted in the response above, the swimming pool meets the code requirements for pool length and perimeter. The requested variance will permit the

applicant to maintain the curved lakeside edge of the swimming pool, and this pool size and configuration will not produce any undesirable changes in the character of the neighborhood.

3. Whether the requested area variance is substantial.

No, we believe the requested area variance is not substantial. Although the proposed swimming pool exceeds the permitted width along the widest portions of the arched edge of the swimming pool, it meets the permitted 20' width at the two narrowest points of the arched pool edge. Additionally, the proposed swimming pool is below the maximum perimeter and maximum length permitted.

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

No, the requested variance will not have an adverse impact on the environmental conditions or neighboring properties for the reasons noted in the above responses.

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.

Yes, the alleged difficulty is self-created; however, for all of the reasons noted in the above responses, we believe this variance request is not substantial and granting this variance will have no adverse impacts on character of the neighborhood.